

Migratory flows across Mediterranean : new challenges for forensic sciences

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ABSTRACT

The immigration flow towards European Countries is a well known phenomenon that has impressively increased in the last few years. The current data tell us that Greece with more than 160 thousand alone this year and Italy more than 98 thousand immigrants have arrived from the East and Northern Africa. Looking at the reasons behind such a massive migration flow, no evidence was found to support the idea that large numbers of people are leaving their countries with the intention of reaching Europe. Local migration creates specific risks as that smuggling operations develop into trafficking, once migration has begun.

Several people reported that they had left without informing family members in their countries of origin, for fear that they would try to prevent them. This fact creates specific difficulties in retrieving and contacting families for identification purposes.

The most important issues addressed by the presentation are related to dead bodies. In these cases forensic experts are required to provide the typical forensic activities addressed to establish the causes of death, the possible occurrence of crimes and to identify the body. DVI Interpol procedures ought to be applied as usual: primary identifiers (DNA, Fingerprints, Dental Data) and secondary identifiers must be collected from bodies (PM) and from missing persons (families, relatives, medical and dental files, etc) for antemortem data. Then Postmortem and Antemortem data can be compared and reconciliated and bodies can be identified and released for burying. Identifications based on visual recognition or personal belongings are considered unscientific and should be avoided, but in practice several limitations obstruct such a fair and scientifically sound procedure.

For living migrants in most cases no legally valid documentation is available so identification must be provided for instance in cases of crimes. Moreover we have issues connected with age estimation for children and medical evidence of torture or violence on adults and the requirements for children to obtain the refugee status or subsidiary Protection status. The age assessment emerges as very relevant for the minor that applies for national or international protection, but from forensic and medico-legal point of view, the EU regulations specify nothing about the procedure to be applied to assess the age of the minor, the legal rules and the possible justification of the methods based on a radiological examinations of children. In practical cases some relevant questions often arise about the type of lies that we can expect

regarding age. Secondly does a pure chronological age assessment offer enough protection for the recently arrived subjects?

For asylum seekers the key-point of a discussion, focused on forensic and medico-legal issues, is related to procedure recommended to ascertain if asylum seeker was a victim of violence or torture. The Istanbul Protocol adopted by the United Nations in 1999, sets out international standards for states, health and legal professionals, on the investigation and documentation of allegations of torture and other ill-treatment. For a medico-legal or forensic expert providing an opinion is a real challenge for several reasons. First physicians are not acquainted with the physical evidence of torture and the different techniques used in different areas of the world.

As usual Education and qualification are the most appropriate final recommendations to face new challenges, but in this case forensics at large seem well prepared to deal with forensic and medico-legal issues raised by massive migration flows better than the political assets seem to be.