



Rabat Process

Euro-African Dialogue on
Migration and Development

Reference country action

Thematic Meeting

Separation of families and missing persons in the context of migration: prevention, tracing and reunification

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Outcome
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Schweizerische Eidgenossenschaft
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ICMPD

International Centre for
Migration Policy Development

Introduction

Thematic meeting on separation of families and missing persons in the context of migration:

- Co-chaired by Switzerland and The Gambia;
- Echoing the priorities of Domain 3 of the Cadiz Action Plan 2023-2027 on international protection and asylum, more specifically its objective 5b "Promoting actions to respect the dignity and human rights of migrants and persons in need of protection";
- This is the first thematic meeting organised on this topic as part of the Dialogue ;
- The meeting attracted a varied audience of around one hundred participants from 31 European and African countries.

Objectives of the meeting :

- Bring together Rabat Process partner countries and organisations for a discussion on concrete avenues for collaboration in the prevention and resolution of cases of family separation and missing migrants;
- Discuss cooperation mechanisms at national and transnational levels as well as good practices to prevent migrants from going missing, trace missing migrants and cooperate with the families left behind. A spotlight will be put on best interest determination procedures of unaccompanied or separated minors.

Expected results of the meeting :

- Exchange good practices, experiences and recommendations on the prevention and resolution of cases of family separation and missing migrants;
- Identify concrete steps that partner countries can take to effectively follow up on the existing commitments;
- Learn more about the role and activities of the ICRC's Central Tracing Agency.

This document provides an overview of the main **conclusions of the meeting**, as well as **good practices, challenges and recommendations** related to family separation and missing persons in the context of migration.

1) High-level opening ceremony

The high-level opening ceremony was attended by Ambassador Vincenzo Mascioli, Director of International Affairs at the Swiss State Secretariat for Migration ; Musa Camara, Director for Diaspora and Migration at the Ministry of Foreign Affairs, International Cooperation and Gambians Abroad ; Omar El Khayari, Head of Consular and Social Cooperation Division of the Ministry of Foreign Affairs, African Cooperation and Moroccans Resident Abroad ; Ambassador Thomas Wagner, Deputy Permanent Representative of the EU Delegation to the United Nations in Geneva ; and Monica Zanette, Head of Panafrican Initiatives, International Centre for Migration Policy Development (ICMPD).

All the speakers began by pointing out that the issue of missing migrants and the separation of families is **a human tragedy, with almost 60,000 counted dead and missing on the world's migratory routes since 2014** (IOM figures) - a fifth of them in Africa and almost half of them in the Mediterranean. For the relatives of missing persons, the legal, social and psychological consequences can be so profound that continuing or rebuilding their lives after such an event is seriously compromised, if not impossible. The repercussions of disappearances can destabilise communities, compromise the long-term prospects of peace efforts, marginalise individuals and in turn become a factor in forced migration. Governments on every continent have a common interest, a moral duty and an obligation to act, because this is an issue that affects us all.

The high-level officials also recalled the global legislative framework in which the issue of missing migrants and the separation of families is situated, namely **objective 8 of the Global Compact on Migration** ("Save lives and

prevent deaths and injury; to identify the missing and the dead; and to provide assistance to their families"), in which the Member States of the United Nations undertook in particular to cooperate in the standardised collection and exchange of relevant information on missing migrants, to identify deceased or missing persons and to facilitate communication with the families affected.

The high-level speakers agreed that a **humane, coordinated and multi-stakeholder approach** between all the actors involved at national, regional and international level was of paramount importance in providing bilateral and multilateral responses to the issue of the separation of families and missing persons in the context of migration.

In this respect, it was mentioned on several occasions that the **Rabat Process constituted a unique platform** for developing common approaches and exchanging good practice with a view to contributing to the development of policies that take account of the issue of missing migrants.

2) Setting the scene: global and regional context, practices and challenges

This first session focused on the global and regional context surrounding missing migrants and family separation, drawing on the expertise of international organisations, such as the International Organization for Migration (IOM) and the International Committee of the Red Cross (ICRC), as well as the non-governmental organization, the Argentine Forensic Anthropology Team (EAAF). The expertise of the African Union Special Rapporteur on Asylum Seekers, Refugees, Migrants and Internally Displaced Persons from the African Commission on Human and Peoples' Rights (ACHPR) greatly enriched the discussions and helped identify challenges, best practices and recommendations.

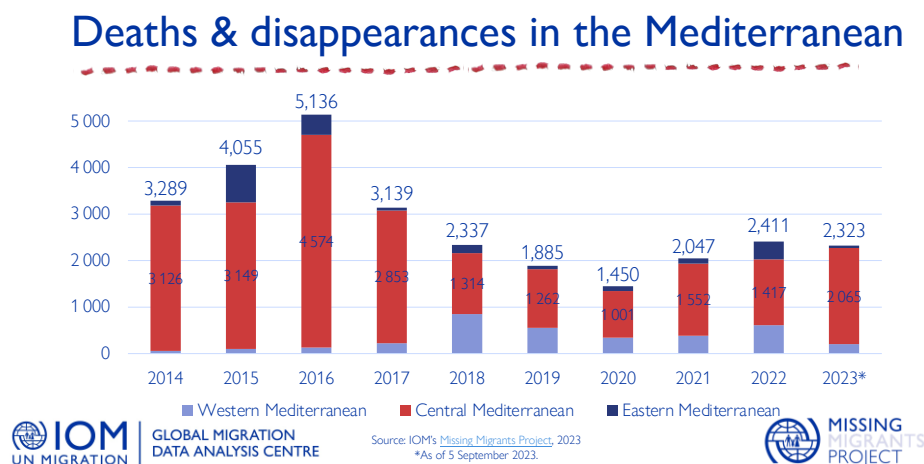
The importance of data and figures on missing migrants and family separation on migration routes

The International Organisation for Migration (IOM) has counted almost **60,000 dead and missing on the world's migratory routes since 2014**. The IOM has an **open-access global database** on deaths and disappearances during migration and offers an in-depth analysis of this data as part of the "**Missing Migrants Project**."¹

The data analysed covers deaths at the external borders of States or during the migration process to an international destination, as well as disappearances during migration, when a person is presumed dead. This is only partial data, as it does not include certain data on **1) missing migrants** (many unrecorded deaths on migratory routes); **2) missing families** (tens of thousands of families of the missing are relentlessly searching for the loved ones they have lost) and **3) missing communities** (many communities directly affected by the recovery of remains, search and rescue and the management of the consequences of these tragedies).

¹ missingmigrants.iom.int.

Table: Deaths and disappearances in the Mediterranean from 2014 to 2023 (source IOM)



Focus on [Resolution 486 on missing migrants and refugees in Africa and the impact on their families](#) - July 2021

Other than in relation to enforced disappearance², 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 whereabouts³.

Moreover, over the last years, several commitments on missing migrants have been taken at global policy level notably **Objective 8 of the Global Compact on Migration** “Save lives and prevent deaths and injury; to identify the missing and the dead; and to provide assistance to their families”, as well as the **Resolution on missing migrants and refugees in Africa and the impact on their families**, which is a historic and innovative text.

The African Union (AU) Commission has taken ownership of this issue and is currently working on a joint African proposal on missing migrants within the framework of the AU Technical Committee on Migration. The challenge now is to **make this Resolution operational** by setting up focal points in the countries concerned and developing national policies on the subject.

² [International Convention for the Protection of All Persons from Enforced Disappearance](#), e.g. Art. 24.2. provides for the right of victims to know the truth.

³ 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 while 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.

The use of forensic system and national databases: the work of the EAAF

The Argentine Forensic Anthropology Team (EAAF) is a scientific, non-governmental institution that defends individual and collective rights to identity, truth and justice by mobilising different areas of forensic science in its investigations.

1) The "Border Project" forensic research project in Central America/Mexico/United States

The objective of the Border Project, which dates back to 2009, was to collaborate in the **development of a regional forensic mechanism** to exchange information and adopt best practices in the identification of missing migrants and unidentified remains in the Central America/Mexico/United States migration corridor. The project also aimed to improve assistance to the families of missing migrants in their search for unidentified remains. One of the good practices identified during this project is the **creation of forensic databases on missing migrants**, making it possible to centralise efforts, resources and information and to improve quality control in the search for missing migrants.

2) Launch of a forensic project for missing African migrants

This project, which is currently being developed, aims to **create databases and forensic mechanisms with ante-mortem data and reference samples of family DNA** to facilitate identifications, and to share and compare the files of missing migrants with unidentified bodies in order to identify and return remains to families. The project will be organised around **information-sharing workshops** in Addis and Spain, and will raise awareness among migrant communities, family groups and NGOs in Morocco, Senegal, Gambia, Tunisia and potentially Algeria.

3) Searching for missing migrants and reconnecting families

This discussion session provided an opportunity to discuss the challenges involved in tracing missing migrants and restoring family links, and to present a number of tools aimed at facilitating and improving the search for missing migrants and their families.

Challenges and good practices in the search of migrants and reconnecting families

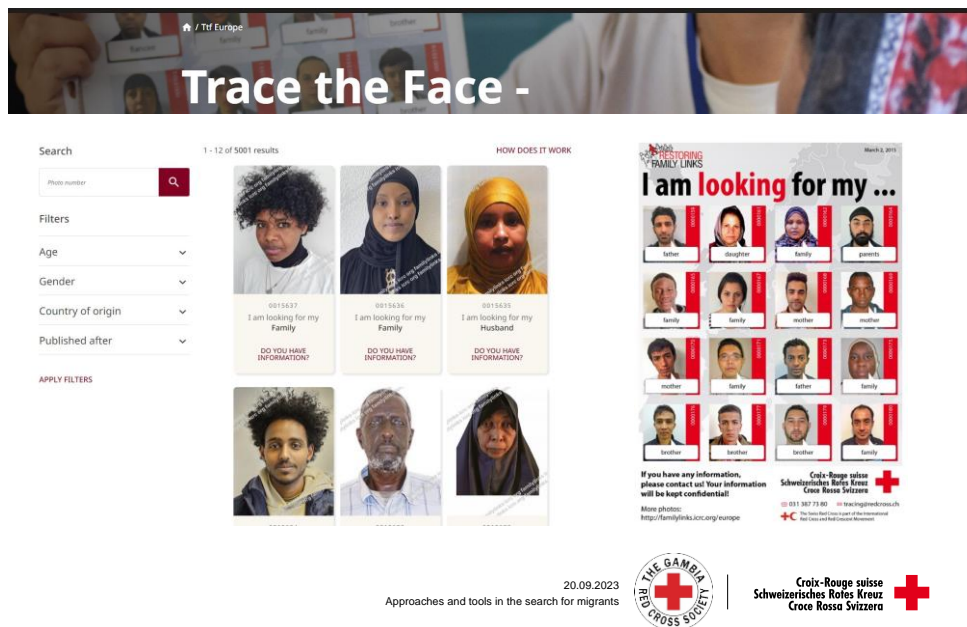
There are a **series of challenges** regarding the search of migrants and reconnecting with families which include:

- Absence of a legal and political framework recognising or giving legal status to missing persons (absence of a certificate of disappearance, for example);
- Inadequacy or absence of mechanisms at national level (search procedures, documentation, identification of unidentified remains, support for the families concerned);
- Lack of coordination between stakeholders and local players in the search for missing migrants and their families;
- Lack of international cooperation in collecting and exchanging relevant information;
- Lack of capacity-building to strengthen the skills of authorities in charge of these issues.

However, a number of good practices have been identified, particularly in The Gambia:

- Creation of a Taskforce for missing migrants, comprising the Ministries of Foreign Affairs, Home Affairs, Justice and other relevant non-state institutions;
- Establishment of a National Focal Point on the issue of missing migrants in the Rabat Process regions;
- Setting up migration focal points in diplomatic missions;
- Collaboration between The Gambian government and Gambian communities and associations in the diaspora to identify and register missing migrants, for example in Libya;
- The Gambia collaborates with the ICRC on DNA testing and analysis of the families of missing migrants.

"Trace the Face", a project implemented by the ICRC Central Tracing Agency, in cooperation with the National Societies of the Red Cross and Red Crescent



20.09.2023
Approaches and tools in the search for migrants

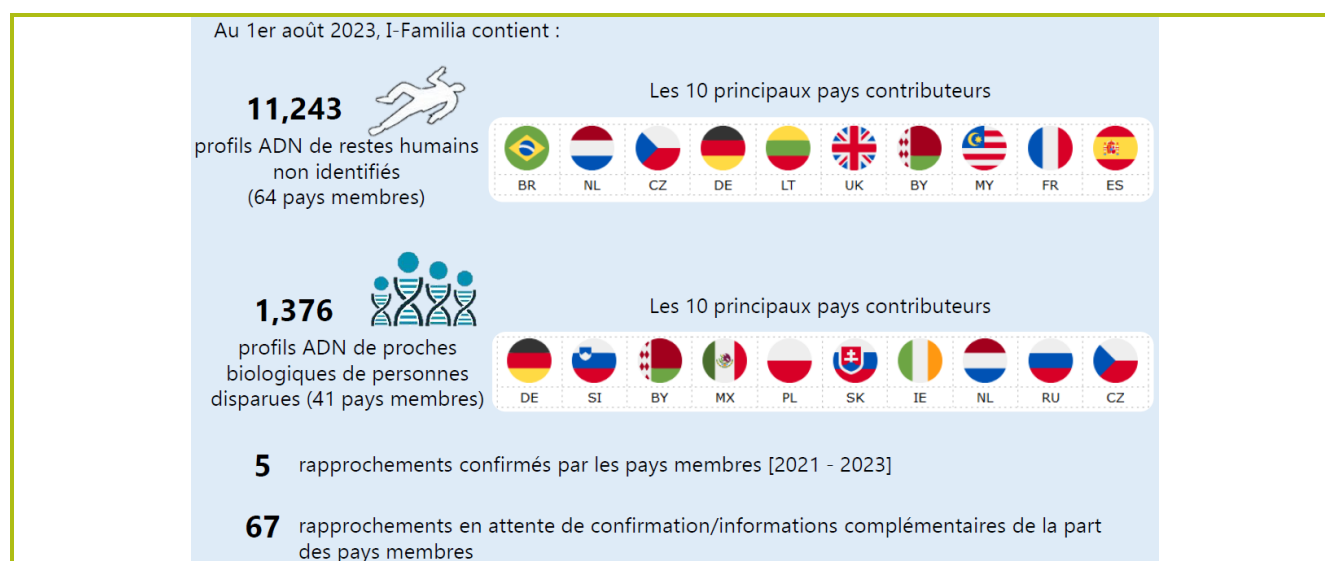
Trace the Face is an **online photo gallery** featuring photos of thousands of people searching for their families. It helps refugees and migrants and their relatives who have lost contact on the migration route to get back in touch. The project is managed by the ICRC and the national Red Cross and Red Crescent societies. Since its creation, the Trace the Face project has enabled **several hundred people** to **reconnect** with one or more members of their family.

The **Central Tracing Agency (CTA)**, one of the oldest institutions of the ICRC, aims at preventing people from going missing; restoring and maintaining contact between individuals and their families; searching for missing persons; protecting the dignity of the dead; and ensuring that the needs of families are provided for. The Central Tracing Agency provides services all over the world – including as a neutral intermediary – not only to people affected by armed conflict and other violence, but also in the context of migration, disasters and other situations requiring a humanitarian response. It coordinates the work of ICRC delegations and 191 National Red Cross and Red Crescent Societies in the Family Links Network.

The I-Familia programme implemented by Interpol since 2021

The first of its kind, I-Familia is a global database that is used exclusively to identify missing persons or unidentified human remains by means of DNA profiles of family members, when direct comparison is impossible.

"I-Familia is a humanitarian tool which, thanks to Interpol's global reach, opens up new possibilities for identifying missing persons and providing answers to families."



4) Unaccompanied and separated migrant children

This session was an opportunity to present the specific risks linked to the disappearance of children along migratory routes, and to discuss the appropriate measures that States could take in accordance with the best interests of the child, as well as possible cooperation mechanisms.

Procedures, experiences and challenges of determining the best interests of the child

Morocco has an integrated public child protection policy for the period 2015-2025, which includes unaccompanied migrant children among the target populations. Adopted in June 2015, it aims to establish a protective environment based on the implementation of integrated child protection systems.

Through the Restoring Family Links Service (RFL), **the Spanish Red Cross is** developing a number of activities, including the Missing Migrants Project on the Migratory Routes. It is also involved in two projects for unaccompanied children: 1) socio-educational intervention in reception centres and 2) support for the emancipation of people coming of age.

The Spanish Red Cross has identified **several challenges**:

- Some countries take more than a year, or even two, for the assessment to be made. However, it is important that a decision is taken before it is too late for the best interests of the child.
- It is important that documents are issued within a limited period of time in order to identify a child.
- Transnational cooperation should be strengthened to ensure that children's best interests are respected.

Challenges of children on the move, and more specifically for unaccompanied and separated children

According to IOM data, in June 2022, there were **11.1 million children on the move in West and Central Africa, 8.9 million of whom were forcibly displaced.**

Of the 63,588 arrivals of refugees and migrants by sea in Italy in 2022, 6,590 will be unaccompanied and separated children, representing a 52% increase in arrivals by sea compared with 2021.

At every stage of their journey, **children on the move face increased risks of** abuse, gender-based violence, forced labour or recruitment, trafficking and deprivation of liberty.

A number of **challenges** related to children on the move and more specifically unaccompanied and separated children have been identified:

- Unaccompanied and separated children have little or no information about migration routes and the risks associated with irregular migration.
- They are often victims or witnesses of violence and abuse.
- They are highly vulnerable to trafficking, exploitation and forced labour.
- They face detention, sometimes for long periods.
- They are at high risk of gender-based violence.
- They are targets who can be recruited into the army or gangs.
- They are victims of trauma, depression or other mental health problems, with little or no access to psychosocial assistance.
- They are subject to illegal or illicit adoption.
- They do not know how, are afraid or are prevented from accessing national child protection services.
- Childcare systems require human resources and time, but are under-funded and under-resourced.

IOM's actions in the region include thematic guidance, data/research, advocacy and communication, capacity building, dialogue and direct assistance.

UNICEF has identified several recommendations on child protection, care and other services, including :

- Develop research on child marriage, female genital mutilation, child recruitment and violence in schools as risk factors for migration;
- Developing social assistance services with a one-stop shop;
- Strengthen family and community care for unaccompanied and separated children, in accordance with the United Nations Guidelines for the Alternative Care of Children;
- Increasing access to legal assistance concerning protection and migration procedures and the right to appeal decisions;
- Appoint legal guardians (individual rather than institutional), train them and supervise them;
- Provide cultural mediation and interpretation services;
- Developing free health services for vulnerable children;
- Set up accelerated learning programmes and language classes.

Recommendations on separation of families and missing persons in the context of migration

1) **Cross-cutting recommendations**

- **Denominate a Focal Point on missing migrants** in Rabat Process partner countries to strengthen cross-border cooperation and information exchange.
- **Encourage a multi-stakeholder approach on all levels**, including State and non-State actors. (families, NGOs, civil society, international organisations).
- **Establish bilateral agreements** for the purpose of information sharing and cooperation, as a step towards broader multilateral cooperation.
- **Issuance of legal documents** (certificate of absence) to enable the families of missing persons to exercise their rights in full (inheritance, access to property).
- **Sensitize and build media capacities** on the issue of missing migrants.

2) **Prevention of migrants from going missing and family separation in the context of migration**

- **Provide access to communication, basic services and information** to migrants along the route.
- **Work with civil society** (in particular national Red Cross societies) and **diaspora communities**, as well as with **local authorities**.
- **Provide trainings on the use of social networks** to search for missing persons (through diaspora/community groups).

- **Set up a unique and free green hot line** along the migratory route to report missing persons or deaths, with the option of sending anonymous messages.
 - **Strengthen cooperation with the Red Cross and Red Crescent Societies** on separated and missing migrants and take full advantage of their capacity in technical expertise and transnational cooperation.
- 3) Search and identification of missing migrants**
- **Set up a national working group or Task force** on missing migrants.
 - **Involve consular and diplomatic missions** to facilitate the search for missing migrants, in liaison with the countries of origin.
 - **Involve diaspora communities and associations** in the search for missing persons.
 - **Work towards the adoption of good forensic practices**, in particular by creating new or using existing databases and mechanisms (with DNA samples) such as I-Familia by Interpol to facilitate the identification of missing migrants.
 - **Adopt a coordinated and standardised approach in the forensic field**, by sharing and comparing the files of missing migrants with unidentified bodies, in order to identify and return the remains to the families.
 - **Harmonise and centralise information**, such as standardised forms between countries, identity and/or detention registers or databases (such as I-Familia) to facilitate the identification of missing persons.
- 4) Support and information to families of missing migrants**
- **Highlight the role of civil society associations and local authorities** as key players and trusted intermediaries for the families of missing migrants in countries of origin, transit and destination (providing solidarity support and advocacy).
 - **Set up an alert and information system** to facilitate contact between families and the authorities if a migrant goes missing.
 - **Fast-track family reunification applications**, for example by facilitating access to embassies, exit visas and travel documents.
 - **Strengthen the role of the Ministries of Social Affairs and Solidarity** responsible for child protection in providing psychological support to families.
 - **Recognise the role of the Ministries of Justice** in issuing documents to families (declaration of absence instead of death certificate).
 - **Create a point of contact within the government or a local organization** with which families can communicate with in order to establish a relationship of trust.
 - Enable families to register cases of disappearance **without fear of reprisals or consequences**.
 - **Offer psychosocial support services** to family members of missing migrants.
- 5) Unaccompanied and separated migrant children**
- **Build the capacities of the relevant players** (police, immigration, judges and lawyers, social workers, IO and CSO staff) in child protection.
 - **Strengthen coordination between the various players** involved in child protection.
 - **Strengthen transnational cooperation** (research, restoration of family links, family reunification).
 - **Promote alternatives to detention** for minors.
 - **Invest in child protection systems** in countries of origin, transit and destination, with appropriate resources, monitoring and support systems.
 - **Take measures to combat racist and xenophobic narratives** that exacerbate dangerous environments for migrant children.
 - **Appoint legal guardians** (individual rather than institutional) and ensure their training and supervision.
 - **Offer free health services** to vulnerable children.

Next steps, Domain 3

The thematic meeting ended with the endorsement of the following two recommendations:

- Continue to discuss the issue of international protection and asylum, and more specifically the question of missing migrants in the context of a **follow-up meeting in The Gambia in 2024**. Switzerland and The Gambia will report back to all Dialogue partners on the Geneva thematic meeting at the upcoming Senior Officials Meeting in Rabat (date to be confirmed).
- Consider setting up a **network of Focal Points** in the partner countries of the Rabat Process responsible for issues relating to missing migrants and the separation of families.