



Guidelines on Coordination and Information-Exchange Mechanisms for the Search for Missing Migrants

Cover image:

Mexico: Puebla state, Ciudad Serdán, Mexican Red Cross assistance point. Migrants jump on the trains that travel along these tracks as a means of getting to their destination.

Contents

Executive summary	2
I. Introduction	4
II. Legal and policy framework	5
III. Roles and contributions of different stakeholders	8
IV. Guidelines on information collection, standardization and centralization.....	11
A. Collection of information from relatives of missing migrants and others	12
B. Mapping and accessing other information sources.....	13
C. Documentation and identification of deceased persons.....	15
D. Information harmonization, centralization and interoperability	16
E. National-level mechanisms	17
V. Guidelines on data protection and consent.....	18
VI. Guidelines on transnational coordination and information-exchange mechanisms.....	20
A. Key elements	21
B. Guidelines	21
1. <i>Shared understanding of roles, search strategies and the identification process</i>	21
2. <i>Information management and harmonization</i>	22
3. <i>Information-sharing pathways and interfaces</i>	23
4. <i>Legal agreements</i>	24
C. Awareness-raising and training of relevant institutions	24
D. International exchange and peer-to-peer learning	24
Glossary	25
Acknowledgements	27

Executive summary

These guidelines on coordination and information-exchange mechanisms for the search for missing migrants offer recommendations and examples from a wide range of existing practices on how to design efforts to clarify the fate and whereabouts of migrants who have gone missing along migratory routes, both domestic and transnational. The guidelines propose a multi-stakeholder model, with states at its centre, in which cooperation is sought with a broad range of actors, such as regional and international organizations, non-governmental and civil society actors, and families of missing migrants.

The first section sets out the legal and policy framework. It explains key obligations of states vis-à-vis missing migrants under different bodies of law, as well as the growing body of commitments and guidance contained in different UN instruments.

This is followed by a section setting out the roles and contributions of different stakeholders, from states to families. It emphasizes the critical role that states need to play at the heart of any effort to clarify the fate and whereabouts of missing migrants, because of, *inter alia*, their legal obligations and prerogatives.

A third section deals with the collection, standardization and centralization of relevant information at national level. Key considerations in this section include:

1. the collection of information from families, co-travellers and others on the basis of a relationship of trust, using standardized forms and interview methodologies
2. the mapping of, and systematic access to, information regarding missing migrants who are alive and may be in places of detention, hospitals, camps, reception centres or other relevant facilities
3. the systematic documentation of unidentified human remains along migratory routes, in line with scientific standards
4. the harmonization/standardization and centralization of all information collected, and the interoperability of data management systems used by different actors at national level
5. the creation, as necessary, of national mechanisms (focal-point institutions) to centralize/coordinate collection of information at national level, and the interaction of relevant agencies, in particular where caseloads exceed the ability of existing institutions to cope.

A fourth section addresses the critical role of data protection and consent, taking into account not only the sensitive nature of personal information required for the search but also the intersection of humanitarian, security and immigration concerns inherent in the migratory context. Key considerations in this regard include:

1. the strict separation of information used for the search from law enforcement or immigration purposes
2. the provision of free, informed and specific consent by data subjects based on a clear understanding of how data provided will be used
3. the importance of information security measures to prevent unauthorized access to data
4. the assessment of risks prior to sharing data.

A fifth section outlines key elements and guidelines for the creation of transnational search mechanisms, which are conceived as a flexible network of different types of stakeholders who cooperate in the exchange and analysis of information. It focuses on four sets of recommendations:

- 1.** to create regional and transregional frameworks to harmonize national policies and legal and regulatory frameworks concerning the search for missing persons and forensic identification in the context of migration
- 2.** for states and other actors along a migratory route to cooperate in harmonizing the collection of information and in developing standardized/compatible information management systems. This includes systematic information exchange between national focal points or counterpart institutions, the provision of mutual access to relevant databases and registers, and/or the creation of shared regional or transregional databases
- 3.** to establish information-sharing pathways and interfaces that are dedicated exclusively to establishing the fate and whereabouts of missing migrants, that allow for search strategies that begin with families reporting a relative as missing, as well as those initiated on the basis of unidentified remains or requests from migrants who have lost contact with their family, and that ensure access for families to information on their case
- 4.** to enter into legal agreements that help implement the above recommendations in accordance with the respective mandates and working procedures of the different actors while providing comprehensive data and privacy protections.

The final part of the document emphasizes the need to raise the awareness of, on the one hand, relevant authorities and their staff of the issue of missing migrants, and, on the other, of families and migrants regarding processes available to them for the purpose of the search.

I. Introduction

Thousands of migrants go missing every year. They disappear on precarious journeys along migratory routes or after arrival in countries of destination. The need for an effective response to this tragedy – for respect of relevant domestic and international legal obligations and recognition of the rights of missing migrants and their families, and the challenges faced by them – has been widely and repeatedly acknowledged at regional and global levels.

In 2018, in the Global Compact for Migration, more than 150 states committed themselves to engage in “coordinated international efforts on missing migrants”, to cooperate in “the standardized collection and exchange of relevant information” and “to identify those who have died or gone missing, and to facilitate communication with affected families”.¹ They undertook to establish “transnational coordination channels” and “designate contact points for families” in order to “facilitate identification [of remains] and the provision of information to families”.²

Various efforts are ongoing in different regions to put such commitments and recommendations into practice, with varying degrees of success. Many of them involve a broad range of actors – from states and international and non-governmental organizations to civil society actors and families.

This document seeks to draw on these experiences and on the small number of best practices identified so far, and to provide guidance for international cooperation and information exchange for the purpose of establishing the fate and whereabouts of missing migrants.

It is premised on the notion of a multi-stakeholder approach, which, while acknowledging that states must be at the centre of any effort, given their unique responsibilities and resources, recognizes that a truly effective response requires collaboration among a much broader range of actors. It is therefore designed to facilitate the work of all those undertaking efforts to determine the fate and whereabouts of missing migrants and to ensure active involvement of families in the search for their missing relatives.

The document sets out prerequisites, safeguards and guidelines for the collection, processing and exchange of relevant information, its centralization at local and national levels, and sharing and exchange of this information along migratory routes between countries of migrant origin, transit and destination.

Achieving systematic exchange of information on missing migrants and effective cooperation among a broad range of actors is a complex ambition that requires long-term commitment, resources and a gradual approach. It begins with the creation of capacities at national level, followed by the progressive development of transnational cooperation and exchange.

All actors involved in this undertaking need to be aware of the exceedingly sensitive nature of the migratory context. Many migrants and their families find themselves in situations of vulnerability. Interaction with them, with relevant authorities, and the collection and sharing of information about them may have far-reaching consequences. For this reason, it is crucial that the principle of do no harm is at the centre of all actions. This includes, but should not be limited to, having an acute awareness of the risk posed by the misuse of information in a given context and ensuring appropriate data protection and information security.

¹ Global Compact for Safe, Orderly and Regular Migration, [A/RES/73/195](#), United Nations, 11 January 2019, Objective 8.

² *Ibid.*

THE ORIGINS OF THIS DOCUMENT

The development of guidance on the exchange of information for the purpose of establishing the fate and whereabouts of missing migrants was one of several recommendations agreed upon by the participants in a workshop held in Antigua, Guatemala in May 2019. Co-organized by the ICRC, the International Organization for Migration (IOM) and the Argentine Forensic Anthropology Team (EAAF), this workshop brought together practitioners (including authorities, international and non-governmental organizations, representatives of civil society and families of missing migrants) from different parts of the world to discuss ways to improve the response to cases of missing migrants.

This document builds extensively on the “Regional guidelines on coordination and information exchange mechanisms in the search for missing persons in the context of migration”, which are currently in the process of being adopted by the Regional Conference on Migration in the Americas (see textbox 10).

II. Legal and policy framework

This section outlines key legal obligations related to the search for and identification of missing migrants and the rights and needs of their families, as well as global commitments undertaken on coordination and exchange of information on missing migrants.

As human beings, regardless of their status, migrants are entitled to the rights and fundamental freedoms enshrined in international human rights law (IHRL). Moreover, a number of international instruments specifically addresses the protection of certain categories of migrants, such as victims of trafficking and migrant workers. In addition, refugees and asylum seekers are specifically protected by refugee law.

Other than in relation to enforced disappearance, human rights law treaties do not contain any detailed provisions dealing specifically with missing persons or the treatment of the dead. However, a number of provisions contained in these treaties has been interpreted by UN treaty bodies and regional courts as giving rise to state obligations relevant to missing persons, including with regard to clarifying their fate and whereabouts. Under IHRL, states can be held responsible for interference with the right to life or the right to private and family life, and for violation of the prohibition of torture, cruel, inhuman or degrading treatment or punishment, or the prohibition of enforced disappearance.³ In particular, the procedural obligation of public authorities to carry out an effective investigation into the circumstances of unlawful or suspicious deaths within the jurisdiction of a state, as well as the right to an effective remedy for violations of human rights law, can, when respected, serve to clarify the fate and whereabouts of missing persons.

³ These rules are contained in various international and regional human rights treaties. For instance, the right to life is protected by the International Covenant on Civil and Political Rights (ICCPR), Article 6; the American Convention on Human Rights (ACHR), Article 4; the European Convention on Human Rights (ECHR), Article 2; and the African Charter on Human and Peoples' Rights (ACHPR), Article 4. The arbitrary deprivation of life is also considered to constitute a prohibition under customary international law. In addition, Article 3 of the Universal Declaration of Human Rights (UDHR) guarantees everyone the right to life, liberty and security of person.

In the case of alleged or suspected enforced disappearance, states must take all appropriate measures to search for, locate and release disappeared persons and must investigate acts of enforced disappearance and bring those responsible to justice.⁴ Finally, states must take appropriate measures to uphold each victim's right to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation, and the fate of the disappeared person.⁵

International humanitarian law (IHL), which applies in situations of armed conflict, contains rules that seek to prevent persons from going missing as a result of conflict and to clarify their fate and whereabouts when they do.⁶ For instance, IHL requires that the personal details of persons deprived of their liberty be recorded. Each party to the conflict must also take all possible measures to search for, collect and evacuate the dead, must record all available information before disposing of their remains and must mark the location of graves, with a view to identification. IHL also requires that the remains of those who have died during armed conflict be properly managed and their dignity protected; in addition, parties to an armed conflict must endeavour to facilitate the return of human remains to families on request.⁷ Finally, parties to the conflict must take all feasible measures to account for persons reported missing as a result of armed conflict and to provide their family members with any information they have on their fate.

Rules related to the search for and identification of missing migrants may also be found in international law of the sea, notably the obligation to assist and rescue persons in distress at sea, and in international criminal law.⁸ Furthermore, international disaster response law contains relevant soft law instruments related to forensic activities and the management of the dead.⁹

On a domestic level, states' legislation generally requires investigations into unlawful or suspicious deaths and often requires states to take all reasonable steps to identify human remains. However, domestic legal frameworks are rarely adapted to deal with the phenomenon of missing migrants – for example, regarding procedures for families to participate in the search if they are abroad. They might also lack regulations regarding the burial or return of human remains to their home country.

In addition to the abovementioned Global Compact for Migration, other commitments taken at the global policy level provide a basis for coordinated action on missing migrants. The Global Compact on Refugees¹⁰ allows “stakeholders with relevant mandates and expertise [to] ... provide guidance and support for measures to address other protection and humanitarian challenges”.¹¹ The UN Sustainable Development Goals (SDGs) also encompass the improvement of migration policies and better data exchange on international migratory movements. In 2020, a specific indicator referring to the number of people who die or disappear in the process of migration towards an international destination was added to the global indicator framework.¹²

⁴ International Convention for the Protection of all Persons from Enforced Disappearance (ICPPED). See Article 24, which also states that in the event of death, States Parties shall take all appropriate measures to locate, respect and return the remains; Article 3; and Article 15, providing that States Parties shall cooperate with each other and shall afford one another the greatest measure of mutual assistance with a view to assisting victims of enforced disappearance, and in searching for, locating and releasing disappeared persons and, in the event of death, in exhuming and identifying them and returning their remains.

See also: Committee on Enforced Disappearances, “Guiding principles for the search for disappeared persons”, CED C/7, Principle 6, 2019: <https://www.ohchr.org/EN/HRBodies/CED/Pages/Guiding-Principles.aspx>

⁵ ICPPED, Article 24.

⁶ See the factsheet entitled *Missing Persons and their Families* issued by the ICRC advisory services on IHL, 2015: <https://www.icrc.org/en/document/missing-persons-and-their-families-factsheet>.

⁷ See the factsheet entitled *Humanity after Life: Respecting and Protecting the Dead* issued by the ICRC advisory services on IHL, 2020: <https://www.icrc.org/en/document/humanity-after-life-respect-and-protection-dead>.

⁸ See, for instance, the interpretation of these legal frameworks by the Last Rights Project's *Statement and Commentary on the International Legal Obligations of States*, and the Mediterranean Missing Project's Legal Memo, *Dead and Missing Migrants: The Obligations of European States under International Human Rights Law*.

⁹ *Ibid.*

¹⁰ The Global Compact on Refugees was adopted by more than 180 member states of the UN General Assembly in 2018 “to provide a basis for predictable and equitable burden- and responsibility-sharing among all United Nations Member States, together with other relevant stakeholders as appropriate ...”. Report of the United Nations High Commissioner for Refugees: Part II: Global Compact on Refugees, UN Doc A/73/12, 13 September 2018: https://www.unhcr.org/gcr/GCR_English.pdf.

¹¹ *Ibid.*, para. 63.

¹² Following a 2020 Comprehensive Review conducted by the Inter-Agency and Expert Group on SDG Indicators, indicator 10.7.3 was added.

The need for a coordinated approach is also reflected in a growing number of global guidance documents and reports. For instance, in 2014, the Office of the High Commissioner for Human Rights recommended “standardizing the collection and analysis of data on border governance, including on regular and irregular border crossings, smuggling of migrants and trafficking of persons, [and] instances of deaths of migrants”.¹³

In its 2017 recommendations to policy-makers on missing migrants and their families, the ICRC urges them to “standardize the collection of information about missing migrants and dead bodies at national and transnational levels, and establish clear pathways so that data are collected, accessed and exchanged for the sole humanitarian purpose of clarifying the fate and whereabouts of missing migrants and informing their families, in accordance with internationally accepted data protection and forensic standards”.¹⁴

In her 2017 report on unlawful deaths of refugees and migrants the UN Special Rapporteur on extra-judicial summary or arbitrary executions called for the establishment of “an international permanent multi-stakeholder mechanism for the governance and coordination of search, identification and tracing activities” (para. 87), the development of “common methods of recording information and forensic protocols” (para. 88) and the establishment of “centralized regional databases and mechanisms to link existing national databases” (para. 116).¹⁵

Finally, the 2019 “Guiding principles for the search for disappeared persons”, developed by the UN Committee on Enforced Disappearances, acknowledged the particular vulnerability of migrants and urged states to establish cooperation agreements and competent authorities “to allow for effective coordination in the search for disappeared persons at each stage of migration”.¹⁶

¹³ Office of the High Commissioner for Human Rights, *Recommended Principles and Guidelines on Human Rights at International Borders Guideline 10.10.*, OHCHR, Geneva, 2014: https://www.ohchr.org/Documents/Issues/Migration/OHCHR_Recommended_Principles_Guidelines.pdf.

¹⁴ ICRC, *Missing Migrants and their Families – The ICRC’s Recommendations to Policy-Makers*, ICRC, Geneva, 2017: <https://shop.icrc.org/missing-migrants-and-their-families-the-icrc-s-recommendations-to-policy-makers-pdf-en>.

¹⁵ UN, *Report of the Special Rapporteur of the Human Rights Council on Extra-judicial Summary or Arbitrary Executions*, A/72/335, UN, New York, 2017: <https://reliefweb.int/report/world/unlawful-death-refugees-and-migrants-report-special-rapporteur-human-rights-council>.

¹⁶ Committee on Enforced Disappearances, *Guiding principles*, Principle 9.



D. Membreno/ICRC

Honduras: Tegucigalpa, Central Park. On the International Day of Missing Persons, members of the National Union of Committees of Relatives of Missing Migrants from Honduras (Union Nacional de Comités de Familiares de Migrantes Desaparecidos de Honduras – UNCOMIDEH) hold up pictures of their missing relatives.

III. Roles and contributions of different stakeholders

The guidelines and recommendations set out in this document are based on the assumption that a coordinated multi-stakeholder effort, involving a broad range of actors, from families of missing migrants all the way to states, is best suited to addressing this complex problem.

States have relevant obligations vis-à-vis missing migrants and their families. These can extend to the conduct of searches and/or investigations regarding missing migrants under their jurisdiction. States also exercise important legal prerogatives concerning, for example, the identification, burial, exhumation and return of human remains. States collect, and can provide access to, critical information, such as immigration, forensic, detention and other relevant data. Through consular and other formal channels, states can facilitate communication and information exchange across borders, including by participating in international and regional information-sharing networks, such as Interpol. Given their unique responsibilities and resources, therefore, states need to be at the centre of any effort to clarify the fate and whereabouts of missing migrants.

Families of missing migrants are those primarily affected by the disappearance of their loved ones. Families may reside in countries of migrant origin, transit or destination. They are rights-holders and will have a broad range of needs as a result of loved ones going missing. The definition of “family” should be flexible, in line with cultural and contextual variations, and take into account prolonged emotional dependency and mutual acceptance of relationships. Acknowledging their experience and ensuring their participation in the design and implementation of all measures related to the search for their loved ones should be central to any effort to address the issue of missing migrants. They and their associations, and civil society actors in proximity to them, including diaspora groups, are critical sources of information about missing migrants.

ICRC - MISSING PERSONS PROJECT GUIDING PRINCIPLES ON INTERACTION WITH FAMILIES OF MISSING MIGRANTS

For further guidance on the role of and interaction with families of missing migrants, the present document should be read in conjunction with the Guiding Principles on Interaction with Families of Missing Migrants issued by the ICRC’s Missing Persons Project.

These principles aim to inform interaction between families and a broad range of stakeholders, including states and their various organs, international and non-governmental organizations, and civil society actors, such as associations of families of the missing. They assume that families are central actors in efforts to address their needs. While the primary responsibility for responding to those needs lies with states, others can support their efforts. This includes all elements of how stakeholders engage with families and how families can most effectively participate in the process of gathering, analysing and sharing information to determine the fate and whereabouts of missing migrants, and in addressing their other needs.

Non-governmental organizations and civil society actors can have relevant expertise. In many contexts, key roles in terms of collecting, analysing and sharing information on missing migrants will likely be carried out by non-state entities. Their presence at community level and distance from state institutions may allow them to form effective relationships of trust with families and migrants in countries of origin, transit and destination. Such actors (e.g. the [Argentine Forensic Anthropology Team](#), EAAF) can also assume transnational roles, including by coordinating the work of non-governmental actors across borders where states lack capacity or willingness to do so.

International organizations are present and have far-reaching networks in countries of migrant origin, transit and destination. Depending on their mandates, they may have access to relevant data and target populations (e.g. United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM)), and have relevant resources and expertise available (e.g. the International Commission on Missing Persons (ICMP)). They can also act as conveners and mediators, bridging gaps between families or civil society actors and state authorities. The Global Compact for Migration notes the role of international organizations and other relevant stakeholders in establishing mechanisms for preventing and responding to situations where migrants risk going missing.¹⁷ The role of international organizations in the search for missing persons in armed conflict, including the proper management of the dead, has also been emphasized in UN Security Council Resolution 2474 of 2019.¹⁸

¹⁷ Global Compact for Safe, Orderly and Regular Migration, Objective 8; Global Compact on Refugees, para. 63.

¹⁸ UN Security Council Resolution 2474, 11 June 2019.

Regional organizations can be central actors in the creation of mechanisms to address the issue of missing migrants. Depending on their nature and context, they can monitor and analyse the disappearance of migrants at a regional level, help develop and align policy and actions, initiate information-sharing agreements or put in place structures to address the issue. Many regions have dedicated migration bodies, e.g. the Regional Conference on Migration in the Americas (CRM) or the European Migration Network. Others have created institutions to monitor and study migration, e.g. the African Union's Migration Observatory in Morocco. Regional bodies, such as the Organization of American States or the Council of Europe, have important roles in raising awareness and developing standards and recommendations, including in the fields of migration, missing persons and management of the dead.

The International Red Cross and Red Crescent Movement, which is composed of the ICRC, the International Federation of Red Cross and Red Crescent Societies and National Red Cross and Red Crescent Societies in 192 countries worldwide, has a long-standing humanitarian mandate regarding separated, missing and dead persons. While it has a global presence in countries of migrant origin, transit and destination, its engagement on the issue of missing migrants is evolving and differs according to context. The Movement has considerable capacity to share information transnationally, and states have committed to ensuring that personal data used for tracing by the Movement will not be requested or used for purposes incompatible with the humanitarian nature of its work.¹⁹

International and regional organizations and/or the International Red Cross and Red Crescent Movement can support mechanisms that address the issue of missing migrants in their efforts to ensure adherence to international obligations and standards.

¹⁹ See Resolution 4, "Restoring family links while respecting privacy, including as it relates to personal data protection", adopted at the 33rd International Conference of the Red Cross and Red Crescent, 2019: https://international-review.icrc.org/sites/default/files/pdf/1590391258/irc101_2/S1816383120000090a.pdf.



J. Cendon/ICRC

Senegal: Tambacounda region, Colibantang village. A mother holds a photo of her son, who went missing during his migration journey to Europe by boat.

IV. Guidelines on information collection, standardization and centralization

Efforts to clarify the fate and whereabouts of missing migrants can be initiated either by families, co-travellers or others who report a person as missing, or by state authorities and other relevant actors who attempt to determine the identity of unidentified persons, whether dead or alive, found in countries of transit or destination.

Irrespective of whether missing migrants are alive or deceased, locating, identifying and/or re-uniting them with their families requires analysis and comparison of different types of information:

- First, information provided by those reporting a person as missing. This can include personal details, physical characteristics, as well as information on the migratory route taken and presumed circumstances of disappearance. It can also include biological material/samples.
- Second, information obtained from other sources, such as witnesses to a disappearance, immigration and law enforcement authorities, detention centres or hospitals.
- Third, information collected from unidentified persons or human remains. This could be personal information and physical features of an unaccompanied minor in the custody of authorities or information regarding unidentified remains of presumed migrants collected during forensic procedures.

Prior to any data collection it is important to map sources, actors and existing collection efforts in order to avoid duplication.

A. Collection of information from relatives of missing migrants and others

Migrants can be reported missing by their families, by co-travellers, or based on information provided by others, such as diaspora contacts, smugglers and traffickers. Families may reside in countries of migrant origin or be migrants themselves.

State authorities in countries of migrant origin, transit and destination, and other actors involved in the search for missing migrants should ensure that families and others can provide information in an accessible, safe and confidential manner. This should include not only well-defined and publicized points of contact but also active information collection efforts.

MEXICO: THE MECHANISM OF EXTERNAL SUPPORT FOR SEARCH AND INVESTIGATION

The External Support Mechanism was set up by the Mexican government in 2015. It works in conjunction with the National Search Commission (see textbox 9 in section 4.e below), which is tasked with the search for all missing persons in Mexico, and with the Investigative Unit on Crimes against Migrants, which investigates and prosecutes those responsible for crimes committed against migrants, and handles reparations. The External Support Mechanism acts as a point of liaison between these bodies and migrants and their families who are outside the territory of Mexico. Through the Mexican consular network, the External Support Mechanism receives reports of alleged crimes and search requests for missing migrants. Based on the information received, it can request searches of specific sites and arrange for victims and/or representatives of civil society to participate in these. It can also provide legal assistance as required and is mandated to provide information on ongoing investigations and searches to families.

Effective information collection requires a relationship of trust. Depending on the context, therefore, such efforts can be carried out by a range of actors, including non-state ones. For example, in some countries, police stations afford irregular migrants the possibility to report a missing family member without fear of consequence. In others, family associations, National Red Cross and Red Crescent Societies or civil society actors may be better placed to obtain information from families, while sea-rescue organizations may have unique opportunities to obtain information from survivors of shipwrecks.

Wherever possible, information should be collected from families of missing migrants and others through interviews. Such interviews should follow an appropriate methodology that takes into account the interviewees' language, literacy, age, and cultural and religious sensitivities. Information on the interview, on data protection and on the intended use of the data provided should be given to the interviewees in writing. Where possible, interviewers should be trained and in a position to make referrals or provide direct support, including mental-health and psychosocial assistance. In the context of events leading to disappearances, it is important to interview surviving co-travellers systematically and without delay in order to obtain information on the identity of victims.

While different stakeholders may engage with families or co-travellers for a range of purposes beyond the search, such as criminal investigations or assessments of their needs, the collection of data critical for the search should be a universal priority, all the while ensuring that collection efforts are not duplicated. Information on missing migrants or missing persons data (MPD) should be collected using standardized forms and it should include personal details and a physical description of the missing migrant, relevant information on his or her family and, wherever possible, provide insight into the circumstances of the disappearance.

ICRC – MISSING PERSONS PROJECT CORE DATASET FOR THE SEARCH FOR MISSING MIGRANTS

The lack of harmonized data is one of the main obstacles to the successful resolution of missing-migrant cases. Existing practices to register cases on the basis of information obtained from families or witnesses differ, ranging from the use of established formats, such as Interpol or ICRC ante-mortem forms, to ad hoc forms created by specific institutions. Most established formats were not specifically created with the migratory context in mind and therefore lack specific data fields on the migratory route and circumstances.

In order to facilitate the harmonization of data collection, the ICRC Missing Persons Project has developed a “core dataset” that can inform data collection efforts. It is based on a variety of existing forms and extensive input from expert practitioners, and covers a range of potential circumstances, such as interviews with families or with witnesses to a disappearance. It can be used as a basis to create new forms or to supplement existing efforts.

Biological data and/or material constitute highly sensitive information and can be critical for processing the tracing and identification of missing migrants. Where such data are collected from families, special care must be taken to ensure free, informed and specific consent is obtained and that the data, given their sensitive nature and importance, are handled, processed, safeguarded and retained/destroyed appropriately, in line with applicable legal frameworks and international data protection standards.

THE COLIBRI CENTER’S APPROACH TO COLLECTING DNA FROM FAMILIES

The Colibri Center for Human Rights is based in Arizona, USA, and works to address the needs of families of missing migrants and to resolve cases of missing and unidentified persons. For this purpose, it collects DNA reference samples from families using a particular set of protocols. Colibri contacts families by phone and never collects the home address of families of the missing. Instead, it uses ZIP (postal) codes and area codes as proxies for where families live. Colibri has also developed a mail-in DNA kit that allows families from all over the country to provide a DNA sample by post. Saliva samples are identified only by a code, with names of the donors stored in a private, secure database: no one outside of Colibri has access to donors’ names. The lab in which DNA matching is carried out works only with codes.

B. Mapping and accessing other information sources

Migrants can lose contact with their families for a variety of reasons. They may have lost contact details for their families or they may be in detention facilities or hospitals, unable to communicate. Records of their passing through immigration controls or stay in reception and accommodation centres may be instrumental in locating them. Such centres may be state-run facilities, a camp operated by an international organization, or a facility operated by a church or civil society organization. Where the migrant is an unaccompanied minor, they might be registered with relevant child protection services or other organizations. Law enforcement databases or civil registers recording deaths, marriages, name changes or births may also contain useful information.

State authorities and others engaged in the search for missing migrants should map such sources and aim to ensure systematic rather than case-by-case access to these for the purpose of the search.

SEARCH FOR LIVING MIGRANTS BY THE MEXICAN JESUIT MIGRANTS SERVICE (SJM)

The Missing Migrant Programme of the SJM, a non-governmental organization in Mexico, focuses on the search for living migrants. Based on information received from families or other organizations, the SJM searches for missing migrants in shelters (often church-run), hospitals and detention centres. While it has direct access to some of these, it relies on cooperation with the National Human Rights Commission to access places of detention. In exceptional cases, the SJM also liaises with authorities in the United States in order to search for people in immigration detention centres.

SEARCH FOR LIVING MIGRANTS BY EUROPEAN NATIONAL RED CROSS SOCIETIES

While arrangements differ between countries, there are various examples in Europe of National Red Cross Societies accessing or operating in asylum shelters or places of immigration detention and prisons. In Germany, an agreement with the Federal Ministry of the Interior allows the German Red Cross to initiate searches by accessing the Central Register of Foreigners. In the Netherlands, the National Red Cross Society has signed an information-exchange agreement with the Central Agency for the Reception of Asylum Seekers and the Repatriation and Departure Service. Similarly, the Italian Red Cross has signed a cooperation protocol with the Special Commissioner on Missing Persons. In Bosnia and Herzegovina, Greece and Lithuania, the National Red Cross Societies have access to immigration detention centres and/or prisons.



S.N.

Yemen: Hodeidah. The ICRC, together with the Yemen Red Crescent Society, helps with the effort to bury migrants who died after being attacked during their journey.

C. Documentation and identification of deceased persons

The systematic and standardized collection of information on unidentified human remains along migratory routes and in destination countries is critical to the search for and identification of missing migrants. The management of the dead, from the moment a death is reported or a body is found until its identification and final disposition, is often a multi-agency and multidisciplinary process. State authorities in countries of migrant origin, transit and destination should ensure that first responders, i.e. rescue operators and law enforcement officials, and medico-legal services develop and implement appropriate procedures to ensure adequate documentation of unidentified deceased persons, as well as their examination, identification and final disposition, in accordance with applicable legal frameworks and scientific principles and standards.²⁰

This includes putting in place protocols and standard operating procedures (SOPs) for the various stages of the management of the dead and for the different forensic disciplines/laboratories involved in the identification process, including chain of custody and traceability of the dead bodies, samples and all other related evidence. Doing so is essential for quality control and to ensure reliability of the identification results and, hence, the trust and acceptance of the families concerned.

²⁰ For comprehensive guidance on recovery and identification of human remains, refer to: UN, *The Minnesota Protocol on the Investigation of Potentially Unlawful Death* (revised), United Nations, New York and Geneva, 2017: <https://www.ohchr.org/Documents/Publications/MinnesotaProtocol.pdf>; ICRC, *Management of Dead Bodies after Disasters: A Field Manual for First Responders*, ICRC, Geneva, 2020: <https://www.icrc.org/en/publication/0880-management-dead-bodies-after-disasters-field-manual-first-responders>. Salado Puerto et al, *The search process: Integrating the investigation and identification of missing and unidentified persons*, Forensic Science International: Synergy, Vol. 3, 2021: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8219753/>.

The documentation of deceased persons, through forensic examinations, should aim to collect the post-mortem data necessary for identification purposes. There should be a reference to the entity that conducted the collection of information. Identification should rely on multiple forensic disciplines and lines of information, taking into consideration all available scientific and contextual evidence. It is important that the analysis and comparison of information from missing persons and unidentified bodies include all categories of cases and not just those suspected of being linked to migration. Otherwise, bodies may remain unidentified or missing-persons cases may remain unsolved, owing to incorrect assumptions.

Where human remains do remain unidentified or unclaimed, complete documentation of these and appropriate and dignified storage or burial should be ensured.

TUNISIA: STRENGTHENING MEDICO-LEGAL SYSTEMS AND FORENSIC CAPACITY

Shipwrecks are a frequent and tragic occurrence off the Tunisian coast and result in a considerable number of unidentified human remains being handled by Tunisian authorities. In order to minimize the risk of migrants going missing, the Tunisian authorities, together with the ICRC, have worked to reinforce coordination between all agencies involved, ranging from medico-legal authorities, to judicial authorities, to municipalities, to the Coast Guard, to scientific police, among others. To that end, inter-ministerial round tables were organized to standardize ante-mortem and post-mortem collection forms and harmonize operating procedures.

After accidents at sea, the ICRC works in close coordination with and in support of the Tunisian authorities – among other things, to facilitate exchange of information between stakeholders, so that families are informed of the fate and whereabouts of their loved ones, including in countries of migrant origin. As a result, in 2020, the bodies of several migrants were able to be identified – and some of them repatriated – enabling families to initiate the process of mourning their loved ones.

D. Information harmonization, centralization and interoperability

The fragmentation of information relevant to the search for missing migrants among different local, regional and central authorities and non-state actors is a major obstacle to an effective search. While case-by-case searches may be the reality in many contexts, efforts should aim to create data management systems that allow for systematic access to, compilation and comparison of relevant data at national level as a prerequisite for international data-sharing.

First, this requires the harmonization of tools (including forms and records), methods, pathways and languages used to collect information on missing migrants, on unidentified human remains and on unidentified living individuals in a way that ensures compatibility and facilitates the processes of analysis and comparison between them.

As a second step, information on missing persons and unidentified human remains collected at local and regional levels should be centralized, supported by a technical infrastructure and SOPs. The design of the latter should provide for the participation of non-state actors as required, and they should define how information collected by such actors can be formalized/recognized by state authorities. This centralization can be achieved through standardized data management systems that facilitate the preservation and use of data for search and identification purposes.

CENTRAL AMERICA: THE BORDER PROJECT'S NETWORK OF DATABASES

In 2010, the Argentine Forensic Anthropology Team (EAAF) founded the Border Project as a regional mechanism to identify missing migrants along the Central American route. In cooperation with governments, civil society actors and families of missing persons, the Border Project set up databases in El Salvador, Honduras, Guatemala (no longer in operation) and Mexico (in the states of Chiapas and Oaxaca).

Based on a standardized data-collection approach, these databases centralize, at national level, information on missing persons and the circumstances of their disappearance, as well as genetic profiles obtained from their families. Their standardized structure means the different national databases can also function as a regional network, facilitating large-scale comparison. Databases are governed by a partnership of national authorities, such as ministries of foreign affairs and prosecutors' offices, representatives of families of missing migrants, non-governmental organizations, civil society actors and the EAAF. By March 2021, the Border Project had collected more than 1,400 cases, obtained genetic profiles of almost 4,000 relatives and identified more than 230 missing migrants.

ICRC RESOLVE PLATFORM

To help respond to growing numbers of dead and missing persons as a result of increasingly complex humanitarian crises, the ICRC is developing Resolve Platform, a web-based solution that is offered to partners – governments, experts, agencies, organizations, etc. – to help them record, process, store, archive and share information on missing persons and human remains. It supports two parallel and complementary objectives: i) to account for the missing and support efforts to search for them and ii) to manage information on the dead by increasing traceability in mortuary operations and supporting efforts in human identification.

The platform is to be further developed to incorporate an algorithmic capability that will facilitate comparison of information on missing persons with information on unidentified human remains, thus generating a list of hypotheses for subsequent scientific confirmation or exclusion. A public access window will also be added, to allow concerned members of the public to report a person as missing and to obtain information on missing persons in a moderated manner.

As a third step, national-level interoperability and, where appropriate, compilation and centralization of information held by different agencies and actors need to be sought. This may require the use of database platforms to better manage larger/complex datasets and improve/expedite the search and comparison for identification purposes. In this regard, existing platforms, should be prioritized over the creation of new database tools.

E. National-level mechanisms

Arrangements of existing practices address the issue of coordination of search efforts for missing migrants at national level. Some countries handle missing-migrant cases in the same way as other missing-persons cases, e.g. through their police or, where transnational enquiries are needed, through Interpol channels or by cooperating with National Red Cross and Red Crescent Societies. Others have created ad hoc institutions to coordinate the work of different agencies on missing migrants and/or to ensure transnational access to and interaction with the families of those missing. Where a missing-persons caseload that includes missing migrants is too large for existing agencies to handle, the creation of a dedicated unit or institution to fulfil the role of a national mechanism should be considered.

THE MEXICAN NATIONAL SEARCH COMMISSION

The National Commission for the Search for Disappeared Persons was created by the Mexican government in 2017, with the task of initiating, executing and following up on search actions for “missing and disappeared persons”. The Commission is mandated to coordinate and monitor the actions of all state agencies involved in the search, and all authorities are obliged to collaborate with it. Moreover, every federal state must create a Local Missing Persons Commission, with comparable functions.

A wide range of responsibilities has been given to the Commission. This includes designing a national search policy, issuing technical recommendations for the work of state agencies (a manual on building capacities for searching for missing persons issued by the Commission can be found [here](#)), maintaining a national registry of missing persons, ensuring unrestricted access to all relevant official databases and registries, and coordinating with civil society and foreign authorities in the search. To protect the identities of those reporting a missing person, the Commission has put in place an anonymous reporting system. Through the External Cooperation Mechanism (see textbox 3 in section 4.a above), the Commission can liaise with people who have lodged requests outside the territory of Mexico.

THE ITALIAN SPECIAL COMMISSIONER ON MISSING PERSONS

In 2007, Italy established the government’s Special Commissioner for Missing Persons, with the task of coordinating and monitoring the work of different government agencies in the area of missing persons. It also promotes the comparison of national information on missing persons and unidentified human remains, and maintains contact with the relatives of missing persons and national associations working on their behalf. The Special Commissioner also cooperates with other actors involved in the search, such as the Italian Red Cross, with which it has signed a protocol of cooperation.

V. Guidelines on data protection and consent

Data collected in the course of a search for a missing migrant is likely to contain highly sensitive personal information, even biometric data. In a migratory context, where humanitarian concerns intersect with the immigration and security interests of states, the use of such data for purposes other than the search can have far-reaching consequences for missing migrants and their families. These can include detention or deportation, may impede future immigration and may dissuade families from providing information in the first place. For this reason, state authorities and all other actors involved in the search should strictly distinguish between data intended for the humanitarian search and data used for other purposes, such as border control and law enforcement, and protect the former accordingly.

Addressing cases of missing migrants requires sharing data internationally between different stakeholders.²¹ Frequently, national legislation restricts the sharing of personal data with third parties, and access to such data by them, in particular in case of transfers across borders or jurisdictions. Despite these differences in national laws, all stakeholders should strive to achieve internationally accepted data protection and privacy standards.²²

²¹ International data-sharing includes any act that results in personal data being transferred, shared or accessed across national borders or with international organizations. It involves making personal data accessible, via electronic or other means, outside the state where they were originally collected or processed.

²² The processing of personal data should respect data protection principles, such as fairness and lawfulness, which require a lawful basis for processing operations and that a person’s data are only handled in ways in which they would reasonably expect. Other principles related to the purpose limitation of data, minimization, storage limitation, security and accountability also need to be respected.

All stakeholders should ensure that data are shared only if this is in the best interest of the data subject, i.e. the missing migrant or their family. Relatives need to provide their free, informed and specific consent to the provision and processing of their data. This consent is predicated on the principle of transparency, which requires that at least a minimum amount of information on how data will be processed is shared with the family member when data are collected. In other words, relatives have a right to be informed how the information, if disclosed to authorities and others, will be used and who will have access to it, so that they may assess the risks and implications.²³

As missing migrants cannot provide free, informed and specific consent to the collection and use of their personal data, an alternative legal basis to consent, such as public or vital interest, will need to be relied on. Information about any child and their identity should be subject to additional protective measures where information and data are gathered, stored and shared.

The capacities of different stakeholders to protect information from misuse are likely to vary (e.g. in terms of resources or privileges and immunities). Use for unintended purposes may have a serious impact on data protection safeguards for the missing migrants and their families, and can be detrimental to their safety. Serious consideration should therefore be given to information security, i.e. to the design of information technology and data management systems that effectively protect information against unauthorized access.

Prior to sharing personal data, an assessment should be carried out to determine whether the transfer presents any unacceptable risks for the individual (e.g. discrimination or repression),²⁴ while stakeholders should ensure that the recipient puts appropriate safeguards in place to protect personal data. In practice, such safeguards may be provided by a legally binding contractual agreement, by which the organization and the party to which the data are transferred commit to protecting the personal data in question on the basis of the data protection and information security standards that apply to the stakeholder sharing the information.

For any international data-sharing, appropriate measures should be taken to safeguard the transmission of personal data to third parties. The level of security adopted and the method of transmission should be proportionate to the nature and sensitivity of personal data and to the risks involved. The organization that initiates the transfer must be able to demonstrate that adequate measures have been taken to ensure compliance with data protection principles.

Beyond the protection of data, stakeholders also need to ensure that sharing of data does not diminish the ability of data subjects to access, amend or erase their data and to object to their use at any stage.

²³ For guidance on interpreting data protection principles in the context of humanitarian action, see: C. Kuner and M. Marelli (eds), *Handbook on Data Protection in Humanitarian Action*, 2nd edition, Brussels Privacy Hub/ICRC, Geneva, 2020: https://reliefweb.int/sites/reliefweb.int/files/resources/4305_002_DataProtection2020_web.pdf.

²⁴ See Annex 1 of the *Handbook on Data Protection in Humanitarian Action* for a template of a Data Protection Impact Assessment (DPIA) report.



M. Carceres/ICRC

Mexico: Chiapas, Frontera Corozal. A boat ferrying migrants across the Usumacinta River.

VI. Guidelines on transnational coordination and information-exchange mechanisms

A mechanism to clarify the fate and whereabouts of missing migrants, both dead and alive, can be conceived of as a flexible network of different types of stakeholders who cooperate in the exchange and analysis of information and whose respective roles and relative importance can differ substantially, depending on the context.

Given the extreme sensitivity of data on migrants and their families, measures to ensure that information is only used for purposes expressly agreed to by those providing it need to be an integral part of any mechanism. Stakeholders need to be aware that even simple information requests to a country's authorities may endanger the families of missing migrants who may already be in precarious situations themselves.

For such a mechanism to work, pathways and interfaces between different actors need to allow for the bidirectional flow of information, e.g. information provided by families is transmitted to search authorities in a country of destination and information on progress in the search, or requests for additional information, are channelled back to the family. Pathways define routes for transmitting data, e.g. from a family in a country of origin, through local, central and consular and diplomatic authorities, to a forensic institute in a country of destination for identification purposes. Transmission and exchange can occur among states and their respective institutions at various levels, among international organizations, non-governmental entities (the International Red Cross and Red Crescent Movement, NGOs), civil society actors and families of missing migrants. Interfaces between each of these actors should define what is shared, how it is shared and subject to what restrictions and safeguards, taking into account issues such as data protection, trust and transparency, and their respective mandates and working modalities.

States can cooperate and exchange information with other states either bilaterally or through broader, multilateral arrangements. This cooperation can be achieved among national-level mechanisms that function as focal points on the issue of missing migrants, on the basis of existing international channels, e.g. consular and diplomatic authorities, or through direct contacts between specific “counterpart” institutions, such as forensic or law enforcement authorities or ministries of foreign affairs.

Sharing information on a case-by-case basis, especially when the country of origin of an unidentified person or unidentified human remains is merely presumed, tends to be inefficient, as the information is not exchanged in a systematic manner or on a large scale. This precludes the pursuit of multiple hypotheses of identity.

The effectiveness of such a mechanism is likely to increase according to the degree of harmonization and systematization (as opposed to ad hoc arrangements). While a single integrated mechanism spanning an entire migratory route may represent the ideal scenario, in reality, different types of arrangements are likely to co-exist along a route. Where this is the case, efforts should be made to ensure that these arrangements complement each other to the greatest possible extent, e.g. by using compatible, standardized formats for information collection and transmission.

It is therefore recommended to base exchanges of information on specific legal agreements that ensure a systematic flow of information and provide appropriate information safeguards.

A. Key elements

Key to the successful operation of such a multi-stakeholder mechanism are:

- a shared understanding of the respective roles of different institutions and actors, including families of missing migrants, and of search strategies along a migratory route
- a coordinated approach to information management, based on common standards to compile, store and allow for the effective exchange and comparison of information among different actors and the creation of “common” structures/elements (e.g. a regional database containing information on missing migrants), as required
- the creation of effective information-sharing pathways and interfaces between different types of actors, to enable them to exchange information while adhering to jointly agreed requirements, including with regard to data protection
- legal agreements that provide a framework for the systematic exchange of information, cooperation and coordination among different actors in accordance with their respective mandates and working procedures, and the provision of safeguards with regard to privacy, data protection, etc.

B. Guidelines

1. SHARED UNDERSTANDING OF ROLES, SEARCH STRATEGIES AND THE IDENTIFICATION PROCESS

Actors seeking to cooperate along a migratory route need to develop a shared understanding of their respective roles, search strategies and the identification process in accordance with international obligations, legal frameworks, standards and best practices. The roles of different actors will determine *inter alia* the design of information-sharing pathways, while strategies and identification procedures will determine the type of information to be sought from different actors along a migratory route.

Any such understanding should encompass the active participation of families, and civil society organizations acting on their behalf, in the design and implementation of all measures related to the search and the broader response to their needs.

In line with the above understanding, states along a migratory route should seek to adopt regional or transregional legal, regulatory or policy frameworks, as appropriate, to harmonize national policies and legal and regulatory frameworks concerning the search for missing persons and forensic identification in the context of migration. This should facilitate the systematic exchange of information with relevant actors, state and non-state, along a migratory route from all relevant sources, including families, forensic registers, immigration databases, hospital records, registers from detention centres, cemeteries or burial services and other sources, and should comprise any relevant data regarding missing or unidentified persons, fingerprint data, genetic information, medical and dental information, etc. This includes establishing with whom, how and at which level such information can be exchanged, in accordance with internal regulations on access to and protection of information, as well as with existing international obligations and standards.

DEVELOPMENT OF JOINT GUIDELINES BY THE REGIONAL CONFERENCE ON MIGRATION

In 2018, the 11 Central and North American member states of the *Regional Conference on Migration* began developing a set of regional guidelines on coordination and information exchange mechanisms in the search for missing persons in the context of migration. The guidelines, which are currently in the process of being adopted, recognize the unprecedented challenge of people going missing in the process of migration and emphasize the importance of joint action and of engaging with non-state actors. They aim to optimize national, bilateral and multilateral coordination and information-exchange efforts, including by providing criteria for information standardization and exchange, developing models for information exchange and defining the roles of consular authorities, ministries of foreign affairs and other relevant authorities. Although non-binding, these guidelines, once adopted, will represent the first example in the world of a regional approach to harmonizing and coordinating search processes for missing migrants.

National policies and regulatory frameworks should seek to establish national focal points, either in the form of special mechanisms or through designated offices in ministries of foreign affairs or other institutions. These offices should optimize the exchange of information among different institutions at national level and act as a single point of contact both within the country, e.g. for families and other actors wanting to register a case, and outside of it, e.g. for external actors engaged in the search for a missing migrant or their family.

Such an understanding among the different actors along a migratory route may be progressively reached through regular meetings and exchanges to identify existing challenges, develop cooperation procedures and discuss cases, where appropriate.

2. INFORMATION MANAGEMENT AND HARMONIZATION

Building on their shared understanding, national policies and organizational mandates, states and other actors along a migratory route should cooperate in the harmonization of information collection and the development and implementation of standardized/compatible information management systems. These should include interoperable computer systems²⁵ and contain high-quality information, in accordance with international obligations and standards and criteria for the protection of personal data. Such systems should enable the exchange of information among states and with other actors along a migratory route, and be subject to appropriate data protection safeguards, to ensure an effective bidirectional flow of information for variable comparison, data analysis and the possibility of developing hypotheses of identity regarding missing and deceased persons from different countries.

For the sake of harmonization of such systems along a migratory route, regional parameters for information management systems based on existing international best practices should be developed, disseminated and applied.

²⁵ Dedicated solely to the issue of missing migrants.

Wherever possible, the flow of information should be systematic, rather than on a case-by-case basis. This can be achieved in a number of ways, including through:

- systematic information exchange between national focal points or counterpart institutions (e.g. forensic authorities)
- the provision of mutual access to databases and registers, where required, following a “querying not sharing” model, which allows one party to search the database of another without obtaining access to the data it contains. Where a possible match is detected, the database owner decides whether and what associated information to share
- linking existing or creating new regional or transregional shared databases to centralize information.

3. INFORMATION-SHARING PATHWAYS AND INTERFACES

Information-sharing pathways and interfaces should be created that are exclusively dedicated to establishing the fate and whereabouts of missing migrants and that exclude the use of personal data related to missing migrants and their families for other purposes, such as immigration or criminal investigations. Where this is not ensured, families and other actors are less likely to provide the information required for successful case resolution (see section 5 on data protection and consent).

THE FORENSIC BORDER COALITION AGREEMENT ON DATA COMPARISON WITH THE FBI

In October 2020, the US Federal Bureau of Investigation (FBI) invited the EAAF to pilot a standalone humanitarian database created to identify missing migrants (“Standalone Humanitarian DNA Database”) that will be housed at the [University of North Texas Center for Human Identification \(UNTCHI\)](#). The pilot project is the product of years of negotiations between federal authorities and the [Forensic Border Coalition \(FBC\)](#) – of which EAAF is a member – with the support of Berkeley Law’s International Human Rights Law Clinic. The Standalone Humanitarian DNA Database enables, for the first time, large-scale comparison of the DNA profiles of the relatives of missing migrants against the profiles of unidentified remains currently stored in UNTCHI’s database, which reportedly contains 50% of the total unidentified remains profiles stored in the US DNA database system.

Since 2010, the FBC – in partnership with governmental institutions, including foreign consulates in the US and government institutions and other entities in Mexico and Central America – has gathered ante-mortem and background data on missing migrants, as well as reference DNA samples from more than 4,000 relatives of missing migrants. This multi-stakeholder partnership will share with UNTCHI limited information about missing persons (including their name, sex, date of birth, date and place of disappearance) and donor relatives (only their name and biological relationship to the missing person). The UNTCHI has developed policies and submission procedures for the Standalone Humanitarian DNA Database, which state that the database will be used solely for humanitarian purposes – federal border officials will have no access to the database or the information it contains. Moreover, the genetic data of family members will only be compared against the unidentified remains index and not against any criminal index. Family members can withdraw genetic data at any time and the genetic data of family members and remains will be destroyed when there is a match.

The pilot project provides an unparalleled opportunity to address the anguish of family members searching for their missing loved ones. However, it will be crucial to closely monitor privacy concerns about how the genetic data are used and ensure this initiative prioritizes the dignified and humane treatment of family members, especially during the notification process.

Information-sharing pathways should be bidirectional, allowing for search strategies that begin with families reporting a relative who has gone missing, as well as those initiated on the basis of unidentified remains or migrants who have lost contact with their family.

Information-sharing pathways should be designed such that families have access to all information pertinent to the case of their missing relative in countries of origin, transit and destination, and such that they are updated regularly about the status of the search and identification process. These pathways should further establish clear avenues to notify families in a timely manner when human remains have been identified or a missing person has been located alive and is willing to re-establish contact.

In the absence of an overarching and integrated information-exchange framework or direct exchange between counterpart institutions, consulates and diplomatic representations of countries of origin of migrants should facilitate the exchange of information from national registers (biometric data, fingerprints, etc.) with relevant institutions in the countries of transit and destination, at their request. Furthermore, they should create a system for communication and information exchange with non-state entities that have information about, or act on behalf of missing migrants or their families.

To respect the need of institutions from other countries to review or perform their own scientific analysis for forensic identification, and to avoid duplication of interviews with and sample-taking from families of missing persons, information shared should include results from identifications and details of the analysis and data-matching process that was carried out to identify deceased persons.

4. LEGAL AGREEMENTS

Stakeholders should enter into bilateral or multilateral agreements or memoranda of understanding to establish a legal framework for the exchange of information and design of joint strategies oriented towards the search for missing migrants, taking into account the respective mandates and working procedures of the actors involved. These should contain provisions such as:

- systematic sharing or querying of data, rather than case-by-case exchanges
- development of standardized tools, methods and operating procedures
- the creation of joint elements or capacities, e.g. regional databases, as required
- comprehensive provisions for privacy and data protection, and to ensure that information is only accessed and used for the purpose of clarification of the fate and whereabouts of missing migrants
- verification by countries of transit and destination of information received from forensic experts of countries of migrant origin
- sharing and replication of best practices.

C. Awareness-raising and training of relevant institutions

Countries of migrant origin, transit and destination, as well as non-state actors operating along migratory routes, should raise awareness among relevant institutions and personnel of the issue of missing migrants. Training should be provided in searching for missing persons, collecting information, protecting personal data and forensic identification of unidentified deceased persons in the context of migration.

At the same time, all stakeholders should strive to raise awareness among migrants and their families of processes, measures and institutions that are available to support them in the search and to address their other needs.

D. International exchange and peer-to-peer learning

States and other actors should actively engage in international exchange of experiences across contexts and consider peer-to-peer engagement as an important avenue for benefiting from lessons learned in other contexts. In addition, efforts to generate, collect and analyse data, not least transnationally, should be stepped up. Such analysis is a critical element in devising and operating effective mechanisms.

Glossary

Ante-mortem data (AMD): Information about the person before the disappearance. Also referred to as missing persons data. These data can be obtained from families, witnesses to the disappearance of migrants and, in some cases, from close friends and colleagues. The information could include the following:

- general personal/social information (name, age, home address, place of work, marital status, etc.)
- physical appearance (height, weight, eye colour, hair colour, etc.)
- medical and dental history (fractures, diseases, missing teeth, dental crowns, fillings, etc.)
- distinguishing features (habits – such as pipe smoking, unique characteristics – such as scars, birthmarks or tattoos)
- clothes and other personal items the missing person was wearing or carrying when he or she was last seen
- any circumstances related to the disappearance
- biological samples or data collected from the relatives of the missing persons for genetic profiling and matching purposes.

Biological samples: Refers to biological samples obtained from relatives of missing persons or unidentified individuals that contain DNA that can be analysed to produce a profile that can be reliably compared to other profiles for establishing kinship and/or for identification purposes. For example: blood, saliva or bone samples.

Consent: Freely given, specific and informed indication of a data subject's wishes by which the data subject signifies agreement to personal data relating to him or her being processed.

Data management systems: Policies, procedures, resources and tools in place to collect, preserve, protect, share and eventually destroy the relevant types of data by the agency/agencies concerned.

Data subject: An individual who can be identified directly or indirectly, in particular by reference to personal data.

Family: The definition of family must be able to be interpreted in a broad manner and should be flexible, in line with the traditions and cultural values of each people and contextual variations, and take into account prolonged emotional dependency and mutual acceptance of relationships. It should not be limited to a purely biological (rather than social) concept and must be interpreted to include adoptive or foster parents or, where applicable, the members of the extended family or community, as provided for by local custom. All children treated as a part of the family, regardless of legal status, should be acknowledged as family members. As migrants are often separated from their families for extended periods, they can develop important social bonds with co-travellers. While not family members, such contacts should be recognized both in terms of reporting a disappearance and in providing information to aid the search and identification. Special attention should be paid to dealing with divided families, who may hold conflicting views or have different needs.

Identification of human remains: A legal verification (sealed by the jurisdictional authority's signature) of the scientific matching of information on missing persons with unidentified human remains.

Information-sharing pathways: For the purpose of this document, pathways define routes for transmitting data, e.g. from a family in a country of origin, through local, central and/or consular and diplomatic authorities, to a forensic institute in a country of destination for matching purposes. Transmission and exchange can occur among states and their respective institutions at various levels, among non-governmental entities (international organizations, the International Red Cross and Red Crescent Movement, NGOs), civil society actors and families of missing migrants.

Interfaces: For the purpose of this document, interfaces between relevant stakeholders should define what is shared, how it is shared and subject to what restrictions and safeguards, taking into account issues such as data protection, trust and transparency, and their respective mandates and working procedures.

International data-sharing: Any act that results in personal data being transferred, shared or accessed across national borders or with international organizations. It involves making personal data accessible, via electronic or other means, outside the state where they were originally collected or processed.

Mechanism: For the purpose of this document, a mechanism is understood to include institutions and processes that are created to clarify the fate and whereabouts of missing migrants, both dead and alive. It can be conceived of as a flexible network of different types of stakeholders who cooperate in the exchange and analysis of information and whose respective roles and relative importance can differ substantially, depending on the context.

Migrant: For the purpose of this document, the term “migrant” refers to all people who leave or flee their home to seek safety or better prospects abroad, and who may be in distress and need protection or humanitarian assistance. Migrants may be workers, students and/or foreigners deemed irregular by public authorities. They can also be refugees, asylum seekers and/or stateless persons.

Missing person: A person whose whereabouts are unknown to his/her relatives and/or who, on the basis of reliable information, has been reported missing in accordance with national legislation in connection with an international or non-international armed conflict, other situation of violence, a disaster or any other situation that may require the intervention of a competent state authority (ICRC *Guiding Principles/Model Law on the Missing*: <https://www.icrc.org/en/document/guiding-principles-model-law-missing-model-law>).

Personal data: Any information relating to an identified or identifiable natural person.

Post-mortem data (PMD): Information obtained through the inspection and scientific analysis of human remains. Also referred to as unidentified person data (UPD). The post-mortem data for identification purposes include the following:

- general information about the remains (age range, sex, height, etc.)
- medical and dental facts, including unique characteristics of the remains (e.g. signs of old bone fractures or evidence of surgery, condition of the teeth and presence of any dental work, such as fillings, etc.)
- trauma and post-mortem damage to the remains (both intentional and accidental)
- fingerprint information
- DNA samples/data
- clothes and personal items found with the remains
- cause of death, when possible, and circumstantial information about the remains (state of preservation, when and where they were found and how they came to be in that location, including witness testimony, etc.)
- information in relation to final disposition of the body (interim storage, burial, etc.).

Processing data: Any operation or set of operations performed on personal data or sets of personal data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment, combination or erasure.

“Querying not sharing” model: Allows one party to search the database of another without obtaining access to the data it contains. Where a match is detected, the database owner decides whether and what associated information to share.

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About the ICRC Missing Persons Project

The Central Tracing Agency of the International Committee of the Red Cross (ICRC) has a long-standing mandate and 150 years of operational experience in tracing missing persons and reconnecting separated families. In the belief that a worldwide joining of forces is required to improve the global response to the tragedy of missing persons and the uncertainty endured by their relatives, the ICRC launched the Missing Persons Project in 2018. In partnership with other actors, the ICRC, through 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. For more information on the project, see this [booklet](#) and [video](#).

Missing Persons A Global Response

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