Last Rights

1. Methoria, a not for profit, unincorporated, legal and policy work organisation founded in December 2015, (by Catriona Jarvis and Syd Bolton) has commenced work on the Last Rights Project. ([www.lastrights.net](http://www.lastrights.net)).
2. Briefly, the project will address legal gaps and failures and develop international best practice/procedure for working with dead, missing and bereaved refugees and migrants to ensure their rights are respected. This will take the form of an over-arching protocol setting out the relevant international provisions, followed by best practice/procedure guidance, based upon the law, for all those working in the field. A Commentary will accompany the protocols. Publication, in the form of ‘The Mytlini Declaration’ will take place on Lesbos, Greece, at the conclusion of a conference (see below) to be held there in Spring 2018.
3. Access to justice will be improved for many thousands globally, a high number of whom will be women and children who may have to become heads of households following loss in the course of a migrant journey. There are different strands of beneficiaries. The main groups are bereaved family members of missing and dead migrants globally and all those working with these groups such as coastguard; police; clinicians; lawyers and judges; civil servants; advocates and so on. Local communities where migrants go missing and where the dead are found will likewise benefit from respectful, lawful treatment of the missing and dead and their families. But it is also in the interests of states to deal effectively and humanely with these difficult issues whilst respecting human rights. Academic and other institutions will have access to the protocols, commentary and background/mapping documents.
4. Geographic areas likely to benefit/be served by the project include all areas from which refugees and migrants are departing on dangerous journeys, for example Syria; Iraq; Afghanistan; Eritrea; Sudan; Somalia, the Horn as well as other areas of Africa; Mexico, Central America; the Andaman/ Burma/ Malaysia/ Tibet. Further, the local communities in the places where refugees and migrants go missing or die will benefit from appropriate treatment of the missing, dead and bereaved. Currently, for example, there is often insufficient space in morgues and in graveyards to house the dead in dignity, safety and with respect in places where bodies arrive, often being found on beaches by local inhabitants or in the sea by local fishermen.
5. The project will ensure the rights of thousands of bereaved family members including orphaned children; the rights of missing and dead migrants, not least in family tracing and dignified burial in a known grave, exhumation and repatriation where relevant and possibility to grieve and obtain ‘closure’.
6. It will also support all those working with and for these groups on a daily basis including coastguard; police; clinicians; forensic experts; lawyers; judges; advocates, enabling best practice to the benefit of wider civil society; states and bodies such as the UN and EU. The experience of those who have worked in, for example, the Ukraine; Japan; Argentina will be drawn upon.
7. We know of no other project that will focus on these difficult, in some ways taboo and unattractive issues and transform research and legal principles into deliverable,real benefits and respect for human rights. There is no over-arching best practice framework. The phenomenon of the missing and dead as a consequence of migrant and refugee flows is insufficiently examined and understood in terms of the impact this loss has on many thousands of families and in terms of effective deployment of valuable resources to address these issues in a humane, dignified and appropriate way.
8. **The guidance may be used by all concerned without waiting for it to be formally adopted as it will be grounded in existing human rights law.**
9. After the project, the primary beneficiaries will be enabled to mourn and to grieve their loved ones, having been reunited with them in many more cases; to come to terms with their loss; to obtain death certificates, or presumption of death certificates; to bury their dead with dignity, whether at home or abroad; to claim inheritance and demonstrate entitlements to other benefits and eventually, if desired, marry, re-marry, found a family, where relevant.
10. Unfortunately, it is likely that there will continue to be new beneficiaries as dangerous journeys will continue in the absence of legal provision for safe passage for refugees and migrants. Numerous states are continuing to struggle to meet their responsibilities under the 1951 Refugee Convention and other treaties. New groups of persons working with the new dead, missing and bereaved will benefit from the guidance they can apply in their daily tasks.

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