



Protect **people**  
not borders

**EDUCATIONAL KIT**



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## NEW WALLS IN EUROPE

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## IDENTIFYING DEATHS AT SEA

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# New Walls in Europe

## → Introduction and Methodological note

In the last decade, the European Union has faced the migration phenomenon by creating an actual **Fortress**.

Europe's closedness towards people who are seeking shelter and protection was caused by the implementation of very restrictive migration policies concerning the reduction of the right to asylum on its territory and the managing of such right, increasingly at border locations, through 'externalisation' agreements with non-EU countries; through the creation, by European States, of walls and fences along their external and internal borders.

This occurs on the Mediterranean and overland routes along the Balkan countries.

These tools, whether they are implemented individually or in combination, affect the lives and rights of migrants in a very specific way: an inadequate assessment of the applications for international protection, confinement and detention in transit countries, exposure to inhumane and degrading living conditions, increased violence and abuse during the journey, increased number of deaths.

The document will assess the **new walls** built in Europe, both physical and virtual, as represented by the 'externalisation' agreements with non-European countries. Whether the former or the latter, the effects are the same: the migrant will not be allowed to enter the territory of any EU country.

This **mini toolkit** can be used by teachers as a tool to build an educational program on the topic of migration, but also directly by students who might want to explore the same topic. The aim is to highlight and bring out how, in the last decades, the response of the European Union and its Member States to the migration phenomenon has been characterised by a strict policy of closedness to prevent migrants from entering Europe.

Additionally, outside the toolkit's content, the topic could be further explored and analysed using **multi-disciplinary resources**, such as movies, documentaries, or books. These, with different points of view, highlight the consequences of European policies on the lives and rights of migrants, offering much scope for discussion and confrontation in class.

A specific **workshop activity** is included at the end of the document, which students can work on in class, with facilitation by teachers. The activity, starting by analysing the barriers that have been built in Europe, has the objective of identifying the possible reasons behind them and, consequently, verifying and ascertaining whether or not they are well-founded through a collective discussion and a participative approach.

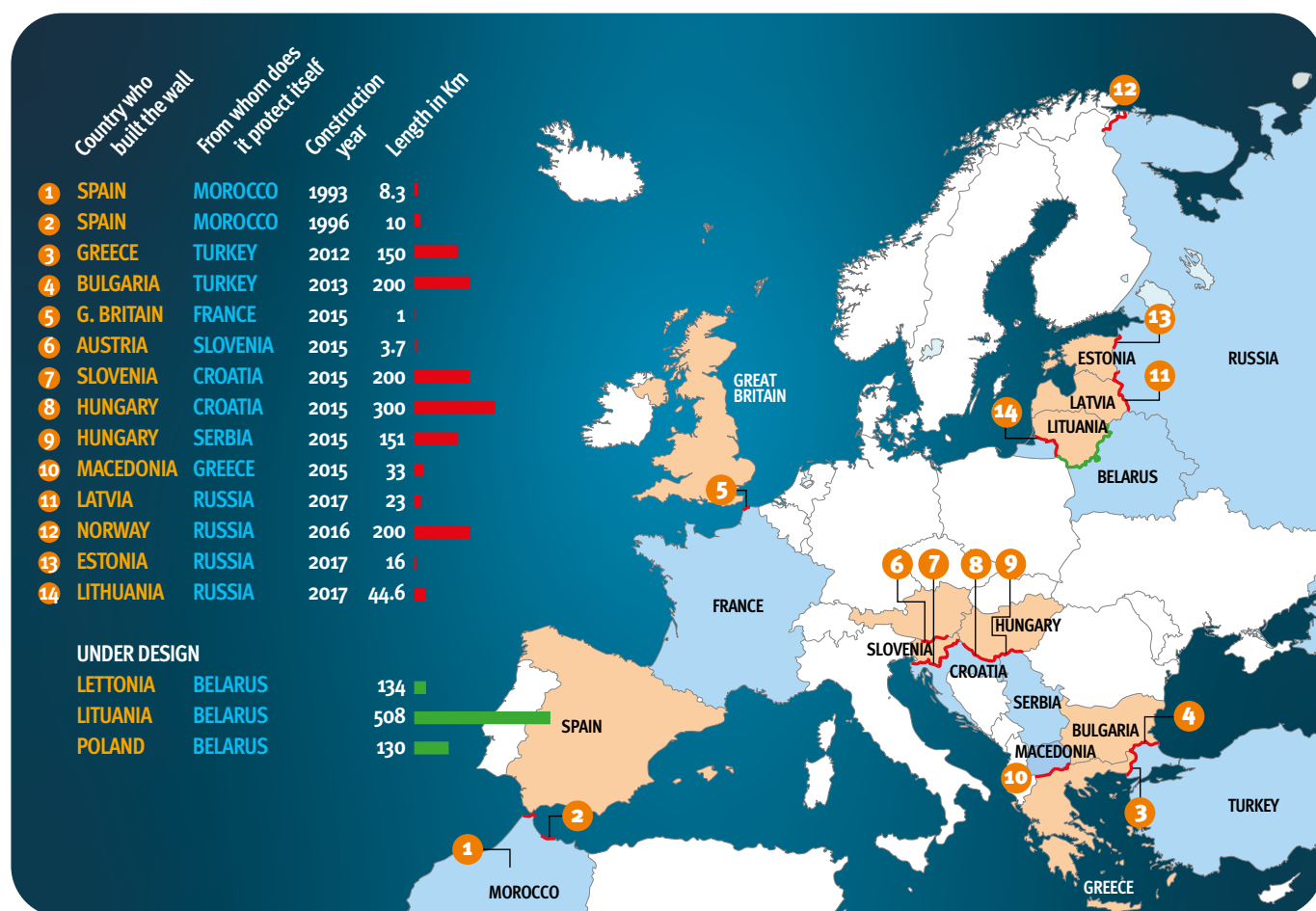
## → Walls in the European Union

A wall is a barrier erected by the will of one side to keep others out. The walls that have been erected in the last few years, not only in Europe but also in the United States or other areas of the world, are primarily walls that enshrine not the division between the East and the West but rather between the North and the South of the world, between developed and problematic areas.<sup>1</sup> Therefore, they represent the States' response to displacement and migration, with the specific intention of preventing people from entering their territory. However, they also represent a sort of removal of responsibility on behalf of the Member States themselves to their obligation concerning the protection and the recognition of people's right to international protection.

Unfortunately, Europe and its states are no exception in this regard. In less than 30 years, the conception of the wall in Europe has been completely turned upside down: the Berlin Wall was considered a shame, and there was a strong will to eliminate it as well as massive enthusiasm at its fall; on the contrary, *'in recent years the imperative to tear down*

1. Piero S. Graglia, *Il muro. Berlino e gli altri*, People, 2019.

## Walls in the European Union

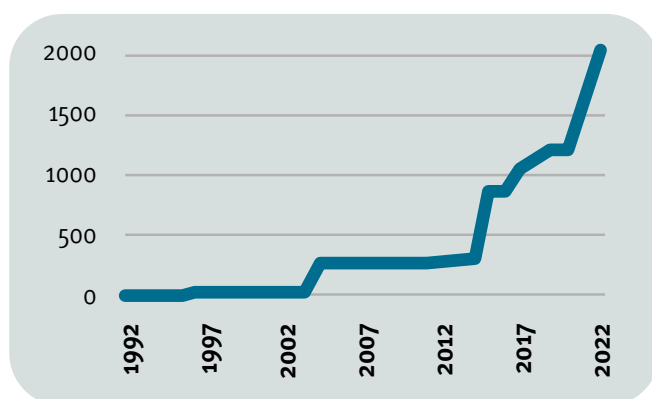


Graphic design: Corriere della Sera

walls is losing dialectical confrontation with the fortress mentality.<sup>2</sup>

As stated in a European Parliamentary Research Service (EPRS) study: ‘the EU/Schengen area [...] is currently surrounded or crisscrossed by 19 borders or separation fences stretching for more than 2,000 Kilometres (km). Between 2014 and 2022, the aggregate length of border fences at the EU’s external borders and within the EU/Schengen area grew from 315 km to 2,048 km. (see Picture 2). About 13%, or 1,535 km, 3 of EU external land borders (12,033 km in total) are currently fenced off.’<sup>3</sup>

### Length of the walls built along the borders of the countries of the European/Schengen area (Km)



Source: data collected by Costica Dumbrava, October 2022

### Walls at the EU’s external borders

Therefore, most of the walls built by European countries to block the entry of migrants are located along the **external borders** of the European Union. The first European country to erect a border wall was **Spain** in the early 1990s to prevent immigration to

Ceuta and Melilla, its enclaves in Morocco. Ceuta and Melilla are two territories located within Morocco, in the North on the sea, but are part of Spain. Entering one of these two enclaves means stepping into the territory of a European Union state where one can seek international protection. The fences, built between 1993 and 1996, were lat-

2. Tim Marshall, *The Age of Walls*, 2018.

3. Costica Dumbrava, EPRS, *Walls and fences at EU borders*, 2022, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/733692/EPRS\\_BRI\(2022\)733692\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/733692/EPRS_BRI(2022)733692_EN.pdf)

er and over the years enlarged and reinforced several times until they reached the extent of 7.8 km around Ceuta and 13 km around Melilla, a double fence measuring 6 meters in height. Despite this, there have been several attempts to climb over and through the fences, resulting in thousands of deaths over more or less 20 years. In June 2022, for example, following an attempt by about a thousand people to climb over the fence, 37 migrants died, hundreds were injured, and more than 70 went missing.

In 2012, **Greece** erected a 12.5-kilometre fence on the border with Turkey in the Evros River Valley to prevent the entry of migrants from the Middle East, South Asia and North Africa. Closing this part of the border with Turkey has resulted in a change in the migration route to Greece, either overland to other border areas or by sea. More and more people have been forced to take the dangerous sea route from Turkey to Greece, resulting in a rising death toll. On September 5, 2015, the lifeless body of Alan Kurdi, a three-year-old Kurdish-Syrian boy who ended up in the sea while trying to reach the Greek islands, was found on Turkish beaches. In the same year alone, some 3,700 people lost their lives in that stretch of sea. However, this situation does not stop Greece's intention to continue blocking land entries from

Turkey. Indeed, in August 2021, Greece completed the construction of another 40-kilometer-long iron barrier along its border with Turkey. The fence, also reinforced by a high-tech automated electronic video surveillance and monitoring system, was implemented following the Taliban's takeover of Kabul that August. Greece intends to prevent, as a result of the crisis in Afghanistan, refugees from arriving in Greek territory overland through Turkey. Moreover, between 2022 and 2023, representatives of Greek institutions announced their willingness to extend the fence by at least another 140 km along the border with Turkey.

In 2014, Bulgaria, too, erected a 33-kilometre barbed wire fence on the border with **Turkey**. Immediately afterwards, Bulgaria embarked on a construction project to expand the wall to reach a length of 235 km in 2017. On top of that, the area along the wall is constantly patrolled by police, with an officer every 100 meters. Again, the purpose of the fence is to block people migrating from Turkey, predominantly from Syria and Afghanistan.

The creation of these walls—especially the one on the Greek-Turkish border—combined with the European Union's migration policies over the years has



Credits: Carlos Gil Andreu - Melilla, Spain



Credits: Nicolas Economou - Greece

changed the route of people reaching Europe by land, increasing the number of migrants crossing the Balkan route daily. Having overcome the hurdle of the Bulgarian-Turkish and Greek-Turkish borders closure, migrants try to reach EU countries, mainly through Serbia and Northern Macedonia. This has led, among other migration policy operations, to creating more walls along the borders with **Balkan countries**.

In 2015, Hungary erected a barbed wire fence along its border with Serbia. In 2017, the fortification project continued with the construction of another parallel barbed wire fence running parallel to the first one. This time, it envisaged a 4-meter-high and 175-meter-long barrier equipped with an electric fence and patrolled by law enforcement officers 24/7. The so-called 'Orban wall' has the drastic and inhumane consequence of blocking people trying to cross the Hungarian border into Serbia. As of May 2017, Serbia has become a 'camp-state,' with the establishment of EU-funded informal migrant camps and settlements for more than 12,000 people.

Also, in 2015, North Macedonia built several fences extending 37 km along the border with Greece in an attempt to block migrants who had crossed from the latter country to northern European countries.

Those mentioned are just a few of the walls built throughout the past decades on the European continent. However, more walls have been built to protect their external borders, such as those of Lithuania, Estonia, Latvia, Norway, and Poland, most of which were all built on the borders with Russia and Belarus<sup>4</sup>.

### **Walls at the EU's internal borders**

First, starting with the fence built in 2015 by Hungary along its border with Serbia, other EU states have begun building walls bordering, however, not third countries but EU states and even part of the Schengen area.

The **Schengen area**, established in 1995, is one of the pillars of the European Union that gives effect to the principle of free movement of European cit-

<sup>4</sup> For the complete list and the characteristics of the walls, Costica Dumbrava, *EPRS, Walls and fences at EU borders*, 2022, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/733692/EPRS\\_BRI\(2022\)733692\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/733692/EPRS_BRI(2022)733692_EN.pdf)



Credits: Depositphotos - Barriera di separazione tra Ungheria e Serbia

izens. With its establishment, all internal borders within the countries of the Union were eliminated, allowing the movement of citizens from one state to another without the need for visa applications or other specific documents and with the abolition of related controls at border posts.

Consequently, within the European Union, only the borders between the territories of individual states exist, and the borders are only those external to the entire Union with countries that are not part of the Schengen area. Despite the outstanding achievement of eliminating internal borders, more and more walls and fences have sprung up over the past decade along the borders between EU countries, including those that are part of the Schengen area. In 2015, **Hungary**, which had already built a fence on the border with Serbia, built another 131-kilometre-long barrier on the border with Croatia, which, although not part of the Schengen area, is still an EU country. Other countries have followed Hungary's example and adopted similar 'anti-migrant' measures, which have been added to the numerous 'temporary' checkpoints set up along the borders, including in the borderless area established by the Schengen Agreement.

In 2015, **Austria** fenced 3.7 kilometres of its border with Slovenia, the first barrier ever erected between two Schengen countries. A 250-meter-long barrier was installed across the Brenner Pass border crossing point with Italy one year later.

Between 2015 and 2020, **Slovenia** installed a 198.7-kilometre-long barbed wire fence along its border with EU member state Croatia.

### *People stuck in camp-States*

The effect of EU policies of closure towards migrants, as well as the increasing construction of walls and fences by states along Europe's external borders, has effectively stranded thousands of people in transit countries such as Serbia and Bosnia—Herzegovina. As a result, the latter have become **camp-states** and migration hubs along the Balkan route, the main overland route to reach European Union countries.

With help and funding from the European Union, these states are beginning a phase of setting up camps and informal settlements where they will detain migrants trying, via the Balkan route, to reach

northern European countries. Experts and associations working to protect the rights of migrants have, in reality, spoken of **confinement camps** that ‘are routinely presented as shelter camps, but upon closer inspection, they serve another and quite different function, which is that of places designed to ensure the minimum material survival of those seeking to reach Europe by providing for the people themselves a dimension of suspension, indefinitely, of their fundamental rights’<sup>5</sup>.

With the completion in March 2017 of Hungary’s second 175-kilometre fence on its border with **Serbia**, thousands of people trying to reach European states find themselves stranded in the country.

Shortly after that, Serbia began the creation of informal camps for more than 12,000 people, financed by the European Union. This operation also encouraged countries such as Romania, Hungary, and Croatia to reject migrants who had managed to cross the border back to Serbia. Namely, men, women and minors, even without parents, from countries such as Syria, Afghanistan and Pakistan.

According to official government information, there are 19 facilities in Serbia, of which 7 are supposed to be designed for asylum seekers and refugees; 12, on the other hand, should act as ‘reception’ centres and offer housing to all other foreign persons, regardless of their motivations for leaving their coun-

try. These facilities are mostly set up in areas of Serbia with a high rate of social degradation or in regions with no access to local services, designed for short stays and which, precisely because of this, try to meet only the basic needs of people: accommodation, food, urgent medical care.

Especially in the so-called ‘reception’ centres, therefore, specific assistance services are not activated for the most vulnerable, such as unaccompanied minors, victims of violence, victims of human trafficking, the elderly, people with disabilities or those with mental disorders. Moreover, in most cases, people’s stays are not regularised, leaving them without documents or specific protection.

A similar situation has been created, especially since 2018, in **Bosnia and Herzegovina**, which is the last gateway to enter the European Union through Croatia. In the spring of 2018, given the difficulty crossing the Serbian-Croatian border of the north and the fencing of the border by Hungary, hundreds of migrants tried to reach Croatia through Bosnia and Herzegovina instead. Given this state of affairs, starting in the summer of 2018, the IOM (International Organization for Migration) opened four temporary reception centres, which were added to the existing ones and managed directly by the state. The European Union played a decisive and vital

5 By ‘RiVolti ai Balcani, Chiusi dentro. I campi di confinamento nell’Europa del XXI secolo’, Altreconomia Edizioni, 2024.

### Migration centres in Bosnia and Herzegovina as of April 2021



Graphic design: RiVolti ai Balcani

role in establishing these camps. From 2018 to June 2020, The EU allocated 50.2 million euros of funds to Bosnia and Herzegovina to support and delegate the management of migration flows in the country; from December 2020, an additional 23 million euros were allocated by the EU, for a total support of 88 million euros intended for 'migration management'. Due to the general inadequacy of the country's reception facilities, the most critical situations still occur in camps located in the northwest, a few kilometres from the border with Croatia, such as the one in Lipa.

Lipa camp is located on an upland 800 meters above sea level, 2 km from the paved road and 24 km from the first town. This prevents people from accessing essential services such as pharmacies, hospitals, and supermarkets.

Due in part to its proximity to the Croatian border, the Lipa camp, composed of containers, forces thousands of people to live in overcrowded conditions, lacking proper sanitation and adequate social and health care. People's privacy is also constantly sidelined by cameras that monitor the facilities and uniformed armed security personnel guarding the area.

## → Agreements on the externalisation of borders

Unfortunately, the construction of walls and fences along the European Union's internal and external borders is not the only system in place to try to keep migrants outside our territories. In fact, over the past decade, the EU and its Member States have increasingly used another tool to achieve the same goals: ratifying **externalisation agreements** with non-EU countries.

They are formal or informal agreements that 'shift,' 'externalise,' our borders to block people there, outsourcing this task to 'external' countries. These agreements, disguised all too often as acts of development cooperation, have as their only goal to stop people before they arrive near our territories, far from our actual borders.

In other words, they try to delegate non-European Union countries to blockade and detain people on their territory, preventing them from reaching European countries. They practically have the same effects as the walls built on European territory.

Numerous agreements have been signed over the last few years, although the precise number and content of most of them are difficult to determine. Such practices concern not only the Mediterranean route but also the Balkan route, which is crossed by people mainly from Syria, Afghanistan, Iraq, Iran, Pakistan, and Bangladesh, who usually attempt to reach Europe by land.

In any case, the (sadly) most known for their significant impact on the lives and rights of migrant people are certainly those of the EU with Turkey and Italy with Libya.

## The EU-Turkey Deal

In 2015, faced with the increasing number of people trying to reach Europe (especially Greece – via Turkey), the European Union decided to enter into an agreement with the latter.

The **agreement** of 18 March 2016 mainly provides that:

1. *all new irregular migrants who have crossed from Turkey to the Greek islands as of 20 March 2016 will be returned to Turkey. Migrants who do not apply for asylum or whose application is deemed unfounded or inadmissible under the said Directive will be returned to Turkey;*
2. *for every Syrian returned to Turkey from the Greek islands, another Syrian will be resettled from Turkey to the EU. Priority will be given to migrants who have not previously entered or tried to enter Turkey unlawfully;*
3. *Turkey will take all necessary measures to avoid new sea or land routes of irregular migration from Turkey to the EU and will cooperate with the neighbouring Countries and the EU itself for this purpose.*

Given its timing and contents, the agreement can be considered the European institutions' response to the drama of the Syrian conflict. The year before the agreement, some 850,000 people had reached Greece and its islands by land and sea from Turkey.

The agreement, which provided 6 billion euros in EU funding to Turkey, proved to be a failure and had – and continues to have – a devastating impact on the lives and rights of people stranded in Turkey.

First of all, the mechanism foreseen in point 2 of

**resettlement**, thus the transfer to EU countries of a number of Syrians equal to those returned to Turkey from Greece, has never worked properly.

For example, as of December 2021, according to data supplied by UNHCR (the United Nations High Commission for Refugees), almost 3.8 million Syrians were living in Turkey, compared to just over 12,000 people resettled in EU countries.

The failure of this mechanism locked in Turkey millions of Syrians fleeing the severe conflict in their country.

Consequently, and secondly, the way a large number of Syrian refugees and migrants have been **received** is entirely insufficient and inadequate.

There are only seven centres in the country, and they are temporary. The centres accommodate only 3% of all Syrian refugees and are mostly close to the Syrian border.

All the centres, equipped with containers or tents, are set up in peripheral areas, thus preventing people from accessing the services available in the neighbouring cities. They are also equipped with video surveillance, constantly operated and monitored by the Turkish military police. Even leaving the centre, which should be guaranteed, is, in fact, only allowed during the day upon formal authorisation.

Finally, the situation is even worse for those migrants for whom, according to point 3 of the agreement, Turkey is required to take the necessary measures to prevent them from reaching EU territory. Among the measures implemented by Turkey in this regard was the drastic increase in the number of **detention centres** for migrants.

Detention centres increased from 7 in 2014 to 30 in 2022. Almost all are in peripheral, rural areas close to Turkey's southern and eastern borders. The facilities are surrounded by high walls topped by barbed wire, monitored around the clock by security cameras at every corner, and equipped with other high-tech surveillance systems. Moreover, given the constant presence of the Turkish military police and other private guards, they appear more similar to prisons than migration centres.

They retain people who irregularly entered Turkey or were moving elsewhere especially Europe.

Detained migrants are not officially registered and are, therefore, considered irregular migrants whose access to the asylum system is not effective.

The living conditions in these centres are also absolutely inadequate and insufficient in several respects: needs for food, sanitation and health are only met at a survival level; people live in overcrowded facilities and rooms where family unity is neither guaranteed nor protected at all.

Finally, migrants often report episodes of psychological and physical violence, most times because of their religious beliefs or sexual orientation.

## *The Italy-Libya agreement*

The year after the EU-Turkey deal, the Italian government decided to enter into an agreement with the government of Tripoli: the **Memorandum of Understanding**.

Despite being fully aware of the serious violations suffered in Libya by asylum seekers and migrants, the Italian Government chose to sign a new agreement with the country after the 5 billion dollar 'Treaty on Friendship' of 2008.

To counter the Mediterranean route, Italy renews its migration relations with a country, Libya, which has never signed the 1951 Geneva Refugee Convention and, therefore, has no legislation to protect migrants, asylum seekers and refugees.

With this agreement, disguised as a development cooperation agreement in Libya, Italy delegates to the North African country the task of fighting and blocking sea departures to its shores.

The Memorandum includes several **commitments** for Italy:

- (a) providing for technical and technological support to Libyan bodies in charge of fighting against irregular migration, particularly to the border and coast guard of the Ministry of Defence and to the relevant/competent bodies and departments within the Ministry of the Interior;
- (b) financing what the Memorandum defines as reception centres but which are, in fact, actual migrant detention centres;
- (c) training Libyan staff in detention centres.

In other words, Italy is committed to providing the Libyan coast guard with means and technical support (patrol boats and other technological tools), financing migrant detention centres (defined as 'reception centres' in the Memorandum), and training the staff of both the coast guard and the detention centres.

Inside **detention centres**, implemented or built with funding from the agreement, oppression, violence, sexual abuse and torture against migrants, men, women and children take place daily. According to a report by MEDU – *Medici per i Diritti Umani*<sup>6</sup> (Doctors for Human Rights), published in 2020, 85% of migrants they met who had transited through Libya and into detention centres had suffered torture. Not only is torture by detention staff daily and structured but also used as a ransom practice. Over the years, there have been numerous testimonies by asylum seekers and refugees, as well as complaints by international organisations, about how guards resort to violence to extort money from migrants with the promise of freedom. Many times, retained migrants are asked to call their families to ask them for money to be set free and, hopefully, continue their journey to Europe.

During such calls, migrants are beaten and tortured so that their relatives can hear them screaming in pain and will be more likely to send the ransom money quickly. The same violence is also perpetrated by the staff of the **Libyan Coast Guard**, also trained and supported by the Italian Government. After the uprising in 2011, several members of the militias were integrated into the state security structures, including the Libyan Coast Guard, although they were maintaining relations with militia leaders.

It is, therefore, no surprise that the Libyan Coast Guard is, on the one hand, guilty of threatening and

perpetrating violence against migrants as well as aid workers and NGOs working in the Mediterranean Sea to carry out search and rescue operations; on the other hand, of colluding with human traffickers. As for violence, numerous testimonies have reported that the Libyan Coast Guard caused accidents at sea that jeopardised the lives of refugees and migrants on boats and those of NGO aid workers. While carrying out interception operations to bring migrant boats back to Libya, Libyan Coast Guard officers threatened and resorted to violence against the people on board, sometimes to steal their few belongings.

Besides, a report published on 1 June 2027 by a panel of UN experts contains severe allegations of collusion between some members of the Libyan Coast Guard and human traffickers. Consequently, not all migrant boats intercepted are returned to Libya. Some members of the Libyan Coast Guard collude with traffickers to whom they offer safe passage in exchange for money. In these cases, once stopped at sea by the Coast Guard, some boats are allowed to pass after confirming that the trafficker they were travelling with had paid for the passage of their ships. The ships, which, for some reason, had not properly paid the Libyan Coast Guard, were brought back.

Since 2017, more than 90,000 people have been intercepted at sea and **returned to Libya** by the Coast Guard, then locked in detention centres where they are detained and subject to new tortures.

6. Edited by MEDU – *Medici per i Diritti Umani*, *La fabbrica della tortura. Rapporto sulle gravi violazioni dei diritti umani dei migranti e dei rifugiati in Libia (2014-2020)*, 2020. [https://mediciperidirittiumani.org/medu/wp-content/uploads/2020/03/marzo\\_medu\\_2020\\_it\\_web.pdf](https://mediciperidirittiumani.org/medu/wp-content/uploads/2020/03/marzo_medu_2020_it_web.pdf)



## Research Materials



### → Movies

- ***Like a Man on Earth***, directed by Andrea Segre, Dagmawi Yimer, Italy, 2008
- ***Europa***, directed by Haider Rashid, Italy, 2021
- ***Trieste è bella di notte***, directed by Matteo Calore, Stefano Collizzolli, Andrea Segre, Italy, 2023
- ***Me Captain***, directed by Matteo Garrone, Italy-Belgium, 2023
- ***Male nostrum***, directed by Fabio Masi, Italy, 2023



### → Books

- T. Marshall, Divided: ***Why We're Living in an Age of Walls***, Garzanti, 2018
- (curated by) M. Veglio, ***L'attualità del male. La Libia dei lager è verità processuale***, Laissez Passer, 2018
- P. S. Graglia, ***Il muro. Berlino e gli altri***, People, Gallarate, 2019
- M. De Bellis, ***Lontano dagli occhi***, People, Busto Arsizio, 2021
- (curated by) ASCS, ***Umanità ininterrotta - Diario di viaggio sulla rotta balcanica***, Seipersei Ed., 2021
- (curated by) D. Facchini, L. Rondi, ***Respinti. Le 'sporche frontiere' d'Europa, dai Balcani al Mediterraneo***, Altreconomia Ed., Milan, 2022
- L. Palmisano, D. Deliolanes, ***Mediterranea. Un dialogo***, Fandango Libri, Rome, 2022
- (curated by) ***RiVolti ai Balcani, Chiusi dentro. I campi di confinamento nell'Europa del XXI secolo***, Altreconomia Ed., Milan, 2024



## Proposed workshop activity

After a short focus on policies of closure and building of barriers implemented by the European Union and member states, as well as the preliminary viewing and reading of some multidisciplinary materials, a workshop activity is proposed that students can carry out in their classrooms, supported by their teachers.

### → Goals

- learning about the policies implemented in the past decades by the European Union and member states in response to migrations
- analysing, reflecting on and learning about the consequences of such policies on the lives and rights of migrant people
- pinpointing the possible reasons behind the migration policies carried out by European and national institutions;
- learning to critically analyse them (the reasons behind the migration policies put into place by European and national institutions)
- learning to research and analyse data and information gathered;
- raising awareness in the local community, both in and out of school.

### → Materials

- lmini-toolkit about new walls in Europe;
- lmovies and/or books;
- lwebsites of European or National institutions, websites of research and statistic institutes;
- larticles from newspapers, dailies or other local magazines;
- lother thematic educational kits produced by Comitato 3 ottobre.

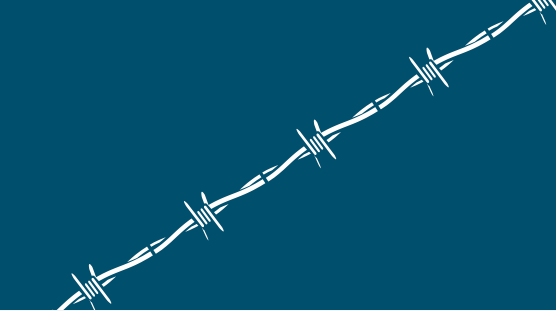
### → Duration

- medium-long activity depending on needs and available hours.



## → Activity

- **reading the mini-toolkit about new walls in Europe:** students read the document in class, discussing and confronting each other on possible insights that have emerged;
- **multidisciplinary study materials:** before moving on to the next phase of the activity, students are suggested to watch a movie or read a book proposed among the multidisciplinary study materials;
- **Discussion activities** (1-2 hours): students will discuss the possible reasons for the closure and border defence policies. The teacher can stimulate the discussion with some examples ('they steal our jobs'; 'they threaten our culture'; 'there are so many of them and they all come to us'; 'they are economically dependent on the state'; 'they take services away from European/Italian citizens';...);
- **Division into groups:** The teacher will divide the class into groups and each of them will be assigned one of the reasons previously identified during the plenary;
- **Research and analysis activity:** every group will look for information and data supporting or contradicting the previously identified reasons for a given period or number of days set together with the teacher. The teacher can facilitate the research work by indicating for each topic research and in-depth study tools (website of the Italian Ministry of the Interior, the European Parliament or international organisations on the numbers of migrants currently in Europe and the State of interest; statistical reports by Istat (Italian National Institute of Statistics) or other research institutes on work, services on the territory and production of economic resources; Comitato 3 ottobre mini-toolkit on labour exploitation; magazines;...);
- **Analysis of information gathered:** each group will analyse and summarise the information on a document. Specifically, the group will highlight whether the reason behind an attitude and a policy of closure is, considering such information gathered, well-founded or not;
- **Plenary presentation and discussion** (duration: 2 hours): each group will present the results of their research to the rest of the class. At the end of each presentation, there will be a moment of discussion and debate involving the whole class.



# Identifying Deaths at Sea

## → Introduction

The fact that the EU is closing its borders to migration, the construction of anti-migrant walls, the agreements with third countries to block people's departure and the implementation of other increasingly restrictive EU and national policies, the absence of legal and safe channels for asylum seekers: these factors have forced thousands of people who have fled their countries of origin to embark on increasingly different and, above all, more dangerous migratory journeys by land and sea.

During such journeys, violations of fundamental human rights, violence and abuse and the number of migrants who died as they attempted to reach Europe have increased.

The sea route is impacted by the policies put in place by the European Union and the ruthlessness of the traffickers, who put people in increasingly unstable, precarious, and overcrowded boats. These factors, together with the absence of state vessels in the Mediterranean Sea for search and rescue purposes, have contributed to a drastic increase in deaths at sea in recent years.

Thousands of people lost their lives at sea, and only a tiny part of them have been recovered or identified. The vast majority of victims in the Mediterranean remain entirely unknown, both in terms of number and identity.

For this reason, especially following the shipwreck off the coast of the island of Lampedusa on 3 October 2013, the debate and discussion on the need not only to recover all the bodies of the victims at sea but also to give each of them a name, an identity and a dignified burial has intensified at several levels. The aim is to protect the dignity of the victims while ensuring that their families are informed and reunited with the bodies of their loved ones.

Naming all the victims of the Mediterranean is a major challenge for Europe. It certainly entails some practical difficulties, but these can be overcome with the cooperation of institutions, research bodies, scientific institutes, and organisations.

## → The Mediterranean Route: Casualty Data

There are mainly two sea routes to Europe: the Mediterranean and the Atlantic.

People from Western Africa try to cross the **Atlantic Route** to reach the Spanish – and therefore European – territory of the Canary Islands.

Despite being less discussed compared to the Mediterranean route, the Atlantic Route is equally, if not more, dangerous for people's lives: firstly, the atmospheric agents and currents are more insidious in the Atlantic Ocean than in the Mediterranean; secondly, the sea route to European territory is much longer.

Such a route, which started as early as the 1990s, saw a new increase in 2019. This is due to multiple reasons: the condition of foreign people in Libya, the role of Libyan militias and the so-called Libyan Coast Guard, the fight against NGOs carrying out search and rescue operations at sea, and the increase in outsourcing agreements. In 2020, 16,000 arrivals were reported in the Canary Islands, a 500% increase compared to previous years.

This also entailed a rise in the victims at sea: between 2020 and 2021 alone, an estimated 4,400 people died or went missing.

Concerning the **Mediterranean Sea**, as previously mentioned, the agreements the EU and its Member States have signed with countries such as Libya or Tunisia have forced people to seek other and different routes. In addition to that of the Central Mediterranean, arrivals to Europe have also intensified over the years via the Western (Algeria, Morocco) and Eastern (Turkey, Egypt) Mediterranean routes. Apart from the route used, it is unfortunately difficult to know the actual number of victims and missing persons.

However, the **known figures** are only those recorded through the testimonies of shipwreck survivors or the bodies that the sea returned and washed ashore.

In any case, according to the IOM report titled *A decade of documenting migrant deaths*<sup>7</sup>, 63,285 people

7. IOM, *A decade of documenting migrant deaths – Data analysis and reflection on deaths during migration documented by IOM's Missing Migrants Project, 2014-2023* [https://missingmigrants.iom.int/sites/g/files/tmzbd1601/files/publication/file/A%20decade%20of%20documenting%20migrant%20deaths\\_o.pdf](https://missingmigrants.iom.int/sites/g/files/tmzbd1601/files/publication/file/A%20decade%20of%20documenting%20migrant%20deaths_o.pdf)

have lost their lives or disappeared globally during a migration journey since 2014<sup>8</sup>. Almost a third of these deaths occurred in the Mediterranean alone. From 2014 to the end of April 2024, according to the IOM<sup>9</sup>, 29,537 migrants have disappeared or died in the Mediterranean, of which 23,246 in the central Mediterranean, 3,819 in the western and 2,472 in the eastern Mediterranean.

Of these, according to the IOM, 1,242 were **minor**. Other organisations, on the other hand, report over 2,400 child victims for the same period. The central Mediterranean route from North Africa to Italy and, to a lesser extent, Malta, is the place with the highest number of deaths and disappearances recorded and/or reported during a migration route globally.

Despite—and because of—political attempts to stop departures in transit places (e.g., Libya, Tunisia, Morocco, and Turkey), the number of victims at sea is constantly increasing. In the last four years, starting in 2020 (the year of the COVID-19 pandemic with the lowest number of deaths since 2014 at 1,449), there has been a gradual increase in the number of victims at sea: 2,048 in 2021, 2,411 in 2022, 3,105 in 2023. The same IOM report also shows that 60% of deaths and disappearances at sea are related to drowning during the voyage due to various causes linked to the mode of travel itself and the means used. This figure is important because it demonstrates how most shipwreck victims can be avoided by institutional search and rescue operations at sea and by providing and opening legal and safe entry channels.

8. 30 April 2024

9. <https://missingmigrants.iom.int/region/mediterranean>

Almost all victims of shipwrecks in the last 10 years have been left without a face, without a name, without an identity. According to the IOM report, *A decade of documenting migrant deaths*, more than two-thirds of those whose death at sea has been noted or registered in some way have remained unknown, unidentified.

## → Identifying Shipwreck Victims: Legal Aspects

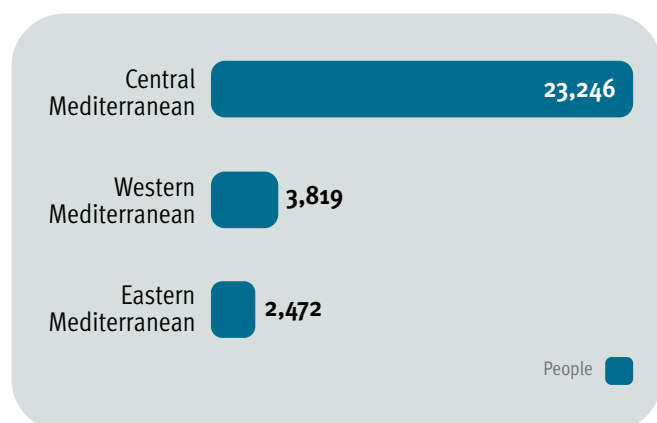
Most bodies of shipwreck victims in the Mediterranean Sea have never been recovered nor identified. Even when they are found and recovered, bodies often remain unidentified and, therefore, buried in cemeteries with no name.

Such a situation has twofold consequences: on the one hand, it violates the victim's dignity and right to identity; on the other, it prevents family members from having news about the person, thus violating further rights.

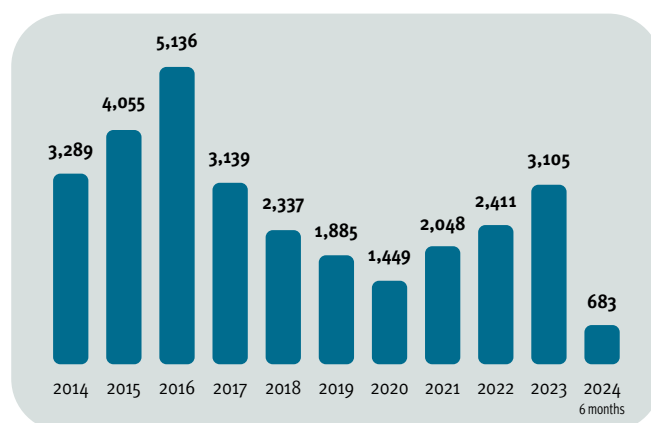
Despite that, no specific Convention or law at an international, European or national level protects the victim's and families' rights through an identification procedure employing DNA or other systems, allowing the assigning of a name and a face to the person.

Faced with such a specific legal vacuum, the identification procedure for Mediterranean victims could be based on the application of rights and principles provided for at a general level or in areas other than shipwrecks to protect both the deceased and their families.

### Migration route



### Annual dead and missing



## Protecting the dignity of shipwreck victims

Fundamental rights, recognised by many national constitutions, such as the right to have a name and a personal identity, are *statuses* connected to living beings. Consequently, it is an entirely relevant and overriding question to ascertain whether, beyond an ethical, moral and human sense, there are regulations that provide a legal basis for the recognition of the rights of dead persons, such as shipwreck victims, linked to their identity, dignity and identification.

In fact, different rules might exist, somehow protecting the person's dignity and certain postmortem rights, such as the right to identification, at the international, European, and national levels.

At the international level, the 1949 Geneva Conventions (and the additional Protocols to it) on armed conflicts, for instance, provide for a series of obligations for States concerning the recovery of the victims' bodies, the treatment of the dead, the return of remains to families, the burial, and the recording of all information regarding missing or deceased persons<sup>10</sup>.

By way of example, it is worth highlighting the provisions of Article 17 of the First Geneva Convention, according to which the Parties shall guarantee that the burial or cremation «be preceded by a careful examination of bodies, possibly carried out by a physician, *to ascertain the death, establish the identity and account for it*».

*according to the rites of the religion to which they belonged, and that their graves are respected*», or that the said parties will organise operations to «*ensure the identification of corpses*».

This set of rules guarantees a dignified treatment of victims' bodies and protects the right to personal identity, not only to attribute a name but also from a religious and cultural point of view. Identifying a corpse allows one to learn a person's cultural and religious history and ensure a burial or cremation aligned with their beliefs.

While it is true that such rules apply in the context of armed conflicts and not to the victims of shipwrecks, they nevertheless show how, at the international legal level, the dignity, honour, reputation, history, identity, culture and religion of the

dead person and their family must be respected and protected in any moment.

At the **European level**, the **Convention on Human Rights and Biomedicine** of 4 April 1997 establishes postmortem dignity. Article 1 of the Convention makes it clear that its aim is to protect «the human being in their dignity and identity» within biomedical procedures, both for living beings and deceased persons.

More openly, such a principle is especially relevant according to the interpretation provided by the European Court of Human Rights in several rulings. Particularly important is, in this regard, the judgment given by European judges in the case of *Elberte C. Lettonia* (2015) concerning the withdrawal, during an autopsy, of tissues and parts of organs unbeknown to the deceased's wife.

The Court, finding Article 3 ECHR<sup>11</sup> violated, emphasises that '*respect for human dignity lies at the heart of the Convention*' and stresses that '*it is recognised in the field of transplantation that the human body must be treated with respect, even after death*'.

The European Court clarifies that such a principle is directly derived from the Convention on Human Rights and Biomedicine, whose primary goal is to protect '*the dignity, identity and integrity of all persons, whether they are alive or dead*'.

Human dignity is expressly referred to in various articles of the **Italian Constitution**, particularly: «*all citizens have equal social dignity*» (art. 3); «*workers have the right to a remuneration (...) in any case such as to ensure them and their families a free, dignified existence*» (art. 36); the private, economic enterprise cannot be carried out «*in such a manner that could damage (...) human dignity*» (art. 41).

Over the years, the Constitutional Court has sought to fill the concept of 'dignity' with content left undefined by the Constitution. It defines it as the 'primary and inalienable attribute' of the person and links it to fundamental rights such as personal, cultural, social, and religious identity and the attribution of a name. Yet, these fundamental rights seem to apply only to living beings, not deceased ones.

As stressed in our Constitution, the principle of equality cannot tolerate unreasonable distinctions between the living. Still, neither between the dead'<sup>12</sup>

10. See Articles 16 and 17 of the first Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 12 August 1949.

11. Article 3 European Convention on Human Rights: «No one shall be subjected to torture or inhuman or degrading treatment or punishment»

and, consequently, human dignity must be protected both ante and postmortem. This principle was affirmed in a study published on the website of the Constitutional Court dedicated to the constitutional notion of dignity, which states that *‘dignity (...) has a value content not only referred to the human being as such, but with regard to (...) the human being as a subject of the society in which they live (or lived, for human dignity cannot end with death: just think, for example, of the pietas owed to the dead)’*<sup>13</sup>.

Ultimately, the fundamental principles and rights of the Italian Constitution clearly show that the protection of human dignity, linked to all identity rights, *‘cannot be extinguished with death’* but must also be guaranteed to the deceased.

In addition to what has already been pointed out, following the Italian legal system, the dead find specific protection in the **criminal code**, particularly in the part (Book II, Title IV, Chapter II) devoted to *Crimes against the piety of the dead*. The good the criminal rules wish to protect by providing for certain offences is that *‘collective feeling of veneration and respect for the deceased’*.

However, one cannot fail to notice how the same crimes tend to protect the inviolability of the body of the deceased.

In this sense, several sections of the *Criminal Code* punish actions and acts that *‘disfigure or mutilate the corpse’* (Article 410 of the Criminal Code), *‘destroy or suppress a corpse or a part of it’* (Article 411 of the Criminal Code), *‘dissect a corpse or a part of it for scientific or educational purposes, in cases not permitted by law’* (Article 413 of the Criminal Code). In addition to protecting the feeling of veneration and respect for the deceased on the part of family members and society, this inviolability expresses the person’s dignity, which must be protected even after death.

## **Rights of shipwreck victims’ family members**

The failure to recover the body and the consequent inability to identify shipwreck victims violates not only the dignity of the deceased but also the rights of their relatives. It is necessary to bear in mind that behind every person who dies at sea, there is always a family member or a loved one and, consequently, *‘the treatment given to the victims is always indissolubly linked to the protection of their dignity and fundamental rights’*.

While the identification-related rights of shipwreck victims may be problematic, the picture is clearer when it comes to the rights of family members. Unlike victims, family members, as living individuals, expressly enjoy a whole series of rights that must be protected.

Nevertheless, even in this case, due to the absence of specific legislation enshrining a duty for States to recover and identify the bodies of shipwreck victims, the related rights of family members must be derived from treaties, legislative acts, and court decisions in other areas. One of the first emerging rights is **the right to know**: in other words, the right of families to know the fate of their loved ones.

First and foremost, within international humanitarian law, the families’ right to know is derived from the **Fourth Geneva Convention relative to the protection of civilian persons in times of war of 1949**. Article 26 states that *‘Each Party to the conflict shall facilitate enquiries made by members of families dispersed owing to the war, with the object of renewing contact with one another and of meeting, if possible’*.

Even more explicit, both as a recognition of rights for families and as an obligation for States, conflict parties, and involved international organisations, is the First Additional Protocol to the Geneva Conventions, which expressly provides that *‘they shall be motivated primarily by the right of families to know the fate of their relatives’* (Article 32).

Recently, the right to know of families has also been extended to other areas. The **Convention for the Protection of All Persons from Enforced Disappearance** states in Article 24 that family members, or those who have suffered harm from a person’s disappearance, *‘have the right to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigations and the fate of the disappeared person. Each State Party shall take appropriate measures in this regard.’*

From the regulations above, it can be inferred that the content of the right to know is twofold: on the one hand, the right of family members to be informed about the fate of their deceased or missing loved ones; on the other hand, a specific obligation for States to act conducting investigations, search for bodies, and provide information to family members.

At the **European level**, the right to know for family members has also been recognised in connection with other rights. In particular, the European Court of Human Rights has acknowledged that the failure to respect family members’ right to know their loved

ones' fate violates their right to health, particularly Article 3 of the ECHR.

The uncertainty surrounding the identification of the missing person creates a state of anxiety and disquiet for families, severely compromising their right to health, intended as psycho-physical well-being. In the case of *Kurt v. Turkey* in 1998, the European judges held that, in light of the disappearance of the son and the behaviour of the authorities that failed to conduct adequate investigations, the family member was exposed to a prolonged state of anguish, resulting in a violation of Article 3 of the ECHR.

The following year, the European Court of Human Rights made a more far-reaching decision in the case of *Varnava and Others v. Turkey*. In this case, the Court found the violation of various European norms due to the disappearance of nine men in 1974: Article 2 of the ECHR, due to the Turkish State's failure to carry out an effective investigation to clarify the fate of the nine missing men; and Article 3 of the ECHR, due to the prolonged suffering experienced by the victims' families while awaiting information on the fate of their loved ones.

Even at the European level and within the international context, the Courts have identified the right to know not only as the right of family members to receive information about their missing loved ones but also as a commitment by authorities to conduct investigations and searches for missing persons.

In addition to the highlighted rights, the failure to identify a deceased person compromises other family members' rights, including those of a more **social, cultural, and economic** nature.

For instance, uncertainty about the fate of a missing person may prevent the rest of the family from accessing the deceased's estate or other forms of social assistance. The lack of a declaration and a death certificate hampers the transfer of the deceased's inheritance, putting the economic conditions of the remaining family members at risk, with severe consequences, especially for the most vulnerable, such as children.

Furthermore, failing to identify a missing family member can prevent a **minor** from reuniting with other relatives. In the absence of a death certificate, no relative residing in another country, in Europe or

elsewhere, can apply for family reunification in favour of the minor.

Finally, in the absence of a death certificate, if the shipwreck victim has also been subjected to crimes, it will be difficult for the family members to participate in **criminal proceedings** and obtain compensation for the loss of their loved one.

## → Identifying Shipwreck Victims: Modalities and Practical Aspects

Attributing a face and a name to a shipwreck victim in the Mediterranean presents unique peculiarities and difficulties that are quite different from other cases of body identification.

When it comes to those who died at sea, many factors come into play that often make standard identification methods and tools unusable. One thinks of the high and unfortunately frequent number of missing persons during sea crossings, the lack of effective search and recovery of all bodies by authorities, the resources available within healthcare facilities, the absence of databases and adequate specialised health personnel, the situation in the person's country of origin and their family members. All these factors require the deployment of specific tools, scientific methodologies, cooperation and coordination at multiple levels between institutions and other national and international organisations to effectively attempt to recover and identify shipwreck victims, give them dignity and burial, and bring relief and peace to their families.

### Visual Identification

In the most common daily practice, a relative or acquaintance attests to a corpse's identity by formally taking responsibility for identifying the body through a visual examination.

In some cases, identification can also take place solely through photographs, despite the possible numerous issues related to photographic tools, such as low image resolution, perspective, distance from the subject, and potential differences between the actual image and the one captured by the camera.

12. C. Cattaneo – M. D'Amico, *I diritti annegati. I morti senza nome del Mediterraneo*, Franco Angeli, 2016

13. M. Bellocci – P. Passaglia, *La dignità dell'uomo quale principio costituzionale*, 30 September – 1° October 2007, [https://www.cortecostituzionale.it/documenti/convegni\\_seminari/STU\\_196\\_La\\_dignita.pdf](https://www.cortecostituzionale.it/documenti/convegni_seminari/STU_196_La_dignita.pdf)

14. C. Cattaneo – M. D'Amico, *I diritti annegati. I morti senza nome del Mediterraneo*, Franco Angeli, 2016

Direct visual identification, however, also presents **numerous challenges** related to the emotions and inevitable psychological trauma of a person who has lost a family member; the differences between a living face and that of a deceased person; the state of the body, especially after mass disasters like shipwrecks; and the lack of recent visual contact between the deceased and their family member. Cases in which visual identification led to misidentifications were not uncommon.

Visual identification, if accompanied by identity documents on the corpse, provides the so-called **suspicion of identity**, which needs to be confirmed or refuted through scientific identification procedures.

## Biological-Based Identification

A more accurate and reliable scientific method for identifying a body is a biological-based examination, which compares a comprehensive collection of *postmortem* data (related to the corpse) and *ante-*

*mortem* data (associated with the missing and presumably deceased person). It is important to note that the possibility of achieving a positive personal identification depends on the quality of both *ante-mortem* and *postmortem* data, and it is impossible to know which approach will lead to the identification.

Several scientific identification methodologies and procedures depend on the available *postmortem* and *antemortem* data.

The first procedure may be **fingerprinting**. This seeks to ascertain the identity of a body through fingerprint examination, as fingerprints are unique and unchangeable for every person. The primary challenge here is the need for the missing person's fingerprints to already exist in a database, which is not always available. The second problem is caused by the corpse's state of preservation, which may prevent the collection of fingerprint data.

Another method is **forensic odontology**. This approach involves comparing the deceased's den-



Credits: Comitato 3 ottobre

tition with the missing person's dental records. The latter can be derived from an antemortem form compiled with the help of the person's dentist, X-ray examinations, photographs, and videos where the missing person's teeth are visible. Again, the availability of comparison material plays a crucial role in applying this method.

**Anthropological methods** provide another possibility. In this case, identification occurs through the postmortem vs. antemortem comparison of anatomical peculiarities and/or markings visible in photos, videos, and/or X-rays. However, the primary challenge for this procedure is the availability and level of detail of the antemortem material provided by family members and acquaintances. Genetic comparison is a further method applicable to unidentified individuals. This method involves comparing DNA samples collected postmortem from the body with any antemortem samples from the missing person or their direct relatives (usually children or parents).

**DNA** is the genetic heritage of every living being and, as such, effectively represents a person's identity. First, the postmortem DNA sample can be compared to the antemortem DNA of the same person, present on personal belongings used exclusively by them, such as a toothbrush or combs with lost hair.

Since DNA is present in all human body cells, it can be collected from family members using minimally invasive methods, not necessarily requiring blood or blood cell samples.

An example is the use of buccal swabs to collect cells from the oral mucosa. In this case, the sample is collected using at least two swabs (one for each side) rubbed multiple times inside each cheek, thereby gathering a sufficient quantity of oral mucosal cells for comparison tests.

## **Practical Challenges of Shipwreck Victim Identification**

The identification process through genetic procedures, specifically in the case of shipwreck victims, also presents significant practical difficulties.

Firstly, identifying a shipwreck victim can be hindered from the outset by the challenges related to **recovering bodies from the sea**. These challenges arise from logistical issues, such as the need for appropriate equipment to recover victims lost

at sea, facilities for preserving the bodies (often, unfortunately, in large numbers), and subsequent medical-legal examinations, as well as the availability of medical and forensic personnel.

Other issues, more specifically, concern the tracing of the victim's relatives and, consequently, the effective collection of antemortem data and DNA.

The inability to reach the victims' relatives constitutes a significant barrier to identifying the bodies because only the relatives can provide the valuable *antemortem* data needed to give a name to someone who is otherwise just a number.

In some cases, tracing relatives in the country of origin is problematic for various reasons, such as the absence of residence or domicile registers in many countries. In other instances, the victims' relatives may have also left their country of origin and are in difficult-to-locate States.

Finally, even when relatives are traced and contacted, further issues can arise when **collecting and sending genetic material**. For political reasons, due to a country's stability and security or even institutional persecution, it is not always possible to obtain the cooperation of the victim's home country and their relatives in these operations. In such cases, it is necessary to involve other entities, such as international organisations, which are not always present in the victims' countries of origin. In light of all the difficulties highlighted, including those of a logistical nature, in acquiring *postmortem* and *antemortem* data, it is clear that to identify shipwreck victims effectively, coordinated national intervention by the European States and other involved Countries, as well as by the European Union itself, is necessary, along with the cooperation of specialised agencies, institutions, and international organisations.

## **Rafaat's Story**

Rafaat is a Syrian citizen who survived, along with his wife Feryal and his son Anas, the shipwreck that took place on October 11, 2013.

However, in that terrible shipwreck, they lost their other two sons: Mohammad, 9, and Ahmed, 13. Rafaat now lives in Hamburg, where he is currently unemployed. In Damascus, Syria, he worked as a barber, but in Germany, he has not managed to open his shop yet.

After surviving the shipwreck and witnessing the

disappearance and death of his two sons, Rafaat is still psychologically unwell. Due to this vulnerability, the German government provides him with financial assistance for his entire family and allows him to rest until he recovers. Since the tragedy, he has been desperately searching for the bodies of his sons, which, to this day, have not yet been identified.

With the support of the Labanof laboratory in Milan, a DNA test was conducted. Nevertheless, there was no match between the victims recovered from the October 11, 2013 shipwreck that was transported to Italy and the antemortem samples.

Mohammad and Ahmed may still be missing or could be in one of the cemeteries in Sicily where, over the years, the remains of unnamed bodies recovered from the sea have been buried.

## → The Italian Model

In Italy, multi-level cooperation between institutions, research bodies, universities, and humanitarian organisations has led to the creation of specific tools — including legal ones — and practices aimed at identifying and naming missing persons in general and, specifically, the victims of shipwrecks in the Mediterranean, thus trying to overcome the previously mentioned challenges and regulatory gaps.

For example, in 2007, the Office of the Extraordinary Commissioner of the Government for Missing Persons was established, several Memoranda of Understanding were signed, and the so-called Prüm Treaty was implemented with Law No. 85 of June 30, 2009, which provided for the creation of a national DNA database for missing persons and unidentified bodies as well.

The **Extraordinary Commissioner of the Government for Missing Persons** is responsible for coordinating and monitoring the activities of the various institutions and relevant administrations and for facilitating the comparison of data related to missing persons and unidentified bodies.

As part of its mandate, the Extraordinary Commissioner has promoted the signing of Memoranda of Understanding, such as those of 2014 and 2016, which immediately represented and initiated good practices, projects, and pilot studies for identifying shipwreck victims in the Mediterranean.

## Lampedusa Pilot Study

The first pilot study began after the tragic shipwrecks off the coast of Lampedusa on **October 3 and 11, 2013**, during which around 700 people lost their lives.

On September 30, 2014, the Government's Special Commissioner and the Head of the Department for Civil Liberties and Immigration of the Ministry of the Interior agreed to and signed a **Memorandum of Understanding** with the University of Milan. This agreement aimed at facilitating the identification of the unidentified bodies recovered after the shipwrecks of October 2013.

To give a name to the victims of those shipwrecks, the Memorandum of Understanding explicitly recognises that *'the identification of the bodies responds to the legitimate expectations of the relatives, who reach out to the Commissioner's Office through diplomatic authorities from North and Central African countries, thus assuming relevance from both an ethical and a legal point of view'*.

The signing of the agreement initiated the cooperation between the Government's Special Commissioner's Office for Missing Persons and a working team from **Labanof (Laboratory of Forensic Anthropology and Odontology at the University of Milan)**, which is considered a pilot experiment in the collection of *antemortem* data.

To address the difficulties related to effectively collecting *antemortem* data from the victims' relatives, a specific notice was issued to gather the necessary documentation for data comparison. To this end, associations representing family members and humanitarian organisations involved, which had received reports of missing persons, acted as intermediaries.

In the next phase, a European-wide appeal was launched through embassies and non-governmental organisations to promote appointments for the voluntary collection of *antemortem* data from the victims' families. Regarding these two shipwrecks, **100 families** from Northern and Central Europe came to Rome and Milan for the interviews. In **44 cases**, the families obtained an identification certificate.

In addition to the work initiated for the October 2013 shipwrecks, starting in late 2014, the Special Commissioner began creating a registry containing medical-legal, genetic, dental, and anthropological material of the recovered and examined

bodies, with the aim of facilitating comparison with *antemortem* data provided by the families. Over more than 6 years of cooperation, the analysis of reports issued by various Public Prosecutors has allowed the collection of data on over 2,000 bodies from 68 events in the Mediterranean, in which the number of migrant casualties ranged from one to hundreds.

### Catania-Melilli Pilot Study

The second pilot study, called Catania-Melilli, is related to the **April 18, 2015** shipwreck, which took place in the international waters between Italy and Libya, where a boat carrying around 1,000 people sank.

On March 31, 2016, the Minister of the Interior, the Minister of Education, Universities, and Research, and the Government's Special Commissioner for Missing Persons signed a new **Memorandum of Understanding** aimed at involving universities and individual entities from the Italian academic world in the identification operations of the victims of the April 18, 2015, shipwreck. Following this Memorandum, 17 Italian universities, governmental bodies, and private laboratories agreed to participate in the project.

Since its inception, the Catania-Melilli pilot study has examined 528 bodies and over 30,000 commingled bone remains. Collecting *postmortem* data involved a multidisciplinary team composed of forensic pathologists, anthropologists, and odontologists from 13 Italian universities.

The identification activity is still ongoing, but the request for interviews to provide *antemortem* data from over 200 families highlights the pushing need related to the right to identity for all people who lose their lives attempting to reach Europe.

### Aster's Story

Aster is an Eritrean citizen, mother of three children and wife of Yoannes.

Yoannes left in 2013 hoping to reach Europe, specifically Sweden, where he could later bring his wife and three children, who were in a refugee camp in Sudan. Unfortunately, his journey ended in the Mediterranean: he was a victim of the October 3, 2013, shipwreck, and his body was never identified.

In 2016, Aster fulfilled her husband's dream and reached Sweden with their children. After spending a year learning Swedish in a reception centre, Aster began working as a healthcare assistant in a nursing home. From the beginning, Aster also tried to give her husband a proper burial. To this end, she provided a genetic sample from her son so that the Labanof laboratory in Milan could conduct a DNA test and compare it with the sample from Yoannes' body.

In October 2023, exactly ten years after that shipwreck, the Labanof laboratory informed Aster that, thanks to the genetic sample provided by her son, Yoannes had been identified as a victim of the October 3, 2013, shipwreck. Yoannes' death was thus officially certified, and a few days later, the Government's Special Commissioner for Missing Persons informed Aster that her husband's body was buried in the San Biagio Platani cemetery (Agrigento), allowing the family to reunite and give, eventually, their loved one a proper burial.

### → What to do next?

The practices and methodologies implemented under the two pilot studies, *Lampedusa* and *Catania-Melilli*, have shown how multi-level coordination and cooperation involving institutions, universities, research entities, and organisations, can address and overcome the challenges related to identifying shipwreck victims in the Mediterranean, thus reducing the number of bodies left unidentified.

Since 2014, **Comitato 3 ottobre** has been contributing to giving a name to the many victims of the tragedies at sea, also under the MoA signed with the Government's Special Commissioner for Missing Persons and Labanof.

Thanks to this cooperation, in 2021 alone, we channelled communication between Labanof's forensic experts and the families of 10 missing persons, helping to provide answers to three families who could **positively identify** their missing loved ones. Nevertheless, there is still a long way to go. The forces already in place need further consolidation and stronger engagement by the EU and its member states.

A concrete and lasting solution to the issue of unidentified victims will at least require the immediate implementation of the following measures **at the European level**:

1. Establishing or, where it already exists, implementing a database in every European State to collect all information on unidentified bodies and missing persons;
2. Establishing at least one hub in each country where the families of missing migrants can be interviewed and **antemortem** data can be catalogued;
3. Appointing a single European entity responsible for missing persons to cross-reference da-

*ta on missing migrants and unidentified bodies collected by various national agencies;*

4. Making the collection and sharing of **antemortem** and **postmortem** data among EU States mandatory.

Only by implementing these points will it be realistically possible to improve the procedures necessary to optimise the likelihood of identifying bodies and, therefore, protect the rights of the victims and their families.



## Research Material



### → Books

- C. Cattaneo, ***Morti senza nome***, Mondadori, 2005
- C. Cattaneo – M. D'Amico, ***I diritti annegati. I morti senza nome del Mediterraneo***, Franco Angeli, 2016
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### → Regulatory sources

- **First Geneva Convention**  
<https://ihl-databases.icrc.org/en/ihl-treaties/gci-1949>
- **Convention on Human Rights and Biomedicine, April 4, 1997**  
<https://rm.coe.int/168007cf98>
- **Fourth Geneva Convention**  
<https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949>
- **First Additional Protocol Geneva Conventions**  
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- **International Convention for the Protection of All Persons from Enforced Disappearance (2006)**  
<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced>
- **Memorandum of Understanding of September 20, 2014**  
[https://registrazione.comitatotreottobre.it/wp-content/uploads/2023/08/protocollo\\_personae\\_scompare\\_naufragi\\_lampedusa\\_3-11\\_ottobre\\_2013\\_o.pdf](https://registrazione.comitatotreottobre.it/wp-content/uploads/2023/08/protocollo_personae_scompare_naufragi_lampedusa_3-11_ottobre_2013_o.pdf)
- **Memorandum of Understanding March 31, 2016**  
<https://registrazione.comitatotreottobre.it/wp-content/uploads/2023/08/Protocollo-2016-naufragi.pdf>



### → Websites

- [www.comitatotreottobre.it](http://www.comitatotreottobre.it)
- [www.labanof.unimi.it](http://www.labanof.unimi.it)
- [www.icmp.int](http://www.icmp.int)
- [www.icrc.org/en/war-and-law/protected-persons/missing-persons](http://www.icrc.org/en/war-and-law/protected-persons/missing-persons)
- [missingmigrants.iom.int](http://missingmigrants.iom.int)



### → Museums

- Museum of Trust and Dialogue for the Mediterranean, Lampedusa (Agrigento)
- Anthropological, Medical and Forensic Science Museum for Human Rights, Milan

## **PROTECT PEOPLE NOT BORDERS**

Educational toolkit on the topic of new walls in Europe  
and the right to identification for the victims of shipwrecks

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Protect **people**  
not borders

**Comitato 3 Ottobre** is a non-profit organization that aims at raising public awareness on issues of integration and reception through dialogue with citizens, students, and institutions.

On **October 3, 2013, 368 people** lost their lives in a shipwreck off the coast of Lampedusa. There were 155 survivors, 41 of whom were minors. For this reason, we have identified October 3, as a symbolic date, not only to commemorate the victims of that shipwreck but also to remember the thousands of people who regularly die in the Mediterranean Sea or remain stranded at Europe's eastern borders.

Comitato 3 Ottobre carries out awareness-raising and advocacy activities to promote the opening of humanitarian corridors and legal and safe entry systems, ensure the reception and respect of fundamental rights of migrants, enhance search and rescue operations at sea, create a European DNA database for the identification of victims, and promote the inclusion of migrants in arrival communities.

To date, over 85,000 students from 25 European and non-European countries have been involved in workshops and awareness-raising activities.

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