



## Concept Note

# Missing Migrants, Missing Solutions? Preventing and resolving missing migrants cases & addressing the needs of their families through the GCM

9 March 2022, 9:30-11am NY time

**1. Co-leads:** ICRC and IOM

**2. Overall Objective:**

The webinar will raise awareness about the issue of missing migrants among states, and advocate for greater efforts to turn the Objective 8 of the Global Compact for Safe, Orderly and Regular Migration (GCM) into concrete measures to prevent and resolve cases of missing migrants and address the needs of their families. It will present the latest data/analysis and available guidance and include presentations by practitioners and a family representative to show that needs are real and solutions possible. It will further reflect on the recommendations made by the United Nations Secretary-General in his recent report on this issue, and will discuss potential recommendations for the IMRF and beyond, including the need for coordinated action at the regional level.

**3. Background:**

The phenomenon of missing migrants is a global humanitarian and human rights challenge. It affects tens of thousands of people who disappear along migratory routes on land and at sea and in countries of destination, leaving behind families in painful uncertainty over the fate of their loved ones.

In 2018, the United Nations General Assembly took the unprecedented step, through the adoption of the GCM, of committing to strengthen efforts to save lives and establish coordinated international efforts on missing migrants (Objective 8).

Objective 8 presents a comprehensive set of commitments on missing migrants, looking at both prevention and response. However, as voluntary reporting in the framework of the GCM's regional review process has shown, concrete measures to effectively prevent and address cases of missing migrants have been few and far between and vary greatly across regions. These reviews have also revealed a number of misperceptions, such as that the issue of missing migrants is often limited in focus to deaths at sea or that too often there is recourse simply to further criminalizing irregular migration in an attempt reduce the number of missing migrants and to assist their families.

At a time when the number of people going missing has reached unprecedented proportions, developing effective means by which to address this very human challenges has become more important than ever. And there is reason for hope.

Initiatives such as IOM's Missing Migrants Project have helped better document, analyse and raise awareness as to the extent of the problem, although considerable challenges remain with regards to data collection, including the lack of official data, the nature of the riskiest migration routes, and the fact that many migrants go missing in inaccessible locations.



Furthermore, there is also an increasing number of initiatives carried out by states, the Red Cross and Red Crescent Movement, and many other international and non-governmental actors, that illustrate that the prevention of disappearance and the search for those gone missing is feasible. These range from national initiatives to bilateral cross-border cooperation and regional search mechanisms that bring together governments and non-state actors. Based on these practices, the ICRC has worked with a broad range of stakeholders, including members of the United Nations Network on Migration, to develop guidance on how to turn the commitments contained in Objective 8 into an effective operational response along migratory routes.

#### 4. Detailed objectives/messages:

Correct misperceptions on the scope of the missing migrant issue by clarifying that:

- We are **not only talking about migration at sea** – migrants go missing on land routes, in detention, upon return and in a range of other situations.
- Many missing migrants are alive but unable to contact their families. Search mechanisms and approaches need to cater to both the living and the dead. The same is valid for prevention efforts.
- Addressing Objective 8 needs a multi-pronged approach. **Criminalizing irregular migration puts people in more danger** and creates more barriers for people searching for missing loved ones.
- Objective 8 **applies to countries of origin, transit and destination** – families searching for missing loved ones can be in all of these contexts and thus they all have roles in the search and identification of missing migrants.

Convey the urgent need for concrete and coordinated action particularly at regional level:

- Firstly, migrant **deaths and disappearances can and must be prevented**.

In order to prevent migrant deaths and disappearances, countries should take measures such as:

- reviewing migration-related policies and laws to reduce their potential impact on migrants' rights and ensure states respect international law obligations, particularly with regards to saving lives and preventing deaths, and respect for the principle of non-refoulement;
- ensuring that border governance practices comply with international law obligations and do not exacerbate risks of migrant death or disappearance;
- creating and implementing effective search and rescue capacities;
- facilitating the recovery, identification and transfer of remains, and the notification of families, or providing communication services can prevent migrants from going missing.

Countries should also establish more legal and safe migration pathways and opportunities for those who may otherwise be in the position of taking irregular migration routes.

- Secondly, **mechanisms to search for missing persons across migratory routes need to be put in place**. This requires the development of information gathering, forensic and investigative capacities at national level, as well as the collaboration and exchange of information among countries of origin, transit and destination states and other relevant actors across borders.



- Thirdly, **the families of missing migrants require support and recognition of their agency**, not only in their search efforts but also to respond to a broad range of psychosocial, economic, legal and administrative needs that arise as a consequence of disappearance.
- Fourth, while states have the primary responsibility for much of the above, a **multi-stakeholder approach is needed**, where governments, civil society organizations, NHRIs, international organisations and the Red Cross/ Red Crescent Movement can contribute different and complementary capacities to enable concrete progress.

## 5. Proposed Structure:

- Min 0-5: Introduction from co-moderators Julia Black, IOM and Florian von König, ICRC
- Min 5-15 Welcome and setting the stage by IOM DDG Daniels and ICRC VP Carbonnier
- Min 15-18 Video testimony of a survivor from the Darien Gap or testimony from a family member searching for a missing migrant (TBC)
- Min 18-20 Moderators: panel introduction
- Min 20-50: Panel discussion with
- Gabriella Citroni, United Nations Working Group on Enforced or Involuntary Disappearances and Professor of International Human Rights Law, University of Milano-Bicocca
- Maya Sahli Fadel, African Commission on Human and Peoples' Rights
- Mercedes Doretti, Argentine Forensic Anthropology Team
- Min 50-55 Florian von König, ICRC presenting Missing Persons Project guidance documents on missing migrants
- Min 55-85 Q&A
- Min 85 to 90 Conclusions and ways forward: Julia Black, IOM and Florian von König