

Where are they?

Searching for missing persons and meeting their families' needs

Otilia Anna Maunganidze and the International Committee of the Red Cross

Executive Summary

As of 2020, the ICRC has documented close to 44 000 missing persons in Africa, affecting every part of the continent. This figure represents merely a small fraction – namely cases registered by the ICRC – of a wider, still undocumented, often neglected, and imperceptible humanitarian tragedy. Families are often suffering in silence, alone, facing the pain of ongoing uncertainty and being unable to grieve. Yet, this grief affects thousands, including family members, communities, and the society at large. Some went missing yesterday, while others have been missing for years, even decades. The issue of missing persons often transcends generations.

Efforts to address the plight of missing persons and their families, particularly through the adoption of relevant regional and national legal and policy frameworks, are nascent in Africa. While they often remain limited due to insufficient degrees of support or awareness at required levels, these efforts are important and must be further encouraged.

The Report aims to provide an analysis of the issue of the missing and their families in Africa and raise awareness of their plight among policy and decision makers in Africa. It highlights main reasons people go missing in Africa, with a focus on armed conflict, other situations of violence and migration. The report then turns to the multifaceted challenges faced by families once their relatives go missing. Finally, it provides several examples of the responses of authorities, the ICRC and other actors, and offers general recommendations.

Methodology

This report is informed by ICRC activities in several countries and key operations in Africa, and reflects the work done with families, authorities and other actors. It is based on interviews with 959 families of missing persons from Ethiopia, Uganda, Senegal, Libya, Nigeria and Cameroon, and focus group discussions with 60 families in South Sudan. The interviews were conducted in the framework of family needs assessments undertaken in 2010 (Ethiopia), 2012 (Uganda and Senegal), 2013–2014 (Libya), 2018 (Nigeria) and 2019 (Cameroon).

The questionnaire focused on the following issues: the search and attitude towards the fate of the missing person, economic situation, mental health and psychosocial issues, legal and administrative situation and the attitude regarding the acknowledgment of their situation. These assessments allowed to highlight a certain number of trends and issues in the continent, while putting them in a global perspective thanks to the International Committee of the Red Cross' (ICRC) long-standing experience and expertise in other regions of the world.

Main Findings and recommendations to respond to the needs of the families

Ensuring adequate domestic institutional and legal frameworks

The lack of clear domestic legislation pertaining to the status of missing persons or the possibility of declaring a relative missing, administrative problems regarding property and inheritance, as well as divorce, remarriage and the custody of children are common challenges for families once one of their own goes missing.

In many countries, domestic legislation does not provide any status for missing persons. It is therefore difficult for families to get their relatives recognised as missing and enable them to receive support. Seeking a death certificate is often the only option available in order to access property, an inheritance and other assets, or to change a marital status. It puts families in a difficult position, as they are often unwilling to declare their relatives dead or might feel guilty if they do so. Even when domestic legislation does provide for declarations of absence, families are often not aware of it or lack of capacity and resources to start such administrative processes. Eventually, families pursue traditional and religious avenues in a bid to resolve their problems.

Importance of a sustained and multidisciplinary response

In 2019, UNSC resolution 2474 unanimously recognised the need to ‘consider the provision of information on available services in relation to administrative, legal, economic and psychosocial difficulties and needs they [families] may face as a result of having a missing relative.’ The Global Compact on Migration, and in particular objective 8 therein, adopted in December 2018, calls upon authorities to step up efforts to prevent migrants from going missing and to support their families. States need to increase their collaboration and coordination across borders to exchange information to clarify the fate of unidentified deceased migrants.

The ICRC is working with authorities in the region to sensitize them to the need to put in place a holistic response for and with families. In particular, a model law and a model certificate of absence have been developed to support legislators drafting new legislation or amending an existing one to address, prevent and resolve the situations of missing persons.

Recommendations

National authorities, regional bodies and the African Union should:

- ▶ Acknowledge the tragedy of missing persons and address the problems their families face as a result of this situation.
 - ▶ Put in place preventative measures and early initiatives to deal with the issue of missing persons.
 - ▶ Identify relevant gaps, needs and limitations that hinder the prevention and the search for missing persons.
 - ▶ Respond to the various needs of families and ensure institutional and legal frameworks that allow for an individual-specific assessment and response. The rights and needs of families to know the fate and whereabouts of their missing relative should be at the centre of search processes and should be upheld.
- ▶ Ensure political will to address the issue of missing persons and increase search capacity and efforts in that regard.
 - ▶ Consider establishing dedicated national mechanisms on the issue of missing persons where relevant.
 - ▶ Include the question of missing persons in truth-seeking, justice and reconciliation processes, which should have lines of coordination with other bodies tasked with clarifying the fate and whereabouts of missing persons. The AU’s transitional justice policy is a key guiding document.
 - ▶ Establish clear pathways to be followed in searching for and identifying persons missing in the context of migration. Clear principles should be adopted for the exchange of information and effective coordination channels among authorities in countries along migration routes.

Political will and sustained commitment are key to ensuring effective and positive developments in addressing the issue of missing persons in compliance with international law. Those efforts can be nurtured at local, national and regional level. States should also address the question of missing persons as part of their efforts to solve conflicts.