

Migration: 'Let's enshrine in European law the obligation to identify the dead'

OP-ED

Group letter

Four forensic medicine and human rights professionals say the search for the identity of migrants who die at sea or on European territory must become systematic.

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On August 9, 41 people went missing off the coast of Lampedusa, Italy. From the testimonies of the four survivors, we know the boat had set sail from the Tunisian coast with 45 passengers, including three children. This latest disaster adds to the long list of tragedies at sea in recent years. It comes almost 10 years after a shipwreck on October 3, 2013, again off the coast of Lampedusa, remembered as one of the greatest maritime tragedies of the 21st century.

In the early hours of June 14, the capsizing of a boat off the Greek coast led to the deaths of several hundred people. Due to the lack of salvage of the wreck and forensic examinations, the identity of the missing men, women, and children will not be formally established.

This lack of post-mortem data collection and the failure to activate procedures for collecting antemortem data from deceased relatives raises many ethical and legal questions. They hinder the ability of the deceased's next of kin to mourn in the absence of a body or to take the usual administrative steps in the event of death, steps that precisely require a death certificate.

Between 2000 and 2020, there has been a significant increase in the number of anonymous disappearances within and on the outskirts of Europe. This phenomenon is closely linked to the growing danger of cross-border migration, particularly sea crossings. In addition to those missing at sea, whose precise identity often remains unknown, we must acknowledge the increase in anonymous disappearances on European territory. In our forensic departments in Paris and Milan, we are seeing an increasing number of bodies arriving without any means of identification, and for which there is no protocol. While such protocols exist for disaster victims, they are rarely applied to the everyday dead.

Turning emotion into action

This reality is part of a more general context in which forensic science has made significant progress, particularly in collecting, cross-referencing, and archiving morphological, biometric, and genetic data. Concerted efforts on a European scale would make it possible to apply the legislative framework that would give these anonymous bodies a chance of being identified one day.

By enshrining in European law a government obligation to identify anonymous deceased persons, requiring the collection of scientific antemortem data from relatives (photographs, X-rays, clinical and genetic material) and comparison with post-mortem data collected during full autopsies on anonymous bodies, we would then be able to set up and consolidate biometric databases containing genetic characteristics and profiles to maximize the chances of identifying unidentified bodies.

In response to the shockwave caused by a shipwreck on April 18, 2015, Italy had taken the initiative of refloating the wreck of the trawler located at a depth of 400 meters so that work could begin to identify the thousand or so victims. This initiative was not repeated in successive shipwrecks, and, in relative silence, our societies have become accustomed to the fact that men, women, and children disappear without a trace and without their loved ones being duly informed.

As we prepare to commemorate 10 years since the tragedy of October 3, 2013, we feel it is necessary to turn emotion into action. We call for a collective commitment to implement the required efforts to speed up and guarantee the search for the identities of the anonymous deceased, thus returning to their families the missing loved ones they are still seeking. This cannot be achieved without a new Europe-wide legislative effort.

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