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## Seventy-seventh session

Item 69 (b) of the provisional agenda\*

### **Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

## **Missing persons**

### **Report of the Secretary-General**

#### *Summary*

In the present report, the Secretary-General addresses the measures taken to implement General Assembly resolution [75/184](#). The report contains details on the applicable international legal and institutional framework; the legislative and preventive measures adopted to prevent individuals from going missing; the measures taken to clarify the fate and whereabouts of missing persons; the situation of missing children; the criminal investigations and prosecutions in cases of missing persons; the forensic recovery and identification of remains of missing persons; and the legal status of missing persons and support for families. The report concludes with the proposal for a series of practical legislative and other measures that would effectively prevent persons from going missing, clarify the fate and whereabouts of the missing, address the needs of families of the missing and ensure accountability.

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\* [A/77/150](#).



## I. Introduction

1. In its resolution [75/184](#) the General Assembly requested the Secretary-General to submit to the Human Rights Council at its relevant session and to the General Assembly at its seventy-seventh session a comprehensive report on the implementation of the resolution, including relevant practical recommendations. The present report was prepared in accordance with resolution [75/184](#) and covers the period between 1 July 2020 and 30 June 2022. Contributions were sought from Member States, international and regional organizations, national human rights institutions and non-governmental organizations.<sup>1</sup>

2. In its resolution [75/184](#), while recognizing the applicability of international standards of human rights, the General Assembly focused primarily on the issue of missing persons in connection with international or non-international armed conflicts. Persons go missing in many other circumstances, such as situations of violence, insecurity, organized crime and disaster, and as a result of enforced disappearance or migration. As underlined in the contributions received for the present report and the public sources reviewed, the nature of the initiatives taken to address the issue of missing persons is not necessarily determined by the cause of their disappearance or the context in which they go missing, but by the need to address the fact that their whereabouts are unknown. As in previous reports on missing persons, the present report contains reflections on the information received regarding measures to address the issue of missing persons in contexts other than armed conflict, to the extent that such information is relevant for missing persons in connection with armed conflict.

## II. International legal and institutional framework

3. In previous reports on missing persons, the Secretary-General set out the international legal framework applicable to the issue of missing persons, drawing on applicable rules of international human rights law and international humanitarian law.<sup>2</sup> The framework includes the International Convention for the Protection of All Persons from Enforced Disappearance, to which as at 1 July 2022, there were 68 States parties. Since the previous report,<sup>3</sup> four States (Croatia, Denmark, Slovenia and the Sudan) have joined the Convention.

4. Within the reporting period, the General Assembly continued to address issues related to missing persons, including in relation to country-specific situations. In the preamble to its resolution [75/193](#) the Assembly urged the Syrian regime to provide families with the remains of their relatives whose fate has been disclosed, including those who had been summarily executed, to take all appropriate measures immediately to protect the lives and rights of all persons currently detained or unaccounted for and to clarify the fate of those who remain missing or are still in custody. In paragraph 65 of its resolution [76/228](#), the General Assembly called on all Member States, relevant United Nations bodies, international organizations and civil society to coordinate further efforts and proactively focus attention on the issue of

<sup>1</sup> Contributions were received from Azerbaijan, Brazil, Croatia, Cyprus, El Salvador, Israel, Italy, Lebanon, Liechtenstein, Mexico, Qatar, Switzerland and Türkiye. Contributions were also received from the national human rights institutions of El Salvador and Nigeria, and from the International Committee of the Red Cross, Every Casualty Counts and the Geneva Support Group for the Protection and Promotion of Human Rights in Western Sahara. Contributions will be made available at [www.ohchr.org/en/calls-for-input/2022/call-input-missing-persons-report-secretary-general](http://www.ohchr.org/en/calls-for-input/2022/call-input-missing-persons-report-secretary-general).

<sup>2</sup> See [A/67/267](#), paras. 4–7; [A/69/293](#), paras. 4–6; [A/71/299](#), para. 3; [A/73/385](#), para. 3; and [A/75/306](#), para. 3.

<sup>3</sup> [A/75/306](#).

missing persons in the Syrian Arab Republic, including those subjected to enforced disappearance, and recalled the importance of the full and meaningful participation of victims, survivors and their families in such efforts.

5. The Human Rights Council continued to address the issue of enforced disappearances, and extended the mandate of the Working Group on Enforced or Involuntary Disappearances.<sup>4</sup> It also created or extended mandates of several country-specific commissions of inquiry and fact-finding missions that have addressed concerns of enforced disappearances, such as those relating to Belarus, Burundi, Ethiopia, Libya, Nicaragua, South Sudan, the Syrian Arab Republic, Ukraine, Venezuela (Bolivarian Republic of) and Yemen.<sup>5</sup>

6. The Secretary-General continued to address issues of missing persons in his report on the protection of civilians in armed conflict, and stated that swift action, including to maintain and restore family links and ensure the adequate and dignified management of the dead, is critical to preventing people from going missing and providing answers to families. The Secretary-General noted that this requires robust institutional and legal frameworks that are in line with international law and work to identify and address any technical gaps, as outlined in Security Council resolution [2474 \(2019\)](#).<sup>6</sup>

7. Within the reporting period, the Committee on Enforced Disappearances adopted concluding observations in respect of 10 States.<sup>7</sup> In addition, the Committee issued a report on the visit it undertook to Mexico under the framework of article 33 of the Convention.<sup>8</sup> On 18 September 2020, the Committee on Enforced Disappearances and Working Group on Enforced or Involuntary Disappearances adopted the “Key Guidelines on Enforced Disappearances in the context of COVID-19”.<sup>9</sup>

8. The International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 developed a preliminary system for tagging information and evidence in order to highlight information regarding missing persons. The Mechanism has increased its sharing of relevant information and select materials to help to clarify the fate and whereabouts of missing persons.<sup>10</sup> In October 2020, the Mechanism published its bulletin, spotlighting missing persons.<sup>11</sup>

9. On 11 May 2021, Switzerland and the International Committee of the Red Cross (ICRC) launched the Global Alliance for the Missing on the margins of the 150th anniversary of the Central Tracing Agency. The first high-level meeting of the Alliance was held on 7 April 2022. The Alliance includes 10 member States: Argentina, Azerbaijan, Estonia, Kuwait, Mexico, Nigeria, Norway, Peru, the Republic of Korea and Switzerland, and aims to bring to bear the collective influence and

<sup>4</sup> Human Rights Council resolution [45/3](#).

<sup>5</sup> See e.g.; Human Rights Council resolutions [45/15](#), preamble and paras. 15 and 17; [45/19](#), preamble and para. 25; [46/20](#), paras. 6 and 13; [46/23](#), preamble and para. 25; [46/22](#), preamble and para. 38; [48/25](#), paras. 25 and 40–41; [49/1](#), para. 11; [49/2](#), preamble and para. 10; [49/3](#), paras. 6 and 14; [49/26](#), paras. 12 and 14; [49/27](#), preamble and para. 21; and [S-33/1](#), para. 9.

<sup>6</sup> See [S/2021/423](#), para. 38.

<sup>7</sup> [CED/C/IRQ/OAI/1](#); [CED/C/COL/OAI/1](#); [CED/C/CHE/CO/1](#); [CED/C/MNG/CO/1](#); [CED/C/PAN/CO/1](#); [CED/C/BRA/CO/1](#); [CED/C/FRA/OAI/1](#); [CED/C/ESP/OAI/1](#); [CED/C/GRC/CO/1](#); and [CED/C/NER/CO/1](#).

<sup>8</sup> See [www.ohchr.org/en/treaty-bodies/ced/visit-reports](http://www.ohchr.org/en/treaty-bodies/ced/visit-reports).

<sup>9</sup> See [www.ohchr.org/en/documents/legal-standards-and-guidelines/key-guidelines-enforced-disappearances-context-covid-19](http://www.ohchr.org/en/documents/legal-standards-and-guidelines/key-guidelines-enforced-disappearances-context-covid-19).

<sup>10</sup> [A/76/690](#), paras. 46–47. See also [A/75/743](#), para. 38.

<sup>11</sup> See <https://iiim.un.org/wp-content/uploads/2022/01/IIIM-Syria-Bulletin-Issue-4-ENG-Oct-2020-v2.pdf>.

diplomatic, political and financial capacities of States to improve the prevention and resolution of separation and disappearance cases. It focuses on the following: (a) raising awareness on the issue of missing persons at the global and regional levels, including its humanitarian and human rights dimensions, and developing linkages with peacebuilding, conflict prevention and sustainable development programmes; (b) promoting the implementation of international commitments on missing persons, such as Security Council resolution 2474 (2019) on persons missing in armed conflict; (c) promoting collaboration and exchanging best practices, guidance and technical recommendations to improve the prevention and resolution of cases of missing persons at the national, regional and global levels; and (d) ensuring that the Central Tracing Agency has sufficient funds and capacity to develop guidance, conduct research and pursue innovative approaches, as well as provide advice and support to States and other actors. Members of the Alliance aim to achieve these goals by cooperating and advocating bilaterally with other States and in multilateral forums.

10. Within the reporting period, ICRC published several tools and guidance documents relating to missing persons. These include the guidelines on information exchange and cooperation mechanisms for the search for missing migrants;<sup>12</sup> the guiding principles on the interaction with families of missing migrants;<sup>13</sup> the core data set to harmonize data collection for the search for missing migrants;<sup>14</sup> the guiding principles for the dignified management of the dead in humanitarian emergencies and to prevent them becoming missing persons;<sup>15</sup> a report entitled “Twelve issues for 2022: what States can do to improve respect for international humanitarian law”;<sup>16</sup> and an overview of the legal framework governing national information bureaux.<sup>17</sup>

11. In regional developments, in October 2020, the General Assembly of the Organization of American States adopted a resolution on “Promotion and protection of Human Rights”, in which it resolved to urge its member States to continue progressively to adopt measures, including laws, protocols, guidelines, and other national provisions of a legal and institutional nature in order to prevent the disappearance of persons and to clarify the whereabouts and fate of missing persons.<sup>18</sup> The Inter-American Commission on Human Rights issued a publication on entitled *Truth, Memory, Justice and Reparation in Transitional Contexts*, which includes a chapter on the search for the fate or whereabouts of victims of enforced disappearance or their mortal remains.<sup>19</sup>

12. During its sixty-sixth session, held between 13 July and 7 August 2020, the African Commission on Human and Peoples’ Rights tasked the Working Group on the Death Penalty, Extrajudicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa with developing guidelines on the protection of all persons

<sup>12</sup> Available from <https://shop.icrc.org/guidelines-on-coordination-and-information-exchange-mechanisms-for-the-search-for-missing-migrants-pdf-en.html>.

<sup>13</sup> Available from [https://shop.icrc.org/guiding-principles-on-interaction-with-families-of-missing-migrants.html?\\_\\_store=en](https://shop.icrc.org/guiding-principles-on-interaction-with-families-of-missing-migrants.html?__store=en).

<sup>14</sup> Available from <https://shop.icrc.org/core-dataset-for-the-search-for-missing-migrants-pdf-en.html>.

<sup>15</sup> Available from <https://shop.icrc.org/guiding-principles-for-dignified-management-of-the-dead-in-humanitarian-emergencies-and-to-prevent-them-becoming-missing-persons-pdf-en.html#:~:text=The%20Guiding%20Principles%20for%20Dignified,dead%2C%20including%20respect%20for%20their>.

<sup>16</sup> See [www.icrc.org/en/document/twelve-issues-what-states-can-do-improve-respect-ihl-2022](http://www.icrc.org/en/document/twelve-issues-what-states-can-do-improve-respect-ihl-2022).

<sup>17</sup> See [www.icrc.org/en/publication/4616-overview-legal-framework-governing-national-information-bureaux](http://www.icrc.org/en/publication/4616-overview-legal-framework-governing-national-information-bureaux).

<sup>18</sup> AG/RES.2961 (L-O/20), vii, 1.

<sup>19</sup> Available at <https://www.oas.org/en/iachr/reports/pdfs/CompendiumTransitionalJustice.pdf>.

from enforced disappearances in Africa.<sup>20</sup> The guidelines were adopted by the Commission during its seventy-first session, from 21 April to 13 May 2022.<sup>21</sup>

### III. Measures to prevent persons from going missing

13. In its resolution 75/184, the General Assembly called upon States that are parties to an armed conflict to take all appropriate measures to prevent persons from going missing in connection with the armed conflict. Developing and implementing measures pre-emptively, including during peacetime, to ensure that they are in place before they may be required, is key to their effectiveness.

#### A. Enacting national legislation

14. Adopting domestic legal frameworks consistent with international human rights law and international humanitarian law contributes to preventing disappearances. It also contributes to ascertaining the fate of missing persons, ensuring the comprehensive collection, protection and proper management of information and providing victims' families with appropriate support.

15. In the context of the reporting procedure under article 29 of the Convention, the Committee on Enforced Disappearances issued recommendations regarding the harmonization of the domestic law of States parties with the provisions of the Convention, including some relating to the adoption of enforced disappearance as an autonomous criminal offence.<sup>22</sup> The Human Rights Committee also issued recommendations on the need to review States parties' legal frameworks in order to ensure that all forms of enforced disappearance are clearly defined in criminal law and that the associated penalties are commensurate with the severity of the offence.<sup>23</sup>

16. Within the reporting period, some States continued to adopt legislation addressing missing persons and their families. For instance, pursuant to a law on missing persons adopted in 2019, Brazil reported that it had adopted a decree creating a management committee of the national policy on the search for missing persons, and nationwide guidelines for the implementation of the national policy. Peru adopted a decree creating a national plan on the search for missing persons that is valid until 2030,<sup>24</sup> which further regulates the law on the search for the missing during the period of violence (1980–2000) with a humanitarian focus.<sup>25</sup> ICRC reported that, on 1 February 2021, national standards of the Russian Federation came into effect providing guidance on the identification of bodies and burials. On 1 January 2022, rules came into effect governing the accounting of burials of those killed in the defence of the Russian Federation. States also took measures with a view to adopting laws relating to missing persons. ICRC reported that Serbia had established an interministerial working group to draft a law on missing persons, meant to include the mandate of a commission on missing persons, rules on cooperation with families and international organizations, families' right to know, the status of missing persons,

<sup>20</sup> See African Commission on Human and Peoples' Rights resolution 448 (LXVI) 2020, available at [www.achpr.org/sessions/resolutions?id=479](http://www.achpr.org/sessions/resolutions?id=479).

<sup>21</sup> See [www.achpr.org/sessions/info?id=400](http://www.achpr.org/sessions/info?id=400).

<sup>22</sup> See for instance [CED/C/BRA/CO/1](#), paras. 14–15; and [CED/C/NER/CO/1](#), paras. 16–17.

<sup>23</sup> See [CCPR/C/UKR/CO/8](#), para. 26 (a). See also [CED/C/PAN/CO/1](#), paras. 22–23; and [CED/C/GRC/CO/1](#), paras. 28–29.

<sup>24</sup> Decreto Supremo No. 011-2021-JUS.

<sup>25</sup> Law no. 30470. See also <https://cdn.www.gob.pe/uploads/document/file/2145511/Plan%20Nacional%20de%20B%C3%BAsqueda%20de%20Personas%20Desaparecidas%20al%20202030.pdf>.

a tracing process, socioeconomic status and the rights of families. South Sudan adopted a ministerial order to establish a technical working group on missing persons.

## B. Other preventive measures

17. In addition to legislation, States can adopt a range of other measures to prevent persons from going missing. For example, in its report on its visit to Mexico under article 33 of the Convention, the Committee on Enforced Disappearances concluded that prevention should be at the heart of national policy and should be conceived as a State policy based on identifying the structural causes of enforced disappearances. In its reporting, the Committee has underlined the central role of registries as a component for the prevention of disappearances,<sup>26</sup> the importance of training public officials<sup>27</sup> and the need to guarantee permanent protection for public officials involved in searches and investigations and strengthen the victim protection system.<sup>28</sup>

18. In his 2021 report on the protection of civilians in armed conflict, when analysing relevant policy and operational guidelines, the Secretary-General emphasized that good practice in casualty recording helps to clarify the fate of missing persons, provide information for parties to take all feasible precautions to avoid or at least minimize civilian harm, and facilitate accountability, recovery and reconciliation.<sup>29</sup> In a joint statement to the Human Rights Council, led by Liechtenstein and endorsed by 50 States, it was stressed that casualty recording can directly complement efforts to account for missing persons in armed violence and conflict, many of whom usually have died.<sup>30</sup> Similarly, the Group of Friends on the Protection of Civilians in Armed Conflict affirmed that prompt and transparent casualty recording can prevent persons from going missing in armed conflict. Casualty records can also provide valuable evidence in accountability processes, thereby supporting survivors' rights to truth, justice and reparations.<sup>31</sup> In his 2022 annual report on the protection of civilians in armed conflict, the Secretary-General urged States and non-State armed groups, as appropriate, to adopt and share policies and practices to strengthen the protection of civilians and to develop national policy frameworks that build upon those policies and practices, including prompt, comprehensive and transparent recording of civilian casualties to help clarify the fate of missing persons, avoid and minimize civilian harm, and ensure accountability, recovery and reconciliation.<sup>32</sup>

## IV. Measures to clarify the fate and whereabouts of missing persons

19. In its resolution [75/184](#), the General Assembly reaffirmed the right of families to know the fate of their relatives reported missing in connection with armed conflict. It called upon States that are parties to an armed conflict to take all necessary measures, in a timely manner, to determine the identity and fate of persons reported missing in connection with armed conflict and, to the greatest extent possible, to provide their family members, through appropriate channels, with all relevant

<sup>26</sup> See [CED/C/MEX/VR/1](#) (Recommendations), paras. 104–112 and 114–115.

<sup>27</sup> See [CED/C/PAN/CO/1](#), paras. 30–31; and [CED/C/BRA/CO/1](#), paras. 26–27.

<sup>28</sup> See [CED/C/MEX/VR/1](#) (Recommendations), paras. 90–103.

<sup>29</sup> See [S/2021/423](#), para. 14.

<sup>30</sup> See <https://www.dfat.gov.au/international-relations/themes/human-rights/hrc-statements/45th-session-human-rights-council/joint-statement-led-liechtenstein-casualty-recording>.

<sup>31</sup> See [S/2021/505](#), annex 54.

<sup>32</sup> See [S/2022/381](#), para. 88 (b).

information that they have on their fate, including their whereabouts or, if they are dead, the circumstances and cause of their death.

20. Under its reporting procedure, the Committee on Enforced Disappearances continued to address issues related to search plans, access to documentation, coordination of efforts to search for and identify disappeared persons and investigate disappearances.<sup>33</sup> In its report on its visit to Mexico, the Committee underlined the need to strengthen the institutions and processes of search and investigation, ensure their systematic and effective coordination and facilitate processes of search and investigation.<sup>34</sup>

## A. Tracing and restoration of family links

21. The Family Links Network led by the ICRC Central Tracing Agency, and comprising national Red Cross and Red Crescent societies and ICRC delegations worldwide, continued to support authorities on the issue of the separated, missing and dead, and providing assistance to their families. In 2020, the Agency began a 5-year process to reinforce its capacities and ensure a more effective global response, with a view to strengthening its direct service provision, including search and advisory capacities.

22. On 24 August 2021, the Human Rights Council, in its resolution [S-31/1](#), expressed deep concern at the displacement in Afghanistan that caused many Afghan civilians and persons of other nationalities to take refuge in neighbouring and other countries. These events led the ICRC Central Tracing Agency to call upon States and relevant stakeholders to preserve family unity and prevent family separation during the evacuations and to take all possible measures to prevent persons from going missing. ICRC centralized its data about separated and unaccompanied children, inter alia, through the signing of a data-sharing agreement with the United Nations Children's Fund (UNICEF) on registered separated and unaccounted children, in order to be able to cross-check requests coming from the parents either still in Afghanistan or evacuated to other countries.

23. ICRC reported that the escalation in the hostilities in and around Nagorno-Karabakh in 2020 resulted in an increase in the number of missing persons. As at 11 May 2022, in addition to the over 4,500 persons missing from the beginning of the 1990s, over 200 new cases had been added following the hostilities in 2020. Human remains retrieval and hand-over operations started a few days after the ceasefire agreement on 9 November 2020, with a total of 1,700 human remains recovered. The identification process is largely completed. According to the concerned authorities, missing persons remain on both sides, and more human remains need to be retrieved or returned.

24. In March 2022, ICRC opened a bureau of its Central Tracing Agency dedicated to the armed conflict in Ukraine. The Bureau relies on support from the Family Links Network, comprising national Red Cross and Red Crescent societies and ICRC, to reach affected families.

## B. Coordination mechanisms

25. Parties to armed conflicts and States that have been parties to armed conflicts may agree to take measures under the auspices of a neutral intermediary. Such

<sup>33</sup> See [CED/C/COL/OAI/1](#), paras. 30–31; [CED/C/ESP/OAI/1](#), paras. 20–21; and [CED/C/CHE/CO/1](#), paras. 21–22.

<sup>34</sup> See [CED/C/MEX/VR/1](#) (Recommendations), paras. 2–32 and 54–56.

measures include the setting up of coordination mechanisms to exchange information; providing mutual assistance in locating and identifying missing persons, and in recovering, identifying and returning human remains; and enabling family members to be informed about progress in determining the fate or whereabouts of missing persons.

26. The coordination mechanism for missing persons linked to the armed conflicts in and around South Ossetia, Georgia, remained active and met twice in 2020 and 2021. ICRC reported that 78 sets of mortal remains had been exhumed between 2010 and 11 May 2022, 15 of which had been identified and handed over to their families. It further reported that, as at 1 April 2022, 122 persons remained unaccounted for in relation to the armed conflicts.

27. Under the framework of the coordination mechanism dealing with missing persons from the 1992–1993 armed conflict in Abkhazia, Georgia, the remains of 204 persons were identified and handed over to their families between 2010 and 2022, including 41 in 2020 and 2021. ICRC reported that, as at 1 April 2022, 2,211 persons remained unaccounted for in relation to the armed conflict.

28. The Tripartite Committee mechanism between Iran (Islamic Republic of), Iraq and ICRC, established to clarify the fate and whereabouts of soldiers who went missing during the war between Iran (Islamic Republic of) and Iraq from 1980 to 1988, continued its work. Between January 2021 and February 2022, the human remains of 311 Iranian and 113 Iraqi soldiers were repatriated to their respective countries as part of the implementation of the 2008 joint memorandum of understanding.

29. The working group on persons unaccounted for in relation to the events in Kosovo<sup>35</sup> (1998–1999) met for the last time in April 2021. The sub-working group on forensics issues continued to meet regularly to exchange and analyse available information with the Pristina and Belgrade delegations, the European Union Rule of Law Mission in Kosovo and ICRC. ICRC reported that, as a member of the Pristina delegation, the United Nations Interim Administration Mission in Kosovo made its archives available to ICRC and that, as at 11 May 2022, 4,444 out of over 6,000 cases had been closed with positive results, including over 1,300 persons located alive.

30. In Bosnia-Herzegovina, the operational working group continued meeting to discuss specific cases of missing persons in areas covered by the Missing Persons Institute. The 15th meeting of the operational working group was held in March 2022. With a total caseload of over 22,400 missing persons related to the armed conflict (1991–1995), as at 11 May 2022, 16,090 cases had been closed with positive results, including 663 missing persons located alive.

31. The working group between Croatia and Serbia met for the last time in October 2020. ICRC reported that it has been providing both Croatia and Serbia with archives-related material, including in the form of raw documents and analytical reports for the purpose of identifying human remains.

32. Between January and December 2021, 57 cases of missing persons submitted by Kuwait and 2 cases of missing persons submitted by Saudi Arabia were officially closed by the Tripartite Commission mechanism, which was set up to clarify the fate of missing persons in relation to the 1990–1991 armed conflict between Iraq and Kuwait. One case of a missing person submitted by Iraq was closed by the mechanism after the remains were found in February 2021.

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<sup>35</sup> All references to Kosovo should be understood to be in compliance with Security Council resolution 1244 (1999).

## C. National institutions

33. National institutions, such as national commissions on missing persons, as well as national information bureaux and grave registration services, can play a crucial role in clarifying the fate of missing persons and providing support to families of the missing.

34. Communication between the key institutions in Colombia has reportedly been strengthened during 2021 and 2022, especially between the National Institute of Legal Medicine, the Prosecutor's office, the Unit for the Search for Persons Deemed as Missing and the Special Jurisdiction for Peace. During the reporting period, the Unit and the Special Jurisdiction have jointly carried out several recovery missions. The Special Jurisdiction has also taken the initiative of convening inter-institutional working groups to develop a methodology for the resolution of commingled cases in the public cemeteries of Colombia. In its final report, the Colombian Truth Commission issued a series of recommendations in relation to missing persons, including to improve coordination between relevant entities and to guarantee access by the Unit to information held by other public authorities.<sup>36</sup>

35. On 10 February 2021, the Ministry of Humanitarian Affairs and Disaster Management of South Sudan issued ministerial order No.1/2021 to establish the technical working group on missing persons, composed of several ministries, institutions, civil society and the South Sudan Red Cross, and supported by ICRC.

36. On 7 December 2021, the Transitional Sovereign Council of the Sudan adopted resolution no. (443) 2021 concerning the formation of a committee to deal with the case of prisoners of war and missing persons, pursuant to the provisions of article 26/8 of the Juba Peace Agreement between the Transitional Government of National Unity of the Sudan and the other parties to the peace process signed on 3 October 2020.

37. In Iraq, ICRC supported actions related to strengthening the medico-legal and investigative system through a quality management project in the Medico-Legal Directorate of the Ministry of Health of Iraq. It resulted in the official validation of standard procedures by the Ministry of Health and the operationalization of a missing persons department.

38. El Salvador reported that, as of December 2021, the National Commission for the Search for Girls and Boys Disappeared during the Internal Armed Conflict had opened 371 cases of missing children, of which 116 had been positively closed. In total, 43 of the cases led to reunification with the families. The National Commission for the Search of Disappeared Persons during the armed conflict in El Salvador had worked on 416 cases, opened 156 new cases, collected DNA samples in 150 cases and completed four exhumations.

39. The National Commission on the Missing and Forcibly Disappeared in Lebanon, appointed in 2020, continued to work towards full operationalization, with the support of different actors. Between 2020 and 2021, the United Nations project "Dealing with the Past: Memory for the Future", was implemented jointly by the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme and the United Nations Entity for Gender Equality and the Empowerment of Women, with funding by the Peacebuilding Support Office. The project focused on, inter alia, building the capacity of the institutions of the Government of Lebanon for the full establishment and functioning of the independent national commission to follow up on the implementation of Law 105 for the Missing and Forcibly Disappeared.

<sup>36</sup> See <https://www.comisiondelaverdad.co/sites/default/files/descargables/2022-06/Informe%20Final%20capi%CC%81tulo%20Hallazgos%20y%20recomendaciones.pdf>, p. 806.

## D. Accountability

40. Accountability, including the rights to justice, the truth, reparations and effective remedies, is a key component of any attempt to address the issue of missing persons. United Nations human rights mechanisms, including international commissions of inquiry and fact-finding missions, have regularly addressed this issue.

41. The Independent International Commission of Inquiry on the Syrian Arab Republic reiterated the need for a mechanism to coordinate, consolidate and transmit information concerning the estimated 100,000 missing and disappeared persons as central for any durable peace solution.<sup>37</sup> The Commission recommended States to facilitate the creation of an independent mechanism to coordinate and consolidate claims regarding missing persons, including persons subjected to enforced disappearance.<sup>38</sup> It has also repeatedly urged parties to the conflict and coalitions of States to strengthen the processes of investigation into civilian casualties, and make the findings of such investigations public.<sup>39</sup>

42. In a report presented to the Human Rights Council at its forty-eighth session, the Group of Eminent International and Regional Experts on Yemen, whose mandate expired on October 2021, recommended that all parties to the conflict cooperate fully with and effectively support the National Commission of Inquiry to investigate allegations of violations and abuses committed by all parties to the conflict in Yemen.<sup>40</sup> In a report presented to the Council at its forty-fifth session, the Commission of Inquiry on Burundi, whose mandate expired on October 2021, recommended the establishment of an independent body with a mandate to investigate the cases of disappearance, locate potential mass graves, and exhume and identify the remains.<sup>41</sup>

43. The Commission on Human Rights in South Sudan documented numerous cases of enforced disappearance, noting that in many instances such disappearances had been the outcome of arbitrary detention. It recommended that the Government facilitate the establishment of the Commission for Truth, Reconciliation and Healing, the Hybrid Court for South Sudan and the Compensation and Reparation Authority, and strengthen national capacity for the collection and preservation of evidence, including by setting up a database and collecting forensic data to facilitate the work of the transitional justice mechanisms and domestic courts.<sup>42</sup>

44. The Independent Fact-Finding Mission on Libya has examined violations and abuses in the context of deprivation of liberty, including of enforced disappearances, and found that the scale and level of organization of abuses and violations in and of themselves constituted a systematic and widespread attack against the civilian population.<sup>43</sup> It also documented the enforced disappearance of civil society activists and of women members of the legislature and expressed concern at impunity for the killing or enforced disappearance of prominent women politicians and activists.<sup>44</sup> It recommended that accountability should form part of the reconciliation process.<sup>45</sup>

<sup>37</sup> See [A/HRC/46/54](#), para. 94; and [A/HRC/46/55](#), para. 113 (b).

<sup>38</sup> See [A/HRC/46/55](#), para. 113 (b). See also [A/HRC/48/70](#), para. 124 (a); and [A/HRC/49/77](#), para. 115 (a).

<sup>39</sup> See [A/HRC/49/77](#), para. 114 (a).

<sup>40</sup> See [A/HRC/48/20](#), para. 90 (b).

<sup>41</sup> See [A/HRC/45/32](#), para. 121 (c).

<sup>42</sup> See [A/HRC/49/78](#), paras. 29, 31 and 101.

<sup>43</sup> See [A/HRC/48/83](#), para. 49; and [A/HRC/49/4](#), para. 26.

<sup>44</sup> See [A/HRC/49/4](#), paras. 62, 76 and 79.

<sup>45</sup> See [A/HRC/48/83](#), para. 80 (o).

45. In her 2021 report on progress relating to the implementation of the recommendations and other relevant processes relating to reconciliation, accountability and human rights in Sri Lanka, the United Nations High Commissioner for Human Rights noted that progress on accountability and reconciliation remained extremely limited and that disturbing patterns of enforced disappearances by the security forces and paramilitary groups continued. She expressed concern at the harassment, surveillance and scrutiny by security agencies of families, lawyers and others working on disappearances, and security agencies' role in undermining the work of the Office on Missing Persons. She recommended that the Government order security agencies to immediately end all forms of surveillance and harassment of and reprisals against human rights defenders, social actors and victims of human rights violations and ensure an environment in which the Office on Missing Persons and the Office for Reparations can operate effectively and independently.<sup>46</sup> In her 2022 report, the High Commissioner expressed concern that the Office on Missing Persons and the Office for Reparations had struggled to achieve the confidence of victims and that verification measures seemed to be aimed at reducing the case load and closing files rather than creating a comprehensive approach to establish the truth and ensure justice for families.<sup>47</sup>

46. As at 9 May 2022, the Committee on Enforced Disappearances had registered a total of 1,494 urgent actions requests under article 30 of the Convention, including 552 disappearances in Iraq and 485 disappearances in Mexico. In 290 of these cases, the Committee requested States to adopt interim measures to protect the lives and integrity of family members and other persons involved in the search and investigation of disappeared persons. Following such interventions by the Committee, the location of 426 persons was accomplished, 406 of whom were located alive. The urgent actions procedure also facilitated family members' access to information regarding search and investigation processes at the national level.

47. The Working Group on Enforced or Involuntary Disappearances continued to transmit individual and joint letters of allegation, letters of urgent appeal and other letters to States and non-State actors on issues related to enforced disappearances. From its inception until 21 May 2021, the Working Group had transmitted a total of 59,212 cases to 110 States.<sup>48</sup> The number of cases under active consideration that had not yet been clarified, closed or discontinued stood at 46,490 in a total of 95 States.

## E. Archives

48. The collection, protection and management of information is essential for addressing the issue of missing persons. Archives remain critical to exercising effectively the right to the truth. In its resolution [75/184](#), the General Assembly invited States, national institutions and, as appropriate, intergovernmental, international and non-governmental organizations to ensure the development and proper management of archives pertaining to missing persons and unidentified remains in connection with armed conflict, as well as access to those archives, in accordance with relevant applicable laws and regulations.

49. States and other stakeholders continued to cooperate with ICRC on the use of archives exclusively for the purpose of clarifying the fate and whereabouts of persons missing in connection with armed conflicts. ICRC reported that, in order to help clarify the fate of persons missing in relation to the conflicts in the Western Balkans, the North Atlantic Treaty Organization and several States had provided relevant

<sup>46</sup> See [A/HRC/46/20](#), paras. 13, 43 and 60.

<sup>47</sup> See [A/HRC/49/9](#), paras. 48–49.

<sup>48</sup> See [A/HRC/48/57](#), paras. 5 and 21–28.

documentation to ICRC, while the Netherlands and several international organizations had provided ICRC with direct access to their respective archives. This effort had contributed to identifying several missing persons, exhuming their human remains and handing them over to their families. As a result, by March 2022, ICRC had completed the search related to the names of 7,827 missing persons from conflicts in the former Yugoslavia.

50. ICRC reported that, since October 2021, it had been supporting the Ministry of Defence of Iraq in completing the inventory of more than 30,000 original paper files from archives containing data on deceased soldiers killed in action during the armed conflicts between Iran (Islamic Republic of) and Iraq and between Iraq and Kuwait.

## V. Missing children

51. In its resolution [75/184](#), the General Assembly requested States to pay the utmost attention to cases of children reported missing in connection with armed conflict and to take appropriate measures to search for and identify those children and to reunite them with their families. In its resolution [2601 \(2021\)](#) on children and armed conflict, the Security Council expressed grave concern about and strongly condemned the abduction of children.

52. The Secretary-General continued to address the abduction of children in the context of armed conflicts. In his 2021 annual report, covering the period from January to December 2020, he noted an alarming increase in the number of verified cases of abductions of children in several States and noted that abduction is often combined with the recruitment and use of children and sexual violence.<sup>49</sup> For example, the Commission on Human Rights in South Sudan reported that, as of December 2020, hundreds of women, girls and boys that had been abducted in Jonglei State and the Greater Pibor Administrative Area of South Sudan were still missing.<sup>50</sup>

53. The Committee on Enforced Disappearances continued regularly to consider the situation of children when examining States parties' reports.<sup>51</sup> During the reporting period, it also raised concerns with respect to reports of the disappearance of unaccompanied asylum-seeking or migrant minors,<sup>52</sup> as well as with respect to illegal adoptions that could have been the result of enforced disappearance or the wrongful removal of children who were subjected to enforced disappearance, children whose father, mother or legal guardian was subjected to enforced disappearance or children born during the captivity of a mother subjected to enforced disappearance.<sup>53</sup>

54. In its report on its visit to Mexico, the Committee highlighted its concern regarding official figures, which had shown a notable increase in the number of disappearances of children as young as 12 years old.<sup>54</sup>

## VI. Criminal investigation and prosecution

55. The International Convention for the Protection of All Persons from Enforced Disappearance places an obligation to criminalize enforced disappearance and reaffirms that, in certain circumstances, it may constitute a crime against humanity. States parties have an obligation to investigate enforced disappearances and to hold

<sup>49</sup> See [S/2021/437](#), para. 5. See also [S/2021/398](#), paras. 36–39; [S/2020/1243](#), paras. 52–54; and [S/2020/1205](#), paras. 48–51.

<sup>50</sup> See [A/HRC/46/53](#), para. 36.

<sup>51</sup> See [CED/C/BRA/CO/1](#), para. 32; and [CED/C/ESP/OAI/1](#), para. 26.

<sup>52</sup> See [CED/C/CHE/CO/1](#), para. 37; and [CED/C/GRC/CO/1](#), para. 26.

<sup>53</sup> See [CED/C/CHE/CO/1](#), para. 39.

<sup>54</sup> See [CED/C/MEX/VR/1](#) (Findings), para. 14.

perpetrators criminally responsible. International human rights law and international humanitarian law prescribe a duty to investigate, prosecute and punish certain abuses and violations of human rights and grave breaches, respectively, including when relating to missing persons.<sup>55</sup>

56. The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence noted that, on occasion, persons responsible for enforced disappearances had not been penalized or had been given sentences that were not commensurate with the gravity of their acts. He observed that, in other cases, convicted perpetrators had later been pardoned or had their sentences reduced and that, in many cases, criminal proceedings had not even been instituted.<sup>56</sup>

57. The Committee on Enforced Disappearances expressed concern at allegations of cases of enforced disappearance and recommended that the relevant States parties should, *inter alia*, ensure that all such cases are investigated promptly, thoroughly and impartially, even in the absence of a formal criminal complaint, and that the alleged perpetrators are prosecuted and, if found guilty, punished in accordance with the seriousness of their acts.<sup>57</sup> It also considered the measures taken by States parties to ensure prompt, independent and impartial investigations.<sup>58</sup> In its report on its visit to Mexico, the Committee called upon the State party to remove obstacles to the prosecution of enforced disappearance cases.<sup>59</sup>

58. In its second annual report, the Independent Investigative Mechanism for Myanmar stated that it would continue to collect, consolidate, preserve and analyse evidence of specific serious international crimes and human rights violations that may have been committed, including enforced disappearances. In the light of its preliminary view that security forces had committed serious international crimes since seizing power on 1 February 2021, it mentioned that it would also seek the crucial evidence that could be used in courts or tribunals to prove, to the high standards of proof necessary for conviction in criminal cases, which individuals bear criminal responsibility for these serious international crimes.<sup>60</sup>

59. The Commission on Human Rights in South Sudan recommended that the Revitalized Transitional Government of National Unity should investigate enforced disappearances, bring perpetrators to justice and ensure justice for the victims by ensuring that those in positions of authority who tolerated or acquiesced to such enforced disappearances are held accountable.<sup>61</sup> The Independent Fact-Finding Mission on Libya recommended that Libya ensure that all reported cases of enforced disappearance are investigated effectively and that perpetrators are held accountable.<sup>62</sup>

<sup>55</sup> See, e.g., Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, arts. 4, 7 and 12; the First Geneva Convention, art. 49; the Second Geneva Convention, art. 50; the Third Geneva Convention, art. 129; the Fourth Geneva Convention, art. 146; and the International Covenant on Civil and Political Rights, art. 6.

<sup>56</sup> See [A/HRC/48/60](#), para. 90.

<sup>57</sup> See, e.g., [CED/C/BRA/CO/1](#), paras. 22–23; and [CED/C/NER/CO/1](#), paras. 24–25.

<sup>58</sup> See [CED/C/MNG/CO/1](#), paras. 26–27.

<sup>59</sup> See [CED/C/MEX/VR/1](#) (Recommendations), paras. 33–35.

<sup>60</sup> See [A/HRC/48/18](#), para. 35.

<sup>61</sup> See [A/HRC/49/78](#), para. 101 (t). See also [A/HRC/46/53](#), para. 81 (ff).

<sup>62</sup> See [A/HRC/48/83](#), para. 80 (e). See also [A/HRC/49/4](#), para. 95.

## VII. Forensic recovery and identification of remains of missing persons

60. The Committee on Enforced Disappearances continued to address the question of forensic recovery and identification of remains of disappeared persons in the context of its review of States parties' reports. In this respect, it addressed issues related to the search and protection of mass graves, DNA databases and handling and protection of remains, among others.<sup>63</sup> In its report on its visit to Mexico, the Committee expressed its deep concern concerning the current forensics crisis<sup>64</sup> and highlighted the urgency with which the State should attend to that crisis, through specific measures such as ensuring that relevant institutions are sufficiently resourced and are given the appropriate mandate, including operational independence, to carry out their functions, and the implementation of the national database for forensic data and to ensure its interoperability with other relevant databases.<sup>65</sup>

61. In its resolution [2537 \(2020\)](#), dated 28 July 2020, the Security Council called upon all parties expeditiously to enhance their cooperation with the work of the Cyprus Committee on Missing Persons. As at 31 March 2022, that Committee had recovered 1,179 sets of human remains, of which 1,025 had been identified and returned to their families.<sup>66</sup>

62. In May 2021, Brazil reported the launch of a national campaign to collect DNA from family members of missing persons, so that they can be compared with processed DNA from unidentified remains or from living persons without known identification. To date, 51 persons without identification have been located, 1 of which was located alive. The others were unidentified human remains. Croatia reported that, through traditional forensics methods and DNA analysis, the remains of 4,334 persons had been conclusively identified out of 5,217 exhumed persons as at 1 April 2022.

63. In Colombia, the Unit for the Search for Persons deemed as Missing had worked on 84 sites around the country, recovering 256 bodies. It had ruled out the presence of bodies at a further 37 sites and had conducted preliminary identification of missing person burial sites at a further 41 locations. It had examined 71 additional possible locations of inhumation. In order to expedite the search for missing persons, the High Commissioner called upon Colombia to strengthen the National Institute of Legal Medicine and the Genetic Profile Bank.<sup>67</sup> In its final report, the Colombian National Truth Commission recommended that the National Institute of Legal Medicine be strengthened and that policies be adopted to ensure the dignified custody and preservation of unidentified bodies.<sup>68</sup>

64. ICRC noted that the Japanese Social Welfare and War Victims' Relief Bureau had reported that more than 345,000 sets of human remains had been recovered by the end of 2020 and that more than 1,606 human remains from the Second World War had been identified, including with DNA technologies, and returned to their families. In 2021, the United States of America and Viet Nam signed a memorandum of understanding to launch a joint programme to increase Vietnamese efforts to account for more than 200,000 of their personnel who remained missing from the United

<sup>63</sup> See, e.g., [CED/C/COL/OAI/1](#), paras. 28–29; and [CED/C/ESP/OAI/1](#), paras. 28–29.

<sup>64</sup> See [CED/C/MEX/VR/1](#) (Findings), paras. 28–29.

<sup>65</sup> See [CED/C/MEX/VR/1](#) (Recommendations), paras. 57–71.

<sup>66</sup> Contribution of Türkiye.

<sup>67</sup> See [A/HRC/49/19](#), para. 72 (q).

<sup>68</sup> See <https://www.comisiondelaverdad.co/sites/default/files/descargables/2022-06/Informe%20Final%20capi%CC%81tulo%20Hallazgos%20y%20recomendaciones.pdf>, p. 806.

States-Viet Nam conflict.<sup>69</sup> In September 2021, the remains of 109 Chinese soldiers who had died and disappeared during the Korean War were repatriated by the Republic of Korea to China, bringing to 825 the total number of repatriated bodies.<sup>70</sup>

65. Mexico reported that, as at 31 December 2021, the National Database for Missing Persons, developed in 2019, had registered 136,897 and updated 110,473 reports on missing persons. Between 1 December 2018 and 4 November 2021, the National Commission for the Search of Missing Persons identified 2,004 clandestine burial sites, from which 3,335 human remains have been exhumed, of which 1,336 were identified.

66. ICRC continued to provide policy advice and technical assistance toward the strengthening of national capacities, including of medico-legal systems, in many contexts. The latter included the promotion of forensics best practices and the publication and dissemination of guidelines.<sup>71</sup>

## VIII. Legal status of missing persons and support for families

67. In its resolution 75/184, the General Assembly calls upon States to take appropriate steps with regard to the legal situation of missing persons and the individual needs and accompaniment of their family members, with particular attention to the needs of women, children and older persons, in such fields as social welfare, psychological and psychosocial support, financial matters, family law and property rights.

68. In its concluding observations on the reports submitted by States Parties under article 29, paragraph 1, of the Convention, the Committee on Enforced Disappearances continued to regularly address the legal situation of disappeared persons whose fate has not been clarified and that of their relatives in fields such as social welfare, financial matters, family law and property rights.<sup>72</sup> In its report on its visit to Mexico, the Committee strongly emphasized the need to recognize the role of victims and to duly address their support and protection needs. It also underlined that State authorities must guarantee victims' equal access to search, truth, justice and reparation, taking the specific needs of victims into account and addressing those needs using a differentiated approach.<sup>73</sup>

69. On 27 August 2021, the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances issued a statement in which they urged States to address the fact that enforced disappearances put family and relatives in a very challenging position, especially when the breadwinner is disappeared. They noted that, as the family structure is disrupted, spouses and children are affected economically, socially and psychologically and that, taking into account that men are usually the main target of enforced disappearances, women are particularly affected.<sup>74</sup>

<sup>69</sup> See also <https://vn.usembassy.gov/vietnamese-wartime-accounting-initiative-vwai/>.

<sup>70</sup> See also [http://english.www.gov.cn/news/photos/202109/03/content\\_WS61318171c6d0df57f98df980.html](http://english.www.gov.cn/news/photos/202109/03/content_WS61318171c6d0df57f98df980.html).

<sup>71</sup> See [www.icrc.org/en/publication/4470-recovery-human-remains-weapon-contaminated-settings](http://www.icrc.org/en/publication/4470-recovery-human-remains-weapon-contaminated-settings); and <https://shop.icrc.org/the-forensic-human-identification-process-an-integrated-approach-pdf-en.html>.

<sup>72</sup> See CED/C/IRQ/OAI/1, paras. 26–27; CED/C/MNG/CO/1, paras. 38–39; CED/C/CHE/CO/1, paras. 35–36; CED/C/PAN/CO/1, paras. 34–35; and CED/C/GRC/CO/1, paras. 34–35.

<sup>73</sup> See CED/C/MEX/VR/1 (Recommendations), para. 72–100.

<sup>74</sup> See [www.ohchr.org/en/press-releases/2021/08/enforced-disappearances-its-urgent-address-economic-social-and-cultural](http://www.ohchr.org/en/press-releases/2021/08/enforced-disappearances-its-urgent-address-economic-social-and-cultural). See also, e.g. A/HRC/45/32, para. 62.

## A. Understanding the needs of the families

70. The Working Group on Enforced or Involuntary Disappearances highlighted that, in cases involving disappeared persons who are members of indigenous peoples or other ethnic or cultural groups, there is a need to consider and respect specific cultural norms when dealing with the disappearance or death of a member of the community. When the body or remains of a disappeared person are found and identified, they should be handed over to the family or relatives in accordance with the cultural norms and customs of the victims and their communities.<sup>75</sup>

71. ICRC continued to assess the needs of the families of missing persons on the basis of its guidelines for multidisciplinary family needs assessments, in cooperation with family associations, national Red Cross and Red Crescent societies, governmental organizations, and others. As of 11 May 2022, ICRC concluded or updated family needs assessments in Brazil, Cameroon, Cyprus, Georgia, Guatemala, Iraq, Kyrgyzstan, Nigeria, South Sudan and Ukraine. Family needs assessments with Syrian families were also conducted in Jordan and Lebanon.

## B. Addressing the needs of the families

72. In its 2021 report, the Independent International Commission of Inquiry on the Syrian Arab Republic recommended that the Government of the Syrian Arab Republic and other parties holding people in custody should support victims, survivors and their families, including with psychosocial support, and identify those missing.<sup>76</sup>

73. During the reporting period, ICRC continued its accompaniment approach,<sup>77</sup> to strengthen the abilities of individuals and families to cope with the difficulties relating to the disappearance of their relatives and gradually regain social and emotional well-being. Accompaniment programmes were implemented by ICRC in Argentina, Armenia, Azerbaijan, Bosnia and Herzegovina, Colombia, Georgia, Iraq, Lebanon, Nigeria, Peru, Serbia, Sri Lanka, Tajikistan, South Sudan and Ukraine. In Kosovo, ICRC implemented an accompaniment programme and conducted a mission.

74. Türkiye reported that the Missing Persons Unit of the Turkish Cypriot police had adopted a family-centred approach, the goal of which was to identify and address, as far as possible, the concerns raised by the families of missing persons.

## C. Legal situation of missing persons

75. Domestic law should clarify the legal situation of missing persons, including through provisions for the person concerned to be declared absent or missing, so that the families of missing persons are able to receive social and financial benefits and can handle the affairs of the missing person without requiring the missing person to be declared formally deceased.

76. In its 2021 annual report, the Working Group on Enforced or Involuntary Disappearances expressed concern that, in States where the security and political situation has favoured the occurrence of enforced disappearances, the families of disappeared persons face obstacles in lodging complaints and lack access to effective remedies. The Working Group expressed its extreme concern at reports of reprisals

<sup>75</sup> See <https://www.ohchr.org/en/press-releases/2021/08/enforced-disappearances-its-urgent-address-economic-social-and-cultural>.

<sup>76</sup> See A/HRC/46/55, para. 111 (e).

<sup>77</sup> See A/75/306, para. 92.

faced by families of victims.<sup>78</sup> In its country-visit report on Tajikistan, the Working Group noted that family members are continuing to suffer economic hardship resulting from the disappearance of their family members. The impact on families, in particular on women when they become heads of household due to enforced disappearance, creates material, financial, psychological and legal needs that should be addressed.<sup>79</sup> The Working Group recommended that access to certificates of absence be facilitated so that family members can complete the necessary administrative procedures, noting that so far they are only granted pursuant to a court decision.<sup>80</sup> In its concluding observations on Peru, the Committee on the Elimination of Discrimination Against Women expressed concern that women continue to face multiple barriers in gaining access to mechanisms related to the search for the disappeared.<sup>81</sup>

77. ICRC reported that, during the reporting period, some States had adopted various measures to improve the legal situation of the families of missing persons. In October 2021, Sri Lanka extended until December 2023 the legislation providing for the issuance of a certificate of absence. Armenia adopted a decree that secured temporary monthly support for the families of missing servicepeople before the status of missing or dead is given by a court, and adopted amendments introducing a system of relief from loan liabilities for the children, spouses and parents of missing servicepeople. Armenia also adopted rules regarding the terms for the recognition of persons as missing and deceased by shortening the time frame for the legal recognition of a person as missing from six months to three months, and as deceased from two years to one year.

78. Croatia reported that it had adopted rules providing for financial compensation and other benefits for the family members of missing persons from the armed conflict in the 1990s. In order to highlight its political commitment to the issue of missing persons from that conflict, the matter was included in the National Development Strategy for the period 2018–2030.

## IX. Conclusions and recommendations

**79. States and other relevant stakeholders have continued to take action regarding missing persons, including through the adoption of laws, the implementation of measures to clarify the fate and whereabouts of missing persons and to ensure the forensic recovery and identification of remains, and the adoption of measures to address the needs of the families of missing persons. The number of missing persons, however, remains alarmingly high. The number of missing children and the impact on the families of the missing are also of serious concern.**

**80. States are encouraged to become parties to the International Covenant on Civil and Political Rights and the International Convention for the Protection of All Persons from Enforced Disappearance, as well as the Protocols I and II Additional to the 1949 Geneva Conventions. States are encouraged to incorporate their provisions into domestic law and to ensure their full implementation.**

**81. States should adopt a wide range of preventive measures, including relevant national legislation, the identification of the structural causes of enforced**

<sup>78</sup> See [A/HRC/48/57](#), para. 108. See also [A/HRC/45/13/Add.1](#), para. 16.

<sup>79</sup> See [A/HRC/45/13/Add.1](#), para. 44.

<sup>80</sup> *Ibid.*, paras. 40 and 70 (e).

<sup>81</sup> See [CEDAW/C/PER/CO/9](#), para. 25.

disappearances, the training of public officials, adequate resourcing of registries and institutions tasked with the search for and identification of the missing and investment in new technologies for the forensic recovery and identification of remains, if necessary through international cooperation and partnerships. States should implement effective measures to ensure the documentation of casualties during armed conflict.

82. Families should be placed at the centre of all actions taken in response to missing and disappeared persons and in the development of approaches and initiatives to ensure that families receive proper care and support. States should seek to adopt measures that address the differentiated needs of the families of the missing, including by ensuring victim participation in relevant processes and by ensuring their right of access to information and effective remedies. States are encouraged to adopt measures aimed at improving the socioeconomic impact on the families of missing persons, including through the issuance of certificates of absence.

83. In order to ensure accountability and effective remedies, States should effectively investigate all alleged cases of enforced disappearances and crimes committed against those involved in the search for the missing and prosecute and punish those responsible.

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