



**Report on the workshop**

# **Supporting and Strengthening Work with Relatives of Missing Persons**

**2-3 July 2019, Sarajevo, Bosnia and Herzegovina**



**M** **MISSING  
PERSONS**  
A GLOBAL RESPONSE

**Cover Image:** Donetsk. The ICRC helps families find relatives. Elena (right) and her mother Lidia are in the kitchen of Lidia's home, where Sergey, their son and brother respectively who is missing since fall 2014, loved to cook.

This report was written by Shari Eppel and commissioned by the Missing Persons Project of the International Committee of the Red Cross (ICRC).

The report provides a summary of the workshop *Supporting and Strengthening Work with Relatives of Missing Persons*. The views expressed in it are those of the participants concerned and do not necessarily reflect the views of the organizations they represent.

# Foreword

The International Committee of the Red Cross (ICRC) and the Grupo de Acción Comunitaria (GAC), a leading non-governmental organization (NGO) in the field of psychosocial support, co-organized an expert meeting in Sarajevo, Bosnia and Herzegovina, on 2 and 3 July 2019.

Over two days, more than 80 participants, including representatives from family associations, States and organizations and experts from 30 different countries, shared their perspectives and discussed differences and commonalities between their situations. They also considered the specific vulnerabilities of individuals and the evolving needs of families as time passes.

This event provided a unique and unprecedented occasion for the families of missing persons from all over the world, whose loved ones went missing in different circumstances – armed conflict, other situations of violence, migration and catastrophic events – to connect with each other. For many relatives of missing persons who are struggling daily in their own countries to continue the search for their loved ones, this workshop provided an opportunity to break out of their isolation, engage in intense discussions with families from different continents and listen to different experiences and perspectives. Many participants expressed the view that coming together made them feel stronger, and they appreciated being given the opportunity to join forces.

The key findings of the meeting were formulated and consolidated into the conclusions set out in this report. This is the first step in the process to draft and disseminate concrete technical recommendations on these topics in close consultation with the wider community of practice.

It is our hope that this joint effort will lead towards greater and more effective collaboration among all those involved in clarifying the fate and whereabouts of missing persons.

**Caroline Douilliez-Sabouba**  
Head of Missing Persons Project  
International Committee of the Red Cross

**Pau Pérez**  
Head  
Grupo de Acción Comunitaria (GAC)

“ We are making history together. We are starting a global network of missing people from all over the world, joining our hands, we are getting the word out: all the missing sons and daughters deserve to come back home, alive or dead. ”

– Lucía Díaz, Colectivo Solecito de Veracruz, 3 July 2019



ICRC

## I. The workshop: background, objective and participants

The ICRC uses a deliberately broad working definition of what is meant by ‘missing persons’<sup>1</sup> as a result of the 2003 International Conference of Governmental and Non-Governmental Experts on missing persons.<sup>2</sup> The international community has focused its efforts on developing various international human rights law (IHRL) instruments relevant to preventing and protecting against enforced disappearances. Historically, the focus of many human rights experts and other experts on the missing has tended to be predominantly on those missing as a result of armed conflict or enforced disappearance.

More recently, some pressure groups have focused specifically on those killed during situations of violence falling below the threshold of armed conflict (hereinafter ‘armed violence’),<sup>3</sup> and some organizations have dedicated resources to the recovery of those who have gone missing as a result of natural disasters, such as mudslides, tsunamis or earthquakes. In recent years, the ICRC and others have increased their involvement in tracing those who have vanished while migrating, particularly in response to the massive increase in migrants who have drowned while crossing the Mediterranean or who have disappeared in Latin America while trying to reach the United States.<sup>4</sup> There are currently mass movements of people displaced by wars, repression and economic hardship in Africa, the Middle East, Asia and Eurasia, and thousands of these migrants have disappeared. Specific problems arise for their families, which was the theme of a previous workshop held by the Missing Persons Project in May 2019.<sup>5</sup>

<sup>1</sup> The ICRC’s working definition of ‘missing persons’ is “individuals of whom their families have no news and/or who, on the basis of reliable information, have been reported missing as a result of an armed conflict – international or non-international – or of internal violence, internal disturbances or any other situation that might require action by a neutral and independent body”. See ICRC, *Missing Persons: A Handbook for Parliamentarians*, Geneva, 2009, available at: <https://www.icrc.org/en/publication/1117-missing-persons-handbook-parliamentarians>.

<sup>2</sup> In 2003, the ICRC organized an international conference on missing persons, which was a unique opportunity to take stock of what had been accomplished by relevant stakeholders up to then and to establish guidelines for more effective action in this domain. See ICRC, *The Missing and their Families: Documents of Reference*, February 2004, available at: <https://shop.icrc.org/the-missing-and-their-families-documents-of-reference-2705.html>.

<sup>3</sup> Colectivo Solecito de Veracruz in Mexico works on organized crime disappearances

<sup>4</sup> ICRC, *Report on the Workshop: “Clarifying the Fate and Whereabouts of Missing Migrants: Exchanging Information along Migratory Routes”, 15–16 May 2019 (Antigua, Guatemala), May 2019*.

<sup>5</sup> *Ibid.* This report points out there has been an exponential increase in initiatives aimed at missing migrants since 2016, involving the International Organization for Migration (IOM), the ICRC, the Argentine Forensic Anthropology Team (EAAF), the International Commission on Missing Persons (ICMP) and the UN, among others.

Just as organizations have tended to specialize in providing services for specific sub-groups of missing persons, support groups have typically been formed by the families of a particular category of missing person, for example, people who have been forcibly disappeared or people who have gone missing as a result of armed violence,<sup>6</sup> and there has historically been little communication between the associations of families whose relatives have disappeared in different types of situations. The principal objective of the Sarajevo workshop was to identify common and specific challenges faced by families of missing persons from different contexts and to put forward recommendations and measures to address them.

The July meeting in Sarajevo was historic in that it was the first ICRC-organized meeting in which families and experts from different parts of the world met to address the issue of people who have gone missing as a result of different situations in which different legal frameworks apply, such as armed conflicts and armed violence, migration, and man-made or natural disasters. The event aimed to break through the compartmentalization that has kept family associations, in particular, from building a broader global solidarity and understanding. It was attended by approximately 80 participants from 30 countries, including representatives from the United Nations (UN), international NGOs (INGOs) and other NGOs around the world. Family associations were there from countries across the globe, including, among others, Sri Lanka, the Philippines, Georgia, Ukraine, Bosnia and Herzegovina, Kosovo, Iraq, Senegal, Colombia, Mexico and Guatemala. Simultaneous translation was therefore offered in English, Spanish, Bosnian/Serbo-Croat, Russian and Arabic.

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<sup>6</sup> For example, Colectivo Solecito de Veracruz in Mexico works only on organized crime disappearances, while FEDEFAM, the Latin American Federation of Associations for Relatives of the Detained and Disappeared, is concerned solely with the issue of enforced disappearances. .



Brendan Hoffman/ICRC

**Ilovaisk.** Oksana (left), whose husband Andrey is missing, poses with her two children and Anna, Andrey's sister, on the football field where he used to play with the boys.

## II. Expected outcomes

The workshop aimed to first lay out the existing international standards for the missing and families of the missing and then listen to the experiences of families from around the world who have searched for their missing loved ones in very different contexts. Small group discussions sought to establish the complex commonalities and differences in the needs of searching families in order to identify key topics where technical recommendations are needed.

The main intended outcome of this exchange of experiences was to start a process that will lead to improved technical guidance for families and professionals that is nuanced enough to provide ways forward that would be applicable in different cultural settings, such as the Philippines, Nepal, Uganda, Zimbabwe, Mexico, Argentina, Syria or Iraq, and that could be applied variously to those missing as a result of armed conflict, armed violence, disasters or enforced disappearance. Many versions of standards and principles already exist, and it was hoped the workshop would begin to identify remaining gaps and develop a road map on how to address them. Sharing good practices around the world and developing connections through a digital platform for stakeholders to remain engaged were other planned outcomes.



Amilton Neves/ICRC

**Beira.** Aftermath of Cyclone Idai, March 2019. While rescue efforts and emergency relief, including shelter, are vital, an often forgotten need is for people to know where their loved ones are. Many families are living in constant anxiety, not knowing whether family members are alive or not.

## III. Topics discussed

### 3.1 Current standards: where are the gaps?

The first day of the workshop laid out the practical challenges involved in trying to find missing persons and in providing support to their families. Discussions centred around types of legal, administrative, psychological and psychosocial support that have already been established in the form of handbooks, guidelines, minimum standards and legal instruments. The intention was to identify gaps in understanding and in technical support based on interactions among those who devise guidelines and practical family experiences.

International humanitarian law (IHL) and IHRL contain rules regarding missing persons and their families, which States and parties to an armed conflict have to fulfil. Technical recommendations are non-binding and seek to provide guidance in this field. For instance, there are sets of technical recommendations providing guidance on how organizations and the international community should work with the families of the missing, one example being the ICRC Accompaniment Programme<sup>7</sup> through which the ICRC has developed the concept of addressing the comprehensive and multifaceted needs of families.<sup>8</sup> It also encourages the active participation of families and family associations in the search for the missing and acknowledges that, even after long periods of time, families still need support. An overriding need and right of families is the need to know and to end the ambiguity caused by a person being missing. Other key needs are physical and mental health and psychosocial support as well as administrative/legal and financial support.

<sup>7</sup> ICRC, *Accompanying the Families of Missing Persons: A Practical Handbook*, 2015, available at: <https://www.icrc.org/en/publication/4110-accompanying-families-missing-persons-practical-handbook>.

<sup>8</sup> During the 2003 International Conference on Missing Persons, it was recognized that families of missing persons have specific needs. These include the need to know, the need to conduct commemorative rituals, the need to receive economic, psychological and psychosocial support, the need to have their suffering acknowledged and the need for justice. Until these needs are met, families cannot easily rebuild their lives. See ICRC, *The Missing and their Families: Documents of Reference*, February 2004, available at: <https://shop.icrc.org/the-missing-and-their-families-documents-of-reference-2705.html>.

While the subject of the missing is often viewed as a single phenomenon, in reality, the needs of families, and therefore the appropriate standards, will vary considerably depending on the circumstances of the disappearance. Even where legal obligations exist, compliance can remain a massive challenge. IHL and IHRL establish obligations for States (and IHL for parties to armed conflicts), including the obligation to clarify the fate and whereabouts of missing persons and the obligation to prevent people from going missing. However, IHL is only applicable in cases of armed conflict, and most IHRL rules refer to cases of enforced disappearance.<sup>9</sup> In practice, IHL and IHRL are sometimes not applied for various reasons, and some legal grey areas remain regarding States' obligations in certain cases (e.g. missing migrants or when people go missing at the hands of non-State actors).

In short, while people who go missing during armed conflict or as a result of enforced disappearance are covered by legal frameworks, although compliance may be problematic, the legal framework applicable in other types of disappearances might be less clear. In view of this reality, what do families require and what do they perceive as being the gaps in support? Manuals already exist on how to deal with the missing, such as the ICRC 2003 Conference Report.<sup>10</sup> How widely known are these manuals and guidelines and how useful are they in their current format? How can the parties concerned ensure that the development of more standards will ultimately help families in their searches on the ground?

The Community Studies and Psychosocial Action Team (ECAP) of Guatemala has devised standards for searches and forensic investigations.<sup>11</sup> Developed in collaboration with others, this work places families at the centre of the search for the missing, acknowledging that suffering continues for years and even decades and that interventions should 'do no harm' and avoid retraumatization. Psychosocial support is key, as is good forensic investigation. The right to truth, justice and reparation and the importance of protection, security and transparency are highlighted. Equal access to these rights should be independent of gender, age and culture. Coordination, including between families and government authorities, is important in efforts to find the missing. Where governments respond quickly, recovery is more likely. Families often do not feel safe enough or sufficiently informed to approach States, but it is vital they do so if the missing are to be found as each party has information needed by the other to help locate them. Generally, current standards have been shown to be useful although challenges remain in ensuring that they are respected by States that may lack political will or knowledge and resources.

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<sup>9</sup> See, for instance, the International Convention for the Protection of All Persons from Enforced Disappearance.

<sup>10</sup> <https://www.icrc.org/en/doc/resources/documents/report/5jahr8.htm>.

<sup>11</sup> International consensus on principles and minimum standards for psychosocial work in search processes and forensic investigations in cases of forced disappearances, arbitrary or extrajudicial executions.





Nemanja Knezevic/ICRC

**Belgrade, City Assembly.** Families with missing relatives walk to a monument dedicated to the missing on the International Day of the Victims of Enforced Disappearances.

## 3.2 Global experiences of searching for the missing

“ We are ants, but united we are an elephant and they [authorities] are but a fly ”

- Participant, 2 July 2019

Family associations presented their experiences of searching for their loved ones who went missing in a variety of different contexts and eras. They talked about people who went missing as a result of armed conflicts (past and current, international and non-international), armed violence, migration and enforced disappearance. The plenary speakers related the experiences of many nations, including Argentina, Georgia, Sri Lanka, Spain, Bosnia and Herzegovina, Côte d'Ivoire, Mexico, Guatemala and Senegal. There are people who went missing in many different eras that are still being searched for – from those who disappeared in the Spanish Civil War, almost one hundred years ago, to those missing in the ongoing Syrian war or as a result of current waves of crime and migration around the globe.

Brief summaries of these presentations are included here to ensure that the richness and variety of family experiences are not lost or reduced to a list of commonalities and differences. One intention of the workshop was to note good and bad practices globally, from the perspective of families. A particularly noteworthy observation that emerged was the remarkable resilience and persistence of families across cultures and eras.<sup>12</sup>

- One participant reported that she searched more than 200 locations trying to find her husband, who was allegedly abducted by the authorities during the internal armed conflict going on in her country more than a decade ago. As a woman and a member of an ethnic minority, she has been treated with contempt and even asked for sexual favours by State officials, who refused to help when she stood her ground. She has little faith in her government in spite of a recently established commission to find missing persons.

<sup>12</sup> Only those who made formal presentations to plenary sessions are included here. In accordance with the Chatham House Rule, accounts are anonymous unless specific permission was granted to use the person's name and country.

- A woman who lost her brother during an armed conflict in the 1980s related the deep anxiety and pain caused by his failure to return from the war. It was only in 2012 that the ICRC indicated that exhumations were possible, and his remains were returned to her. Emphasizing the importance of the exhumation, she talks of how her life is divided into a 'before' and 'after' the return of the bones. Her mother, unwilling to attend the ceremony, as this would mean finally accepting her son was dead, nonetheless asked to touch the hand of the person who had touched the mortal remains of her son.
- Twenty years after the war in her country, families finally had the opportunity to begin searching for their missing, explained X. Reaching this decision was complicated for cultural and religious reasons. Even after 26 years, one widow still believed her husband was alive; now that his remains have been found, she spends many hours in the cemetery, close to where he is buried. This underlines how hard acceptance can be for some.

### “ Families never forget. ”

- Member of the Association for the Recovery of Historical Memory, 2 July 2019. Free translation

- The grandson of a person who went missing in Spain in the Franco era only found his grandfather after the death of his grandmother. In the hope that her husband would be found, she had reserved a space next to hers in the graveyard, where they are now buried together. Emilio showed a very intense video of an 88-year-old woman who finally managed to identify and rebury her father's remains. He mentioned that people had to hide from Franco's forces and even changed their names. The repression lasted forty years, and people are still afraid to talk – but they have not forgotten their missing.
- X recounted how he had 12 family members killed or disappeared during the armed conflict in the Balkans, including his father and grandfather. He was left with questions about the lives of his missing relatives, which led him to create an exhibition on the disappearance of his father, including personal objects. He has since encouraged more relatives of the missing to take part in public exhibitions in order to breathe individuality and life back into the dead as a way of counteracting the intention of the perpetrators, which was to annihilate them as if they had never lived.

### “ The murderers wanted to make them nameless ”

- Member of the Working Group on Youth, 2 July 2019. Free translation.

- X from South America lost family members during migration. Her daughter had the shocking experience of seeing her father and other relatives killed on TV. An almost impossible process of trying to reclaim their bodies ensued, with the family still not sure they were given the right human remains as they were denied forensic identifications.
- X works to locate those who die trying to cross the Mediterranean from Africa to Spain. They sometimes have to bury dismembered corpses. There are many issues related to women who are expelled from their husband's family, even though there is no evidence of his death. Poverty is an enormous issue for migrant families, which is often why people migrate in the first place.
- X, who works with the families of those lost to natural disasters, highlighted that it is usually not just family members that they lose, but also their homes, livelihoods, documents and all their belongings. This creates massive poverty, often for entire extended communities.
- Mary Aileen Diez Bacalso related how her husband was abducted by the State, just months after their wedding, and tortured. As she acted quickly on a tip she received, she managed to secure his release, and he was left blindfolded in a cemetery. This led her to contribute to setting up the Asian Federation Against Enforced Disappearances (AFAD) to promote solidarity and practical support across Asia for such cases.

- Maria Adela Antokoletz is a member of the Latin American Federation of Associations for Relatives of the Detained and Disappeared (FEDEFAM). She related how the Madres de Plaza de Mayo in Argentina began with a small group of mothers who met weekly to demonstrate against the abduction or enforced disappearance of their children and grew to become a movement that is known around the world and has inspired many other family associations to form. There is strength in numbers and some consolation for the pain.

**“ Pain is individual: this is the volcano which all of us have. ”**

- Maria Adela Antokoletz, 2 July 2019.

- Leandro Fossati is a grandson of the Plaza de Mayo. He was a stolen baby, whose abducted mother was killed at his birth in 1980. At the age of 25, he discovered via DNA tests that the parents who raised him were not his biological parents. Advocacy for the issue of stolen babies has helped 130 children establish their true identity. The involvement of this generation ensures that the search for the missing of the military junta will continue.
- In Mexico, those who have disappeared as a result of crime number in the tens of thousands, with an estimated 20,000 in one region alone. After her son was abducted by gangs in 2013, Lucía Díaz helped form an association – Solecito de Veracruz – that now has 300 mothers searching for their missing children, who are mostly aged between 14 and 25, the youngest being two years old. These intrepid mothers go into the field themselves to find mass grave sites. They have been responsible for the recovery of 298 bodies although only 24 have been identified so far because the DNA records provided by families are incomplete. The State does little to help, although it did facilitate some DNA testing. The mothers sell old clothes and food to raise funds for their search.

**“ I will search for my son until I die. ”**

- Lucía Díaz, 2 July 2019.

- During the civil war in 2010–2011, 80 policemen disappeared, as did several foreign citizens and some journalists. Around 3,000 civilians died, and several hundred went missing. The government created the National Commission for Reconciliation and Compensation for Victims and paid out around 1,500 euros to registered families of victims. X is part of this commission, which helps families pursue truth and justice. Yet in 2018, prior to the election, there was once more a crisis and some disappearances; the existing systems do not protect citizens. Insecure families have applied for asylum in Europe, and some risk their lives as migrants.

**“ If government is deciding instead of us,  
then it is deciding against us. ”**

- Participant, 2 July 2019.



Vijay Sharma/ICRC

**Nepalgunj, Banke District.** Families of the missing march to the District Administration Office to submit a memorandum to the Chief District Officer.

### 3.3 Commonalities and differences in the needs of families of missing persons

On the second day of the workshop, participants considered how the following aspects of missing persons cases impacted on the needs and experiences of families:

- the circumstances of disappearance: armed conflict; other situations of violence; enforced disappearances; migration; natural disaster; or crime
- the passing of time: the first days and weeks; months and years; decades or generations
- specific vulnerabilities: gender; age; disabilities; and cultural norms.

The very rich discussions emphasized that almost every case is unique and will, to some extent, require a specific approach. However, some important general conclusions were drawn.

#### 3.3.1 Common needs and experiences, regardless of the circumstances of the disappearance

**Transparent updating of any information relating to the search for the missing and their fate and whereabouts**

- The right to know and the right to truth are central. The need for information and to find a missing relative may continue, including inter-generationally, for many decades.

**Physical, psychological and psychosocial support needs**

- The psychological and psychosocial consequences of a family member going missing include having to deal with the ambiguity of the loss as well as many stress factors. This psychological distress can frequently be accompanied by physical problems. This suffering needs to be recognized with respect and understanding.

### **Security and social pressure**

- In almost all circumstances, there are issues of personal security, including the fear of further deaths/disappearances owing to threats from the State, ongoing armed conflict or other situations of violence, unfolding natural calamities and further migrations. Being ostracized by neighbours or stigmatized as someone who does not properly belong any more (wife? widow?) can put unbearable pressure on families. Guilt, blame and feelings of being responsible for the disappearance, whether rational or not, are also common in families.

### **Financial support**

- There may be costs associated with the search, such as travel costs incurred looking for witnesses. It is often the breadwinners who go missing, so that within weeks there will be unpaid bills. In the event of natural disaster, the need for financial support is extreme. Families may need to be rehoused when threats/conflict/crime/natural disaster mean they cannot safely remain where they are.

### **Acknowledgement that the 'family' is not always one cohesive unit**

- Families of missing persons can experience internal conflicts and divisions, with some assuming for decades that the person is alive and will return and others believing s/he is dead. Some of these conflicts may be complicated by gender issues, culture or family position (see below).

### **Acknowledgement that 'family' may include people other than those biologically related, depending on the circumstances**

- When migrating or in times of armed conflict and in armed violence, those one is travelling with or fighting/working with may be closer than family and have information and needs related to the missing.

### **Administrative and legal support**

- There is, in all cases, a need to report the missing person to the State, and this may be difficult, particularly in times of armed conflict and in enforced disappearances in which the State is implicated. A massive natural disaster may leave the State dysfunctional, and officials may have little interest in pursuing criminal cases. A death certificate or certificate of absence is needed to access help over time and to facilitate documentation for children, inheritance issues and remarriage by the wife/widow.

### **Forensic information**

- Forensic information should be collected and stored responsibly, and families need to be involved and informed appropriately.

## **3.3.2 Differences in needs and experiences, depending on the circumstances of the disappearance**

### **Families whose relatives have been forcibly disappeared:**

- Heightened fear for the personal safety of remaining family members can make families reluctant to publicize their case and undertake advocacy activities. There is no expectation of any State financial support or national platforms.
- There is mistrust of the State and little hope of State cooperation in tracing the missing person.
- Missing persons may be denounced publicly by the State, leading to shame and ostracism.
- A party to an armed conflict may destroy human remains, making recovery impossible.

**Families of those missing in action:**

- Those on the 'losing' side, such as the losers in Spain's civil war or, more recently, relatives of ISIS combatants, are faced with a lack of proper implementation of rights relating to their dead, while the winners, both dead and alive, may be celebrated as heroes. Fear that can last generations is a legacy for the 'losers', which interferes with the recovery of the missing.
- War can lead to multiple losses in a family or the pressure of having to flee as refugees.

**Families of those missing as a result of migration:**

- It is much harder for a family to pin down the time someone went missing on a long migratory journey as the search may straddle multiple borders and sets of officials, with no obvious starting point. There is a need for transnational cooperation.
- Socio-economic pressures often lead to migration in the first place, and the loss of potential breadwinners exacerbates hardship for the family.
- Those with key information may not be family members but those on the same migratory journey.
- Religious, ethnic, linguistic and other discrimination across borders can hinder the search.

**Families of those missing as a result of natural disasters:**

- Losses can be massive and involve multiple family members or entire neighbourhoods; housing, documents and businesses may all be lost at the same time.
- The State can be left dysfunctional after a natural disaster with limited capacity to set up structures for search and recovery.
- Where the State still has this capacity, it may be more favourably inclined towards compensation and rebuilding for specific affected communities than in the context of enforced disappearances, for example; the State may be a benign force.

**Families of those missing as a result of armed violence:**

- This category includes many sub-groups, including people who go missing as a result of human trafficking, slavery and drug trafficking. In each case, the experience and way forward varies hugely, depending on the country and the legal frameworks it has in place.
- The State may abdicate responsibility for victims of drug trafficking, regarding it as being the fault of the individual for risk-taking, even in the case of innocent bystanders.
- Some States may be involved in the armed violence or incapable of dealing with it.
- Victims are often poor and from minorities and find it hard to make the State respond. In general, there is not much recognition for missing victims of armed violence even though they number in the tens of thousands in some countries, such as Mexico.

### 3.3.3 The passing of time: impact on the needs of families

#### The first few days and weeks:

- Overwhelming shock, pain and confusion are the natural feelings that families experience, and psychosocial support is a key need. Denial of what has happened, followed by fear and anger, is a natural reaction, and emotional support is needed. The belief that someone has disappeared needs to be met with support and acceptance from others.
- There is a need for information and practical support in approaching the police/officials to report someone missing and seek the truth and practical assistance as soon as possible. Hours can count when people go missing, whether they have been abducted, injured on the battle field, trapped in a collapsed building or kidnapped while migrating or by local criminal gangs.
- Immediate socio-economic support and access to health care is needed where a breadwinner has gone missing.
- Safe housing is needed when the family remains under threat.

#### Ensuing months and years:

- The formation of family associations can be key to more effective lobbying for information, recognition and legal and financial support. Organized groups can support one another in their searches, build resilience, amplify advocacy efforts, foster social inclusion and maintain hope when despair looms.
- The broader community may lose its empathy for those missing and their surviving families, in which case support from organizations may become more important. Families need to know that the right of their missing loved ones to truth and justice is still being acknowledged, even as the months pass.
- Financial needs may increase after the first few months; communities may be supportive in the first weeks after the crisis, then move on. Agencies need to track this.

#### Ensuing decades and generations:

- Families may not wish to take part in the search at any time.
- Psychosocial and psychological support is needed to deal with growing frustration and despair as the years pass. Lack of information about the missing can be linked to a continuing armed conflict or other situation of violence with its accompanying stresses.
- Inter-generational experience of trauma is common; the desire for truth and justice may not be limited to the generation originally affected.
- The impact of a relative going missing and the ensuing consequences may never end. This issue may have implications for the prevention of future violence as it might lead to cycles of revenge and civil war. States should therefore maintain support and efforts to seek information, establish the truth and recover remains.
- Memorialization becomes a dominant need for families and for communities who may jointly commemorate the dates of massacres or other events.
- The recovery of remains continues to be important for later generations, and the maintenance of DNA and other forensic records is key.



Jesús Cornejo/ICRC

**San Salvador.** During a support meeting, an ICRC employee speaks with the relative of a missing migrant.

### 3.3.4. Specific vulnerabilities

#### Gender

- It is most commonly men that disappear, leaving wives, children and mothers searching for them. Women are typically more economically vulnerable, which exacerbates the situation.
- In many contexts, women do not have equal rights. Married women may be considered minors in the care of their husband and his family.<sup>13</sup> This impacts on how a disappearance is experienced:
  - A wife may cling to her married status for cultural reasons, even years after her husband went missing. This has official implications, including for documentation.
  - Parents and siblings may declare the missing person dead in order to disinherit the 'widow' and seize her property. That same 'widow' may have no custody rights over her children as she herself is considered a minor; her husband going missing may lead to her being cast out and denied access to her children.
  - A wife might eventually wish to have her missing husband declared dead in order to inherit or remarry, while a mother might cling to the hope that her missing child is alive. Parents may have more official rights in this regard than a wife/'widow'.
- Women may be treated with contempt and subjected to sexual bribery by officials.
- In some contexts, a missing woman is a stain on her family's honour, and such disappearances may not be reported.
- When a woman goes missing and then reappears, the stigma of rape and other abuse may be an issue.
- Where a person goes missing and his/her significant other was a fiancée, a life partner or a member of the lesbian, gay, bisexual, transgender and queer (LGBTQ) community, the partner's rights can be almost non-existent in terms of claiming legal action and seeking information.
- On the positive side, it was noted that, in some contexts, women have found empowerment through solidarity and have stepped up and held States to account. A mother/wife may be less threatening to the State and given more space to search for a missing loved one than a male family member.

<sup>13</sup> For example, in Sri Lanka, Uganda, Zimbabwe, Middle Eastern countries and many others, even where laws supposedly protect women's rights, the lived experience may be discriminatory.



### **Age: the elderly and children**

- The elderly are particularly vulnerable when someone goes missing:
  - They are at risk of suffering health complications caused by the extreme stress of a loved one going missing, such as high blood pressure or a heart attack. They have a greater sense of urgency to know the truth before they die.
  - They may have limited mobility and stamina to deal with the practical tasks of tracing someone, going to offices, queueing, etc.
  - They may have a limited understanding of what has happened and particular financial vulnerabilities if they are retired and dependent on the missing person.
  - The elderly are more isolated in general, and the loss of a child increases this.
  
- The young are at particular risk when they lose one or both parents and the family's breadwinner:
  - The economic impacts affect access to schooling, safe housing and food and may push children into dire poverty.
  - Lack of certification for the parents impacts on children's own access to documents, particularly if they are born after a disappearance or separated from their parents during a crisis. Unaccompanied minors are particularly at risk and may lose their identity.
  - Children can be at increased risk of early marriage, trafficking, child labour or migration when parents/breadwinners are missing.
  - Psychological and psychosocial development can be affected; extreme anxiety, a sense of vulnerability, mistrust of the State, rage and other long-lasting emotions may impact on their perceptions of the world. This can have implications for their life and their ability to cope and also for prevention and averting further cycles of violence.

### **Limited mobility, deafness, blindness and cognitive challenges**

- Relatives with physical challenges, such as being in a wheelchair, find it difficult to access official buildings, travel across the country looking for witnesses and secure information on who they need to talk to. Deafness and blindness create particular problems in communicating with or understanding officials.
  
- Where relatives have Alzheimer's or mental health conditions, there will be confusion, a lack of clear information and increased anxiety.
  
- There is likely to be greater dependency on the person who disappeared and therefore increased financial vulnerability.

### **Illiteracy**

- Illiterate people will be unable to fill in the paperwork required to register the disappearance and will have problems reading signs to find the right buildings, queues and offices.
  
- They will be unable to read any correspondence sent from the State or agencies asking questions or sending updates.

### **Cultural norms**

- In cultures where ancestors play a central role, the living and the dead are on a continuum. A family's failure to honour its ancestors will have long-lasting, inter-generational impacts, leading to failed relationships, failed development and disease. This is not easily resolved in the absence of human remains.
  
- The dead/missing person may be seen as an active agent, as the primary victim with rights, as opposed to the family.
  
- What it means to finally accept the death of a missing loved one and memorialize him or her will vary depending on cultural norms.

## IV. Key findings

“We all have the same suffering and the same hope”

- Aileen Bacalso, 3 July 2019.

These summaries aim to capture the spirit of the discussions and the intricacies and variability of family needs after a disappearance, taking time and place into account. While the differences in experiences were many, one of the profound outcomes of the discussions was the sense of solidarity among families of the missing, regardless of where and how their relatives had disappeared. This was expressed by multiple participants.

“At this moment, I feel the presence of thousands of missing; we need to feel like they are all present here, speaking to us... They speak quietly, yet so loudly.”

- Participant, 3 July 2019.

There are already standards and principles that outline the responsibilities of States and others in relation to missing persons.<sup>14</sup> These provide a framework for actors working with families of missing persons and the families themselves. They may also provide the basis for governments to legislate and for others to respond to the issue of missing persons. INGOs and NGOs use them for guidance on how to proceed and support families.

However, the existing standards do not cover all situations and are in need of additional operationally geared technical guidance. The technical standards are not always well enough known or are not in accessible formats that are easy to find and use, for families in particular. The participants concluded that some topics should be considered for additional guidance and technical advice, and the key findings follow on from these identified gaps.

### IN GENERAL

#### 1. GAPS SHOULD BE ADDRESSED

*Protecting persons missing as a result of migration, disasters and armed violence.*

*Ways of better protecting migrants and victims of natural disasters and armed violence need to be considered. These groups, who are often not sufficiently covered by existing IHRL protection, have specific vulnerabilities that are not properly addressed and necessitate the formulation of specific standards and practices.*

#### 2. STANDARDS AND PRINCIPLES MUST BE BETTER KNOWN

*Promoting existing standards and principles and making them accessible.*

*Existing standards, technical recommendations and guidance must be better promoted. For example, the existing standards for psychosocial work with families are strong and need wider dissemination. Some standards exist in formats that are too cumbersome to be useful to families and NGOs around the world in very varied contexts. There is a need for simplified, accessible versions of technical standards that are locally applicable. Innovative ways to communicate to a broader audience, such as online videos, should be considered.*

<sup>14</sup> A few examples are: ICRC, *Missing Persons: A Handbook for Parliamentarians*, Geneva, 2009; ICRC, *Accompanying the Families of Missing Persons: A Practical Handbook*, 2015; UN, *Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations*, 2018.

### **3. FAMILIES' EXPERIENCE MUST BE ACKNOWLEDGED**

*Families' practical experience should guide the development of appropriate tools.*

*The formulation of guidelines on family needs should take into account, as far as possible, the experience and knowledge accumulated by families and family associations around the world, some of which have existed for decades.*

## **SEARCH AND SUPPORT**

### **4. FAMILY INVOLVEMENT IN SEARCHES**

*Should be recognized and supported.*

*Families have a right to be fully involved from the beginning and throughout the search process, regardless of circumstances. The terms of this participation need to be established to ensure families are protected and that it is beneficial for the search.*

### **5. EARLY ACTION**

*Should be guaranteed and families supported immediately.*

*Families need quicker, earlier action and support as soon as the person goes missing. They need to be helped and guided in reporting the disappearance to the right institution and, in addition to material support, they should also have access to psychological and psychosocial support immediately to cope with the stress, if needed.*

### **6. LONG-TERM SEARCH AND SUPPORT**

*Needs go beyond a generation, and this should be acknowledged.*

*The impact of a relative going missing and the ensuing consequences may last for many decades; the consequences then become transgenerational. This needs to be recognized by States, INGOs and NGOs in terms of how long the need of families to search and be supported may continue. Communities and families need to prevent a culture of silence and taboo around missing persons as this is detrimental to following generations and their right to information, justice and accountability. Needs change over time and must be addressed accordingly.*

## **A SPECIFIC SPACE FOR FAMILIES**

### **7. FAMILIES NEED TO STAND UNITED**

*A space to meet regularly is needed.*

*There should be more opportunities in the future for family associations across the world to interact, including digitally, exchange and compare experiences and collaborate in the development of standards and practices.*

## **VULNERABLE GROUPS AND CULTURAL NEEDS**

### **8. A DIFFERENTIAL APPROACH IS REQUIRED**

*The specific needs of vulnerable groups and cultural differences should be better studied and integrated.*

*Technical standards need to specifically address the needs of vulnerable groups and incorporate forms of support that take into account the challenges faced by women, children, the physically and mentally challenged and the illiterate. There is a need for more technical standards that look at the specific needs of families in different cultures dealing with disappearances that occurred in different contexts.*

## BEST INTERESTS OF THE MISSING AND DEAD

### 9. THE MISSING AND DEAD ARE VICTIMS

*It is necessary to recognize their specific interests.*

*Standards should recognize that the living and the dead are on one continuum. The dead are primary victims, with specific ritual and other cultural needs. When there is any doubt about the best way forward, the missing person's needs should be considered over those of the family and others.*

## LONG-TERM IMPACT

### 10. DEALING WITH THE PAST TO PRESERVE THE FUTURE

*Disappearances have a long-term impact on societies and should be a priority for conflict prevention.*

*The failure to address missing persons situations can have a long-term and detrimental impact on conflict resolution and reconciliation efforts. Helping families and communities to deal with the past, including by solving disappearances, obtaining answers and providing reparation, is crucial to break the cycle of violence and should be part of peace-building efforts at the local, national and international level. While the way to do this varies according to politics, era, context and culture, memorialization is an important and long-term need for families and communities, and denial and silence should be avoided.*

**Based on these conclusions and key findings, the ICRC Missing Persons Project will facilitate the drafting of appropriate tools to provide technical and concrete guidance to families of missing persons.**

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\*This designation is without prejudice to positions on status and is in line with UN Security Council Resolution 1244 and the International Court of Justice Opinion on the Kosovo Declaration of Independence.

# Missing Persons A Global Response

Hundreds of thousands of people are missing around the world as a result of armed conflict, violence, migration and natural disasters. Some go missing in action, others are forcibly disappeared, and thousands lose contact with their loved ones as they flee fighting or seek a better life elsewhere. Disappearance is a global problem that has devastating and often long-lasting consequences for families, communities and entire societies.

The International Committee of the Red Cross' (ICRC) Central Tracing Agency has a long-standing mandate and 150 years of operational experience in tracing missing persons and reconnecting separated families. Convinced that a worldwide joining of forces is required to improve the global response to the tragedy of missing persons and their relatives, the ICRC launched the Missing Persons Project in 2018. In partnership with other actors, this initiative seeks to bring together experts, family representatives and other key stakeholders from around the world in order to build consensus on best practices, promote existing technical standards and develop new ones, where needed.

The workshop in Sarajevo was the second of five gatherings planned for 2019. Each workshop is intended to focus on a different aspect of the issue or sub-group of missing persons. Together, they will contribute, by the end of the four-year project, to the development of better informed practices and technical standards for those working to find the missing in different contexts.

The meeting was held under the Chatham House Rule, and the identity of participants is only revealed in the report with their express consent.

# **Missing Persons A Global Response**

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