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WORKING DOCUMENT

From: General Secretariat of the Council
To: Working Party on External Aspects of Asylum and Migration (EMWP)

Subject: Concept note on Missing migrants ICRC and UNICEF

Delegations will find attached the background document prepared by the International Committee of the Red Cross (ICRC) and the United Nations Children's Fund (UNICEF) with a view to the EMPW meeting on 14 March 2024 (see 1711/1/24 REV1 , item 2).

Red Cross¹ & UNICEF background document

Missing migrants along the migratory routes² to the EU: challenges and EU response

Meeting of the Working Party on the External Aspects of Asylum and migration (EMWP)

14 March 2024

The external dimension of EU migration policies can help addressing the issue of migrants going missing along the migratory routes to the EU through measures that support the prevention, the search & identification and that address the needs of affected families. This requires a route-based approach of cooperation among countries of origin, transit and destination (including EU Member States). EU action can help to launch and strengthen such cooperation and to reinforce the capacities of third countries to prevent, search for missing migrants and support concerned families.

Missing migrants: While there is no legal definition under international law, for the purpose of this paper, missing migrants is understood as comprising all individuals moving along migratory routes about whom their families have no news and/or who, on the basis of reliable information, have been reported missing. This may include asylum-seekers, refugees, stateless persons and foreigners deemed irregular by public authorities.

A missing migrant is not automatically presumed to be dead. Many missing persons are found alive. Nevertheless, the notion of missing also encompasses individuals who have perished, but whose bodies have not been found. Therefore, the clarification of the fate and whereabouts of a missing person might require that human remains are found, properly documented, identified, and handed over to the family.

The issue & its humanitarian consequences

Every day, an alarming number of migrants go missing along migratory routes. Since 2014, the International Organization for Migration (IOM) has recorded more than **60 000 people who have died in the process of migration worldwide with more than a fifth of them in Africa and almost half of them in the Mediterranean Sea**. In 2023 alone, 1851 persons were reported missing along the migratory routes in Africa and 3129 in the Mediterranean Sea³. Since a significant number of deaths and disappearances remain unrecorded/underreported, **the real number of migrants going missing is likely to be higher** than the figures mentioned above.

Due to their increased vulnerabilities, **children are more at risk of going missing⁴** on irregular migratory routes to the EU. They are often compelled to resort to dangerous journeys to join their family members residing in the EU due to the limited availability of regular pathways. Between 2018 and mid-2023, UNICEF estimates around 1,500 children have died or gone missing while attempting the Central Mediterranean Sea crossing. This number accounts for 1 in 5 of the people who have died or gone missing on the route. Unaccompanied children – including adolescents and youth on the move – are particularly at risk⁵ of trafficking and exploitation by non-state armed groups, border guards, police or smugglers. In the first three months of 2023, 3,300 children via the Central Mediterranean route were recorded as unaccompanied or separated from parents or legal guardians – representing 71 percent of all children arriving to Europe.

¹ International Committee of the Red Cross (ICRC), the Belgian Red Cross and the Red Cross EU Office (RCEU Office) contributed to the elaboration of his paper.

² “Migratory routes” are understood in this document as encompassing countries of origin, transit and destination.

³ [IOM Missing Migrants Project](#)

⁴ [Eleven children die every week attempting to cross the Central Mediterranean Sea migration route – UNICEF](#) press release.

⁵ <https://data.unicef.org/resources/harrowing-journeys/>

Migrants disappear in a variety of circumstances. Many of them go missing during dangerous journeys by land or sea, either because their remains are never recovered⁶ or because they are not properly identified or documented, or because families are not informed of their death. Some may be alive without access to means of communication, for example in a place of detention. Missing migrants also include individuals who choose not to stay in contact with their families for fear of detection by the authorities.

For every missing migrant, there is a family living in uncertainty – not knowing if their relative is dead or alive. Many families spare no effort or expense to try to find information about their missing relative, a process fraught with obstacles. Families may not know where their relative has gone missing. Even when they do, they may not know which authorities to approach. The irregular status of the sought person or of the family themselves can also deter relatives from reporting a disappearance. The families may often fall victim to unscrupulous actors, which adds to mental and financial burdens.

Alongside the profound psychosocial impact of the uncertainty over the fate of a missing relative, **families of missing migrants can face numerous administrative, legal and economic challenges linked to the absence of their relative.** This includes difficulties in obtaining title to property, accessing their inheritance, remarrying, or exercising parental rights. They also lose an important source of revenue considering that **migrants going missing are often the main breadwinner in the family**⁷. Children whose parent(s) go missing may be left without a legal guardian to care for them.

Gaps in the response to cases of missing migrants along the migratory routes to the EU

Effectively addressing the fate of missing migrants requires a route-based approach through which countries of origin, transit and destination cooperate **around three inter-related efforts of prevention, search & identification and addressing the needs of affected families.** While the technical know-how and a growing number of promising initiatives exist, **a coordinated approach to the issue linking Europe with countries of origin and transit is fundamentally lacking.**

Prevention: Limited focus on preventing migrants' deaths and disappearances

- i) ***Policies designed to contain and dissuade irregular migration can increase the risk of death and disappearance along migratory routes to the EU:*** These policies are often described as effective ways to prevent migrant deaths and disappearances. Yet, their consequences can compel migrants to take even more dangerous routes or to engage in riskier behavior thus raising their risk of going missing or dying during their journeys. Children are also compelled to take these dangerous routes since existing regular pathways for humanitarian, student/work visas, or refugee resettlement rarely prioritize children while family reunification schemes are restricted. Efforts to assess this impact, including by collecting data (disaggregated by sex and age), and to mitigate it are broadly lacking.
- ii) ***Border management practices can contribute to disappearances and deaths:*** Measures such as the confiscation of means of communication, the excessive use of force at borders or the detention of migrants without access to communication remain widespread along routes towards the EU. These measures increase the risk of family separation, loss of contact, disappearance and death along migratory routes especially for children who are more vulnerable than other categories of migrants.
- iii) ***Children's needs and vulnerabilities are insufficiently addressed in the provision of humanitarian assistance along routes, at borders and in asylum procedures:*** Despite efforts made along certain migratory routes⁸, safeguards, procedures and capacities to reduce risks of children going missing are still inadequate. The provision of humanitarian assistance along journeys falls short of ensuring a continuum of care. As a result, children may

⁶ Research by the ICRC has shown that the ratio of bodies recovered versus the number of persons considered dead or missing by the IOM on the maritime routes is 1 body found for every 15 cases of death/disappearance reported (380 bodies recovered for 5514 reported cases of missing persons/death all sea routes combined to Europe) – upcoming ICRC counting the Dead report updated with 2020-2021 figures.

⁷ [Etude sur les besoins relatifs aux migrants disparus et leurs familles au Sénégal](#), p.15, IOM, Décembre 2022

⁸ See for instance UNHCR-UNICEF Blue Dot safe spaces, protection and support hubs on some of the routes taken by people displaced from Ukraine at [What are the Blue Dots Hubs? | UNICEF Europe and Central Asia](#)

face difficulties in accessing health, education, child protection services (including to community-based alternative care options) and child-friendly information materials. Appointment of guardians for unaccompanied children is often delayed, and cross-border case management is lacking. Moreover, officials in charge of border and asylum procedures along the migratory routes often lack appropriate training (e.g. on children rights including the right to family unity), impacting children's protection.

- iv) ***Insufficient search and rescue capacities along migratory routes to the EU.*** There are gaps in search and rescue activities for migrants in distress who are injured – often by road traffic accidents – sick, or stranded in the Sahara Desert, including as a result of collective expulsions.

Search & Identification: Lack of effective efforts and mechanisms to resolve cases of missing migrants

The capacity of states along migratory routes to the EU to search for missing migrants, to locate those alive and to identify those deceased remains mostly inadequate, both at national level and in terms of cooperation across borders.

- i) ***Avenues to report cases of missing migrants:*** Most States lack specific procedures and mechanisms through which families of migrants or civil society members representing them can report a missing family member⁹. Many families are reluctant to engage with authorities to report that their family member has gone missing due to the lack of safeguards ensuring that the shared information is exclusively used for humanitarian purposes. These families are often afraid of repercussions especially where irregular migration is stigmatized, criminalized or where there is a risk of detention and deportation.
- ii) ***Case and information management of missing migrants at country level:*** The majority of countries along EU bound migration routes lacks basic processes to centralize at national level information on reported missing migrants' cases and to enable access to critical databases (e.g. detention registers, immigration or biometric databases) for search and identification purposes. The same is observed in terms of policies and practices to ensure the dignified management of unidentified remains of deceased migrants, including their documentation, traceable burials, and centralization of relevant information at national level. While operational responses at national level vary considerably, they are often insufficient, including in the EU where migrants' deaths often occur. This hampers the search & identification of missing migrants as effective responses at national level are a precondition for subsequent engagement with third countries (of origin) on this matter.
- iii) ***Cooperation and information exchange in a standardized manner along migratory routes¹⁰:*** Cooperation between countries of origin, transit and destination for the purpose of searching for missing migrants and identifying the deceased (using information provided by families in countries of origin or transit) remains, in most cases, insufficient. In the absence of standardized data collection, of clear cooperation channels (e.g. consular, Interpol, or direct contexts between medico-legal institutions) and of clarity on which state institution is responsible for handling search requests, countries rarely cooperate effectively across borders, leaving families to pursue informal searches from afar.

Families: Lack of support to families of missing migrants

The needs of families of missing migrants who may be located in countries of origin, transit or destination, are rarely acknowledged or addressed.

- i) ***Acknowledgment of the situation of families of missing migrants.*** In most countries of origin and transit, difficulties faced by affected families are rarely acknowledged. Families are often stigmatized and rarely receive support to deal with the different challenges they face as a result of the disappearance of their relative. For instance, limited efforts have been carried out thus far to include a "missing person" status in the national legislation of countries of origin or to issue legal documentation (e.g. death certificate) in order to ensure access to a series of rights for the families concerned.
- ii) ***Lack of humanitarian visas:*** Countries generally lack provisions to allow families of missing migrants to enter the country to search for their relatives, participate in identification processes or visit grave sites.

⁹ See findings of the European Migration Network (EMN) inform on [Separated and Missing Migrants: Member States approaches to prevent family separation and search mechanisms for missing migrants](#), 2021

¹⁰ In this regard, see ICRC [Guidelines on Coordination and Information-Exchange Mechanisms for the Search for Missing Migrants \(icrc.org\)](#)

- iii) ***Lack of procedures to repatriate deceased bodies.*** Families in countries of origin who often lack the financial means to repatriate the remains of their loved ones rarely receive support from the authorities. This situation often has a negative impact on the grieving process.

Growing momentum to address the issue of missing migrants

Since 2018, there has been a growing momentum of political commitments at global and regional levels on the issue of missing migrants. This has gone hand in hand with growing awareness, analysis, guidance development and a by now well-established body of practical experience in resolving cases and addressing the needs of families.

At the international level:

- In 2018, adoption of the [Global Compact on Migration](#) (GCM) containing a specific objective on missing migrants (objective 8: *Saving lives at sea and establish coordinated international efforts on missing migrants*).
- A request by UN Member States to the UN Secretary-General in the May 2022 IMRF Progress Declaration to develop, with the support of the UN Network on Migration, [actionable recommendations on missing migrants and provision of humanitarian assistance to migrants in distress](#) to be included in the next report on GCM implementation. The EU and EU Member States have participated in consultations to develop these recommendations.

At the African level:

- In 2021, adoption of [Resolution 486](#) on missing migrants and refugees in Africa by the African Commission on Human and Peoples' Rights (ACHPR).
- In 2022, [communiqué](#) of Meeting of States and Other Stakeholders along the North/West African Migration Routes to Discuss a Joint Approach on Missing Migrants (including clear recommendations) in Tunis.
- The Economic Community of West African States (ECOWAS) is currently working on a strategic action plan on missing migrants.

At the European level:

- The Committee on Migration, Refugees and Displaced Persons of the Parliamentary Assembly of the Council of Europe (PACE) is working on the first PACE report on "*Missing, refugees and asylum seekers – a call to clarify their fate*"¹¹ (rapporteur Julian Pahlke, Germany SOC). This report and accompanying resolution are expected to be adopted in 2024.

At the EU level:

- In 2020, references to the issue of missing migrants in two resolutions of the European Parliament. In its [resolution on human rights in the external migration policy](#)¹², the Parliament called on the EU to establish a coordinated European approach in order to ensure prompt and effective identification processes while it has encouraged the EU to prevent migrants from going missing and dying in its resolution on a new [EU-Africa strategy – a partnership for sustainable and inclusive development](#)¹³.
- In 2021, publication by the European Migration Network (EMN) of an inform on "[Missing and separated migrants: Member States approaches to prevent and manage the disappearance of migrants and their separation from their family members](#)".

In the context of the migration dialogue between the EU and West Africa:

- In 2022, inclusion of an action point on missing migrants (Action 17) in the [Cadiz Action Plan](#) of the Rabat Process (migration dialogue between the EU and West Africa) updated at the last ministerial conference that took place in

¹¹ For more information, see the [motion for a resolution on missing migrants](#) and the [draft outline of the report](#).

¹² Point 20

¹³ Point 154

Cadiz. At a thematic meeting on missing migrants in Geneva in late 2023, attended by 35 member countries, a [set of comprehensive recommendations](#) was agreed.

*At State level:*¹⁴

- There have been recent examples of successful cooperation between States notably in 2023 between the Greek, Pakistani and Syrian authorities together with the Movement and Interpol whose collaboration have led to the identification of more than 60 victims of the Pylos shipwreck.
- Steps have also been taken to improve cooperation among African States through the appointment of national focal points, notably in The Gambia, Chad and Senegal. The thematic meeting on missing migrants of the Rabat Process organized in 2023 recommended such appointments all along migratory routes to the EU.

Way Forward

It is crucial for the EU to continue efforts to prevent and mitigate the risk of migrants going missing along the migratory routes to the EU and to address the suffering of concerned families. To this end, we encourage the EU and its MS, in the context of the external dimension of migration policies, to consider the following recommendations:

Prevention

Take measures to reduce the risk of migrants going missing or dying. To this effect:

- When elaborating new agreements with third countries or implementing the existing ones, **systematically assess whether they create or exacerbate the risk of migrants going missing or dying and adopt mitigation measures accordingly.**
- **Strengthen the provision of humanitarian services¹⁵ and increase EU support to third countries for search and rescue activities along the migratory routes to the EU,** particularly for **migrants in distress**, including in the Sahara Desert.
- **Improve third countries' border management processes and practices to reduce the risk of migrants from going missing and dying.** Support third countries in ensuring that children's rights and needs are adequately respected and addressed at borders and in asylum procedures and that procedures and practices are child sensitive.
- **Systematically collect data** (disaggregated by age and sex) **on deaths and disappearances along migration routes** with the aim of informing preventative measures and responses.

Search & Identification

Promote and reinforce transregional cooperation between the EU and third countries to facilitate the search and identification of missing migrants. To this effect:

- **Promote and support the appointment of national focal points on missing migrants in the EU MS and third countries¹⁶.** These focal points will serve as a designated point of contact for inquiries by authorities in other countries with regard to specific cases and will engage in intergovernmental discussions on cooperation or policy.
- **Foster cooperation between EU and third countries on the search & identification process** including among but not limited to national focal points, medico-legal systems, and law-enforcement institutions.

¹⁴ A compilation of effective practices taken by various state and non-state actors as related to implementation of GCM Objective 8 is available on the Missing Migrants Project website at <https://missingmigrants.iom.int/good-practices>

¹⁵ Such as access to communication means, provision of relevant information to prevent family separation and on the risk of going missing, specific services for children and unaccompanied children led by child protection authorities, including cross-border case management, and timely appointment of trained and supervised legal guardians. Un example of humanitarian services along the route are the [Humanitarian Service Points](#) (HSP) operated by the IFRC and RCRC National Societies. Those HSP are neutral and strategically located spaces along the migratory routes where migrants can access a wide range of humanitarian support and services, regardless of their migration status and wherever they are in their journeys.

¹⁶ A recommendation in this regard has also been endorsed in the Rabat Process at the last Senior Official Meeting that took place on 1st February in Rabat.

- **Invest in strengthening the national capacities of third countries to search for and identify migrants** who went missing/died on the migratory routes to and within the EU, including systems for the collection, management, centralization and systematization of data on unidentified remains **in line with data protection rules and standards**.
- **Involve consular and diplomatic services** in information-sharing and cooperation with third countries to facilitate the search and identification process.

Support to families

Strengthen the assistance and information support system to the families of missing migrants. To this effect:

- As part of EU cooperation on migration with third countries, **reinforce the capacity of civil society organizations that support and represent families of missing migrants in third countries**, including in child protection and Mental Health & Psychosocial Support (MHPSS).
- **Support the strengthening of legislative and policy frameworks in third countries to address the needs of affected families**, in particular through the issuance of certificates of absence/certificate of presumed death¹⁷, as well as other documents which can help address challenges such as guardianship of children, marital status and control of property.
- **Support repatriation of the remains of deceased migrants** when identified, respecting the wishes of grieving families and the **issuance of visas for families to search for their loved ones and visit grave sites in the EU**.

¹⁷ In lieu of a death certificate, the certificate of absence gives access to a series of rights including the right to inheritance, control over assets and property, parental rights...