Who is the ‘Boat Migrant’? Challenging the Anonymity of Death by Border-Sea\textsuperscript{35}

An uncertain number of people with various motivations for entering the European Union have attempted, and continue to attempt, to cross the Southern EU external borders without authorization. The precise numbers of deaths are unknowable, as it is impossible to ascertain the proportion of bodies that are never recovered (Chapters 2 and 4; Last and Spijkerboer 2014). However, the phenomenon of ‘border deaths’ has certainly been present in the Mediterranean for more than 25 years and there does not seem to be an end in sight. Media and political attention has fluctuated during this period, shifting from the Canary Islands to Lampedusa, from the Aegean to the fences of Ceuta and Melilla, following major incidents that involve many lives or direct State actions.

However, information about the deceased – who they were, beyond the labels of ‘illegal immigrant’, ‘clandestino’, ‘extracomunitario’ – rarely feature among the death counts. What happens to the bodies of dead migrants in the Mediterranean is very much in the dark; it has – to the author’s knowledge – never been on any national or EU institution’s agenda. In some places, NGOs, local activists and solidarity groups, and concerned individuals have stepped up to fill the gaps in the death management systems of their localities. Meanwhile, with the encouragement and support of the International Committee of the Red Cross, a small number of professionals working within the death management systems of communities along the Southern EU external border have begun to cooperate and search for ways in which a more transnational and harmonised approach may be introduced to forensic teams across the EU.

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Member States of the Mediterranean. Despite these efforts, the individuals who lose their lives trying to enter the EU remain largely anonymous.

One of the issues for those working on the ‘front lines’ of the EU’s external borders is that of identification. The *Deaths at the Borders Database* for the Southern EU reveals that 65% of bodies retrieved by local authorities along the external borders of Greece, Malta, Italy, Gibraltar and Spain from 1 January 1990 to 31 December 2013 remain unidentified by those authorities.\(^{36}\) Identification is crucial for restoring human dignity to the dead, by acknowledging them as individuals with a life story and a family and friends (rather than just a growing death toll); for providing loved ones with emotional relief; and for legal practicalities for which death must be formally established. The fact that they are unidentified means that their families never receive proper notification or confirmation of their deaths, exacerbating the emotional and practical (inheritance, remarriage, child custody) effects of losing a relative. Decisions are made at the local level, concerning how the unidentified should be recorded and their bodies buried with very limited oversight, and the European public rarely learns more than a number about those who have died trying to reach European shores.

That two thirds of the individuals recorded in the *Deaths at the Borders Database* are unidentified begs further investigation into the issue of identification of people who die attempting to cross the EU’s external borders. It is undeniable that the transnational and clandestine aspects of the circumstances surrounding the deaths provide additional challenges for forensic professionals and local authorities charged with investigating them. But what is it exactly about ‘border deaths’ that makes the identification rate (the number of identified, divided by the total number of bodies found) so low? Is it where they come from? Is it the place at which, or the means by which, they cross the border that makes identification such a difficult task? This chapter uses the *Deaths at the Borders Database* to explore the aspects of irregular border-crossing in the Mediterranean and the characteristics of irregular border-crossers that may contribute to the anonymity of these deaths.

There is also another line of questioning raised by this finding of the *Deaths at the Borders Database*, relating to how these deaths are investigated. The variation of identification rates between places and over time suggests that there is more to this issue than simply the anonymity inherent to irregular migration. This chapter sheds light on State management of dead migrant bodies in the Mediterranean, providing the context within which to compare identification rates between local authority jurisdictions. Qualitative data from pilots and informal conversations during data collection for the Database reveal varying practices and local resources, combined with a varying government and societal pressure to identify these particular deaths. These insights call into question the often-accepted anonymity of death by border-sea as an inherent

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\(^{36}\) The *Death at the Borders Database* is the first ‘evidence base’ of official information on border deaths, derived from the death management systems of Spain, Gibraltar, Italy, Malta and Greece. It aims to fill some of the knowledge gaps and serve as a new, complementary resource to enable further analysis and research, and, ultimately, to move the discussions about border deaths forward, towards concrete recommendations and policy changes. It was launched in May 2015, as part of the PhD research conducted by the author and the *Human Costs of Border Control* project and is available at: <www.borderdeaths.org/>. 
risk or side effect of irregular boat migration, and point towards the need for knowledge-based policy design.

After outlining the sources of data on which this research is based, the chapter is divided into three sections: The first explores the aspects of irregular border-crossing that may contribute to the anonymity of so many of the dead. The second compares the identified and unidentified in the Deaths at the Borders Database to determine whether there are particular characteristics of the deceased that increase or decrease the likelihood of identification. Finally, the third provides an overview of the forensic and bureaucratic context within which identification is supposed to take place and explores examples from the different case-study countries that may illuminate the variations in identification rates between places and over time revealed by the Database. Overall, the chapter seeks to begin to understand why so many of the people recorded in the Deaths at the Borders Database remain unidentified. This discussion is vital, if we are to determine what more could be done to identify people who have died attempting to cross EU borders.

Sources of data

The source of the data used for quantitative analysis in this chapter is the Deaths at the Borders Database (Last 2015). The Database records a range of personal, procedural and death data about the 3,188 individuals who died attempting to cross the Southern external borders of the EU, whose bodies were recovered in, or brought to, Spain, Gibraltar, Italy, Malta or Greece between 1 January 1990 and 31 December 2013 (see Chapter 2). The Database is the first compilation of official, state-produced data about border deaths in the EU. The information has been gathered primarily from death certificates registered in the civil registries of municipalities that border non-EU countries. All other sources of data available about ‘border deaths’ are sourced from news media (see Chapter 4). The Database was created within the scope of the author’s PhD research into the relationship between migrant mortality and EU migration and border policies. An anonymised version was made public to provide other researchers data with which to investigate the numerous questions arising from migrant mortality along the EU’s southern borders.

In particular, the chapter investigates the finding that 65% of the 3,188 people recorded in the Deaths at the Borders Database have not been identified by the local authorities responsible for their bodies, for investigating their deaths, and for notifying their families. Figure 3.1 shows the trend of overall identification rates (the number of identified, divided by the total number of bodies found, per year) over time. The identification rate has remained low throughout the 24-year period, rarely rising above 50%, and never reaching 70%.
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The quantitative analysis presented in the chapter is based on the data available for these 2,073 unidentified and 1,115 identified deceased individuals recorded in the *Deaths at the Borders Database*. There is no harmonised way for civil registries to record border deaths and this had two consequences for the Database and subsequent analysis. First, not all information is available for every individual recorded. Therefore, the Figures and Tables herein only present data on those individuals recorded in the Database for whom the relevant information is available. Second, each case recorded in the *Deaths at the Borders Database* has been classified as either confirmed (by local or national sources), likely (given the nature of the death and the personal details of the deceased) or possible (usually due to lack of information about the deceased or the death). However, the result that 65% of border deaths are unidentified does not appear to be biased by the selection processes employed: 35% of confirmed cases (n=2025) are identified, 39% of likely cases (n=447) are identified, and 33% of possible cases (n=716) are identified.

To contextualise and explain the quantitative results, the chapter also uses qualitative data from researchers’ observations and interviews with State and non-State actors during case studies conducted in 22 locations: Lesvos, Evros/Thrace, Epirus, and Macedonia region (Greece); Malta; Puglia, Lampedusa/Agrigento, Reggio Calabria, Crotone, Catanzaro, Sardinia, Messina, Caltanissetta, Trapani, Catania, Ragusa and Siracusa (Italy); Gibraltar; Malaga, Valencia, Ceuta, and Melilla (Spain). These case studies were included in the research design of the project in order to understand the death management systems from which data about border deaths was being collected, as well as to provide opportunity to pilot the methodology and instruments used for data collection.

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37 Certainty level 1.
38 Certainty level 2.
39 Certainty level 3.
It is important to note that the aim of the case studies was not to study identification (or under-identification). Insights into the processes and problems of identification were gathered to the extent that they factored into our understanding of the death management system and death certificates and to the extent that the issue arose in conversations with local authorities and other informants. The qualitative data used in this chapter is therefore limited: an unintended, but increasingly significant tangent of the author’s research into deaths along the Southern external borders of the EU.

**Inherent aspects of irregular border crossing**

‘Irregular border crossing’ involves crossing a physical, territorial border – in this case, the Southern external borders of the EU – without authorization. ‘Irregular border crossers’ are thus a distinct group of people from the more general category of ‘irregular migrants’. Not all irregular migrants enter the EU territories clandestinely, but, instead, enter legally with visas or enter deceptively with false documents and overstay (Triandafyllidou 2009); and many irregular border crossers regularize their status upon arrival by, for instance, applying for asylum.40 People attempt to enter the EU irregularly, because they cannot – for a wide variety of reasons – obtain authorization to enter legally, with a visa (see e.g. Moreno-Lax 2008; Gammeltoft-Hansen 2011; den Heijer 2012). Since the emergence of EU external borders, immigration restrictions are enforced at designated border-crossing points at the borders between, among others, Greece and Turkey, and Spain and Morocco (de Haas 2008; Weber 2010; Klepp 2011). A small number of the people who would be stopped at these check points attempt instead to get around them (Weinzierl and Lisson 2007; Spijkerboer 2007), either by stowing away on regular transport (ferries, buses, lorries) or by taking irregular transport (walking, swimming, jumping fences or using ‘migrant boats’). It is in these situations that border deaths occur.

The finding of the *Deaths at the Borders Database*, that only one third of migrant bodies found along the Southern external borders of the EU are identified, suggests that there is something particular about irregular border crossing that leads to anonymity after death. But what aspects of irregular border crossing are inherent and how might these aspects affect identification?

From the brief description above, two factors emerge: First, many irregular border crossers decide to cross terrain or seas that are difficult to patrol, presumably as a result of the risk of being detected through enforcement of immigration restrictions at officially designated border crossing points (at airports, sea ports, and check points on roads) and operations to ‘prevent illegal immigration’. While these routes are taken to avoid detection until they have entered the EU, one side effect is that, in case of decease, the chances of finding bodies is reduced, especially soon after death. Identification requires the presence of a body, and the earlier the body is recovered, the more forensic options there are for the collection of post mortem data.

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The second factor is the manner or means with which irregular border crossers cross the border. Irregular (use of) transport means that their names do not appear on any passenger lists and there are no formal logs of departures, routes, and arrivals. Shipwrecks of irregular migrant boats often involve mass casualties, resulting in few – if any – survivors to recognise the deceased passengers. Moreover, survivors may not end up in the same country as the corpses of the deceased and, even if they do, they are usually immediately channelled into immigration processing and removal procedures, physically and administratively separating them from their deceased travel companions. The potential consequences for identification of these two ‘inherent’ aspects of irregular border crossing along the Southern EU external borders will be explored in the following sub-sections.

‘Where’ they cross the border

The Deaths at the Borders Database assigns an irregular migration route to each case based on where the death was recorded. As Table 3.1 shows, there is considerable variation in identification rates between different routes. The Adriatic Sea route, between the Western Balkans and Puglia, Italy, stands out as having the highest identification rate (73%), while the Atlantic and Central Mediterranean routes have the lowest identification rates (23%).

Table 3.1 Variation in identification between different migration routes, 1990-2013.

<table>
<thead>
<tr>
<th>Route</th>
<th>Identified Count (n=1115)</th>
<th>Total Count (N=3,188)</th>
<th>% Identified of Total Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land routes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adriatic (land)(^\text{41})</td>
<td>10</td>
<td>23</td>
<td>43</td>
</tr>
<tr>
<td>Eastern Mediterranean (land)(^\text{42})</td>
<td>118</td>
<td>399</td>
<td>30</td>
</tr>
<tr>
<td>Autonomous cities(^\text{43})</td>
<td>80</td>
<td>198</td>
<td>40</td>
</tr>
<tr>
<td>Sea routes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adriatic (sea)(^\text{44})</td>
<td>217</td>
<td>296</td>
<td>73</td>
</tr>
<tr>
<td>Atlantic(^\text{45})</td>
<td>74</td>
<td>323</td>
<td>23</td>
</tr>
<tr>
<td>Central Mediterranean(^\text{46})</td>
<td>222</td>
<td>983</td>
<td>23</td>
</tr>
<tr>
<td>Eastern Mediterranean (sea)(^\text{47})</td>
<td>136</td>
<td>408</td>
<td>33</td>
</tr>
<tr>
<td>International Port(^\text{48})</td>
<td>2</td>
<td>9</td>
<td>N/A(^\text{49})</td>
</tr>
<tr>
<td>Western Mediterranean(^\text{50})</td>
<td>256</td>
<td>549</td>
<td>47</td>
</tr>
</tbody>
</table>

This variation is not explained by a difference between land and sea routes. One might anticipate identification to be less common along sea borders, due to additional challenges posed by the sea, such as the body being carried far from the location of death. But the average

\(^\text{41}\) Land border between Albania and Greece.
\(^\text{42}\) Land border between Turkey and Greece.
\(^\text{43}\) Land borders between the Spanish enclaves Ceuta/Melilla and Morocco.
\(^\text{44}\) Sea borders between Albania/Montenegro/Croatia and Italy/Greece.
\(^\text{45}\) Sea borders between Morocco/West African countries (Mauritania/Senegal/Gambia) and the Spanish Canary Islands.
\(^\text{46}\) Sea borders between North Africa (Algeria/Tunisia/Libya/Egypt) and Italy/Malta.
\(^\text{47}\) Sea borders between Middle East/North African countries (mainly Turkey/Egypt) and Greece.
\(^\text{48}\) International ports that are not on other routes (Naples, Ancona).
\(^\text{49}\) Too few cases to make the percentage identified meaningful.
\(^\text{50}\) Sea borders between Morocco/Algeria and mainland Spain.
identification rate on land routes into the Southern EU is 34%, while on sea routes is 35%, i.e. a similar result. As Figure 3.2 shows below, the identification rates on land and sea borders fluctuate from year to year. The identification rate along sea borders is usually higher than along land borders. Only in 6 of the 24 years covered by the Deaths at the Borders Database is the identification rate along land borders higher than that along sea borders (in 1990, 1991, 1994, 1998, 2006, and 2008). Thus, while there seems to be a significant variation in the proportion of migrants identified on different routes, it does not seem to have to do with the migrants’ choice of attempting to enter the EU by sea, rather than by land.

![Identification Rates 1990-2013](image)

**Figure 3.2 Trends in identification rates along southern EU external sea borders and land borders, 1990-2013.**

Identification processes begin with the finding of a body, or at least part of a body. Irregular border crossing between designated border crossing points usually takes migrants on journeys through terrain or across waters that are difficult to patrol due to natural barriers or sheer distances. Unfortunately, as a consequence, many bodies of those who die are never found and, of the ones that are, many are recovered only after several days, weeks, months or even years, which reduces the chances of identification by recognition, by fingerprints, and possibly even by DNA. Thus, the places where people travel in order to effect a successful, irregular border crossing could influence the likelihood of their identification if they die by affecting how quickly the body might be found.

The Deaths at the Borders Database records how long the person was dead before their body was found in 981 cases, according to the availability of that information in the source documents. Of these 981 cases, only 138 (14%) are identified. In most cases, the length of time recorded is the estimate by the doctor or pathologist who examined the body, while in a few cases the length of time is calculated where both the date of the incident (e.g. a shipwreck) and the date the body was found was provided. It must be noted that these 981 cases are not a representative sample of all the individuals recorded in the Database. Nonetheless,

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31 For instance, only 8% of cases recorded in Spain have this variable, compared with 36% of cases recorded in Greece, 44% of cases recorded in Italy, 77% of cases recorded in Malta, and none of the cases recorded in Gibraltar. In part, this is due to the fact that coroner’s reports were consulted in Malta, Lampedusa and Thrace to
conclusions drawn about the impact of the length of time between death and the finding of the body on the chances of identification in these cases may offer insights into the role of the place and clandestine manner of crossing in identification.

Table 3.2 Differences in time between death and recovery of the body for identified/unidentified, 1990-2013.

<table>
<thead>
<tr>
<th>Number of days before body found</th>
<th>within 1 day</th>
<th>2 days - 1 week</th>
<th>1-2 weeks</th>
<th>2-6 weeks</th>
<th>1-2 months</th>
<th>2-6 months</th>
<th>6 months - 1 year</th>
<th>more than 1 year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identified Count (n=138)</td>
<td>46</td>
<td>37</td>
<td>26</td>
<td>12</td>
<td>5</td>
<td>11</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>% of Identified Count</td>
<td>33.3</td>
<td>26.8</td>
<td>18.8</td>
<td>8.7</td>
<td>3.6</td>
<td>8.0</td>
<td>0.7</td>
<td>-</td>
</tr>
<tr>
<td>Unidentified Count (n=843)</td>
<td>262</td>
<td>281</td>
<td>97</td>
<td>105</td>
<td>55</td>
<td>27</td>
<td>5</td>
<td>11</td>
</tr>
<tr>
<td>% of Unidentified Count</td>
<td>31.1</td>
<td>33.3</td>
<td>11.5</td>
<td>12.5</td>
<td>6.5</td>
<td>3.2</td>
<td>0.6</td>
<td>1.3</td>
</tr>
<tr>
<td>Total Count (n=981)</td>
<td>308</td>
<td>318</td>
<td>123</td>
<td>117</td>
<td>60</td>
<td>38</td>
<td>6</td>
<td>11</td>
</tr>
<tr>
<td>% of Total Count</td>
<td>31.4</td>
<td>32.4</td>
<td>12.5</td>
<td>11.9</td>
<td>6.1</td>
<td>3.9</td>
<td>0.6</td>
<td>1.1</td>
</tr>
<tr>
<td>% Identified of Total Count</td>
<td>14.9</td>
<td>11.6</td>
<td>21.1</td>
<td>10.3</td>
<td>8.3</td>
<td>28.9</td>
<td>16.7</td>
<td>-</td>
</tr>
</tbody>
</table>

Table 3.2 shows the distribution of cases according to how long they had been dead before their bodies were recovered and examined. Pathologists often use ranges to estimate time of death longer than a few days, because the longer a person has been dead the more difficult it is to estimate time of death precisely. None of the persons who were estimated to be dead for over a year since their death were identified. The majority of both identified and unidentified cases for whom this data was available were found and examined within a week (60,1% of identified cases and 64,4% of unidentified cases).

Important methods of identification, such as facial recognition and fingerprints, are more difficult to implement the more the body has decomposed. Although the rate of decomposition depends strongly on the environment the body is in, a few days can make a big difference. Therefore, one might hypothesise that the rate of identification is affected by how many days have passed between death and recovery of the body. However, this is not demonstrated in the data, if we compare identified and unidentified cases: 33% of identified and 31% of unidentified cases were found within 1 day, and 60% of identified and 64% of unidentified cases were found within 1 week. 12% of both identified and unidentified cases were found only after 1 month, when the likelihood of being able to recognize faces or recover fingerprints is negligible. Finally, the last column in Table 3.2 shows that the identification rate does not consistently decrease as the time between death and recovery of the body increases, as would

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supplement gaps found in death registries. But this also reflects the variation in styles and degrees of recording information between different municipalities, which will be discussed in the third section of the chapter.

32 For example, whether the body is in water, the temperature of the water/air, whether the body is exposed to animals, etc.
be expected, if the chances of identification were related to the degree of decomposition of the body.

The absence of a correlation between decomposition and identification appears to extend to the condition of the body, according to the cause of death. Destruction of the body itself does not seem to determine the chances of identification: the Database records 68 persons as having been victims of mine explosions, of whom 55.9% are identified (presumably through recognition by their travel companions or DNA matching). In contrast, 23.9% of the 137 cases of hypothermia are identified – a surprising outcome, considering that cold helps to slow decomposition – and even less (20.9%) of the 67 people who died of dehydration/starvation were identified. Thus, the condition of the body when found does not seem to explain low overall identification rate, as those who suffered the most physically destructive cause of death (mine victims) have by far the highest rate of identification. However, by far the most common cause of death recorded among irregular border crossers along the Southern EU external borders is drowning (86.1%). This is not surprising given that many of the irregular migration routes into the southern EU Member States involve crossing long or treacherous stretches of water, such as the Strait of Sicily, the Strait of Gibraltar, and the Evros/Meric river. Salt water, fish, and birds damage bodies beyond recognition, and currents can carry bodies or body parts far from the place of death where survivors have been rescued or relatives may go in search of them. All these issues make identification more difficult, which may contribute to explaining why only 29.7% of the persons recorded in the Database who drowned were identified. In this way, where migrants cross the border – in terms of the different causes of death they face on different routes – may be significant for their identification, if they do not survive the journey.

‘How’ they cross the border

The ‘overcrowded, unseaworthy boats’ that are used for irregular border crossings are frequently cited as a cause of large-scale migrant fatalities (FRA 2013; Carling 2007). While the images associated with such crossings are taken predominantly from the Central Mediterranean route, from North Africa to Southern Italy, the precarious and vulnerable nature of such ‘migrant boats’ are true of most irregular (use of) cross-border transport.

It is not a leap to suppose that the high numbers of unidentified among the dead may be related to the means of irregular border crossing. In plane crashes and cruise ship accidents, forensic teams use passenger lists as a shortlist of identities with which to match the bodies found, but no such shortlist is available for the identification of passengers on unauthorised transport, nor unauthorised passengers on regular transport (stowaways). The only people who may be able

35 Cause of death is documented for 2,430 of the people recorded in the Deaths at the Borders Database.
34 See also in the news: e.g. ‘Tunisia rescues hundreds of boat migrants’, Aljazeera, 10 June 2015, available at: <www.aljazeera.com/news/2015/06/tunisia-rescues-hundreds-boat-migrants-150610141525239.html>;

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to provide information about the persons on board a particular migrant boat are the smugglers (which is unlikely) or those who survive the journey.

However, survivors are quickly segregated from the dead, not only physically, but also in terms of the authorities charged with investigating, identifying, recording and processing them. As will be explained in more detail below, the dead are the responsibility of local authorities, while the living are the ‘illegal immigrants’ of interest to national and European authorities (Zagaria 2011). Although some identifications are made with the help of survivors, there are no standard measures taken to request the living to recognise the dead. Some pathologists and activists interviewed during the pilot studies told of incidents in which information volunteered by survivors was ignored by the authorities and of cases in which relatives were prevented from filing missing person reports or making formal identifications due to their own precarious status and bureaucratic obstacles. Similar anecdotes have been recorded by NGOs working along the borders (see e.g. Tsapopoulou et al 2012).

Most irregular border crossers do not cross the border alone. The Deaths at the Borders Database records 1,851 people as being part of 290 ‘incidents’ from which at least 2 bodies were recovered, which means that their body was found with, or close to, others who are believed to have died in the same group crossing (e.g. the same shipwreck). In 226 of these incidents, the identification rate is either 0% (in 148 incidents) or 100% (in 78 incidents). In the 78 incidents in which all bodies recovered were identified, survivors may well have played a role in the identification. This theory is supported by the 13 incidents in which some of the bodies recovered remain unidentified, but first names, or ‘possible’ identities, 55 have been recorded for them by the authorities. In the 148 incidents from which none of the bodies recovered were identified, there are three possible explanations: either there were no survivors, or the survivors were unable or unwilling to offer useful information about the deceased, or they were not provided an opportunity to assist with identification. The latter is based on the assumption that most – if not all – survivors are willing to cooperate in the identification process. In many of the pilot studies anecdotes were recounted by local officials and citizens, of irregular border crossers who notified authorities of missing or injured travel companions and who took part in properly burying and notifying the families of their deceased travel companions.

This section has explored whether the Deaths at the Borders Database shows a relation between rates of identification and certain ‘inherent’ aspects of irregular border crossing, namely, where and how irregular border crossing occurs. The Deaths at the Borders Database reveals that different irregular migration routes across the Southern EU external borders have varying identification rates. The variation does not follow a distinction between land and sea routes. From the available data, the variation does not appear to be explained by the condition that bodies are recovered in either (measured by the length of time between death and recovery of the body or by cause of death). These findings suggest that, while there is a variation in identification between routes, it is not a result of where people cross the border. Can low

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55 In a few locations in Greece and Italy death records stated that the deceased was ‘possibly’ a person whose identity was known (full name, nationality, age, etc.), but the records did not make clear where this information had come from or why they were only ‘possibly’ the people whose information was provided.
identification rates be explained by *how* people cross the border? As there are no passenger lists on irregular transport, it is logical that identification is somewhat dependent on the opportunities for survivors to recognize their dead travel companions. This is supported by data regarding the incidents captured by the Database that involve the death of more than one person, including 13 incidents in which first names and possible identities were recorded by the authorities. The pilot studies also pointed towards the importance of survivors for identification processes. Thus, *how* people cross the border is significant for identification, in terms of the unregulated transport and the risk of death for all passengers that this entails. However, it can be argued that the opportunities available for survivors and others who search for dead and missing irregular border crossers has more to do with protocols of the local authorities than the means of border crossing itself. The pilot studies showed considerable variation in practices of identification between different municipalities, which may also offer an explanation for the variation in identification rates between different irregular border crossing routes (as explored in section 5 below).

**Characteristics of irregular border crossers**

During data collection for the *Deaths at the Borders Database*, it was very rare to come across death records of unidentified persons who could not possibly have died border deaths. Often it was the circumstances and places in which bodies were found (in migrant boats, in the water among survivors, washed up on the coast in the days following a shipwreck, etc.) that made it clear that the person was an irregular border crosser. In Spain, 78% of all unidentified corpses were found on the coast,\(^56\) which suggests that a considerable proportion of all unidentified corpses found in Spain are likely to be of migrants. During pilot studies, informants often referred to the difficulties of knowing where to start looking for the families of irregular border crossers, because they could come from anywhere and relatives were unlikely to come looking for them. Grant also mentions characteristics in her explanation of the challenges of identifying the dead, including loss of identity common to irregular travellers, no ties to the place where their bodies are found, and that the deaths occur far from the individual’s country of nationality (Grant 2011: 147-149). There appears, at least, to be a presumption that there is something about irregular border crossers themselves that contributes to low identification rates.

It is common for the unidentified dead to be assigned labels to describe them in the official records pertaining to their death; 2,093 individuals in the Database were assigned such labels.\(^57\) Usually, these labels refer to the fact that the person is unidentified, sometimes accompanied by descriptive words (e.g. sex, age, place of death, presumed ethnicity) or reference numbers. Table 3.3 below shows how often terms such as ‘undocumented’, ‘illegal immigrant’, ‘extracomunitario’ (non-EU), and others that refer to a presumed immigration status, were used.

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\(^{56}\) Email from Jose Carlos Beltrán, Personas Desaparecidas y Cadáveres sin identificar, CNP (25 May 2015).

\(^{57}\) The number of persons with labels is larger than the total number of unidentified persons recorded in the Database, because some were subsequently identified.
Table 3.3 Count of terms used in official death records to label unidentified cadavers presumed to be irregular border crossers.

<table>
<thead>
<tr>
<th>Terms</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>immigrant</td>
<td>137</td>
</tr>
<tr>
<td>illegal</td>
<td>76</td>
</tr>
<tr>
<td>undocumented</td>
<td>47</td>
</tr>
<tr>
<td>non-EU (extracomunitario)</td>
<td>46</td>
</tr>
<tr>
<td>foreigner</td>
<td>5</td>
</tr>
<tr>
<td>clandestino</td>
<td>1</td>
</tr>
<tr>
<td>refugee</td>
<td>1</td>
</tr>
</tbody>
</table>

It has been suggested that the low chance of being identified among deceased irregular migrants is somehow related to an inherent loss of identity when one enters a state of irregularity (Grant 2011). But it is difficult to see how their immigration status and lack of legal documents authorizing entry and residence in the EU could be related to the chances of identification. It is, in fact, not unusual for people to die without identification documents on their person. Moreover, the kind of documents that aid in the forensic identification of a body (photographs, notes, SIM cards, anything that provides a clue) are sometimes found on migrants. Therefore, this section will focus on comparing characteristics such as sex, age, and origin of identified and unidentified people recorded in the Deaths at the Borders Database.

**Origin and family**

Facial recognition by a relative or friend is by far the most successful method of identification of the dead in any situation. Where facial recognition is not a possibility due to the condition of the body, relatives can provide precise ante mortem data to be compared with post mortem data (e.g. tattoos, scars, healed injuries, past pregnancies, birth marks, etc.) and DNA samples to compare with the DNA profile of the deceased. But not all irregular border crossers travel with family members and, if they do, they may not survive the journey either. A greater distance between the place of death and the country of origin (where the relatives of the deceased are presumed to live) may therefore reduce the possibilities for utilising these most successful methods of identification.

The Deaths at the Borders Database records the known nationalities of 964 persons and the race, ethnicity or guessed nationality of 887 unidentified persons from which the author has assigned a presumed region of origin. Table 3.4 below presents the identification rates per known/presumed region of origin for these 1,851 cases. While no hard conclusions about migrant bodies in general can be drawn from these figures, considering that there is no known/presumed region of origin for 42% of those recorded in the Database, there are some interesting observations to be made about the stark differences in identification rates between the origin groups.
Following the idea that the distance between the place of death and the family in the country of origin reduces possibilities for identification, it would be expected that irregular border crossers from regions that neighbour the EU would be more likely to be identified than irregular border-crossers from regions further from the EU. Indeed, the three regions represented in Table 3.4 which neighbour the EU (North Africa, Middle East, and Balkans) have much higher identification rates than the non-neighbouring regions (Sub-Saharan Africa and Asia). However, the identification rate of Sub-Saharan Africans is less than half that of Asians, which suggests there is something more to this than proximity of the region of origin to the EU.

Table 3.5 Identification rates in Spain, Italy and Greece, by region of origin, 1990-2013.

<table>
<thead>
<tr>
<th>Region of known/presumed origin</th>
<th>Spain</th>
<th>Italy</th>
<th>Greece</th>
</tr>
</thead>
<tbody>
<tr>
<td>Count</td>
<td>% Identified</td>
<td>Count</td>
<td>% Identified</td>
</tr>
<tr>
<td>North Africa</td>
<td>362</td>
<td>81.5</td>
<td>169</td>
</tr>
<tr>
<td>Sub-Saharan Africa</td>
<td>171</td>
<td>40.4</td>
<td>560</td>
</tr>
<tr>
<td>Middle East</td>
<td>6</td>
<td>100</td>
<td>52</td>
</tr>
<tr>
<td>Asia</td>
<td>1</td>
<td>100</td>
<td>22</td>
</tr>
<tr>
<td>Balkans</td>
<td>0</td>
<td>-</td>
<td>130</td>
</tr>
</tbody>
</table>

58 Regions were allocated according to nationality, as stated on the death records. In the case of unidentified persons, or where the nationality was not provided in the death records, the region of origin is presumed from the race, ethnicity or guessed nationality, as stated in the death records. For instance, persons of ‘black race’ are presumed to be from Sub-Saharan Africa. The regions were determined by the team who compiled the public version of the Database, based on the information provided in death records, basic geography, knowledge of irregular migration flows in the Mediterranean region over the relevant time period, and insights from the local death management systems (for instance, in Ceuta, Moroccans are often classified as ‘white race’, whereas in mainland Spain they are referred to as ‘Arab’ or ‘Maghreb’).


61 Includes: Iran, Iraq, Syria, Kurdish/Kurdistan, Turkey, Palestine.

62 Includes: India, Afghanistan, Pakistan, Bangladesh, Sri Lanka, Georgia, and variations of ‘Asian’.

63 Includes: Albania, Romania, Bulgaria, Yugoslavia, Kosovo, Macedonia, Bosnia-Herzegovina.
The extremely low rate of identification of Sub-Saharan Africans is in fact attributable to Italy. Table 3.5 shows identification rates per known/presumed origin in Spain, Italy and Greece.\textsuperscript{64} The identification rate of Sub-Saharan Africans in Italy is only 12.3\%, whereas it is 40.4\% in Spain and 53.8\% in Greece. Sub-Saharan Africans have the lowest identification rate by far in both Italy and Spain. Although the rate for Sub-Saharan Africans is not much higher in Greece, the lowest identification rate is among people of Asian origin, which also make up the largest group (as Sub-Saharan Africans do in Italy). North Africans and people of Balkan origin have relatively high identification rates in all three countries. While none of these three countries have high identification rates for Sub-Saharan Africans, the rate in Italy clearly stands out in Table 3.5.

The current influx of Africans taking boats across the Straits of Sicily began in the late 1990s, first from Tunisia and later from Libya. But in the 1990s, the boat migrants arriving in Italy were mostly crossing the Adriatic Sea and Straits of Otranto to Puglia from the Balkans (Albahari 2006). 72.3\% of Sub-Saharan Africans’ and 83.3\% of Balkan migrants’ bodies recorded in the Database were found in Italy, but in different periods. 84.6\% of people of Balkan origin died on their way to Italy between 1990 and 2001, whereas 98.8\% of people of Sub-Saharan African origin died on their way to Italy between 2002 and 2013. The extremely different identification rates of these two groups (12.3\% for Sub-Saharan Africans found in Italy and 96.2\% for Balkans found in Italy) may therefore reflect a significant shift in the attitude towards boat migrants, related to where they come from, or how they are portrayed as a group by politicians and the media.

**Sex and age**

Aside from their region of origin, who irregular border crossers are may make them more or less difficult to identify. The majority of irregular border crossers attempting to enter the EU are young men, and this is reflected in the *Deaths at the Borders Database* as well. Figure 3.3 illustrates the sex and age distribution of the 1,929 persons recorded in the Database for whom both these pieces of information are available. The first population pyramid provides the overall distributions, while the second pyramid represents only identified persons with this information, and the third pyramid represents only unidentified persons with this information.

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\textsuperscript{64} Malta and Gibraltar were excluded from Table 3.5 because region of origin is only known/presumed in 10 cases from Malta (4 North Africans, 2 Sub-Saharan Africans and 4 Asians) and in 4 cases from Gibraltar (2 North Africans, 2 Sub-Saharan Africans).
Who is the ‘Boat Migrant’?

The extremely low rate of identification of Sub-Saharan Africans is in fact attributable to Italy. Table 3.5 shows identification rates per known/presumed origin in Spain, Italy and Greece. The identification rate of Sub-Saharan Africans in Italy is only 12.3%, whereas it is 40.4% in Spain and 53.8% in Greece. Sub-Saharan Africans have the lowest identification rate by far in both Italy and Spain. Although the rate for Sub-Saharan Africans is not much higher in Greece, the lowest identification rate is among people of Asian origin, which also make up the largest group (as Sub-Saharan Africans do in Italy). North Africans and people of Balkan origin have relatively high identification rates in all three countries. While none of these three countries have high identification rates for Sub-Saharan Africans, the rate in Italy clearly stands out.

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Figure 3.3 Sex and age distribution of persons recorded in the Deaths at the Borders Database.

Young men and women between 20-39 years old are disproportionately unidentified. They constitute the majority of people recorded in both identification categories (68% of identified persons were 20-39 years old when they died, and 83.5% of unidentified persons for whom age has been estimated were thought to fall in the same age group) and in both genders (57.1% of females and 58% of males were 20-39 years old when they died). But only 44.4% of people whose age falls in this range are identified, compared to 54.3% of people under the age of 20, and 59.3% of people 40 years and older. This could be because young adults are more likely to travel independently, whereas children and elderly persons will travel with others who may be able to identify them, assuming they survived the journey themselves and end up in the same location. For example, one of the survivors of the shipwreck of 11th October 2013 was a Syrian man who had lost his wife and three children when the boat capsized. He was able to identify two of his children whose bodies were brought to Malta as he had been, but the bodies of his wife and third child were either never found or may have been among the 21 bodies brought to Lampedusa. Another possible explanation is that the 20-39 year old age group includes more than half of the bodies of both men (58%) and women (57.1%), and therefore it may be more
difficult to select possible matches when given a description of a missing person.\textsuperscript{65} For example, 123 (33.6\%) of the victims of the 3\textsuperscript{rd} of October 2013 were estimated to be between 20-35 years old, 170-175cm tall, and to weigh 70-75kg.

The labels assigned to unidentified, deceased, irregular border crossers (‘illegal immigrant’, ‘clandestino’, ‘extracomunitario’) promote the assumption that it matters where they come from and why, while simultaneously anonymising who they are behind generic, pejorative terms that reinforce xenophobic, if not racist, stereotypes. This section has shown that the region of origin and the age of irregular border crossers do seem to affect the chances of their identification after death. The largest groups under both categories (Sub-Saharan Africans, and 20-39 year olds) are also the least likely to be identified. However, the reasons why this is the case remain undetermined. There is no evidence to suggest these findings are a result of any inherent or voluntary loss of identity on the part of irregular border crossers themselves. Rather, the findings of the pilot studies suggest it may be a result of the way in which ‘boat migrants’ deaths are managed by the local authorities along the Southern EU external borders.

\textbf{Existing death management systems}

When a dead body is found, the police are notified – as well as the coast guard, if the body needs to be recovered from the sea. If there is any suspicion or uncertainty about the nature of the death, the police inform a judge or public prosecutor, who opens an investigation into the cause and circumstances of death. If a person dies of ‘unnatural’ causes (i.e. not of old age or known illness), not in a hospital, where the doctors can immediately determine the cause of death, the same procedure is followed, as when a dead body is found. Each country has a death management system comprising of a series of procedures involving local state authorities, such as morgues, coroners, forensic investigators, funeral services, cemetery officials, and civil servants, to investigate and record the death, before the body can be buried. The judge or public prosecutor responsible for the case orders a pathologist to establish the medical cause of death, and forensic experts or police to provide insights into the circumstances of death. The investigation culminates in the legal declaration of an unnatural death as a homicide, suicide or accident,\textsuperscript{66} and with this declaration the deceased can be recorded and buried.

Death is one of the three ‘vital events’ of a person’s life that have been registered by states since the second half of the 19\textsuperscript{th} century.\textsuperscript{67} In general, death certificates are reliably issued by the civil registry of the municipality where the death occurred or the body was found. If the deceased person is unidentified, if no family members claim the body, or if the family cannot afford a funeral and gravesite, the local authorities are also responsible for the burial of the

\begin{footnotes}
\item[65] This theory would suggest that more women should be identified than men, as the most common description of a deceased irregular border crosser is a 20-39 year old male. In fact, 35.4\% of the 2,292 males recorded in the Database were identified, compared to 30.9\% of the 403 females recorded in the Database. The theory may not, therefore, extend to the sex of the individual. However, the difference is small and may be affected by the difference in counts (2,292 males compared with 403 females).
\item[66] In some systems this latter category is further sub-divided into types of accidents, such as motor accident.
\item[67] The other two are birth and marriage.
\end{footnotes}
body. This is a general description of contemporary death management systems along the Southern EU external borders. There is, however, variation both between and within the countries concerned, as the next sub-sections will demonstrate.

**Variation between countries**

The pilot studies revealed that, while the general features of a death management system exist in all countries under study, the exact procedures to be followed and the actors involved vary from country to country. As identification of bodies found takes place within these death management systems, it makes sense to look to these systems for possible explanations for the low identification rate among border deaths along the Southern EU external borders.

The *Deaths at the Borders Database* reveals considerable variation in identification rates between countries where border deaths were recorded. Figure 3.4 shows the trends in identification rates of migrant bodies found in Greece, Italy and Spain, along with the number of bodies found per year in each country. The three countries all fluctuate considerably from year to year, but there are differences between the countries in the range and pattern of fluctuation over the 24-year period.

![Figure 3.4 Trends in identification rates of border deaths found in Greece, Italy and Spain, 1990-2013 (n=3097).](image)

In turn, Table 3.6, below, shows the range and overall identification rates per country. The range (the difference between the highest and lowest identification rates for each country) portrays the variability in identification, the fluctuations in the proportions of bodies found that are identified each year. Overall identification rates, instead, place the emphasis on the proportion of bodies that remain unidentified in each country, the accumulation of unidentified
migrant bodies. While the overall identification rates and cumulative totals of unidentified bodies are quite close in the three countries, the range demonstrates a clear distinction between them.

Table 3.6 Variability and overall identification rates per country, 1990-2013.

<table>
<thead>
<tr>
<th>Country</th>
<th>Range(^{68})</th>
<th>Overall identification rate(^{69})</th>
<th>Cumulative total of unidentified bodies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spain</td>
<td>20.0 – 60.0%</td>
<td>38.4%</td>
<td>658</td>
</tr>
<tr>
<td>Italy</td>
<td>11.2 – 89.3%</td>
<td>35.4%</td>
<td>764</td>
</tr>
<tr>
<td>Greece</td>
<td>0 – 66.7%</td>
<td>31.8%</td>
<td>577</td>
</tr>
</tbody>
</table>

The results in Table 3.6 reflect what is illustrated in Figure 3.4, namely that identification rates among border deaths are far more stable on a year-to-year basis in Spain, as compared to Italy, where the annual identification rates fluctuate dramatically. While Greece also has a large range, this is mostly attributable to 1992 and 1993, when none of the 22 bodies (14 and 8, respectively) were successfully identified. Excluding these outlying years, the range for Greece would be 48.6%, closer to that of Spain than Italy. While the previous section considered explanations relating to variations between different groups of irregular border crossers (e.g. the range of identification rates of North Africans compared with that of Sub-Saharan Africans), the difference between countries may also be explained by differences in how death management systems are structured.

In Spain, a series of procedures set at the national level requires the involvement of a particular group of actors each time a body is found. Spain’s hierarchical system achieves standardization through effective regulation and financial support from the centralized judicial system.\(^{70}\) Gibraltar and Malta have a similarly standardized procedure, because they are small and so a limited group of individuals are involved each time there is an incident.\(^{71}\) In Malta, steps are being taken by this group to improve the system with the aim of identifying more of the bodies brought to the island from Malta’s large Search and Rescue (SAR) zone.\(^{72}\) There are not enough bodies recorded in Malta or Gibraltar to include their annual identification rates in Figure 3.4, but Spain’s standardised death management system may partly explain the low variability of identification rates from 1990-2013.

In contrast, administrative regions in Greece and Italy have established their own procedures, creating significant variation between places – within these countries – in how dead bodies are investigated, registered and buried, and the degree to which different actors are involved in...

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\(^{68}\) The lowest and highest rates of identification.

\(^{69}\) The total number of identified bodies divided by the total number of bodies found in that country.

\(^{70}\) Finding of a case study conducted in Malaga and Valencia regions of Spain in February 2014 (Last and Pérez 2014).

\(^{71}\) Finding of case studies conducted in Malta in March 2014 (field notes on file with author) and in Gibraltar in February 2015 (Last and Macias Delgado 2015).

\(^{72}\) Interview with Dr David Grima, Administrator of the Mortuary and Anatomic Pathology Department of the Mater Dei Hospital (Malta, March 2014) (on file with author).
these processes. In Greece, this appears to be the result of repeated restructuring of administrative regions, decentralization, and a lack of national attention for local (mainly, island) authorities, who are generally left to their own devices (Tselepi et al. 2016). In Italy, provincial authorities actively exercise their discretion to create their own procedures to enforce national regulations (Tapella et al. 2016). The variability in identification rates in these countries may be an effect of decentralised death management systems, in that the fluctuations in identification rates are partly due to where the bodies are found, reflecting shifts in irregular migration routes. The variation in identification rates within countries will be explored further in the next section.

The overall identification rates do not vary between the three countries as dramatically as the ranges, although the cumulative totals of unidentified bodies are high. It also must be noted that the overall identification rate in Italy is strongly influenced by the great number of bodies that were successfully recovered after the shipwreck of 3rd October 2013, just off Lampedusa. Because the incident happened so close to Lampedusa, and because specialised divers and forensic teams were sent to support the recovery efforts, 364 bodies were recovered from the sea in the days following the shipwreck. However, administrative obstacles that led to a very low number of the bodies being formally identified, despite the numerous families who came forward to recognise their relatives among the victims. This single shipwreck accounts for a drop of 13.2% in the overall identification rate for Italy, and 44.9% of the accumulated unidentified bodies of boat migrants in Italy. Thus, the variations between countries is worth exploring.

One possible explanation for the difference in the accumulation of unidentified bodies could be the differences between countries in recording and storing information about unidentified cadavers. If thorough post mortem reports are prepared, personal items found with the body are collected and recorded, DNA profiles made, and all of this information is archived in a traceable and accessible way, there is no time limit as to when a body could be identified. Data collection for the Deaths at the Borders Database revealed considerable variation in the kind of information available in the death records of unidentified cadavers (ranging from detailed descriptions of what the deceased looked like and was wearing, to nothing but ‘unknown, found at sea’ or even just a date). Personal items such as SIM cards that are found on or near the body

73 Finding of case studies conducted in Greece (in the North Aegean and Evros regions in October 2013 and in northwestern Greece along the Albanian border in October 2014) and in Italy (in Puglia in June 2014 and in Lampedusa in September 2014) (Last and Bami 2014; Last, Mirto and Vaccaro 2014; Last, Mirto, Tapella and Spijkerboer 2014). Field notes from North Aegean and Evros (on file with author).
75 Recognition usually leads to formal identification by the legal authorities responsible for the unidentified person, but in the case of the 3rd of October 2013 shipwreck, for procedural and administrative reasons that remain unclear, the many recognitions that were made never resulted in formal identification by the Procura of Agrigento. Interviews with Dr. Cristina Cattaneo, director of the Laboratorio di Antropologia e Odontologia Forense, Università degli Studi di Milano, and consulting expert for the Commissario Straordinario per le persone scomparse (Special Commissioner for missing persons), of the Italian Ministry of Internal Affairs (Milan, May 2014, and Geneva, March 2015) (on file with author).
are not always collected or investigated for clues as to the identity of the deceased; and in
many places it was completely unclear which local authority had responsibility for recording
and storing personal items found on or with the body and whether, in fact, this was being done
reliably (Last, Mirto and Vaccaro 2014; Last and Bami 2014; Last and Pérez Pérez 2014). Finally, the information that is collected is not consistently archived. Pathologists, police, coast
guards, and cemetery officials may keep the reports they make or receive (cadaver reports,
operational reports, burial permits, etc.), but they are not in any way obliged to maintain archives, and their files are considered confidential. Courts are required to archive their case files for reference purposes, but only for a fixed period of time (usually somewhere between 5-
15 years), after which they are destroyed. In fact, the only long-term archives that exist in the
death management system are those of death certificates, stored by civil registries.

The pilot studies revealed three problems with death certificates in Southern EU Member States
that, if remedied, might improve opportunities for identification. First, in Malta and Gibraltar,
internal guidelines of the Public Registries only allow death certificates to be issued, if the
person was a Maltese/Gibraltarian national or if the person died within the territory (including
only 12 nautical miles off the coasts of Malta and 3 nautical miles off the coasts of Gibraltar). This means that information about bodies that wash up on the coast, but were estimated to have
died out at sea, or bodies brought back to Malta from patrols or rescue operations in the
enormous Maltese SAR zone, is not archived in an accessible, traceable way. Second, national regulations are not properly applied in all municipalities along the Southern EU
external borders. In Spain, Italy and Greece, deaths should be registered where the person died or where their body was found. However, in the province of Agrigento (Italy) and in a few
municipalities in Greece, civil registries have failed to register migrant deaths because (a) they
were never notified of the deaths by the police or pathologist; (b) the civil servants erroneously
interpreted the rules to exclude such ‘abnormal’ cases; (c) the civil servants did not feel they
had sufficient information to complete a death certificate; or (d) they refused to do so on
political grounds (Last, Mirto, Tapella and Spijkerboer 2014; Tselepi et al 2016; Tapella et al
2016). Third, and finally, there are significant variations in the content of death certificates,
both in the information requested by the form and the information entered. For instance, cause
of death is not recorded in Italy, and nationality is not recorded in Malta. While unidentified

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77 This was a finding common among all pilot studies conducted for the Deaths at the Borders Database.
78 Interviews with the Maltese Director of the Public Registry of Malta (March 2014), the Registrar of the Public Registry of Malta (June 2014), and the Registrar of the Death Registry of Gibraltar (February 2015), as well as informal conversations with several employees in both registries. Pilot reports and field notes (on file with author).
79 For instance, the following 26 cases recorded in the Database were not found in the death registry of Malta, only in the database for labelling unidentified migrants’ bodies maintained by Dr David Grima (Administrator of the Mortuary and Anatomic Pathology Department of the Mater Dei Hospital): MT001/005, MT001/012, MT001/013, MT001/015, MT001/016, MT001/032, MT001/033, MT001/036, MT001/041, MT001/042, MT001/047, MT001/058, MT001/059, MT001/060, MT001/061, MT001/062, MT001/063, MT001/071, MT001/074, MT001/079, MT001/080, MT001/081, MT001/082, MT001/083, MT001/084, and MT001/085.
80 For example, in Kymi, Evia, the victims of a shipwreck in 2002 were not registered or permitted to be buried in the municipality in which their bodies were found, because the mayor did not want to commemorate them in any way in his municipality. Field researcher’s notes, based on interviews with the Mayor, the Registrar and other officials of Kymi and neighbouring towns (September 2014, on file with author).
persons are supposed to be issued death certificates in all countries under study – which can be amended if and when the person is later identified – there does not seem to be any guidance as to what information or how it should be recorded in a death certificate, which are clearly not designed with unidentified people in mind. Instead, civil registrars are left to their own devices to decide what information to record. In this vacuum, local expertise is developing. The registrar of Mytilini, for example, has become known in the North Aegean as somewhat of an expert in completing death certificates for irregular migrants.

Differences in identification rates between countries may also be related to differences in national regulations pertaining to forensic practices, such as medical examinations and DNA sample collection and profiling. In Spain, Malta, and Gibraltar, both internal and external examinations are done in each and every case of an unnatural death. In Italy and Greece, only external examinations are compulsory and internal examinations are done at the request of the public prosecutor. While in Greece it seems to be standard practice for the public prosecutor to direct the pathologist to do an internal examination, even though it is not compulsory, in Italy many migrant bodies never get an autopsy. Instead, the cause of death is determined from the external examination (cadaver inspection) and reports by the coast guards and/or police of the incident. According to the acting pathologist of Lampedusa, it is usually clear from where the body was recovered, forensic clues found on the body, and the accounts of survivors and the coast guards, whether the person drowned or died of dehydration, starvation or hypothermia. If the body is very decomposed, if there are any signs of violence, or if the usual tell-tale signs of drowning or dehydration/starvation/hypothermia are not present, it is then recommended in the cadaver inspection report that the public prosecutor should order an autopsy. According to the pathologists of Melilla, however, in Spain it is compulsory in every case of an unnatural death to conduct a full internal examination, because the external examination can be misleading as to the cause of death, especially if the body spent any time in the sea.

These differences in opinion reflect the differences in national legislation, but an autopsy leads to other important findings that an external examination cannot always reveal. For example, when a body has been in the sea for days, the genitals are among the first body parts to fall off
the body and the body becomes bloated and therefore the face becomes disfigured, which means that an autopsy may be the only chance to determine the sex, race and estimated age of the corpse – important post mortem details for identification purposes. A leading pathologist in Italy who disagrees with the optional nature of autopsies in Italian national regulations, for exactly this reason, insists that every pathologist conducting a cadaver inspection should automatically include a recommendation to the public prosecutor to do a full internal examination.88

The second example of how national forensic standards can influence identification is DNA sample collection and profiling. A DNA sample can be taken from even very decomposed bodies and can provide a definitive means of identifying a person so long as a relative (or better two) come forward for DNA profile matching. But several problems emerge with DNA sample collection and profiling as a result of national practices and regulations. Two examples include problems of access and enforcement. DNA profiling is a quickly evolving science that can provide a considerable amount of personal, medical information, and for that reason DNA profiling has been accompanied by strict regulation, which in turn creates many problems of access. For instance, in Italy, legislation has banned all but one centralised DNA databank and only a special unit of the police has the authority to conduct DNA matching using this databank.89 This means that relatives of shipwreck victims must be willing to enter their DNA sample into the Italian national databank in order to see whether their relative was among those dead in a particular shipwreck. The other obstacle relating to DNA sample collection and profiling, as aforementioned, is enforcement. In Greece, for example, DNA samples are compulsory when the body is not immediately identified. Samples are supposed to be taken during medical examinations and sent to a centralised DNA laboratory in Athens for profiling. However, there have been considerable problems enforcing this new procedure among the many pathologists in the country.90

The differences in identification rates among irregular border crossers between Spain, Italy and Greece are illustrated by Figure 3.4 and Table 3.6. This section has presented possible explanations for the variation, ranging from the overall structure of the death management systems of these countries, to the ways in which post mortem data about unidentified bodies is collected, recorded and stored. The next section will explore problems that exist at the local level, rather than the national level. However, improvements in the area of identification may well involve more comprehensive national – or even EU – regulation on the obligations of local authorities, or a more direct role for national – or EU – authorities in identifying the bodies of those who die attempting to cross borders.91

89 Italian Law 85/2009, which ratifies the Prum Treaty. Presentation by Captain Gasparollo (RACIS, Carabinieri) at the 1st Conference on the management and identification of unidentified decedents, with an emphasis on deceased migrants in the European Mediterranean region (hosted by International Committee of the Red Cross (ICRC) and Laboratorio di Antropologia e Odontologia Forense, Università degli Studi di Milano, Milan, 22-23 November 2013). Conference notes (on file with author).
90 Interview with Dr Penelope Miniatti, Hellinic Police and Athens DNA Laboratory (Milan, November 2013).
91 A pilot led by the Laboratorio di Antropologia e Odontologia Forense, Università degli Studi di Milano, under the auspices of the Commissario Straordinario per le persone scomparse, of the Italian Ministry of Internal Affairs,
Variation within countries

As described above, the responsibility for investigating and recording information about deaths – including the identity of the deceased person – lies with the local authorities of the particular municipality in which the person died or their body was found. This creates the potential for variation in practices within countries as well as between them.

In particular, provincial authorities in Italy have considerable discretion to design their own systems and procedures in accordance with the needs and capabilities of their province. In practice, this means that national regulations about investigating and recording unnatural deaths are implemented differently by different actors, in different provinces, often depending on the working relationships that exist between local authorities from province to province. In the section on characteristics of irregular border crossers, a stark contrast in identification rates was observed between peoples of Sub-Saharan African and of Balkan origin in Italy (see discussion of Table 3.4); another explanation for the difference could be the particularities in the operation of the death management systems in Puglia (where persons of Balkan origin were found) and Sicily (where persons of Sub-Saharan African origin were found). For instance, in the province of Lecce, the Procura established a special unit comprising representatives from the different police sections and the coast guard who meet every time there was a boat incident in their jurisdiction, in order to exchange information about the living and the dead and coordinate their response (Last, Mirto and Vaccaro 2014). Accordingly, the overall identification rate of migrant bodies in Lecce is 76.3%. In contrast, in the province of Agrigento, the Procura often concedes powers to the coast guard or the police, taking an elusive role in the investigation of fatal shipwrecks in the seas around Lampedusa (Last, Mirto, Tapella and Spijkerboer 2014). The resulting overall identification rate of migrant bodies in Agrigento is 10.1%. Further research is needed to investigate how such approaches evolved and whether they reflect the province’s general approach to death management or their specific approach to the handling of incidents involving irregular border crossers.

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is currently underway to formally identify the victims of the 3rd of October 2013 shipwreck, with the aim of determining best practices that might be applied across the country to improve identification rates of unidentified cadavers and human remains in Italy.
Chapter 3

Figure 3.5 Relationship between number of bodies found and identification rates of different administrative regions along the southern EU external borders, 1990-2013.

The *Deaths at the Borders Database* shows an important difference in the number of migrant bodies that the provinces of Lecce and Agrigento have had to deal with over the years (114 in Lecce compared to 672 in Agrigento), which could suggest that the identification rate is related to workload. Figure 3.5 shows that identification rates are never high in places where there are large numbers of migrant bodies found. But the range among identification rates increases where the number of dead found decreases, because in places where there are few bodies found, the identification of one person has a bigger impact on the overall identification rate for that place. Therefore, Table 3.7 presents the identification rates of administrative regions with more than 100 dead bodies found.92 But the variation in identification rates between these provinces does not appear to be explained – at least not solely – by the workload associated with investigating and identifying many migrant bodies. In sum, quantitative analysis is not conclusive on the influence of the number of bodies on the capacity of local authorities to identify deceased irregular border crossers.

92 In places with more than 100 dead found, the identification of one individual changes the overall identification rate by less than 1%.
Who is the ‘Boat Migrant’?

The Deaths at the Borders Database shows an important difference in the number of migrant bodies that the provinces of Lecce and Agrigento have had to deal with over the years (114 in Lecce compared to 672 in Agrigento), which could suggest that the identification rate is related to workload. Figure 3.5 shows that identification rates are never high in places where there are large numbers of migrant bodies found. But the range among identification rates increases where the number of dead found decreases, because in places where there are few bodies found, the identification of one person has a bigger impact on the overall identification rate for that place. Therefore, Table 3.7 presents the identification rates of administrative regions with more than 100 dead bodies found. But the variation in identification rates between these provinces does not appear to be explained – at least not solely – by the workload associated with investigating and identifying many migrant bodies. In sum, quantitative analysis is not conclusive on the influence of the number of bodies on the capacity of local authorities to identify deceased irregular border crossers.

Rather, the results in Table 3.7 point back to the observation from Table 3.1, that the variation exists between routes (Brindisi and Lecce are both on the Adriatic Sea route and have high identification rates compared with that of Agrigento, on the Central Mediterranean Sea route), and the observation from Table 3.4, that the variation exists between different origin groups of irregular migrants (there are mostly bodies of people of Balkan origin in Puglia, and bodies of people of Sub-Saharan origin in Sicily). Qualitative analysis of the differences between places where migrants’ bodies are processed may shed more light.

There are many differences in the practices of municipalities that require further research and analysis to determine their potential influence on identification rates. Many of the places where border deaths are found in the Mediterranean are small municipalities, often islands. Their local facilities and resident State actors are appropriate for their residents, but not for dealing with dead irregular border crossers. For instance, there may not be a resident pathologist, which means that medical examinations are conducted by doctors who are specialised in other fields than determining cause of death. Even in Lampedusa, which has seen the most border deaths of any European municipality, there is no resident pathologist and cadaver inspections are mostly carried out by the head of the island’s clinic, who is trained as a gynaecologist. When a full autopsy is needed, the body must be transported to Porto Empedocle or Agrigento (Last, Mirto, Tapella and Spijkerboer 2014).

Another limitation that is common is a lack of adequate facilities; Lampedusa does not have any facilities for storing bodies (fridges, morgue, etc.), which means the only option for slowing decomposition is to temporarily bury the bodies (Last, Mirto, Tapella and Spijkerboer 2014). Only for the 3rd of October 2013 shipwreck was a team from the Disaster Victims Identification Unit93 sent from Rome to assist the authorities in Lampedusa with the retrieval of bodies. They were the only unit sent to assist with identification of boat migrants. Source: Discussions with participants during the 1st Conference on the management and identification of unidentified decedents, November 2013.

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93 Disaster Victims Identification (DVI) Units are teams of forensic experts who can be mobilized to deal with emergency situations involving numerous dead, such as earthquakes, plane crashes and industrial explosions. Their purpose is to provide the facilities and expertise necessary to deal with the identification of cadavers and missing persons in cases of mass casualties. All European states have DVI Units, which are sent all over the globe (Thailand, Haiti, Japan, Ukraine, Nepal), but only once – in the authors’ knowledge – was a DVI Unit sent to assist with identification of boat migrants. Source: Discussions with participants during the 1st Conference on the management and identification of unidentified decedents, November 2013.

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Table 3.7 Number of bodies and identification rates in the administrative regions with more than 100 bodies found, 1990-2013.

<table>
<thead>
<tr>
<th>Region</th>
<th>Count (n=2379)</th>
<th>% Identified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sicily, Agrigento</td>
<td>672</td>
<td>10.1</td>
</tr>
<tr>
<td>Evros/Thrace</td>
<td>399</td>
<td>29.6</td>
</tr>
<tr>
<td>Cadiz</td>
<td>349</td>
<td>48.7</td>
</tr>
<tr>
<td>Las Palmas</td>
<td>253</td>
<td>23.3</td>
</tr>
<tr>
<td>North Aegean</td>
<td>182</td>
<td>34.1</td>
</tr>
<tr>
<td>Ceuta</td>
<td>119</td>
<td>34.5</td>
</tr>
<tr>
<td>Puglia, Lecce</td>
<td>114</td>
<td>76.3</td>
</tr>
<tr>
<td>Puglia, Brindisi</td>
<td>111</td>
<td>82.0</td>
</tr>
</tbody>
</table>

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and forensic processing of cadavers. Finding the space in local cemeteries to bury unclaimed and unidentified bodies is also often a problem, and the costs of funeral services and tombs fall on the municipality budget. Where they have been provided, tombstones and plaques to identify the graves of migrants are usually donated, which results in a significant range of markings, even within a single cemetery, from no marking at all to detailed tombstones. Small and island municipalities are not allocated any additional resources to manage dead irregular border crossers, and there are no standards to ensure their respectful treatment.

Variation in identification between municipalities may also be related to networks. Death among irregular border crossers is inherently a transnational issue. Traditionally, foreign services (embassies, consulates) bridged the physical gaps created by transnational movements and activities. Thus, the country of origin may also affect chances of identification due to non-existent or difficult relations with the country in which the body was found (e.g. the absence of a representative office in the country where the body was found or sour relations in a particular political or economic arena), or because of the particular social group that the person is associated with (e.g. the Eritrean Government views people who leave the country without authorisation as traitors). Of course, it is impossible to know the country of origin of a person until they are identified, so it is impossible to test the connection when so many are still unidentified. However, along the Greek-Albanian border and in Puglia, Italy, several informants noted the role of the Albanian consulates in facilitating communication between the local authorities trying to identify bodies and the families searching for their missing relatives. It would be useful to investigate whether the participation of country of origin authorities contributes to a higher identification rate, and how.

A similar connection may exist between identification rates and the presence or active participation of well-connected national or international organisations such as the Red Cross/Crescent Societies, NGOs, and migrant communities. It is possible that the lower identification rate in Evros (29.6%) than in North Aegean (34.1%) be partly due to the presence of strong migrant solidarity networks in the North Aegean, in particular in Lesvos, Chios and Samos, which take action when there is a shipwreck to assist the living and commemorate the dead. Robins and Kovras (2016) have also observed a humanitarian civil society in the North Aegean that fills the gaps left by the local and national authorities in dealing with dead and missing migrants (Robins and Kovras 2017). Unlike many officials working in local authorities, activists and humanitarian workers do not see it as a hopeless task to attempt to identify the body and notify the family. They also have more flexibility to adjust the ways in which they attempt to do this. For instance, one man was identified by photographs on

94 Presentation by Dr Antonio Grande (Medico Capo della Polizia di Stato and head of the DVI unit that was dispatched to Lampedusa on 3rd October 2013), at the 1st Conference on the management and identification of unidentified decedents, November 2013.
95 This was a common complaint aired during interviews with civil servants of the municipalities visited during pilot studies and during data collection.
96 Observations of author and field researchers from cemeteries visited during pilot studies and during data collection (June – December 2014). Notes and pictures (on file with author). For further discussion of the project’s findings vis-à-vis burial practices see: Tapella et al (2016).
97 This was a common finding of all the pilot studies, and the many conversations that field researchers had with local state officials during data collection never suggested evidence to the contrary.
Facebook, in particular of his tattoo. The activist who made the identification also used Facebook to make contact with his family who were then able to formally recognise the body and arrange for his body to be transported home for burial.98

Despite dealing with border deaths for more than two and a half decades, there has been little-to-no adaptation of judicial investigations into migrant deaths and no collection of data by states or the EU that might provide a centralised point for families to begin their search for missing relatives. This is particularly important, as families may not know exactly which route their relative took, and even if they do, bodies may end up far from the location of death. At the moment, places like Lesvos and Lampedusa are also well-connected to activist and migrant community networks across the EU, which may facilitate recognitions and notifications of families outside of official channels, through extended relatives and friends.

The systems in place in all countries along the Southern EU external borders for investigating, recording and burying dead bodies are not designed with border deaths in mind, nor have they been formally adapted to the reality of this phenomenon. To what degree this is a result of indifference, prejudicial neglect or wilful denial of policy-makers and administrators is unclear. The results of this research show that systems are regulated at the national level, resulting in slight differences in their overall structures and the actors and procedures involved. In practice, further differences exist between municipalities within countries, especially in Italy and Greece, as death management is the responsibility of municipal and provincial authorities. While differences in regulations and practices are not inherently problematic, bad practices that fail to meet national and international forensic standards exacerbate the challenges of identifying irregular border crossers.

Pilot studies and data collection for the Deaths at the Borders Database provided preliminary insights into a range of factors related to the death management systems and limitations at the local level that may explain why so few deceased irregular border crossers are identified. More research is needed to stop bad practices that reduce the chances of identification and to promote best practices and appropriate reforms.

Conclusions

This chapter introduces issues surrounding the identification of migrants who have died attempting to cross the Southern EU external borders. The Deaths at the Borders Database for the Southern EU has revealed that a majority of migrant bodies found on or brought to EU shores are unidentified to the authorities responsible for investigating their deaths. Using initial results of the Database and qualitative material gathered during pilot studies and data collection for the Database on issues of identification, the chapter makes preliminary explorations into answering the question: why are so few deceased irregular border crossers identified? While border deaths, by definition, only occur among irregular border crossers, it is difficult to draw

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explanations for their low chances of identification solely from inherent aspects of irregular border crossing or the characteristics of irregular border crossers. The finding that stands out is the significance of the place of origin; in particular, that Sub-Saharan Africans have a severely low identification rate as compared with other regions of origin. The reasons for this elude this chapter and deserve investigation.

In general, it seems that there are thousands of unidentified migrants buried along the Southern EU external borders, unbeknown to their families and friends, because the death management systems responsible for investigating and recording their deaths are inadequate. Despite close to three decades of border deaths and with no clear end to the phenomenon in sight, no developments have been made to adapt forensic protocols and death management practices in EU border regions to the transnational and clandestine aspects of the circumstances surrounding border deaths in order to achieve higher rates of identification. Comparative research is needed in order to fully understand variations in national death management systems and local forensic practices, as well as the particular limitations of their facilities and resources. Having full and reliable data is key for comprehensive, knowledge-based policy reform to emerge.

There is a need to evaluate whether differences in capabilities and practices have negative implications for identification and whether basic international forensic standards are being met. What are the existing standards and protocols and where are they disregarded? Could more be done to retrieve bodies so that it is possible for families to receive confirmation of death? Is every lead to identify a person pursued? Are survivors provided the opportunity to recognize or offer information about the dead? Is post mortem information adequately recorded, archived, and accessible for those representing the families searching for their relatives?

While the responsibility does lie with local State authorities, solutions will inevitably involve national and EU action. Local authorities are not adequately equipped to manage these deaths alone. Indeed, the transnational nature of the phenomenon of border deaths requires expansive networks and cooperation with country of origin and non-State actors, as well as a centralised platform where relatives can turn in their search. Most importantly, states need to prevent prejudiced indifference to this particular group of dead by insisting on respect for the deceased and their families, in line with their positive obligations stemming from the rights to life and dignity of those lost at sea (Grant 2011; Komp 2016). Without national or EU concern or support, there is a real danger that bad practices become the norm at the local level, leading to even lower identification rates and the disappearance of bodies, silencing an EU-wide phenomenon that brings into question the policy rationale underpinning current border and migration control mechanisms. Thus, it is in the interests of both states and migrants to design policies and develop good practices that will result in more identification of bodies, enabling compliance with human rights obligations and the dutiful recognition of the dignity of the deceased. While the nature of irregular border crossing may create unique challenges for death management systems, there is no reason to accept anonymity as an inherent consequence of death by border-sea.