Last Rights, Methoria

Submission to the Special Rapporteur on the human rights of migrants, 10th June 2025

This contribution is submitted to the special rapporteur on the human rights of migrants on behalf of Last Rights, a project of Methoria (UK registered charity 1188043). Last Rights is a global project which promotes the rights of missing and deceased migrants and their bereaved family members and calls on States and their agencies to act in accordance with well-established international human rights norms. It seeks to establish a new legal framework of respect for the rights of missing and dead refugees, migrants, and bereaved family members while calling for real accountability and justice.

This submission aims to support the special rapporteur with its call for input on externalisation of migration and the impact on the human rights of migrants and comment on the extent to which migrants and their families can access justice for human rights violations.

Last Rights has consistently called for an end to discriminatory border policies and increasingly violent border security practices which expose extremely vulnerable individuals to further risk of injury, death, and disappearance. We are working to create and uphold a new framework of respect for the rights of missing and dead refugees, migrants, and bereaved family members to ensure that border management is conducted in full compliance with obligations under international human rights law, humanitarian law, refugee law, and the law of the sea.

We invite the special rapporteur to refer to the **Declaration for the Dignified Treatment of all Missing and Deceased Persons and their Families as a Consequence of Migrant Journeys** (The Mytilini Declaration) in its assessment of the impact of externalisation of migration policies. The Mytilini Declaration serves as a practical tool that will enable all actors to perform their tasks in the field of migration in ways that meet best practice and respect the substantive rights of missing and dead migrants as well as the rights of their bereaved families. It further recognises the fundamental importance of the right to truth in ending impunity for gross human rights violations and holding States accountable for failing to meet their obligations under international law. For further information on the principles underpinning the Mytilini Declaration, please see 'Last Rights Extended Legal Statement and Commentary on the Dead, the Missing and the Bereaved at the World's Borders' (2019) (available here).

In addition to the full text of the Mytilini Declaration (see below), Last Rights invites the special rapporteur to consider and refer to the Last Rights Memorial of Grief and Grievances, made in remembrance of those who have died, remain missing, or who experience the profound grief for the loss of loved ones as a consequence of inhumane and deadly border policies. The Memorial demands that States fulfil their existing legal and moral obligations to protect the lives of all individuals in the context of migration journeys and act in a manner that ensures at all times dignity, truth and justice. The full text of the Memorial of Grief and Grievances can be found here. Our accompanying public statement can be found here.

We the undersigned make this Declaration

for the Dignified Treatment of all Missing and Deceased Persons and their Families as a Consequence of Migrant Journeys

(The Mytilini Declaration)

Recognizing

The inherent right to life

and

"…the importance of respecting and ensuring the right to the truth so as to contribute to ending impunity and to promote and protect human rights"

and that

"…human beings have the right not to lose their identities after death…"

and call upon all States, to treat all persons equally, irrespective of their race, nationality, gender, gender identity or expression, sexual orientation/identity, religion, age, ability, capacity or status of any kind,

and in accordance with their international legal obligations and duties to:

A.

1. Provide safe passage for those seeking safety

2. Desist from all actions that may lead to refoulement

3. Strengthen protocols for search and rescue for all migrants including those who are missing

4. Cooperate with and not obstruct or prosecute victims, families, family associations, and civil society in the legitimate exercise of humanitarian search, rescue and support of migrants

5. Collect, examine and preserve all bodies

6. Respect the bodies of the dead and guarantee chain of custody of the bodies from recovery to the final destination

7. Take all reasonable steps to identify the deceased and to determine the cause and manner of death

8. Undertake effective investigations to deliver justice, accountability and reparations

9. Collect and preserve for all missing migrants ante mortem and background information and genetic information of the biological relatives; and collect and preserve for all unidentified remains all recovery and post mortem information, including post mortem DNA samples

10. Preserve any personal effects of the dead, and restore them to the family

11. Provide all necessary assistance to families of identified deceased migrants for the issuance of a death certificate

12. Develop accessible procedures for families requiring presumption of death and presumption of absence certificates

13. Make every effort to locate and notify the family of the dead and missing

14. Facilitate repatriation of the remains of the dead to their family if possible

15. Where the remains are not repatriated to the family, dispose of them in a manner that is dignified and respectful to the person

16. Record the location of burial of the unclaimed and unidentified remains and to respect and maintain gravesites in the countries where the bodies are found.

17. Provide special protection for children of missing and dead migrants

18. Create national mechanisms in countries of origin, transit and/or destination related to missing migrants, which should include governments, civil society, families, associations of families, migrant communities and experts

B The rights of the missing and of the deceased and their bereaved families include but are not limited to the following:

1. Family members of a missing or deceased person, or other relevant persons, including witnesses, wherever residing, should not be subjected to administrative detention and/or expulsion or proceedings for removal or expulsion, at any stage of investigation, administrative and legal proceedings.

2. Family members shall have the right to choose the civil society organization(s) and legal representative(s) they wish to assist and support them and to advocate on their behalf at any stage, in all processes and proceedings concerning the search, identification, investigation and resolution of their rights in relation to their missing and their deceased relatives, including sanction and reparation where appropriate.

3. Family members of a missing or deceased person have the right to be kept informed and be consulted at all stages of investigation, administrative and legal procedures, in the search for and recovery of, missing and deceased family members and their personal effects.

4. Family members of a missing or deceased person should receive from State authorities, all necessary support and assistance to facilitate their right to appropriate and effective participation in the investigation and be provided with legal aid, access to documentation involving the search for recovery of missing and deceased family members and their personal effects whether on land or at sea.

5. Family members of a missing or deceased person must at all times be enabled to give fully informed consent to all steps to be taken by authorities and those acting on their behalf.

6. Family members of a deceased person should be able to decide upon the appropriate place, time and manner of funerary arrangements, whether temporary or permanent and the final destination for the laying to rest of their remains in a manner that is dignified and respectful to the person.

7. Family members should be assisted to plan and participate in the funeral rites of their deceased relative, including where necessary, financial assistance and expedited immigration status and visa arrangements.

8. Family members should be enabled, on reasonable notice, to visit the place of rest of their deceased relative including, prior to a funeral, places of temporary rest such as those provided by undertakers, including to enable performance of rituals not only at the time, but thereafter to visit the place of final rest or memorial site.

9. Family members should be enabled, where practicable, on reasonable notice, to visit the place where their relative is known or thought to have died or where they were last seen or known to have been, including to enable performance of rituals.

10. Support and assistance facilities should, subject to regular review, be made available until the missing person has been located or the deceased has been recovered, identified and laid to rest after due process of law including completion of any judicial investigation/inquest or related proceedings.

11. Special protection and support must be assured to children at all times, in accordance with the 1989 UN Convention on the Rights of the Child.

12. The best interests of any child affected by the death or missing status of a parent or other close family member are of primary consideration in the provision of any of the above services, support to them individually, and to their family as a whole, including maintaining or restoring family unity for any child affected with surviving relatives, as soon as possible, in accordance with their best interests.

And we further commit to include as a Protocol to this Declaration a Glossary, Guidelines and Explanatory Note of the rights and principles set out herein.

Signed this eleventh day of May two thousand and eighteen (11th May of 2018)

as the “Mytilini Declaration”

at Thermi, Mytilini, Lesvos, Greece

by the following

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Catriona Jarvis	LAST RIGHTS
Syd Bolton	LAST RIGHTS
Danai Angeli	LAST RIGHTS
Agnes Callamard	UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions
Yonous Mohammadi	Greek Forum of Refugees
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Lorena Núñez Carrasco	University of the Witwatersrand
Carolyn Horn	Senior Advisor to the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions on the Report of the Unlawful Death of Refugees and Migrants
Mercedes Doretti	Argentine Forensic Anthropology Team (EAAF)
S Chelvan	No 5 Barristers Chambers
Deborah J. Coles	Executive Director Inquest
Sophia Koufopoulou	Michigan State University - Synyparxi
Karl Kopp	PROASYL
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Vasileios Papadopoulos	Lawyer (Greek Council for Refugees)
Kouceila Zerguine	Collectif des Familles des Harragas disparus en mer
Vasilios Kerasiotis	HIAS Greece (Director)
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