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FOLLOW-UP TO THE 28TH INTERNATIONAL CONFERENCE

PART 1:

**Implementation on General Objective 1 of the Agenda for Humanitarian Action:
Respect and restore the dignity of persons missing as a result of armed con-
flicts or other situations of armed violence and of their families**

Document prepared by the International Committee of the Red Cross

Geneva, October 2007

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1. INTRODUCTION

The present section of the report concerns General Objective 1 of the Agenda for Humanitarian Action (AfHA): *Respect and restore the dignity of persons missing as a result of armed conflicts or other situations of armed violence and of their families*. It provides an overview of the steps that participants at the 28th International Conference have taken to implement General Objective 1. The section is based on the 83 follow-up questionnaires on this objective that the ICRC, 54 National Societies and 28 States party to the Geneva conventions filled in and returned to the ICRC by 31 July 2007. Other sources of information are official notifications by States of their accession to international humanitarian law treaties. The section is divided into final goals, in keeping with the structure of the Agenda for Humanitarian Action. It provides information regarding the achievement of each final goal and highlights best practices where possible.

Given the relatively limited number of answers for each topic, in most cases, it was impossible to draw general conclusions or identify trends. Nor, was it possible to reflect the full range of experience gained during the implementation period. However, the measures and practices in this section constitute a source of information for Conference members and other participants who wish to review their own practices and take further steps. For more detailed information from the participants, together with information from those participants whose follow-up questionnaires could not be included in this report, please consult the 28th International Conference follow-up database on the ICRC website. The database also contains information on the follow-up to individual pledges.

As a general observation, it can be stated that the problem of enforced disappearance and its impact on families and communities is globally recognized. In recent years, that recognition has resulted in legal documents, resolutions, conferences, seminars, etc. Such initiatives promote awareness and reinforce the global feeling that action is imperative. At the same time, action at national level must continue and intensify. There is still room for substantial progress on the areas covered by Objective 1 of the Agenda for Humanitarian Action. Both the Movement and the States party to the Geneva Conventions must maintain their efforts over the coming years.

2. IMPLEMENTATION AND BEST PRACTICES

General Objective 1 comprises six final goals, each covering a different aspect of the missing persons issue. It encompasses prevention, ascertaining the fate of missing persons, management of information, management of human remains, support to families and measures for organized armed groups.

Conference participants, including 11 governments, 24 National Societies, 2 observers and the ICRC signed up to 21 pledges relating to the Objective 1 of the AfHA. The pledges committed participants to undertaking significant, unilateral humanitarian initiatives that would reinforce their commitment to specific aspects of the AfHA.

To fulfil its commitments under the AfHA and as a follow-up to its pledge, the ICRC established a plan of action corresponding to the final goals of General Objective 1. The ICRC assigned implementation of its plan of action to various headquarters units and established a multi-disciplinary task force to monitor follow-up.

General Objective 1

Final Goals:

- 1.1 Prevent persons from becoming missing*
- 1.2 Ascertain the fate of missing persons*
- 1.3 Manage information and process files on missing persons*
- 1.4 Manage human remains and information on the dead*
- 1.5 Support families of missing persons*
- 1.6 Encourage organized armed groups engaged in armed conflicts to resolve the problem of missing persons, assist their families and prevent others from becoming missing*

A number of measures taken by the participants at the International Conference address General Objective 1 globally. In other words, they address all or more than one of the final goals. These global measures are described below.

Convention on the Protection of all Persons from Enforced Disappearance

The Convention on the Protection of all Persons from Enforced Disappearance was adopted by the United Nations General Assembly in December 2006. The Convention stipulates specific measures that States must take to prevent disappearance and address related issues. It constitutes a major achievement and an important step forward in protecting persons from enforced disappearance. The Convention received sponsorship from 103 State delegations and was signed, in Paris, by 61 States. The ICRC actively supported the development of this new legal instrument by providing legal and operational expertise, supporting the drafting process and submitting proposals, and lobbied actively for its adoption. The ICRC hopes that the States that have already signed the Convention will soon ratify it and that many other States will also sign and ratify it.

Numerous communication activities were undertaken in connection with the approval, adoption and signature of the Convention, taking advantage of the opportunity to raise awareness of the missing persons issue.

Other measures taken by international and regional organizations

The Inter-Parliamentary Union (IPU): The IPU counts 147 national parliaments as members and 7 regional parliamentary assemblies as associate members. On 18 October 2006, during its 115th Assembly, the IPU adopted by consensus a resolution on missing persons, comprising measures to address and resolve the issue and calling upon national parliaments to take action. The ICRC provided its expertise and active support for the development and drafting of the resolution. As a follow-up, the IPU International Humanitarian Law Committee approved two proposals, submitting them to the Plenary on 4 May 2007: a) an IPU/ICRC handbook on missing persons for parliamentarians and b) a study among IPU members on national implementation of international norms related to missing persons, based on a questionnaire to be drawn up with the support of the ICRC. The Plenary adopted these two proposals by consensus.

The United Nations: Through its Humanitarian Diplomacy Unit and its delegation in New York, the ICRC used every opportunity to lobby bilaterally or in multilateral fora in support of action and resolutions on missing persons and their families. The ICRC focused its efforts in the following areas: protection of civilians in armed conflict, peace-keeping operations, establishment of a peace-keeping doctrine and peace-keeper training modules. Activities included submitting annual contributions to the report of the Secretary General of the Office of the High Commissioner for Human Rights, making statements on missing persons to the Human

Rights Commission in 2004 and 2005 and making a statement on enforced disappearance and violations of human rights to the Human Rights Council.

The Council of Europe: The Parliamentary Assembly of the Council of Europe (PACE) has recently been focusing on the issue of missing persons in Armenia, Azerbaijan and Georgia, and the PACE adopted a recommendation and resolution in May 2007. The ICRC supported the drafting of the associated report and facilitated the work of the rapporteur both at field level (through ICRC delegations in Azerbaijan, Armenia, Georgia and Nagorny-Karabakh) and at HQ.

Organization of American States (OAS): The OAS has passed resolutions on missing persons every year since 2005. The latest was submitted by Peru and adopted on 5 June 2007 in Panama by the 37th General Assembly of the OAS. The ICRC has been supporting the drafting of these resolutions.

Commonwealth of Independent States (CIS): The Parliamentary General Assembly of the CIS has adopted a model law on the issue of missing persons, which the ICRC helped to draft.

Development and promotion of domestic law

The development and promotion of national legislation is an essential factor in addressing missing persons issues effectively and efficiently – preventing disappearances, ascertaining the fate of missing persons, ensuring the proper management of information and human remains and supporting the families of missing persons. The ICRC has prepared a model law, with an article-by-article commentary, to help States develop and adopt domestic legislation. The ICRC also conducted compatibility studies, analysing the compatibility of national legislation with international obligations regarding missing persons, in Armenia, Azerbaijan, Georgia, Guatemala, Indonesia, Peru and Timor-Leste. The purpose of these studies was to allow national authorities to take a contextualized approach to legislative measures. Information on existing domestic legislation and case law related to missing persons was included in the National Legislation Database on the ICRC website.

International and regional meetings provided opportunities to promote legal issues and further raise awareness of the issue of missing persons and their families:

- Second universal meeting of National Committees on IHL, ICRC, Geneva, 19-21 March 2007. The meeting focused on the role of the committees in promoting and supporting the adoption of legislation to prevent disappearances.
- Regional seminar on missing persons and their families (Europe), Brussels, September 2006. Co-organized by the Belgian national interdepartmental committee on international humanitarian law, on behalf of the Belgian government, and by the ICRC. The meeting focused on how to set up national mechanisms and preventive legal measures.
- Regional conference on missing persons (Latin America and the Caribbean), Peruvian Ministry of Foreign Affairs and ICRC, Lima, 28-30 May 2006. Focused on promoting practical measures for preventing disappearances and supporting the families of missing persons.
- Regional meeting of European national international humanitarian law committees, Athens, January 2006. The ICRC promoted its legal work and underlined the need for national measures.
- Regional meeting for national international humanitarian law commissions in Central America, Nicaragua, November 2005. The ICRC promoted its legal work and raised the need for national measures.

Final Goal 1.1: Prevent persons from becoming missing

1.1.1 Means of identification for armed and security forces

Action 1.1.1: State authorities take effective measures to provide means of personal identification, at a minimum identification discs, for all members of armed and security forces and to ensure their compulsory and proper use

The production and proper use by armed and security forces of personal means of identification, such as identification discs, is of great importance in preventing disappearances. Governments have the final responsibility for the production and compulsory use of such items, while National Societies and the ICRC raise the awareness of authorities and peace-keeping operations.

Of the 21 States and 2 National Societies who reported on this point in the follow-up questionnaires, 17 mentioned the use of ID tags by their armed forces. However, those replies came from countries that are at peace.

In 2005, the ICRC conducted a survey in more than 40 countries on the practice of armed forces regarding identification. The results seem to be encouraging as, according to the information at the ICRC's disposal, the vast majority of States do use means of identification for their armed forces. However, the survey identified a number of priority countries and areas for future work.

Based on the information collected through this survey, the ICRC produced a comprehensive information kit: a brochure on ID tags and a CD-ROM on their use, on communication between arms bearers and their families and on the handling of human remains. The ICRC delegations in the field shared this material with their military contacts and other relevant arms bearers.

In France, the means of identification available to armed and security forces were expanded in 2006 with the introduction of modern techniques such as ten prints, palm prints and biological samples.

In Norway, all new soldiers go through dental screening, including radiography, as part of their induction process, to help identify them should they be killed. This is in addition to issuing them with identification cards and tags.

1.1.2 Means of identification for minors

Action 1.1.2: State authorities take effective measures to provide means of personal identification for minors at risk and to make such means readily available to all concerned persons

In situations of armed conflict it is important to pay particular attention to minors, as they are especially vulnerable to disappearance. They risk becoming separated from their parents or care givers, and lack identification papers or other means of identification. Some are too young to remember their full names, those of their family members or their places of origin in case of displacement. Minors are also most vulnerable to forced recruitment. State authorities must therefore take effective measures to provide means of personal identification for them, in order to prevent disappearance.

All new-born babies in Sweden receive a metal identification card from the authorities to be used in case of emergency. At larger public events, Swedish Red Cross volunteers issue identity bracelets for children, on which the parents' names and mobile phone numbers can be written, in order to prevent children from getting lost.

However, according to the replies received, the identification of minors is an area where further progress needs to be made. Only 3 States, Belgium, Republic of the Congo and Madagascar, and 1 National Society, Sweden, reported specific measures. These measures address the identification of minors in broad terms, not just identification of those at risk.

1.1.3 Awareness raising and protection of civilians

Action 1.1.3: State authorities and other concerned actors, in particular National Societies, take effective measures to increase knowledge among civilians on how to protect themselves from becoming missing. These concerned actors and the ICRC take measures to gain access to all civilians and to register those at risk of becoming missing.

Protecting civilians and other persons who are not (or are no longer) taking a direct part in hostilities is a basic principle of international humanitarian and customary law. In order to effectively protect civilians from going missing it is essential to identify the most vulnerable groups, according to specific vulnerability criteria defined by context.

Through their dissemination programmes, National Societies seem to place particular emphasis on raising awareness among vulnerable civilians about the risk of going missing, and on sensitizing public opinion to the issue of missing persons. Twenty five National Societies – most of them working in countries at peace – reported general public awareness and dis-

The National Societies of Australia, Austria, Belgium, Canada, the Netherlands, Sweden and the United Kingdom have engaged in intensive “outreach” activities, aiming service delivery and promotion at vulnerable groups, such as those from countries in conflict or who have relatives in such countries. The Belgian Red Cross undertook a study on how to improve its outreach activities in 2006 and 2007, while the British Red Cross developed a field guide on outreach. In some cases (e.g., Australia and the Netherlands), National Societies combined outreach activities with promotion campaigns on the issue of missing persons. In order to better reach out to potential beneficiaries, the Swedish Red Cross published an information leaflet on RFL services in eight languages.

In Portugal, during Euro 2004, the subject of missing persons was broadly debated in the media and presented at schools as part of the “Let us play” campaign.

semination activities (IHL dissemination, dissemination of RFL services and awareness raising media campaigns), while 15 National Societies reported dissemination activities targeting groups identified as vulnerable, including asylum seekers, displaced persons, refugees and migrants, sometimes in addition to broader dissemination programs.

Through dissemination activities involving the authorities, or direct representations to them, National Societies aim to gain access to those civilians considered vulnerable and difficult to reach, so as to be able to help them. They also aim to get access to information that might help them clarify the fate of missing persons. Only two National Societies, of Lithuania and Poland, reported the possibility of registering civilians who might be at risk whereas the Na-

The Mexican government, in cooperation with the Office of the United Nations High Commissioner for Human Rights, has analysed the human rights situation in Mexico. One of the resulting recommendations was a national campaign to promote human rights, including those of illegal immigrants. In order to implement these recommendations, the Mexican government established a national human rights programme, scheduled to end in 2006, which aimed to disseminate information on human rights and relevant international and national mechanisms.

tional Society of Germany reported the possibility of registering victims of disasters and the National Society of Denmark registration of asylum seekers.

State measures for the prevention of disappearances among civilians include national registration of citizens, population census, contingency plans for internal displacement, special telephone lines for civilians at risk, calling on competent authorities and travel advice. In contrast with National Societies, only three States – the Republic of the Congo, Mexico and the United Kingdom – reported broader awareness raising/prevention activities for civilians, i.e. a national identification campaign (including national identity cards with fingerprints), a human rights campaign and dissemination of travel advice, respectively.

To allow the ICRC, National Societies and other humanitarian organizations to assist civilians at risk, governments should also ensure that these organizations have optimum access to them.

*As part of its cooperation with the authorities, the **British Red Cross** clarified the protocols for searches conducted through the National Health Service, maintained relationships with the Home Office to facilitate tracing activities involving refugees and asylum seekers, and signed a memorandum of understanding for the delivery of tracing services in places of immigration detention.*

ICRC action on protection of civilians

In protecting civilians, the ICRC works closely with the victims of conflict. This proximity gives a better understanding of the situation, enables individual follow-up when necessary and feasible and promotes both a participative approach and community empowerment in particular through awareness raising activities. The ICRC also carries out activities relating to its role of neutral intermediary. Such activities require access to communities at risk, which in turn depends on security conditions and on the ICRC's logistics and other capacities. To enhance its dialogue on protection with arms bearers and other bodies, the ICRC establishes a variety of contacts that help to create a climate of confidence and improve the organization's knowledge of the situation. Dialogue with the authorities takes a number of forms, such as written representations, presentation of individual cases, reminders of the authorities' obligations under international humanitarian law, etc. In the context of this dialogue on protection issues, the ICRC has addressed questions linked to disappearance in several countries. The organization's work was severely limited in some countries, such as Afghanistan, Iraq and Myanmar. In Chechnya, the ICRC is seeking to establish meaningful dialogue on issues related to missing persons. Dialogue regarding the protection of civilians continued with the authorities and weapons bearers in a number of countries, including the Central African Republic, Colombia, Côte d'Ivoire, the Democratic Republic of the Congo, Israel and the occupied territories, Nepal, the Philippines, Sri Lanka and Sudan.

1.1.4 Communication between family members

Action 1.1.4: State authorities and other concerned actors, in particular National Societies and the ICRC, take effective measures to ensure that during armed conflict or other situations of armed violence all persons are allowed to maintain contact with their relatives.

Respecting human dignity implies respecting family life and family unity. The wellbeing of a person depends to a large extent on their capacity to maintain close links with their relatives, particularly in situations of conflict. Breaking family links has a social, economic and psychological impact on the members of a family and may increase the vulnerability of family members or even be the cause of their vulnerability.

In order to preserve family unity and prevent separation when the usual means of communication are disrupted, both during armed conflicts and other situations of violence and in their aftermath, the Red Cross and Red Crescent Family Links Network (the ICRC Central Tracing Agency, the ICRC delegations and the National Society tracing services worldwide) helps to maintain and restore contact between separated family members, and so prevent disappearances.

Thirty eight National Societies reported actively contributing to such activities through their tracing services, while 8 States reported relevant measures, including support for National Society restoring family links (RFL) activities, establishment of National Information Bureaux and the creation of information desks.

Africa remains the continent with the greatest need for assistance in maintaining contact between separated family members. This is particularly true of the Horn of Africa and the Great Lakes region. Since 2004, Sudan has been one of the largest operations, with Red Cross Message (RCM) services expanded in Darfur, where one of the priorities is to put children and parents back in contact. In the Democratic Republic of the Congo, a significant proportion of the population continues to rely on the Red Cross and Red Crescent Family Links Network. In Angola, a major RFL programme, including the exchange of family news, was set up following the ceasefire. Major operations outside the African continent include Afghanistan and Iraq.

In the case of persons deprived of their liberty, international humanitarian law contains several clauses on maintaining contact with family members. In this regard, only three States evoke their obligations under national laws and international human rights law. When visiting places of detention, the ICRC always reminds the authorities of their obligations with regard to establishing and maintaining contact between detainees and their families. The ICRC also gives detainees the opportunity to exchange news – of a strictly private and family nature – sometimes after years of silence. Thanks to the Red Cross/Red Crescent Family Links Network, people deprived of their freedom can exchange personal news with their families anywhere in the world, usually through Red Cross Messages.

In Afghanistan, a large proportion of the messages exchanged are between detainees and their families. In Iraq, family news exchanges almost exclusively involve detainees communicating with their families in Iraq and abroad. People held in Guantanamo can use RCMs to maintain or restore regular contact with their families. The number of RCMs exchanged between detainees in Guantanamo and their relatives through the Red Cross and Red Crescent Family Links Network doubled in 2005 compared with 2004, remaining at around the same levels in 2006.

Table 1: Number of Red Cross Messages exchanged globally under the auspices of the ICRC with the support of the Family Links Network since 2004

Year	RCMs collected from and distributed to civilians other than detainees	RCMs collected from and distributed to detainees
Jan. – May 2007	164,821	30,839
2006	533,059	100,902
2005	850,447	109,028
2004	1,215,956	146,402

1.1.5 Protection of detainees

Action 1.1.5: State authorities take effective measures to immediately notify families, counsel and any other person with a legitimate interest in the matter, of the situation of persons deprived of their liberty and to prevent extra-judicial executions, torture and detention in secret locations.

As part of their efforts to protect persons deprived of their liberty, State authorities should take effective measures to protect detainees and prevent disappearances in places of detention. The Convention on the Protection of all Persons from Enforced Disappearance contains a large number of clauses that address this topic. Signature and ratification of the Convention should allow significant progress in this area.

The practices of States (including Austria, Belgium, Republic of the Congo, Cyprus, Czech Republic, El Salvador, France, Japan, Mexico, Norway, Poland, San Marino, Venezuela, United Kingdom) that reported on relevant measures include official registration of detainees, notification to families, the prohibition of torture and of inhuman and degrading treatment, and the respecting of judicial guarantees. Between 2005 and beginning of 2007, the government of Venezuela provided relevant training to about 4.750 civil servants.

As a neutral humanitarian organization, the ICRC has a specific mandate to protect people deprived of their liberty and has acquired expertise in this field. It carries out visits to places of detention according to specific terms and conditions applicable worldwide. The purpose of the ICRC's visits is to have the detaining authority respect the detainee's physical and mental wellbeing and comply with international humanitarian law and other relevant international instruments. Registration of detainees by the detaining authority and official notification to families are two measures on which the ICRC places great emphasis as a means of preventing disappearances in places of detention.

The ICRC's efforts to prevent disappearances are based on the earliest possible identification of persons at risk. This identification consists of registering the identity of detainees and can have an important preventive role when fully understood by the authorities and followed up by regular visits to the persons registered, allowing the ICRC to check on their presence/whereabouts and physical wellbeing.

The ICRC also endeavours to ensure that detainees can maintain contact with their families and benefit from the procedural and judicial guarantees to which they are entitled under IHL and other bodies of law.

Between 2004 and May 2007, the ICRC conducted 20,261 visits to places of detention, in over 80 countries.

Table 2: ICRC visits to places of detention since 2004

Year	Persons monitored (individually or otherwise) in places of detention visited by the ICRC	Detainees visited (monitored individually)	Visits conducted	Places of detention visited
Jan.-May 2007	322,532	18,665	2,222	1,369
2006	478,299	41,918	6,006	2,577
2005	528,611	46,288	5,956	2,594
2004	571,503	123,659	6,077	2,435

Final Goal 1.2: Ascertain the fate of missing persons

1.2.1 Tracing activities

Action 1.2.1: State authorities and other concerned actors, in particular National Societies and the ICRC, take effective measures to ensure that families know the fate, including the whereabouts, of their missing relatives. In case of death of these relatives, family members should know the cause and circumstances of death, in order to facilitate acceptance of their death and the commencement of the mourning process.

State authorities and armed groups bear primary responsibility for ascertaining the fate of missing persons. As part of the measures to ascertain the fate of missing persons, States reported:

- their commitment to international legal instruments such as the four Geneva Conventions, the European Convention on Human Rights, the International Covenant on Civil and Political Rights, the Convention against Torture;
- signing the Convention for the Protection of all Persons from Enforced Disappearance;
- development of domestic legislation (as in the case of Japan with its 2006 “Law concerning the measures for the protection of the people in Armed Attack situations”).

During an armed conflict or other situation of violence, the ICRC – with the support of National Societies – collects information on people unaccounted for and the circumstances under which they disappeared, from their families, direct witnesses, the authorities and any other reliable source. The information is stored centrally and managed in accordance with laws on the protection of personal data. This information is of value when tracing a person and establishing what has happened to them. Searches are undertaken in places of detention, hospitals, camps for internally displaced persons and refugees, morgues, remote areas, etc.

Furthermore, the ICRC makes confidential representations to the authorities and leaders, to obtain information and clarify the fate of missing persons. This includes supplying the authorities with lists of people unaccounted for, together with information on the circumstances under which they disappeared, asking the authorities for information on the locations of graves, to allow for the recovery and identification of bodies. In many places around the world, the ICRC maintains a constant dialogue with the authorities or armed groups, with the aim of clarifying the fate of missing persons. Such contexts include Armenia, Azerbaijan, the Balkans, Chechnya, Colombia, Côte d’Ivoire, Ethiopia, Eritrea, Georgia, Iran, Iraq, Nepal, Peru, Sri Lanka and the Western Sahara conflict.

As part of the tracing process, the ICRC may also issue publications listing the names of people unaccounted for in a given context who have been reported to the ICRC. This has been the case in Angola (*Gazetinha*), in Bosnia and Herzegovina (*The Book of Missing Persons on the Territory of Bosnia and Herzegovina*) and in Kosovo and Croatia where similar “books of missing persons” have been published. In Nepal, the ICRC published such lists on its website. In Pakistan, the names and photographs of people who went missing after the 2005 earthquake were published on posters and albums widely distributed in the affected areas, and were posted on the Pakistan Red Crescent Society website.

Between January and May 2007, the ICRC received 2,833 new cases of persons sought by their families. At the end of May 2007, the ICRC was handling a total of 67,053 cases.

Table 3: ICRC figures of persons being sought by their relatives* in some of the most significant ICRC operations

Context	Angola	Balkans	Sri Lanka	Nagorny Karabakh	Northern Caucasus	Somalia	Nepal	Sudan	Ethiopia	DRC
Cases being handled at end of May 2007	23,219	15,623	7,561	4,285	1,387	1,193	976	866	773	572

As mentioned in the previous paragraph (1.1.2), children can become particularly vulnerable in the aggressive environment of an armed conflict. The ICRC therefore pays special attention to the needs of vulnerable children. In cooperation with National Societies, it strives to ensure the protection of unaccompanied/separated minors (including demobilized child soldiers), trace their relatives and reunite them with their families where possible. This is especially the case in Africa, where the ICRC works in close cooperation with National Societies.

RFL operations involving minors include:

- *Western Africa: separated minors from Liberia, living in refugee camps in Guinea, Sierra Leone and Ghana.*
- *Democratic Republic of the Congo: family tracing and reunifications involving separated minors are still being carried out.*
- *Angola: in July 2006, Gazetinha magazine published the names and pictures of separated minors looking for their parents or reported missing.*

As part of the Family Links Network, National Societies are involved in ascertaining the fate of missing persons. Thirty six of the 43 National Societies who mentioned this point reported regular activities such as the opening and handling of tracing requests through their tracing services. However, the effectiveness and efficiency of National Society activities to ascertain the fate of missing persons depends on their overall capacity.

* The figures concern ICRC tracing requests opened in the context concerned (May 2007). They do not include people being sought in a given context, but for whom tracing requests were received from abroad. In any case, these figures do not reflect the total number of missing persons in a specific context.

Restoring Family Links Strategy for the Red Cross and Red Crescent Movement

To enhance the ability of the Family Links Network to ascertain the fate of missing persons and to restore contact between family members, the ICRC launched a project to develop the capacities of the tracing services of National Red Cross and Red Crescent Societies and to strengthen the Red Cross and Red Crescent Family Links Network. The focus of this project is the development of a 10-year *Restoring Family Links (RFL) Strategy for the Red Cross and Crescent Movement*, covering a broad range of situations, which will be submitted to the Council of Delegates in November 2007 for approval. Once the RFL Strategy has been approved, implementing it will require the mobilization of the resources needed to increase the capacity of the Family Links Network, and the full support of the leadership of the components of the Red Cross and Red Crescent Movement. The development of partnerships within the Movement, with agencies and in particular with States is also of great importance. Effective implementation of the RFL Strategy by all components of the Red Cross and Red Crescent Movement will help fulfil two major goals of the Agenda for Humanitarian Action – preventing disappearances and ascertaining the fate of missing persons.

The Red Cross and Red Crescent Movement – mobilized for an RFL Strategy

- *The Restoring Family Links Strategy responds to points identified by mapping the Family Links Network. The mapping exercise included an evaluation of the network's strengths and weaknesses and a survey of existing and potential beneficiaries. 164 National Societies participated in the global mapping, which was conducted between 2005 and 2007.*
- *An **Advisory Group** consisting of representatives from 19 National Societies, the International Federation Secretariat and the ICRC, was established to guide and contribute to the development of the 10-year RFL strategy. An implementation group with a new composition and terms of reference is expected to replace the Advisory Group from the beginning of 2008. The role of the implementation group will be to monitor implementation of the RFL Strategy.*
- ***Four regional Restoring Family Links conferences** took place between November and December 2006, in Nairobi, Kiev, Buenos Aires and Bangkok, at which participants could discuss the draft Restoring Family Links Strategy for the Movement. The conferences brought together leaders from 139 National Societies, 51 ICRC delegations and regional representatives of the International Federation. The regional RFL conferences reaffirmed the crucial humanitarian character of RFL activities, and constituted an important step towards increased ownership of RFL activities by the leadership of National Societies.*

1.2.2 Mechanisms to resolve missing persons cases

Action 1.2.2: State authorities take effective measures to set up, whenever necessary, appropriate mechanisms for responding to the needs of families for information, official acknowledgement and accountability.

Investigating cases and managing information requires mechanisms that fall under the direct responsibility of the authorities. Such mechanisms aim to ensure that parties face up to their obligations and provide the information needed to resolve missing persons cases.

These mechanisms include:

- measures to ascertain the fate of missing persons in settlements such as ceasefire and peace agreements;
- working groups and commissions;
- national and multilateral mechanisms involving all former parties to a conflict.

Working groups/commissions on missing persons

- ***Kosovo:*** working group to clarify the fate and whereabouts of people unaccounted for in connection with events in Kosovo. Chaired by the ICRC.
- ***Bosnia and Herzegovina:*** working group on missing persons, to clarify the fate and whereabouts of people unaccounted for in connection with the conflict on the territory of Bosnia and Herzegovina. Chaired by the ICRC.
- ***Bosnia and Herzegovina, Croatia and Serbia:*** working group subcommittee on regional cooperation, bringing together the governmental commissions of the above three countries.
- ***Iraq:*** Tripartite Commission and technical subcommittee to clarify cases of people missing from the 1990-1991 Gulf War. Chaired by the ICRC.

National mechanisms whose objectives include clarifying the fate of missing persons and supporting their families exist in Armenia, Azerbaijan, Chile, Colombia, Georgia, Guatemala, Iraq, Nepal and Peru, and are supported by the ICRC.

International humanitarian law also provides for the establishment of National Information Bureaux (NIB) and Grave Registration Services. The ICRC encourages States to set up both NIBs and Grave Registration Services, and provides support. An assessment of such mechanisms in selected countries has been conducted and advice/support was provided for the establishment of National Information Bureaux in Belgium, Finland, Japan, Lebanon, the Netherlands and Sweden.

Fifteen governments reported on the establishment of mechanisms to clarify the fate of missing persons. These are: Austria, Azerbaijan, Belgium, Republic of the Congo, Croatia, Cyprus, Finland, France, Iceland, Japan, Mexico, Norway, Turkey, Venezuela and the United Kingdom. Of these, Belgium, Finland, France, Norway and the UK referred specifically to the existence or future creation of a National Information Bureau.

Final Goal 1.3: Manage information and process files on missing persons

Actions:

1.3.1: State authorities and other concerned actors, in particular National Societies and the ICRC, take effective measures to properly compile, manage, and process files on missing persons and to properly centralize personal information that may serve to ascertain their fate.

1.3.2: State authorities and other concerned actors, in particular National Societies and the ICRC, take effective measures to respect relevant standards and principles regarding the protection of personal information whenever such information, including medical and genetic information, is collected, managed and processed.

Proper management and processing of information is essential if missing persons activities are to be effective. This includes establishing and maintaining a proper filing and archiving system and setting/complying with standards for keeping personal data confidential.

Results in the area of data protection are encouraging. Ten governments, Austria, Belgium, Croatia, Cyprus, Czech Republic, Iceland, Mexico, Norway, Poland, United Kingdom, mentioned specific legislation on the protection of privacy in relation to personal data. National Societies reported that their practices are also governed by national legislation, and some of them

referred to ICRC guidelines or the fundamental principles of the Red Cross and Red Crescent. A number of National Societies underlined the importance of staff training and awareness raising in this area whereas the government of Finland reported the future issuance of a field manual for the proper management and treatment of files for missing personnel of armed forces.

Both States and National Societies acknowledge the importance of proper management of information, processing of individual files and archiving methods. National Information Bureaus, Grave Registration Services and other relevant structures, together with appropriate domestic legislation, were reported as helping to ensure good management in these areas. National Societies often use modern technology for their work, with 12 of 42 NS reporting the use of databases to handle missing persons' cases.

The ICRC is managing information and processing files on missing persons in many of the contexts where it operates. The organization is still handling a large number of such files in the Balkans, the Caucasus, Nepal, Sri Lanka and Timor-Leste. A standard software application adaptable to all contexts allows the ICRC to store, process and consult information on missing persons. A system of passwords and user-level access rights ensures data security

*At the **Polish Red Cross**, measures to protect personal data gathered by their Information and Tracing Service include a system of access control for the archives and card indexes. Their database is protected by a firewall (which is updated regularly) and tracing employees are trained in the field of data protection.*

*The **Swedish Red Cross** registers all individual cases in a computerized system shared by headquarters and regional staff. Paper files are kept in fireproof archive cabinets. Files are kept at headquarters for a period of five years and then sent to the Swedish National Archives, which stores them for 100 years or more. A National Information Bureau database is being prepared. This will record data on prisoners of war and civilian internees.*

*The **Ukrainian Red Cross Society** has set up an application known as "Rozyisk". An electronic database with a system of passwords registers correspondence and makes it possible to store and consult data on individuals. The database contains 245,000 records.*

and the confidentiality of information. The ICRC also provides support and advice to National Societies and others on data management, with Croatia being one recent example.

The ICRC's Archives Division collects and preserves ICRC records. These records include all personal data gathered by the ICRC: lists, other documents containing names, and alphabetical files.

Final Goal 1.4: Manage human remains and information on the dead

Actions:

1.4.1: State authorities and other concerned actors, in particular National Societies and the ICRC, take effective measures to properly search for, collect, identify and dispose of human remains without adverse distinction, while respecting the dead and the secular and religious mourning practices of the individuals and communities concerned.

1.4.2: State authorities and other concerned actors take effective measures to agree upon a framework for exhumation and identification before beginning any such process, and ensure that forensic specialists, whenever possible, carry out all procedures to exhume and identify human remains.

When missing persons are believed to be dead, the recovery, identification and dignified management of their bodies or remains are essential to end the anguish of bereaved families and to enable them to rebuild their lives and those of their communities. International humanitarian law therefore requires that States and other parties to an armed conflict or other form of armed violence ensure the proper and dignified management of the dead, to help clarify the fate of missing persons. The 2003 International Conference of Governmental and Non-Governmental Experts on missing persons issued a number of recommendations for the recovery and treatment of human remains in a responsible and dignified manner that allows them to be identified and returned to their families.

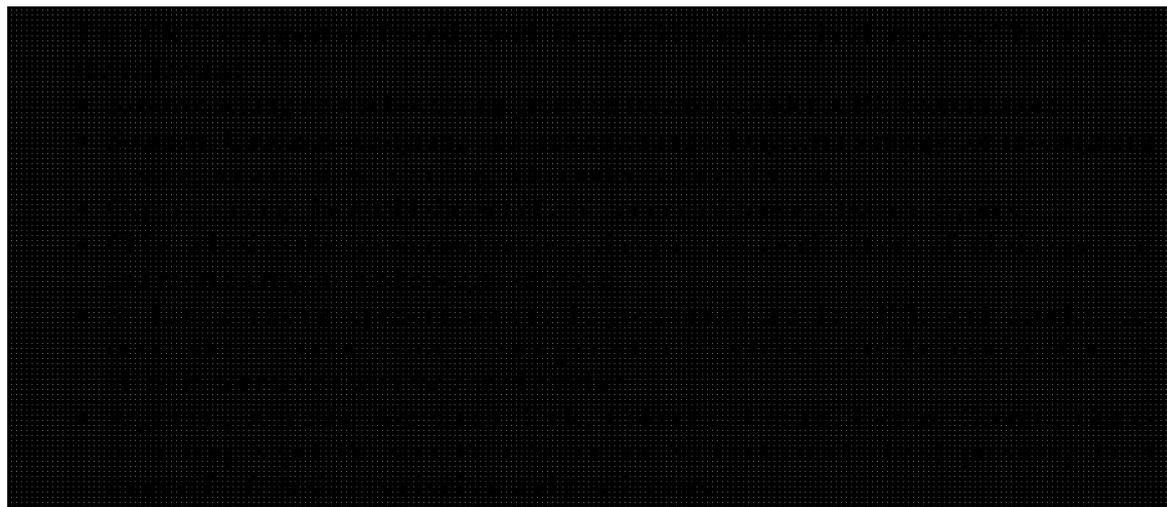
Since 2004, 15 National Societies (Australia, Austria, Canada, Croatia, Denmark, Finland, France, Germany, the Netherlands, Norway, Slovenia, Sweden, Switzerland, the UK and the USA) have been participating in an international ante-mortem data collection campaign driven by the ICRC, aimed at identifying missing persons from the conflicts in the former Yugoslavia. The purpose is to collect ante-mortem data from family members living abroad to contribute to the identification process in Croatia, Bosnia & Herzegovina and Kosovo. Work has involved training National Society staff, running media campaigns and conducting other activities.

Fourteen States and National Societies reported that management of human remains is currently ongoing in their contexts. Eleven reported the existence of a pre-arranged framework based on national legislation, guidance from forensic specialists and international standards. The National Societies of Liberia, Mexico, Panama, and the United Kingdom reported conducting staff training as well as broader awareness raising activities, including the training of first aid volunteers, training of National Society staff by forensic experts and inclusion of the subject in medical emergency manuals. The National Society of Canada with the support of the ICRC reviewed and made recommendations on the Internal Policy and Procedural Guidelines of the national authority leading the management of human remains (Royal Canadian Mounted Police) regarding the forensic exhumation of mass graves. The National Societies of Azerbaijan, Bosnia and Herzegovina, Colombia and Qatar were providing psychological support to families.

Following the International Conference of Governmental and Non-Governmental Experts, the ICRC acquired its own internal forensic capacity (as of 2007, this consisted of four forensic specialists) and has developed a world-wide network of forensic experts and organizations available for advice, cooperation and consultancy.

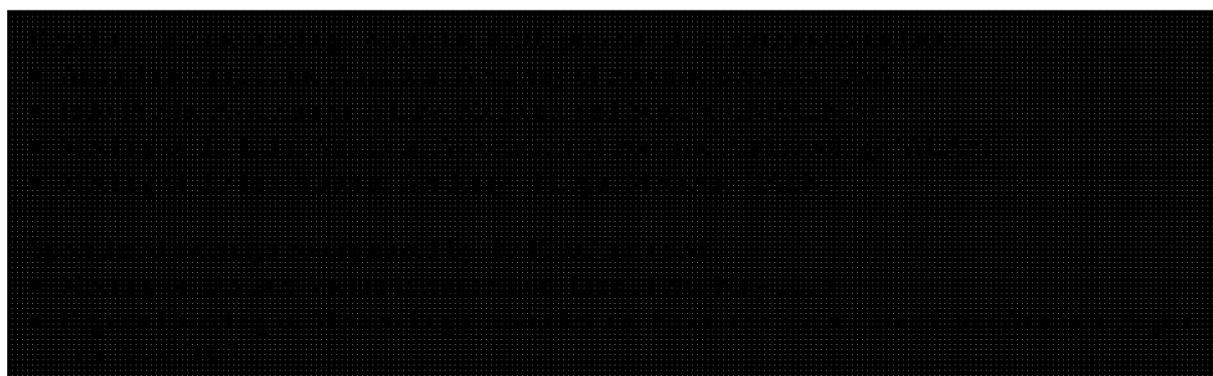
ICRC core activities related to forensic sciences and human remains include:

1. Appraisals, advice and operational support for implementation of the recommendations from the International Conference of Governmental and Non-Governmental Experts on The Missing and their Families, as regards forensic sciences and human remains.



2. Networking, dissemination and promotion of the recommendations on forensic sciences and human remains.

The ICRC has created an extensive network involving forensic and academic institutions around the world. This has resulted in a number of partnerships, along with the provision of expertise, referrals and advice on forensics and missing persons.



3. Development of tools, including tools for information collection and management.

These include the *ICRC standard reporting formats* for ante mortem and post mortem data collection, an IT tool for the management of ante mortem and post mortem data (available to practitioners and organizations from the end of 2007) and prototypes of new body-bags and containers for human skeletal remains in challenging contexts.

4. Training in the fields of forensics and human remains, as they apply to persons missing due to armed conflict and disaster.

Some of the training is run in partnership with academic institutions, which may grant academic credits.

Examples of formal training offered by the ICRC include:

- *Meeting current demands in forensic medicine*, a regional ICRC course for forensic practitioners from Iraq, the Middle East and Gulf countries. The course has been held once a year in Jordan since 2005, in cooperation with the Jordanian University of Science and Technology, the Jordanian Institute of Forensic Medicine and the University of London.
- *Short course in forensic genetics*, in cooperation with the University of Central Lancashire, UK. The course is aimed at practitioners actively involved in investigations into missing persons cases who plan to use DNA in their investigations.
- *International course on managing the dead in contexts of armed conflict and other situations of armed violence*, an annual course starting in 2007, aimed at non-specialist managers from governmental, inter-governmental and humanitarian organizations who are responsible for managing bodies and remains in armed conflicts and disasters.

5. Development of guidelines, manuals and publications to empower missing persons investigations.

- *Operational Best Practices Regarding the Management of Human Remains and Information on the Dead by Non-specialists* (ICRC, 2004), a manual aimed at humanitarian organizations and armed forces.
<http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/p0858?opendocument>
- *Management of Dead Bodies after Disasters: a Field Manual for First Responders* (second edition, 2006), published jointly with the Pan American Health Organization, the World Health Organization and the International Federation of Red Cross and Red Crescent Societies <http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/p0880?opendocument>
- *Missing People, DNA Analysis and Identification of Human Remains* (ICRC, 2005 and 2007), a non-technical guide for anyone interested in the use of DNA to identify human remains. <http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/p0871?opendocument>
- *Guidelines on the Management of Human Remains Located during Mine Action Operations* (ICRC, end of 2007), to be produced in cooperation with the Geneva International Centre for Humanitarian Demining and the United Nations Mine Action Service.
- *Missing People and Human Remains: A Guide for Forensic Practitioners Working in Contexts of Armed Conflicts, Situations of Widespread Armed Violence and other Emergencies* (a joint publication with the University of London, in preparation, for publication in early 2009). This publication aims to help meet the growing demand from forensic practitioners worldwide for a comprehensive manual on missing persons investigations.

Final Goal 1.5: Support families of missing persons

Action 1.5.1: State authorities and other concerned actors, in particular National Societies, the ICRC and the International Federation, take targeted measures to protect and assist the families of missing persons, paying attention to the particular needs of women and children.

In addition to undergoing the same experiences as others affected by armed conflict or internal violence, the families of missing persons face additional problems associated with the disappearance of a family member. The kinds of problem vary with the context and the cultural environment, but some of the most common situations are linked to the lack of official acknowledgment of the status of “missing person,” the undefined legal status of the spouse and descendants, property and inheritance rights, loss of family income, constant anxiety and longing for news, isolation, fear and mistrust of their communities.

Targeted support measures and programmes are of great importance in helping the families of missing persons overcome not only their traumatic experiences and psychological distress, but also the precarious situation in which they often find themselves following the loss of a family breadwinner. Assistance programmes, health programmes and restoring family links activities can have a direct impact on the physical and mental wellbeing of families.

To establish such programmes, it is necessary to understand the specific needs of the families of missing persons within the particular cultural and family context and how some of them might be covered by local structures or the development of coping mechanisms.

The current practice of National Societies and governments, as revealed by the replies to the questionnaires, shows that more remains to be done in this area. Apart from the specific psychological support reported by a few National Societies in connection with human remains (as mentioned in the previous paragraph), most National Societies evoked the support provided to families of missing persons through their RFL activities, assistance programmes and dissemination programmes. Dissemination programmes help to raise awareness of the issue and, in particular, of the often vulnerable situation of women and children. Only three National Societies mentioned specific psychological support programmes, including helplines for relatives.

*The government of the **Republic of Cyprus** is supporting the families of missing persons, paying special attention to children and spouses:*

- *monthly allowance to the immediate family, as well as to the parents;*
- *free medical care in State hospitals;*
- *special treatment and priority entrance to the University of Cyprus for children;*
- *financial help with house purchase or repair;*
- *mobilization of the private sector in the areas of psychological, economical and social assistance.*

The wellbeing of the families of missing persons is primarily the responsibility of national authorities. Seven States reported specific measures such as call centres, legislation to support the families of missing persons, support for NGO projects and support for family associations. Another four mentioned human rights legislation to protect families.

The ICRC advises national authorities and raises their awareness and that of other bodies that might support them. This was the case, for example, in Sierra Leone, where it conducted a study on missing persons, including the situation and needs of their families.

The ICRC helps the families of missing persons through its assistance, health and protection activities. The organization also offers moral support, by meeting the families of missing persons and listening to their traumatic experiences. The ICRC sees associations of families and local support networks as essential partners in setting up and implementing programmes, and supports them where possible.

In February 2007, the ICRC participated in the First *International congress on psychosocial work related to exhumations and missing persons*, which took place in Antigua, Guatemala and was hosted by the Community Studies & Psychosocial Action Team (ECAP), an NGO and ICRC partner. The ICRC supported the participation of experts from various countries, gave a key-note speech on missing persons and family needs, made representations and helped to moderate workshops. The congress helped outline a framework of recommendations for an ICRC publication scheduled to appear in 2008.

*In the **Balkans**, the ICRC held training seminars to help family associations and National Society branches support families, and financed projects run by them, such as public burial ceremonies, communication initiatives, psychosocial activities and psychological support. In Serbia, Kosovo and Bosnia, the ICRC organised support group sessions for families of missing persons, led by external specialists with the participation of the Red Cross branches, family associations and local NGOs. This support ran from 2002 until the end of 2004. Since January 2005, psychological support activities for the families of missing persons have been run by family associations, through ICRC-funded projects.*

*In **Nepal**, the ICRC held training seminars to help volunteers of National Society branches assess the needs of victims of the conflict, including the families of missing persons, so that they could benefit from material support.*

Final Goal 1.6: Encourage organized armed groups engaged in armed conflicts to resolve the problem of missing persons, assist their families and prevent others from becoming missing

The great majority of the governments who reported under this Final Goal do not have armed groups on their territories. However, three of them, Belgium, Norway, the United Kingdom did report taking measures that included supporting the ICRC, maintaining contact with all parties to a conflict during international operations and participation in the UN Security Council respectively. The Republic of the Congo reported the appointment of a high commissioner for civil and moral instruction.

National Societies' work in this area also remains limited. Three, Chad, Ecuador and Qatar, said they were conducting IHL dissemination activities, while the Red Cross Society of Chad, working in cooperation with the ICRC, had produced an IHL manual adapted to the situation in that country.

In its capacity as a neutral and independent humanitarian organization, the ICRC maintains regular contact with all parties to a conflict, including organized armed groups. It therefore carries out regular dissemination activities and IHL training and undertakes confidential dialogue with organized armed groups. ICRC activities described in the preceding paragraphs are also aimed at encouraging organized armed groups to fulfil General Objective 1 of the Agenda for Humanitarian.

Activities may include the production, provision and proper use of means of identification, or the protection of minors, civilians and detainees. They also encompass the handling of human remains by members of organized armed groups as described under Final Goal 1.4, where the ICRC has developed a number of guidelines and organised training. Finally, the ICRC encourages organized armed groups to set up mechanisms for the collection and centralization of information on victims of armed conflict and its transmission to families (see Final Goal 1.2, Mechanisms).