

**Minimum Standards For The Dignified, Fair and Effective Care and Funeral Arrangements  
Of All Persons, Deceased Outside Their Own Country Of Origin Or Usual Residence**

**(The 'Fatmata' Guidelines)**

Proposed to

The Nordic Network of Funeral Directors

By

The Last Rights Project

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1. These Guidelines are proposed in recognition of the absence of an agreed international standard for the lawful dignified, fair and effective care, treatment and funeral arrangements in relation to the bodies of persons having died whilst in, or on a journey to a country other than their own country of origin or usual residence.
2. The Guidelines are additional to and should be read in conjunction and consistent with any nationally agreed statutory and non-statutory frameworks for the regulation and supervision of funeral services.
3. It is recommended that these Guidelines are incorporated into national statutory and non-statutory regulatory frameworks
4. The standards set out in these Guidelines are the *minimum* required.
5. These Guidelines apply to any and all individuals, legal persons, associations, incorporated and unincorporated bodies, local, national, international and transnational organisations and agencies, recognised and non-recognised states, religious bodies and any other actors, whenever acting in a capacity responsible for the care, conduct, financial, transportation, funerary and interment arrangements for the deceased
6. These Guidelines apply irrespective of the legal status, country of origin, known or unknown identity of the deceased
7. These Guidelines derive from and adhere to the fundamental rights and obligations set out in the Universal Declaration of Human Rights, to ensure that the dignity, and non-discriminatory treatment of the deceased, their bereaved relatives and all others involved in post mortem care and funerary arrangements are respected at all times.
8. Legal custody, care and control of the body
  - a. It remains the legal responsibility and duty of the state within whose jurisdiction the deceased's body is situated, to ensure that all relevant legal obligations to the deceased, to bereaved families and to the interests of justice are fulfilled.

- b. To that extent the state must ensure that any and all functions of individuals and organisations providing funeral and ancillary services are fit for purpose and able to fulfil their own specific responsibilities in accordance with the law.
- c. States should therefore ensure that all individuals and organisations providing such services can demonstrate their professional competence and compliance with agreed standards both as a condition of licensing to practice and continuance of that licence through periodic reviews and inspections by an independent body.

#### 9. Standards of physical care and treatment

- a. The organisation with current custody, care and control of the deceased's body must at all times maintain conditions of dignity and respect, for the body itself, as well as a health and safety compliant environment, for those providing post mortem care, for the bereaved and others attending the body.

#### 10. Identification and identity recording

- a. It is the responsibility of the custodian state to ensure, through its relevant departments and agencies, the conduct of such timely investigations and inquiries as are necessary to identify the deceased.
- b. It shall be the duty of the state to ensure that tracing of relatives is conducted in a timely and effective manner and to enable those relatives to participate in any legal proceedings, investigations and funerary arrangements.
- c. The organisation with custody, care and control of the body for the time being, shall cooperate and enable all such investigations and inquiries to take place with all due expedition, including the preservation and maintenance of the individual, physical integrity of the body and access to it at all times, including by next of kin and/or other lawful representatives.
- d. Organisations with custody, care and control of the deceased's body shall preserve and maintain its individual, physical integrity for so long as it is necessary for tracing, investigation, legal proceedings and final funeral arrangements, exhumation where relevant, or repatriation.
- e. The organisation providing mortuary, funeral home, transportation agency or other custody, care and control services for the body, must ensure that they maintain and provide evidence of effective chain of custody arrangements for the body throughout their custody, care and control and at the points of transfer from one organisation and jurisdiction to another.

#### 11. Relatives wishes, participation and tracing

- a. Bereaved relatives have an inalienable right to be traced and informed about the death of their loved ones, to express their wishes and feelings in relation to the funeral arrangements for the deceased and to participate in these arrangements to the fullest extent that they are able.
- b. Bereaved relatives are often not in the country with custody of the deceased and are at an additional disadvantage and vulnerability when needing to participate in arrangements for their loved ones. Particular attention should be paid to ensuring that such relatives are contacted, are able to express their wishes and feelings and to participate in decision-making and funerary arrangements, including the form of interment or repatriation and the timing thereof.
- c. Organisations should ensure that bereaved relatives are provided with written information about the funerary and any other services being provided, the choices available to them in relation to

funeral arrangements, and the costs, in their own language. Such information should be updated regularly as the individual situation requires.

- d. In the absence of a relative in the country of custody, other interested parties, for example a civil society organisation, faith group or consular services from the country of usual residence should be treated as acting *in loco familia* until relatives have been identified and contact established.
- e. In situations where the deceased was or may have been a refugee, it is necessary to take instructions from family and or other lawful representatives, before making contact with any consular office in order to ensure that families and others are not endangered, unless the family has not been traced after all reasonable efforts have been made.

## 12. Financial arrangements

- a. Costs concerning the many different elements of post mortem, funerary care and transportation of the deceased vary considerably. These costs should always be transparent to the relatives and others, responsible for meeting these costs.
- b. Service providers should ascertain whether or not a state or local scheme exists to assist with the funerary costs of the bereaved family, including funeral and burial membership associations, in particular within the known nationality or ethnicity group of the deceased.
- c. Transparency of costs requires that a clearly itemised schedule of all elements making up the total costs is provided, wherever possible in advance, both as known fixed costs and variable, ongoing costs, including any daily rates and tariffs.
- d. Costs should be only those necessary for the dignified, fair and effective treatment of the deceased's body and not premium or unnecessary services.
- e. Costs for post mortem and funerary arrangements of persons dying outside their country of usual residence should not be higher than would be charged for the same services for the resident population.
- f. Additional costs that are specific to the arrangements needed for the deceased's body on account of having died abroad and/or circumstances of death should be justifiable and comparable to services provided to nationals of the country with custody.
- g. Bereaved families should have the right to request an independent assessment of the costs from the relevant regulatory or professional body in that country and if none exists, to seek a second opinion from another service provider of their choice.
- h. Bereaved families should be informed of their right to change service provider at any stage of arrangements for their loved ones if they are unhappy with the cost and quality of services being provided.
- i. Costs incurred throughout and or as a result of the state's legal custody and control of the deceased's body, whilst in mortuary and funerary care remain costs borne by the state. Private funeral service providers exercising their functions on the instructions of the state should not pass on those costs to bereaved families.

- j. Any costs disputed between the state and service providers should be resolved between those parties and must not delay or frustrate the wishes of the bereaved family.

### 13. Delay and Complexities

- a. In some circumstances, people who have died abroad or on a journey abroad may have been travelling irregularly, without identification or immigration documentation, may have died in circumstances that require statutory investigation and formal conclusions to be reached beyond the usual death certification requirements of a natural death. Such investigations may also necessitate delay in releasing the deceased's body to their relatives, pending tracing and identification or in the event of civil or criminal proceedings. This creates additional complexities, obligations and delays for those providing post mortem and funerary care for the deceased.
- b. It is the responsibility of the funerary services provider to ensure that relatives understand the reasons for any delays and the basis on which the deceased's body cannot be released into the custody of the family, whether for local interment or repatriation.
- c. The service provider should also ensure that relatives have any necessary information to communicate with the state authorities directly on matters concerning tracing, identification, participation in investigations and proceedings, and facilitation of funeral and transportation arrangements.
- d. The customary length of time between death and interment varies according to faith, custom and cultural practices of the deceased and their relatives. As such, this may also add significant anxieties for the bereaved family and pressures for the body of the deceased to be interred without delay. Funerary service providers should make themselves aware of all significant cultural issues in relation to the arrangements for the deceased which may be affected by any delays and discuss these with relatives at the earliest opportunity.
- e. Similarly, where funerary arrangements may be delayed for tracing, identification and investigative reasons, the body should not be released or interred before all necessary post mortem data and reports have been completed and lawful approval given for the release of the body to relatives or in the absence of relatives, for interment.

### 14. International arrangements.

- a. The deceased may have been seeking international protection before or at the time of their death and there may therefore be possible risks to relatives in the country of usual residence if contact is made with authorities there, without careful consideration of the risks and implications for relatives if identified to those authorities. No contact with the authorities of the deceased's country of usual residence should be made until it has been possible to establish contact with relatives and their consent obtained, or all reasonable efforts to do so have been made.
- b. Relatives of the deceased may themselves be refugees or have established themselves for other reasons in another 3rd country, different from the deceased's usual residence or country of origin, and may wish for the body to be expatriated to that 3rd country. This may necessitate further delays whilst permissions are sought for this to take place.
- c. Where the body of the deceased is to be interred in the country of custody, arrangements and timings should be made such that overseas relatives can obtain visas and travel to participate in the funeral and funerary rituals.

## 15. Transportation and Repatriation

- a. Transportation services may be provided separately from the funeral services provider, either as a sub-contracted service or completely independently. The funeral services provider should ensure that all the necessary administrative and legal requirements have been met for the safe and lawful transportation of the deceased's body to its final destination, including contact with the relevant consular services.
- b. The funerary services provider should also ensure that, where necessary, all legal documentation and practical arrangements are satisfied for entry, custody and care and transit through all countries en route to the destination country, whether by air, sea or land transport.
- c. Funerary service providers should contract only with registered, lawfully compliant organisations for the transportation and care of the body on all stages of the route.
- d. In accordance with cultural customs and traditions, it is often usual for the deceased to be accompanied by a relative or a person on behalf of the relative throughout this journey. Funerary service providers should ascertain the wishes of relatives and incorporate this into the transportation planning.
- e. Costs of transportation can vary greatly and different routes and facilities may provide lower cost options for relatives. These should be explored in all cases.
- f. There may be community funeral and burial associations and schemes that maintain funds and facilities to assist families with transportation and repatriation costs and practicalities. These should also be explored in all cases.

## 16. Funerary arrangements

- a. The final arrangements for interment of the deceased should always be in accordance with their known or likely cultural or religious customs and practices. Care should be taken to ensure that these rituals are known and as much as is reasonably possible, fulfilled.
- b. This may include specified forms of washing and anointment, vigils and religious accompaniment, shrouding, or rigid container, whether open or closed.
- c. Relatives and the community of the deceased should be enabled to determine and participate in the most culturally appropriate form of funeral ritual and interment.

## 17. Burial, Cremation and Other Forms Of Body Interment

- a. No interment should take place, in particular cremation, until all investigations, forensic data collection and legal procedures have been fully satisfied.
- b. Unidentified remains should never be cremated. The place of interment must always be recorded as must information regarding every body, whether identified or not.
- c. The form of interment should always be in accordance with the known wishes or likely cultural and religious practices of the deceased. Funeral service providers should use their best endeavours to establish those wishes and act in accordance with them.

- d. Where a burial is the preferred form of interment, religious considerations should be followed in relation to, the choice of a particular religious cemetery or dedicated section of cemetery, the orientation of the burial plot in accordance with religious prescription, including the positioning of individual graves in relation to each other, for example adjacent to family members and not of different genders unless acceptable, and the form of grave marking.
- e. Where cremation is chosen, particular rituals should also be observed and the remains of the deceased provided to the bereaved relatives for their own choice of retention or disposal.
- f. In all forms of interment, no burial or cremation should take place without independent verification of the deceased's identity, whether known or ascribed, prior to interment and afterwards, in relation to the cremated remains.

#### 18. Information, data-sharing, transparency and confidentiality

- a. All information, whether ante mortem or post mortem in relation to the deceased shall be considered data for the purposes of data protection and comply legally with the requirements of the country of custody of the deceased's body, recorded, stored and shared only in accordance with such lawful requirements and all other international data protection regulations and legal frameworks.
- b. Where confirmation of identity and consents of individuals, including bereaved relatives are required for any stage of the custody, care and control of the deceased's body and arrangements to be made, confidentiality should be respected and information only shared to the extent necessary for the specific purpose of that aspect of the process.
- c. Relatives should be assisted rather than obstructed in exercising their rights to participation in tracing, identification, funeral and transportation processes, including where there are administrative, financial and practical difficulties in their providing any necessary documentary or forensic evidence.