



Program and Budget

2022 - 2027

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DIRECTOR-GENERAL'S FOREWORD



Kathryne Bomberger
Director-General

Today, across Latin America, on the African continent, in the Mediterranean, and across Asia and Oceania, tens of thousands of people are missing as a result of irregular migration. More than 100,000 people have disappeared from the conflict in Syria, inside the country or on dangerous routes taken by desperate Syrian refugees, and thousands are reported missing as a result of the enforced disappearance and mass displacement of Rohingya from northern Myanmar. Countries such as Iraq, Sri Lanka, Burundi, Rwanda, and Vietnam are striving to address a huge and painful legacy of missing persons from past conflicts.

Accounting for the missing, after conflict and disaster or as a result of people smuggling, trafficking in human beings and other forms of organized crime, is fundamental to upholding and reinforcing the rule-of-law. Governments have legal obligations to take effective steps to establish the facts and help survivors to access their rights to truth, justice and reparations. Helping authorities to do this is an investment in peace and stability. Accounting for missing persons is a central element in restoring public confidence in post-conflict and post-disaster societies and in consolidating global security.

Established in 1996 to help countries in the Balkan region account for the 40,000 people missing as a result of the conflicts in the former Yugoslavia, the International Commission on Missing Persons (ICMP) has developed methodologies that include helping governments to create legislation and establish institutions to support the process of accounting for the missing, applying the latest forensic genetic science in conjunction with customized informatics and data systems, and helping families of the missing to play an effective role at the heart of the process.

ICMP's approach is rooted in upholding the rule-of-law. Its experience shows that large-scale missing persons programs can succeed if the state assumes responsibility for processes to locate the missing and investigates the circumstances of their disappearance. This requires that legislation and appropriate institutions are in place, that forensic science and database technology is applied consistently, and that families of the missing are empowered to demand answers.

Under Article II of the Agreement on the Status and Functions of the International Commission on Missing Persons (the ICMP Treaty), which came into force in 2015, ICMP endeavors to secure the cooperation of governments and others in locating missing persons from conflict, human rights abuses, disasters and other causes and to assist them in doing so.

Where national authorities address the issue in a transparent manner based on human rights and the rule-of-law, they reinforce public trust in key institutions, including courts, prosecutors and law enforcement, and begin a process of rebuilding social cohesion. Deliberate failures to account for the missing may amount to international crimes, including crimes against humanity, which are among the primary causes of people fleeing their home countries, without the possibility of return as long as such conditions persist.

Governments have a legal obligation to conduct formal investigations into the circumstances in which persons have gone missing and to learn their fate and whereabouts. They must do this in a manner

capable of delivering results. Official investigations, however, constitute a guarantee of process rather than outcome: no authority can guarantee locating every missing person, and nor is this expected by most survivors. Resentment – and, in many instances, mass disaffection – of survivors is fueled by deliberate or negligent failure by authorities to conduct formal and meaningful investigations. There are numerous causes of this. For example, the authorities themselves may have been involved in the original disappearances and are consequently reluctant to investigate – whatever public assurances they may give to the contrary.

However, current events suggest that this may not be the most common reason for government failure to investigate. A more common cause stems from unwillingness to recognize the legitimate demands of survivors or a refusal to accept the credibility of survivor testimony – and in many cases this testimony may be the only evidence that a person has gone missing. Testimony may be discounted for a number of reasons, including the gender, political affiliation, ethnicity or social standing of the witness. This is not confined to developing countries or those recovering from conflict. A majority of those who are missing on migration routes today are the poor, or minorities and people of color – and disappearances among minority groups, including Native Americans, particularly women, are significantly higher than among other communities in North America. Likewise, gender may be a major factor in the inability of witnesses to obtain satisfaction from authorities. Most of those who disappear in conflict, human rights abuses and migration are men, which means that many families of missing persons are headed by women, who often face institutional sexism and legal discrimination in their fight for their rights.

An important way of addressing this, and helping states to meet their obligations, is to enhance the objectivity of evidence presented by survivors. This can be done by collecting information securely, using database technology that makes it possible for data to be shared and analyzed and for evidence to be sifted and corroborated efficiently. This can be done in a way that secures the right to privacy of those who provide the information. In addition, effective steps can be taken to protect and analyze crime scenes, mass graves, and other locations related to disappearances.

ICMP's operations around the world reflect a new international consensus that the issue of missing persons cuts across judicial and national jurisdictions and can only be tackled effectively by applying dedicated techniques as part of a coordinated multinational approach that respects human rights. International cooperation ensures effective investigations, as the missing and their relatives are often not located in the same country.

ICMP is voluntarily funded and notably, during 2021, the 30 members of the Organization for Economic Cooperation and Development's (OECD) Development Assistance Committee (DAC) unanimously approved the inclusion of ICMP in the list of multilateral organizations which can receive funding under Official Development Assistance (ODA) programs. ODA-eligible multilateral organizations such as ICMP that promote development and welfare in developing countries can receive contributions towards their core requirements or Main Programs from DAC member states. ICMP asks that donor states explore opportunities to secure ICMP's sustainability, and in particular that of its Main Program, now taking into account ICMP's eligibility for ODA funding.

ICMP is seeking donor support for its programs, including its state-of-the-art, dedicated missing persons DNA laboratory, its custom-designed, secure data systems capabilities and its global country and thematic programs. This Program and Budget lays out in detail the operations that ICMP maintains to help governments address the global challenge of missing persons and the support it provides to civil society, in particular families of the missing around the world. It offers a clear picture of how the organization is implementing its mandate and what it needs in order to sustain existing programs and launch new ones.

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I. EXECUTIVE SUMMARY

In 2021, ICMP marks its 25th anniversary; the experience gained in the course of this first quarter of a century represents a remarkable and unique base from which to move forward, develop new programs and assist governments, families of the missing and others to address the global challenge of missing persons. This Program and Budget presents ICMP's plan for 2022-2027.

ICMP's mandate is to secure the cooperation of governments and others in locating missing persons from conflict, human rights abuses, disasters, organized crime, irregular migration and other causes and to assist them in doing so. The ICMP Treaty provides for a review of the Treaty to be initiated by its original Signatories. The review process, which is scheduled to be completed within the 2022-27 period, will examine measures that can further strengthen international cooperation on the issue of missing persons.

It is important to note that on 31 August 2021, the 30 members of the Organization for Economic Cooperation and Development's (OECD) Development Assistance Committee (DAC) unanimously approved the inclusion of the International Commission on Missing Persons (ICMP) in the list of multilateral organizations which can receive funding under Official Development Assistance (ODA) programs.

ODA is government aid designed to promote the economic growth of developing countries and may be provided bilaterally or channeled through the United Nations or other multilateral organizations approved by the DAC. Donors can now report their funding for ICMP, including funding for ICMP's Headquarter-based Main Program, as ODA. Funding for ICMP, including its Main Program, will count towards donors' overall targets for annual official government aid and will no longer be classified as being outside the donor's overall ODA targets. ODA-eligibility removes a significant impediment to making ICMP's Main Program, which includes specialized, centralized capabilities that are essential to carrying out the work of its regional and country programs, financially sustainable (see below).

The inclusion of ICMP on the list of ODA-eligible multilateral organizations (channel category: Other multilateral organizations/47000) is based on the DAC's assessment that ICMP's work is focused on technical assistance in the development of good governance and rule-of-law strategies to address the issue of missing persons, by:

- Ensuring that governments and other parties cooperate to address the missing persons issue, which includes institutional capacity building, encouraging public involvement and addressing the needs of the judicial system; and
- Providing technical assistance to governments in locating, recovering and identifying missing persons.

ICMP's programs and work align themselves to the development strategies of donor countries in a number of priority areas, including:

- Fighting the root causes of displacement, particularly in the Middle East and North Africa, where the large number of missing and disappeared persons and a faltering or ineffective state response have created powerful disincentives to the return of people to their homes and have compromised development as well as efforts to establish lasting peace;
- Advancing open societies and conflict resolution where the issue of large numbers of missing persons has deepened sectarian divisions, and, in this way, contributing to ending cycles of violence;



- Advancing economic and human development by strengthening rule-of-law approaches and human rights to uphold or reinstate public trust in state institutions, especially among those who have suffered most from past or continuing lawlessness and abuse; and
- Increasing partner country ownership of development strategies by aligning rule-of-law-based strategies to account for the missing and disappeared through domestic legislative and policy frameworks and through technical development.

Accordingly, ICMP will:

- Continue to implement its mandate with the utmost effect through its programs and the assistance it provides to governments, as well as to international and other organizations, in their efforts to uphold and advance human rights and rule-of-law guarantees in respect of missing persons and their families; and
- Endeavor to further enhance its multilateral instruments for doing this, in particular through the ICMP Conference of States Parties (CSP) and other Multilateral Forums, Working Groups and Joint Processes.

The Program and Budget lays out program work that is already underway or is envisaged in the near- and medium-term. The present document also presents ICMP Treaty, Statutory and Subsidiary Bodies in the context of ICMP's program work.

ICMP has 130 staff members at the time of writing and maintains country programs related to the **Western Balkans, including Albania, Iraq, Syria, Colombia, Vietnam and Mexico. Ukraine and Armenia** have recently asked for support; and ICMP re-deploying to **Libya**. In addition, ICMP is working with the Independent Investigative Mechanism for **Myanmar** (IIMM) to find ways to support a program to account for missing Rohingya. Planned country or regional programs during the 2022-2027 period, for which activity plans will be developed subject to funding, include Afghanistan, Botswana, El Salvador, Myanmar, Sri Lanka, The Gambia, Tunisia and Yemen. In addition, ICMP maintains three thematic programs, namely the **Missing Migrants and Refugees Program (MMR)**, the Platform for **Disaster Victim Identification (DVI)** and the **Assistance to Justice Program**.

ICMP maintains a Main Program under the direction of the Director-General. The Main Program consists of six Crosscutting Programs (CCPs), as well as Corporate Services and a Secretariat Program for ICMP Treaty or Statutory and Subsidiary Bodies (TSSB) as part of ICMP's programmatic work. The CCPs are: **Direction and Policy (D&P)**, **Institutional Development (ID)**, **Civil Society Initiatives (CSI)**, **Science and Technology (S&T)**, **Data Systems and Data Coordination (DSDC)**, and the **Wim Kok Center of Excellence and Learning (CEL)**. ICMP's highly specialized CCPs provide direction, oversight and support to all country and thematic programs and they also deliver work directly in all country programs.

The Secretariat Program is part of ICMP's Main Program. The Secretariat Program provides administrative support to ICMP's treaty and statutory and subsidiary bodies, namely the **Board of Commissioners (BoC)**, the **Conference of States Parties (CSP)**, the **Financial Committee (FC)** and the **Global Forum on Missing Persons (GF)**, as well as the **Panel of Experts (PE)**, and the **Inter-Agency Committee on Missing Persons (IAC)**. It also supports inter-governmental bodies that are specific to regional programs, including the **Missing Persons Group (MPG)** in the Western Balkans, the Joint Process for countries in the Mediterranean to address the issue of Missing Migrants and Refugees, and the **inter-governmental group for the Syria/MENA program**.

ICMP programs aim to assist states in their efforts to meet their obligations regarding missing and disappeared persons in the following areas:

- **Human rights:** Persons going and remaining missing are both a consequence and a cause of distrust in public institutions in many parts of the world. ICMP aims to strengthen the capacities



of authorities to uphold fundamental guarantees, thereby instilling public trust and contributing to social welfare and development. Such guarantees include the right to dignity and the right to life, the right to effective investigations, the right not to be subjected to torture or degrading treatment, the right to a family life and to privacy, and the right to recognition as a person before the law.

- **Rule-of-law:** ICMP works with authorities to ensure that missing persons issues are effectively addressed through public law including judicial processes that are based on the rule-of-law and human rights. ICMP supports official investigations of the fate and whereabouts of missing and disappeared persons, including establishing the circumstances of their disappearance or cause and manner of death.
- **Good governance:** Large numbers of missing persons place considerable strain on the capacity of domestic authorities to maintain standards of good governance, including transparency, even-handedness and proportionality. ICMP helps authorities to take measures to ensure that investigations of disappearances are at all times adequate, proportional and fair.
- **Strengthening multilateral cooperation on missing persons:** The issue of missing persons transcends borders by definition. Helping states to fulfil their responsibility to locate missing persons therefore necessarily requires multilateral cooperation. All ICMP thematic, country and regional programs have a multilateral dimension.
- **Gender equality, and Gender and Peacebuilding:** Women are often at the forefront of efforts to address the issue of the missing persons. ICMP seeks to support in particular the economic and social wellbeing of women through education, training and grant-making programs to access their socio-economic rights, in addition to their right to effective investigations of disappearances.
- **Development and Social Well-being:** ICMP's work contributes directly to the attainment of the Sustainable Development Goals, including promoting peaceful and inclusive societies for sustainable development, access to justice and effective, accountable and inclusive institutions. ICMP's work also supports prevention and contributes to reducing violence and fatalities, and enhances domestic and international capacity to advance development and social well-being in particular for low- and medium-income countries emerging from conflict, lawlessness or man-made or natural disasters.

The Program and Budget document shows how ICMP's methodology – promoting the rule-of-law, the latest developments in forensic science and data-base technology, and the participation of families of the missing – underpins all of these programs, and it lays out in detail how ICMP's Main Program provides the indispensable resources that allow its country programs to operate effectively.



II. FUNDING

2.1. Funding history

ICMP receives no assessed contributions from States Parties and its activities are entirely voluntarily funded. Over the last 25 years, the organization has received approximately USD 160 million in donations; annual contributions have averaged USD 6.9 million. As an intergovernmental organization (IGO), historically 70 percent of ICMP's funding has been provided by governments, with the remaining 30 percent coming primarily from multilateral organizations, such as the European Union (EU).

2.2. Funding structure

The centralized manner in which ICMP is structured and works requires a corresponding funding structure. ICMP maintains its Main Program at its Headquarters (HQ). ICMP's Main Program provides direction, oversight and support to all country and thematic programs and is responsible for the direct delivery of activities across all country and thematic programs. It comprises three components:

- Statutory Bodies (SB)
 - The Board of Commissioners (BoC);
 - The Conference of States Parties (CSP);
 - The Financial Committee (FC);
 - The Global Forum on Missing Persons (GF);
 - Other expert and advisory bodies.
- Crosscutting Programs (CCPs)
 - Direction and Policy (D&P);
 - Institutional Development (ID);
 - Civil Society Initiatives (CSI);
 - Science and Technology (ST);
 - Data Systems and Data Coordination (DSDC);
 - The Wim Kok Center for Excellence and Learning (CEL).
- Corporate Services (CS)

ICMP's CCPs are highly specialized and include standing capacities such as the state-of-the-art, high throughput DNA human identification laboratory, which not only works on identifying missing persons cases around the world, including in country programs, but is central to learning and development programs for technical experts, government officials and families of the missing, as well as to building DNA human identification capacities in country programs that require such capacities.

The DSDC Program maintains standing capacities that all country and thematic programs rely on. Missing persons work depends on the collection, processing and analysis of large quantities of data that are used by domestic authorities to investigate missing persons cases. ICMP's custom-designed system, which was developed in-house, is used by ICMP, and in turn ICMP builds missing persons data systems for use by government institutions in country programs. ICMP's data system is also used as a training tool. ICMP's D&P, ID and CSI programs and the CEL function in the same centralized manner and are presented in more detail below.

ICMP maintains multiple country and thematic programs around the world in challenging areas, including



countries affected by ongoing conflict, in post-conflict transition, that are politically unstable or that lack the capacities to address the issue of large numbers of missing persons. ICMP's thematic programs address global challenges, such as persons missing from migration and manmade or natural disasters (including the Covid-19 pandemic). Often, the thematic programs intersect with country programs. Syria for example has missing persons from the ongoing conflict and also from migration to Europe and from maritime disasters in the Mediterranean. ICMP's country and thematic programs are responsible for the implementation of program work locally and within thematic contexts as elaborated by the Main Program and the CCPs that provide their content.

The centralized manner in which ICMP is structured and works requires a corresponding funding structure that allocates costs of the Main Program to the country and thematic programs. Therefore, the financial requirements of a country or thematic program include those of the corresponding Main Program.

To this end, the ICMP funding model requires that a proportion of funds that are restricted to country programs are allocated to the Main CCPs as the primary, overriding objective of the CCPs is to support country and thematic programs. Direct cost coverage for the Main Program is always agreed upon with the donor in advance and includes details on the attribution of work to be carried out by the CCPs and associated costs. Given that ICMP is funded through voluntary contributions, direct cost coverage for the Main Program offsets in a flexible manner the absence of assessed contributions towards the Main Program.

2.3. Funding strategy

ICMP's aim is to continue its sustainable growth. Since establishing its HQ in The Hague in 2015, ICMP has moved from an annual budget of around USD 6.5 million to USD 14 million. The majority of this funding has been restricted for use by ICMP's country programs, with a smaller amount of funding earmarked for ICMP's CCPs.

ICMP's funding strategy for 2022-2026 is to increase direct cost coverage and earmarked funds for CCPs from an average of USD 1 million per annum to a minimum of USD 3 million per annum and to increase funding for ICMP's current country and thematic programs from an average of USD 1 to 2.5 million per annum to a minimum of USD 4 million per annum.

ICMP's current country and thematic programs include countries in the Western Balkans (WB), Syria (MENA), Iraq, Mexico, Vietnam, the Missing Migrants and Refugees program and the DVI program. ICMP has been invited by Ukraine to provide support during 2021, as well as by Libya, and it has been invited to address missing persons from the Nagorno-Karabakh conflict, which would include support to both Azerbaijan and Armenia. As with the current programs, ICMP's experience of 25 years has demonstrated that new country programs require commitments over the longer term, and a minimum of USD 2 million in start-up costs each, and about USD 4 million per annum to maintain. Other programs, for which ICMP has been asked to develop concepts for engagement include Yemen, the situation of the Rohingya, Afghanistan, the Gambia, Uganda and El Salvador. ICMP maintains and will continue to be asked to support smaller projects, such as those in Brazil, Chile, Cyprus, Canada and elsewhere.

In addition to negotiating direct cost coverage funding arrangements with donors, ICMP seeks to establish long-term financing agreements with key donor governments, ensuring sustainable funding for programs through regular multilateral donor meetings in program areas, as well as in capitals.

The recent inclusion of ICMP on the list of ODA-eligible multilateral organizations (channel category: Other multilateral organizations/47000) will give donor states the opportunity to contribute to securing ICMP's sustainability, and in particular that of its Main Program, now taking into account ICMP's eligibility



for ODA¹ funding. The Main Program provides bilateral and multilateral strategic planning, oversight, expert input and technical support to ICMP's country and thematic programs. The Main Program also includes six specialized Crosscutting Programs: Direction and Policy, Institutional Development, Science and Technology, Data Systems and Data Coordination, Civil Society Initiatives and the Wim Kok Centre of Excellence and Learning. The Main Program accounts for 25 percent of ICMP's total budget.

In addition, a review of the ICMP Treaty, which is currently under discussion, could include the possibility of introducing measures to support funding of the Main Program, including maintaining DNA laboratory capacity, data systems capabilities and disseminating best practice in all program areas. The review could include proposals allowing participating States to make special agreements in order to provide sustainable funding for ICMP's specialized capacities.

For instance, ICMP is exploring bringing together an initial group of its States Parties that could provide annual funding for ICMP's DVI program. Considering that man-made and natural disasters can strike anywhere at any time, strengthening ICMP's ability to implement and advance DVI standards will directly benefit participating States and advance ICMP's mandate across a range of missing persons scenarios. Enhancing DVI preparedness at ICMP requires the cooperation of States Parties and Signatories, as well as others, to secure the financial and political support that will make it possible to achieve in a systematic way the participation of more states in the medium term. ICMP plans to propose an agreement on DVI preparedness, including a Fund. The budget proposal for DVI in this document is underpinned by the assumption that a DVI Fund is established under an agreement. Denmark has been contributing effectively to such a fund for years.

¹ For more information, see ICMP's document Official Development Assistance (ODA): Recommendation for Inclusion in the DAC List of Eligible Organizations (ICMP.DG.1385.7.doc).



III. INDICATIVE FUNDING 2022-2026

Indicative financial resource requirements based on the funding strategy for the five-year period are detailed below:

Program Funding	2022	2023	2024	2025	2026
Statutory Bodies	104,055	125,000	127,770	131,250	133,750
Cross-Cutting	3,614,890	3,568,120	3,508,800	3,428,520	3,397,000
Corporate Services	1,054,704	988,000	997,510	1,012,000	1,102,140
Subtotal Main Program	4,773,649	4,681,120	4,364,080	4,571,770	4,632,890
Colombia	523,954	756,120	1,102,211	1,745,210	3,000,000
Iraq	2,926,351	3,215,250	3,674,000	3,856,200	3,785,425
Mexico	1,190,780	1,220,220	1,556,500	2,548,120	2,900,110
Syria / MENA	2,586,611	2,945,000	3,450,000	3,800,800	3,841,060
Ukraine	818,280	960,125	1,200,100	1,902,300	2,874,000
Western Balkans	2,535,575	3,254,012	3,354,178	3,789,000	2,000,000
Libya	1,025,550	1,100,500	1,640,000	2,003,500	2,458,060
Vietnam	1,063,000	1,152,500	1,563,200	1,750,600	2,558,700
Subtotal Country Programs	12,670,101	14,603,727	17,540,189	21,305,730	23,417,355
Missing Migrants & Refugees	261,000	275,450	358,050	759,100	950,210
Disaster Victim Identification	64,400	250,000	250,000	250,000	250,000
Assistance to Justice	-	50,000	50,000	50,000	50,000
Subtotal Thematic Programs	325,400	575,450	658,050	1,059,100	1,250,210
Total	17,769,151	19,860,297	22,832,319	26,936,600	29,300,455

Table 1:
Indicative financial resource requirements 2022-2026



IV. 2022 BUDGET

ICMP's program budget for 2022 is USD 17,769,151 with expenditure forecasted to be USD 17,769,151

	MAIN PROGRAM			COUNTRY/REGIONAL/THEMATIC PROGRAMS									Total
	Statutory Bodies	Cross-Cutting Programs	Corporate Services	Western Balkans	Iraq	MENA/ Syria	Libya	Vietnam	Ukraine	Mexico	Colombia	Thematic	
INCOME													
Restricted	-	2.109.395	-	2.535.575	2.926.351	2.586.611	1.025.550	1.063.000	818.280	1.190.780	523.954	325.400	15.104.896
Unrestricted	104.055	1.505.495	1.054.704	-	-	-	-	-	-	-	-	-	2.664.255
TOTAL	104.055	3.614.890	1.054.704	2.535.575	2.926.351	2.586.611	1.025.550	1.063.000	818.280	1.190.780	523.954	325.400	17.769.151
EXPENDITURE													
Staff Costs	64.540	2.754.440	789.504	1.395.189	980.750	1.462.200	210.000	60.000	485.210	549.600	154.780	174.414	9.080.628
Operational Costs	39.515	860.450	265.200	1.140.386	1.945.601	1.124.411	815.550	1.003.000	333.070	641.180	369.174	150.986	8.688.523
TOTAL	104.055	3.614.890	1.054.704	2.535.575	2.926.351	2.586.611	1.025.550	1.063.000	818.280	1.190.780	523.954	325.400	17.769.151
Surplus/(Deficit)	-	-	-	-	-	-	-	-	-	-	-	-	-

Table 2:
2022 Projected Income and Expenditure

◇ Main Program

ICMP's Main Program consists of three sub program areas; Secretariat Program for Statutory Bodies, CCPs and CS:

- **The Secretariat Program** provides support to the ICMP BoC, CSP, FC, GF, and expert, advisory mechanisms called for by the Director-General (DG), such as the ICMP PE costs for 2022 are projected to be USD 104,055. The support to these various mechanisms ensures ICMP maintains structured governance in accordance with its international agreements and undertakings. .
- **The CCPs** consist of Direction and Policy, Institutional Development, Science and Technology, the Wim Kok Centre of Excellence and Learning, Civil Society Initiatives and Data Services and Data Coordination. Direction and Policy is responsible for strategic program management, grants management and communications.
- **CS** are relatively low (6 percent of total funds) compared to similar structures in other international organizations. CS is responsible for centralized finance, Human Resources, and administrative, logistics and security support to country and thematic programs to ensure effective and efficient utilization of resources and compliance with donor requirements. As ICMP continues to grow, CS will require further resources to mitigate operating in challenging program areas of work.
- The main program budget Program totals USD 4,773,649 (27 percent of total program budget). USD 2,109,351 (44 percent) comes from restricted sources, which is split between S&T and the Wim Kok CEL. The remaining USD 2,664,251 (56 percent) comes from Main Program funding sources including expected grants from the Netherlands and other countries amenable to funding ICMP's main program. Included in this amount is the recovery of overhead from delivery of country and thematic programs. Recovery of the total overhead is contingent on a full funding and expenditure of all country and thematic program budgets.

Country and Thematic Programs (CTPs)

Funding for the country and thematic programs (CTPs) totals USD 12, 670,101 (73 percent of total budget). Income is projected to equal expenditure as the budget is calculated based on estimates of available funds. Recovery of total funds is contingent on 100 percent delivery of agreed activities within agreed timescales.

2022 FUNDING COUNTRY AND THEMATIC PROGRAM USD

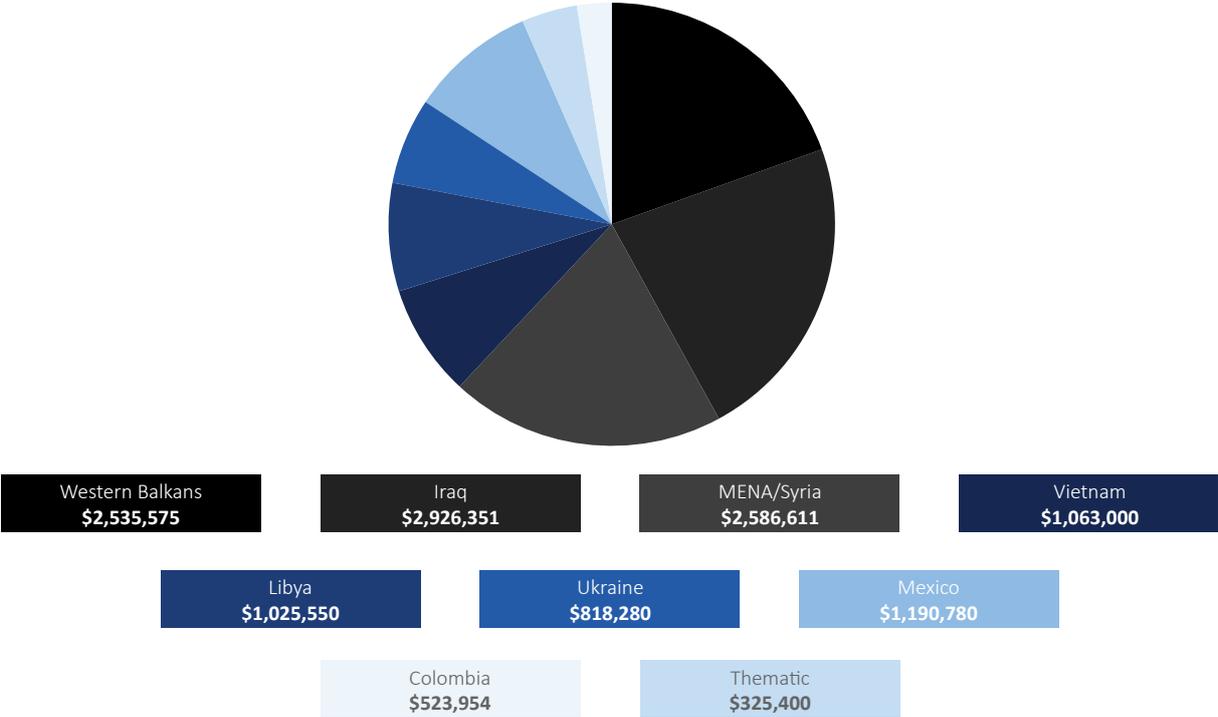


Chart 2:
2022 Funding for CTPs

The largest budget for 2022 is for Iraq, accounting for USD 2,926,351 (23 percent of CTP funds). The main cost components are staff, rent, security and forensic supplies. The security budget includes funds for personnel and physical protection measures, given the challenging operating environment and the need to engage local security contractors.

The Western Balkans Program has funding of USD 2,535,575 (20 percent of CTP funds) in 2022. This program includes rental, partner support, and regional activities such as conference and workshop provisions.

The Syria/MENA budget totals USD 2,586,611 (20 percent of CTP funds) in 2022. This program includes funding for Support to Partners, and grants given to small grass-roots organizations that support delivery of ICMP’s mission in country.

The Mexico Program totals USD 1,190,780 (9 percent of CTP funds) in 2022.

Funding for the Colombia Program is budgeted at USD 523,954 (4 percent of CTP funds). Funding for the Colombia Program ended in 2021 and efforts are underway to seek new support.

The 2022 budget also includes thematic programs, such as MMR, which accounts for USD 325,400 (3 percent of CTP funds).



4.1. 2022 Budget by program and cost category

The 2022 Budget by program and cost category is detailed below:

	Country/Regional/Thematic Programs										Total
	Main Program	Western Balkans	Iraq	MENA/Syria	Vietnam	Libya	Ukraine	Mexico	Colombia	Thematic	
STAFF COSTS	3.608.484	1.395.189	980.750	1.462.200	60.000	210.000	485.210	549.600	154.780	174.414	9.080.628
OPERATIONAL COSTS											
Travel	170.770	154.880	415.300	68.791	95.000	107.100	75.000	105.000	85.000	65.621	1.342.462
Professional Services											
- Contracted Services	85.000	101.800	483.600	189.520	113.500	113.500	45.000	135.000	120.600	75.400	1.462.920
GENERAL OPERATING EXPENSES											
- Staff Training and Development	20.000	-	40.000	-	-	-	-	-	-	-	60.000
- Financial Costs	30.000	34.995	25.000	15.600	15.600	15.600	7.500	5.000	24.500	-	173.795
- Support to Partners	-	67.660	50.000	437.500	437.500	313.150	50.000	60.000	45.000	-	1.460.810
- Vehicle Maintenance	-	23.172	-	-	-	-	-	-	-	-	23.172
- Public Relations	20.300	7.900	20.000	35.000	19.400	20.000	15.000	25.000	2.800	-	165.400
- Meetings and Conferences	8.000	36.930	106.200	73.200	73.200	50.000	45.500	20.000	30.000	8.585	451.615
- Goods Transport and Storage	4.300	9.000	2.000	700	700	700	700	5.000	-	-	23.100
- Books and Subscriptions	500	-	-	-	-	-	-	10.000	-	-	10.500
- Rent and Utilities	326.435	246.794	236.100	144.500	98.650	125.000	42.000	40.000	25.300	-	1.284.779
- Maintenance	30.000	31.855	10.000	-	-	-	-	-	5.674	-	77.529
- Communications	50.000	14.000	20.000	28.000	17.000	25.000	12.000	60.000	9.200	920	236.120
- Representation costs	3.000	1.200	2.000	2.000	3.000	2.500	2.000	1.000	800	230	17.730
	492.535	473.506	511.300	736.500	665.050	551.950	174.700	226.000	143.274	9.735	3.984.550
SUPPLIES AND MATERIALS											
- Office Supplies	16.200	15.000	14.500	8.000	5.000	8.000	8.000	4.000	300	-	79.000
- Office Inventory	4.000	-	10.000	-	-	-	-	2.000	-	-	16.000
- Forensic Supplies	295.410	305.200	140.901	-	-	-	-	43.720	-	-	785.231
	315.610	320.200	165.401	8.000	5.000	8.000	8.000	49.720	300	-	880.231
EQUIPMENT											
- Equipment	101.250	90.000	345.000	121.600	124.450	35.000	30.370	125.460	20.000	230	993.360
- Vehicles	-	-	25.000	-	-	-	-	-	-	-	25.000
	101.250	90.000	370.000	121.600	124.450	35.000	30.370	125.460	20.000	230	1.018.360
Total- Operational Costs	1.165.165	1.140.386	1.945.601	1.124.411	1.003.000	815.550	333.070	641.180	369.174	150.986	8.688.523
TOTAL	4.773.649	2.535.575	2.926.351	2.586.611	1.063.000	1.025.550	818.280	1.190.780	523.954	325.400	17.769.151

Table 3:
2022 budget

Staff costs are budgeted to comprise 51 percent of total 2022 expenditure, which is low in comparison with other international organizations. ICMP currently has 130 staff members, which include personnel in the Main Program and the CTPs listed above. Of this number, 54 positions are part of the Main Program and its CCPs, 1) D&P, 2) ID, 3) CSI, 4) S&T, 5) DSDC, 6) the Wim Kok CEL, as well as CS and the Secretariat Program for Treaty or Statutory and Subsidiary Bodies. The remaining staff members are employed in the CTPs.

Planned country or regional programs during the 2022-2026 period, for which activity plans will be developed subject to funding, include Afghanistan, Botswana, El Salvador, Myanmar, Sri Lanka, The Gambia, Tunisia and Yemen.

ICMP STAFF NUMBERS

Total Staff	FTE		Main Program Staff	FTE
Main Program	54	▶	Statutory Bodies	0.8
Western Balkans	27		Direction & Policy	13
Iraq	17		Science & Technology	13
Syria/Mena	25		Wim Kok CEL	1.6
Mexico	7		Data Systems/Data Coordination	10
Libya	0		Corporate Services	16
Total	130		Total	54

Table 4:
2022 staffing analysis

Within the other categories, travel comprises 8 percent of the total budget. General operating expenses comprise 22 percent of the budget and cover running costs primarily associated with the field operations, notably rental fees and initiatives in support of civil society (e.g. small grants programs). Professional services comprise 8 percent of the budget and mainly comprise security provisions. Supplies and materials are 5 percent, primarily covering the cost of forensic supplies. The furniture and equipment line totals 6 percent of the budget and includes the cost of equipment required for the DNA laboratory and the country programs.

V. MAIN PROGRAMS

ICMP's Main Program constitutes the central thematic and regional or country program implementation capacity of the organization mostly located at ICMP HQ in The Hague. The Main Program consists of six CCPs, as well as CS and the Secretariat Program for the ICMP Treaty or Statutory and Subsidiary Bodies. The CCPs are: 1) **Direction and Policy**, 2) **Institutional Development**, 3) **Civil Society Initiatives**, 4) **Science and Technology**, 5) **Data Systems and Data Coordination**, 6) the Wim Kok **Center of Excellence and Learning** (CEL).

5.1. Direction and Policy (D&P)

Introduction

The D&P CCP includes the (DG, the Director of Policy and Cooperation (PC), the Communications Unit, Program Coordination and Impact Unit (PCI), the Documentation Unit (DU) and the Legal Unit (LU).

D&P provides strategic direction and leads the implementation of all ICMP Programs and activities. The Program supports and provides a secretariat to the ICMP Treaty or Statutory and Subsidiary Bodies, including the BoC, the CSP, the FC, the PE and GF (see section 5.8 below). It is also responsible for efforts to broaden state participation in ICMP as Parties, Signatories and Observers, or through States' adherence to ICMP declarations and other instruments, or through technical cooperation and assistance.

D&P is responsible for enhancing and strengthening cooperation with governments, particularly in new program areas by concluding agreements or other arrangements that allow for program implementation, as well as building the institutional and technical capacities of state institutions to address the issue of missing persons. D&P functions ensure effective outreach and planning across programs through inclusive consultative processes, and by ensuring that ICMP's policies, standards and best practice become known and readily accessible to all.

The Communications Unit manages public relations and media relations across all ICMP program areas. The PCI Unit is responsible for coordinating fundraising, proposal writing, grants management and reporting, Monitoring, Evaluation, Accountability, and Learning (MEAL), and the oversight of sub-awards. DU and LU provide documentation and legal services.

Program objectives

- Provide strategic direction and oversight to the organization;
- Ensure compliance of thematic, regional and country programs with regulatory frameworks, including the ICMP Treaty, bilateral agreements and ICMP Staff Rules and Regulations;
- Ensure the full implementation of ICMP's mandate through country and thematic programs;
- Develop with the CCPs programs that are adapted to the operational context and based on data and lessons learned;
- Secure support from governments, international organizations and others;
- Raise awareness of the global challenge of missing persons;
- Ensure the organization's inclusive coverage of all global regions and other representational requirements, including maintaining the gender balance;
- Secure grant and other funding to meet the requirements of the organization; and
- Ensure broad participation in ICMP's work through partnerships and membership in the organization.



Planned outcomes

- Global participation in ICMP is strengthened;
- New States, including from Africa and Asia, participate in ICMP;
- Voluntary core funding and other support is secured;
- Key cooperative relationships are established or further advanced;
- Good governance on the issue of the missing is advanced globally;
- ICMP's thematic and country programs contribute measurably to global development goals;
- Multilateral engagement with and among states is further strengthened; and
- Adoption of a Gender and Diversity Policy and three-year Strategy.

Strategy 2022-2027

- D&P will direct and manage all ICMP programs, work on augmenting its current activities, ensure the smooth functioning of ICMP's governance structures, and meet the immediate goal of securing multi-donor structural/core funding. It will also work on expanding state participation in ICMP;
- It will support States Parties and others in reviewing the ICMP Treaty to redress any possible disincentives to broader State participation and creating possibilities for securing more sustainable funding;
- It will further advance ICMP's multilateral approach in the field of technical assistance in the human rights and rule-of-law field;
- D&P will work on expanding and developing cooperation with additional international and other organizations whose mandates relate to the issue of missing persons with a view to minimizing duplication of effort and creating opportunities for synergies and resource sharing;
- D&P will further advance ICMP's multilateral technical assistance in particular concerning scientifically-based human identification work, in particular through DNA analysis, transnational data processing and capacity building in the administrative and legal fields; and
- D&P will advance the adoption of a Gender and Diversity Policy and three-year strategy to ensure gender-mainstreaming across all ICMP activities.



5.2. Institutional Development (ID)

Introduction

ID is led by the DG and DPC, and includes Heads of Programs (HoPs) and Government Relations (GRs). ID involves institutionalizing and optimizing processes to account for missing and disappeared persons domestically and multilaterally. Persons go missing because of failures or omissions of effective and transparent institutionalization of such processes. This directly affects trust in institutions responsible for upholding the rule-of-law and thereby undermines the capacity of states to achieve their broader development objectives and obligations. While institution building in regard to missing persons focuses in many instances on low-income or developing countries, or on countries afflicted by violence or war, it is often also necessary in countries with advanced economies and stable rule-of-law systems, when they are affected by international missing persons issues. In the context of globalization, with increasing numbers of refugees and migrants, and deteriorating environmental conditions, the internationalization of missing persons issues has increasingly become the norm. ID in regard to missing persons therefore necessitates a central capacity and administration through the ID program.

Program objectives

ID operates along three strategic lines:

- Developing and deploying methods for assessing in local contexts the performance of domestic and multilateral processes to account for the missing against human rights and rule-of-law requirements;
- Improving organizational performance and mechanisms through which processes of accounting for the missing are administered; and
- Directly strengthening institutions in countries through capacity building and minimizing international substitution for responsibilities and functions, thus promoting local ownership and visibility of institutional achievement.

Planned outcomes

- Institutions are resourced, capable and motivated;
- Local ownership of processes (goals and means) is achieved;
- Institutional governance is accountable and transparent both horizontally to communities and vertically to leadership and oversight agencies;
- Institutionalized processes conform to the rule-of-law and human rights obligations; and
- Domestic institutions working with families of the missing adopt gender- and victim- sensitive approaches in their activities, and their engagement and communication with the families of the missing.

Strategy 2022-2027

- ID will, in cooperation with the PE, further develop indicators for assessing processes and institutional performance on the missing;
- ID will develop a handbook on institutional governance of missing persons investigations, including a comparative analysis of legislative frameworks;
- ID will support the development of transparency and communications systems to enhance accountability and trust in institutions; and
- ID will contribute with subject matter expertise to the Wim Kok CEL training program on good governance in missing persons investigations.



5.3. Civil Society Initiatives (CSI)

Introduction

CSI seeks to ensure that families of the missing understand official processes of accounting for missing persons and are able to understand their rights and exercise effective participation in support of these processes. CSI supports initiatives to foster collaboration among families of the missing from diverse backgrounds to enhance unity and solidarity and reduce divisions and politicization of the issue. CSI provides civil society organizations (CSOs) and families of the missing with safe spaces and discussion forums to advocate for their rights and keep the issue of the missing on the agenda. Since the majority of those who go missing in armed conflict are men and the majority of survivors are women, the CSI Program promotes gender-specific approaches to the needs and rights of victims and enhances gender equality by championing female leadership among affected communities and by integrating gender mainstreaming in activities with families and CSOs.

Program objectives

CSI operates along six strategic lines. It:

1. Consolidates and maintains a detailed understanding of the CSI operational environment in a given country, regional or thematic program;
2. Contributes to capacity building in skills and resources of family associations and CSOs;
3. Advances the understanding of CSI actors in respecting and promoting a rule-of-law approach to the issue of missing persons and acting within that framework;
4. Ensures the participation of families in official processes to account for the missing;
5. Advances gender-sensitive approaches to the issue of the missing and to the civil society sphere of action; and
6. Promotes a global discussion on the role of CSI actors in the missing persons process.

Planned outcomes

- Civil society is aware of State responsibilities on the issue of the missing and advocates for its compliance as per its relevance to overall societal development and social wellbeing;
- Families of the missing are not marginalized, politically manipulated or otherwise discriminated against;
- Families of the missing (re)gain trust in government entities discharging State responsibilities in respect of missing persons and support such entities in their efforts;
- These entities become more deserving of trust; and
- Legislation and policies are in place to protect the rights of women, including their right to legal protection and assistance for harm suffered as a result of the disappearance, and the right to reparation.

Strategy 2022-2027

- CSI, in close coordination with the Institutional Development Program will consolidate and expand civil society development initiatives in and among country programs. ICMP will continue with strategies of actor mapping, training and capacity building and the design of assessment frameworks on the rights of survivors, advocacy strategies and advanced analytical tools;
- CSI will expand ICMP's partnerships, and promote local and global networks of families of the missing and like-minded CSOs, and coordination and cooperation mechanisms among CSOs;
- CSI will promote strategies to guarantee solid interactions and real participation between CSOs and relevant institutional actors;
- CSI will promote improved understanding among local actors of connections between gender equality and the issue of the missing, and of the importance of providing a space for civil society in the process; and
- CSI will promote an inclusive countrywide study of the gendered impact of disappearances, and will issue a report consolidating best legislative and policy-oriented practices.



5.4. Science and Technology (S&T)

Introduction

S&T spans the processes of location, recovery and identification of missing persons, and reflects an integrated repository of experience, operating procedures and informatics. S&T's primary purpose is to assist government authorities and others through scientific and technical support. ST works closely with the CEL to ensure that advanced technical methods, practical experience and strategic insight can serve as a continuing global resource for training and capacity building.

The S&T Program provides direct technical assistance and training in support of ICMP's country programs, and maintains capacities in forensic archeology and anthropology and accredited standing capacity for DNA testing and kinship matching, to be applied as required in support of governments or other partners. S&T also provides field-based forensic science assistance, including imagery and Geographical Information Systems (GIS) analysis, and investigatory site assessments, as well as excavation and documentation of sites of forensic interest. In addition, S&T makes available mortuary-based expertise focused on osteology and bioanthropological methods, analyzes and documents evidence of trauma, samples the remains of deceased missing persons for DNA testing using empirically-based protocols, and conducts a wide range of training and capacity-building in support of country programs and external partners.

Program objectives

- Provide technical solutions to governments and others to locate, recover and identify missing persons, including internationally accredited DNA capacity to respond to large-scale emergencies;
- Provide technical and scientific expertise for ICMP training and capacity-building goals, in coordination with other ICMP departments and programs, in particular through the CEL and the Assistance to Justice Program; and
- Support judicial processes of States and international justice and investigative institutions to advance social cohesion and individual rights.

Planned outcomes

- S&T maintains accredited high-throughput DNA laboratory capacities for DNA testing and matching in direct support of country programs and governments, in addition to building capacity through training and mentorship;
- S&T continues to develop novel DNA solutions for DNA identification to build increased capacity for DNA identification of missing persons; and
- S&T advances forensic archeology and anthropology protocols, investigative techniques and osteological mortuary management expertise at the domestic level to support effective missing persons investigations.

Strategy 2022-2027

- S&T will advance scientific capabilities to assist missing persons investigations through the rapid development of new testing protocols and methods, including the development and large-scale implementation of a custom single nucleotide polymorphism (SNP) assay specific to missing persons casework;
- S&T will work primarily to the goals defined by country programs, where training requirements in the DNA, forensic anthropology and archeology fields are often extensive; and
- S&T will further tailor relevant data processing and reporting requirements to data protection needs in developing countries.



5.5. Data Systems and Data Coordination (DSDC)

Introduction

DSDC develops and operates ICMP's global missing persons data processing systems with the aim of optimizing the availability and quality of data on missing persons, including ensuring effective data flow and synchronization of data from internal and external sources, and in conjunction with the CEL trains domestic partners in its use. DSDC's most extensive web-based missing persons data processing application, the Integrated Data Management System (iDMS), includes integrated applications that support the process of storing, viewing and analyzing large amounts of data on missing persons and investigation processes, and currently holds data on more than 100,000 missing persons and more than 200,000 family members.

Program objectives

- DSDC will continue to make existing software more secure, user-friendly and applicable to diverse situations around the world, accessible in multiple languages and compliant with domestic legal specifications;
- DSDC will provide tools, training and support in the data processing field, in particular by domestic partners; and
- DSDC will further advance good data governance frameworks to improve legal processing capacities by domestic partners.

Planned outcomes

- Data systems on missing persons including the iDMS are used by domestic government institutions so as to ensure robust and secure missing persons data processing;
- Data protection guarantees are upheld by policy and design that enables effective control over personal data by data subjects; and
- Data governance frameworks include partner organizations as well as government entities participating in data processing.

Strategy 2022-2027

- DSDC will focus on improving mechanisms to measure quality, adequacy and availability of data. With an increased volume of data on missing persons being entered into the iDMS every day, it is important for the Program to focus on the deployment of data visualization tools. By using visual elements such as charts, graphs and maps, data visualization tools provide an accessible way to see and understand trends, outliers, and patterns: data visualization tools and technologies are essential to analyze large volumes of information and make data-driven decisions. Data visualization helps to create narratives by curating data in a form that is easier to understand. Effective visualization tells a story, removing the noise from data and highlighting information that is useful;
- DSDC will develop software modules to simplify access and reporting, to be accompanied by Standard Operating Procedure (SOP) documents, user manuals and user guides, and training for domestic authorities to operate these systems independently;
- DSDC will continue to provide support for all deployed iDMS applications to partners' servers to ensure smooth operation of its components. DSDC will also provide technical support by implementing iDMS changes requested by our partners as a result of changes in their internal SOPs and workflows. Re-deployment (updates) of the iDMS to partners' infrastructures must be done manually, as this is a sensitive, multi-step operation;
- Data governance will be strengthened by facilitating data subject control over personal data at the time of processing, and by providing a standing complaints mechanism; and
- DSDC will enhance the Data Systems Quality Management/Quality Control (QM/QC) mechanism by strengthening the security posture of evaluated web applications underlying IT systems and networks for protection against external threats.



5.6. Wim Kok Center for Excellence and Learning (CEL)

Introduction

ICMP's CEL is named in honor of the late Dutch Prime Minister, Wim Kok, an ICMP Commissioner from 2002 until his death in 2018. The CEL continues Wim Kok's legacy as a trusted partner to governments, civil society, and families of the missing.

The CEL coordinates ICMP's training functions. It supports the development of capacity-building strategies related to the issue of missing persons, and aids ICMP in maintaining high standards in the design, delivery, and assessment of capacity-building activities across its programs. It uses modern technological developments, including e-learning, for course design and delivery in line with ICMP's strategic policy priorities. The CEL is supported, as necessary, by an ICMP Panel of Experts, which comprises distinguished researchers and practitioners in the field of human rights, rule-of-law, justice, and forensic science. The CEL functions under the direction of the Director of Policy and Cooperation.

Program objectives

To foster global sharing of knowledge, experience and technical expertise, the CEL aims to:

- Provide capacity building and training opportunities to government agencies, CSOs, families of the missing, judicial authorities, court-appointed experts, and law enforcement personnel;
- Plan, design, and organize virtual and face-to-face training programs and other learning activities on all aspects of the missing person process, including domestic and international legal frameworks, forensic archaeology and anthropological methods, DNA-based identification, rights of families of the missing and engagement with families of the missing, and the importance of centralized data systems;
- Maintain and provide access to a repository of training and peer-reviewed material, acting as a focal point for in-person and virtual dialogue, collaboration and knowledge sharing through the hosting of a Learning Management System and scenario-based learning programs; and
- Promote good training practices, supporting the development of curricula, needs assessment processes, and the development of monitoring and evaluation tools.

Planned outcomes

Key objectives of the CEL over the next five years include:

- Enhance ICMP's Capacity Building Framework and continue to formulate training standards for the organization, to strengthen its digital learning portfolio and online delivery capabilities, as well as to increase its course offerings for the general public, institutions, CSOs, and families of the missing;
- Develop a compendium of good practices for training, ultimately resulting in ICMP's guideline for capacity building;
- Develop a framework for pre- and post-training assessments to measure knowledge acquired as a result of capacity building interventions, as well as a toolkit for conducting evaluations that take into consideration the human rights, cultural, and situational context of learners;
- Develop a train-the-trainer program to improve the teaching and facilitating skills of those involved in the planning, delivery, and implementation of training;
- Lead the development of small private interactive online courses (SPOCs) via ICMP's learning management system;
- Further develop capacity-building partnerships with relevant universities and other academic institutions, as well as leverage the expertise of other international and inter-governmental



organizations, or national authorities with which ICMP has partnerships or memorandums of understanding;

- Initiate the development of a community of practice related to human rights and rule-of-law capacity building and monitoring and evaluation. The CEL will also continue to advance standards globally in the application of forensic anthropological and archaeological methods, and the creation and development of data and information management systems, as well as advance standards globally for missing persons DNA laboratory systems; and
- Through training for ICMP staff and ICMP partners, support the implementation of ICMP's Gender and Diversity Strategy.

Strategy 2022-2027

The CEL is pursuing the following strategic objectives during the 2022-2027 period:

- To become the centralized focal point at ICMP for knowledge management, working across all functional and thematic areas to lead the integration of best practice that aligns with ICMP core activities, policy priorities, and functions. It will establish and maintain capacity-building standards for training excellence in the missing persons process;
- To fully adopt a learner-centered approach to the design and delivery capacity-building activities at ICMP through analysis of challenges, learning gaps, and needs of learners;
- To pursue accreditation of its activities to increase its international stance and profile; and
- To develop tools and establish partnerships to ensure gender- and diversity-sensitive training for ICMP staff and ICMP partners.



5.7. Corporate Services (CS)

Introduction

CS provides administrative support, and ensures the effective and efficient allocation and utilization of resources, as well as human resource management.

Program objectives

- Ensure the consistent, accurate and continued application of ICMP's administrative, risk management, financial and human resources policies, procedures and guidelines;
- Ensure that ICMP's administrative and financial policies, procedures and guidelines remain fit for purpose through their continuous review and improvement;
- Provide effective and efficient administrative services to enable and support ICMP's program activities;
- Ensure financial contributions are managed efficiently while minimizing risks during implementation;
- Ensure ICMP's financial information system provides regular, timely information to internal budget holders and donors to allow for reliable, time-sensitive, informed decision-making;
- Ensure that ICMP maintains a decent, quality-driven and fair workplace based on respect, diversity and inclusion; and
- Balance organizational effectiveness through effective staff recruitment, retention and engagement policies with a focus on performance management and duty of care to ensure the personal wellbeing of staff.

Planned outcomes

- ICMP implements its mandate and programs efficiently and effectively and in compliance with ICMP's rules, regulations, policies and procedures.

Strategy 2022-2027

- CS will oversee administrative functions, financial planning, administration and reporting, including facilitating external audits, in accordance with ICMP policies, procedures and guidelines;
- CS will continue to strengthen financial management systems and procedures and will provide timely, accurate and relevant reports and advice to senior managers and donors on financial policies and budget implementation rates in order to ensure optimal utilization of resources within budget ceilings;
- CS will focus on diversity and creating an inclusive environment so that each staff member has a sense of belonging regardless of ethnic or social origin, marital status, nationality, age, opinions or beliefs, gender, gender identity, sexual orientation, or physical or mental disabilities;
- CS will continue to focus on diversity and inclusive (D&I) initiatives and will gather and improve D&I analytics. It will review policies and guidelines to ensure that practices promote gender equality, the development of gender perspective training such as respect in the workplace, gender mainstreaming in project development & implementation, zero tolerance discrimination, and gender sensitive leadership;
- CS will continue to support and enhance ICMP's IT infrastructure by administering servers and networks, as well as data storage and software services required to ensure efficient operations, while ensuring a secure IT environment that mitigates cyber threats; and
- CS' general services will continue to ensure that organization-wide assets are managed in accordance with ICMP policy; CS will provide travel, transportation and customs clearance support, and ensure the timely and cost-efficient provision of required goods and services in accordance with international standards of public procurement.



5.8. Secretariat Program: ICMP Treaty or Statutory and Subsidiary Bodies

Introduction

ICMP was originally created in 1996 at the G-7 Summit in Lyon, France, as a blue-ribbon Commission of eminent individuals. The initial Commissioners were appointed by their respective governments, including Cyrus Vance as the first Chair, or were invited by the US State Department in the case of institutional representatives, including the President of the International Committee of the Red Cross (ICRC) and the Organization for Security and Cooperation in Europe (OSCE) High Commissioners on National Minorities. Whereas all ICMP Chairpersons continued to be appointed by the US Secretary of State until the entry into effect of the ICMP Treaty in 2015, cooptation among incumbent Commissioners became the primary mode of ensuring continuity in the Commission.

The ICMP Treaty established a BoC to consist of Commissioners listed in the Annex thereto, and subsequently to be appointed from among eminent persons at the invitation of the BoC (Article III 4). The BoC adopts the organization's program of work, staff regulations and policies, considering policy directives promulgated by the CSP and subject to financial regulations as adopted by the CSP's FC. The Secretariat to the BoC is provided by the DG and the DCP.

The following subsidiary bodies have been established pursuant to Article III 5. of the ICMP Treaty:

- The IAC, bringing together international and other organizations with a public mandate concerned with the issue of the missing. The Secretariat to the IAC is provided by the DG or HoPs of thematic, country or regional programs where IAC meetings serve as consultations at the level of such programs;
- The PE, providing advice to the DG on issues pertaining to ICMP's current or future work program, and compiling the Global Report on Missing Persons; and
- The GF, providing an agora comprising the BoC, PE and IAC, plus CSOs and representatives of families of the missing. The GF is currently a virtual space.

Program objectives

- Meetings of the ICMP Treaty or Statutory and Subsidiary Bodies are held as planned and in consonance with their Rules of Procedure or Terms of Reference;
- Documents are prepared, edited and released in a professional and timely manner;
- Professional strategic, policy and legal advice is provided; and
- Outcomes of deliberations for implementing resolutions or recommendations are disseminated in a timely manner.

Planned outcomes BoC

- The BoC provides effective guidance and oversight for ICMP in strengthening mandate implementation and relevance of the Program of Work;
- Political will to address the issue of missing persons through a human rights and rule-of-law-based approach is strengthened;
- Participation of States in ICMP is improved through high-level outreach to governments;
- Resource and capacity gaps are bridged through effective communication with donors and partner organizations;
- Multilateral working mechanisms at the level of the organization and its programs are continuously advanced;
- Inclusiveness of underrepresented groups is continuously improved at the level of the organization and its programs; and
- Addressing the issue of persons going missing and disappearing is universally embraced as an investment in peace, development and social wellbeing.



In the coming period, ICMP's BoC Secretariat Program will reinforce five BoC objectives:

- Supporting the process of a review of the ICMP Treaty as stipulated under its Article IX 7 with a view to addressing possible disincentives to broader State participation; creating additional incentives for participation in ICMP; and creating possibilities for securing more sustainable funding for ICMP under agreements among States Parties and signatory, as well as third States;
- Securing political will and commitments of governments in program areas to effective approaches to locating the missing based on human rights and the rule-of-law in particular through multilateral mechanisms for that purpose;
- Securing multilateral engagement by donors in respect of ICMP country and thematic programs, in particular regarding peace processes in which missing persons figure prominently on agendas;
- Fostering a more cohesive international response in line with existing obligations to persons going missing and disappearing by addressing global inequity impacting developing and low-income countries in particular; and
- Ensuring the full representation of all global regions on the BoC and within consultative bodies, including the Panel of Experts, as well as through State participation in the CSP.

Planned outcomes CSP

- States Parties, signatory States and Observer States and Organizations are apprised of ICMP's activities;
- States Parties discuss and recommend policy directives for the BoC; and
- States Parties discuss and recommend joint measures to advance the aims of ICMP.

Multilateral working mechanisms at the level of the organization and its programs are continuously advanced.

In the coming period, the CSP Secretariat Program will reinforce five CSP objectives:

- Supporting the CSP in its participation of a review of the ICMP Treaty as stipulated under its Article IX 7;
- Supporting the CSP on measures to advance the aims of ICMP i.e. through improving the sustainability of the organization's standing technical capacities in the scientific and data processing fields, including data processing security;
- Ensuring synergies between ICMP and Observer and other organizations concerned with missing persons in the technical and policy field; and
- Securing consensus on the role of ICMP in respect of specific thematic, country and regional programs, in particular concerning programs in the Middle East and the Americas; and
- Enhancing the role of the CSP in program implementation, in particular through convening Multilateral Fora in program areas.

Planned outcomes FC

- States Parties and other participating States are apprised of ICMP's activities in the past year and the coming year;
- The FC adopts recommendations relating to ICMP's financial management; and
- The FC reviews and approves ICMP's financial regulations and reporting format.

In the coming period, the FC Secretariat Program will reinforce the following FC objectives:

- Supporting the FC in its participation of a review of the ICMP Treaty as stipulated under its Article IX 7;
- Supporting the FC in formulating recommendations relating to ICMP's financial management in particular concerning thematic, country and regional program allocations on the one hand and



- structural or core allocations, including HQ requirements, on the other; and
- Reviewing ICMP's financial regulation in tandem with the Treaty review process.

Planned outcomes IAC

- Continuously to improve inter-agency coordination in the fields of data processing, technical cooperation and developing best practice on missing and disappeared persons issues;
- To consider specific missing and disappeared persons issues globally with a view to optimizing the use of financial and other resources in order more effectively to prevent persons from going missing or disappearing and to account for missing and disappeared persons; and
- To address legal constraints, omissions and gaps in regard to missing and disappeared persons scenarios and endeavor to redress the adverse impact of these on missing and disappeared persons..

In the coming period, the IAC Secretariat Program will reinforce the following IAC objectives:

- Providing inter-agency coordination and support in emergencies and communicating coordinated response plans to domestic and other authorities where necessary;
- Strengthening planning and leadership capacities to address missing and disappeared persons issues;
- Enhancing transparency and accountability for effective coordination among agencies; and
- Apprising the GF of steps taken to advance the responsibility of domestic and other authorities concerning missing and disappeared persons, as well as civil society in goal setting and strategic planning.

Planned outcomes PE

- The PE meets in plenary session at least once a year to discuss crosscutting issues;
- The PE Editorial Group and Peer Group compile the Global Report for finalization and publication by the Secretariat; and
- The PE supports the DG and the BoC in advancing ICMP policy objectives.

In the coming period, the PE Secretariat Program will reinforce the following PE objectives:

- Ensuring the representation of global regions in the PE, as well as ensuring a gender balanced panel; and
- Supporting PE participation in a review of the ICMP Treaty as stipulated under its Article IX 7.

Planned outcomes GF

- Effective and holistic approaches and mechanisms to address the issue of the missing are designed, developed and shared, based on stakeholders' experience and expertise;
- Relevant policies and practical challenges and opportunities in efforts to account for missing and disappeared persons, regardless of the circumstances under which people may have gone missing, are discussed;
- Best practice and experience in formulating effective strategies for sustainable and transparent efforts to account for missing and disappeared persons and to facilitate the application of these strategies wherever they are needed are identified and exchanged;
- Partnerships and cooperation with ICMP and with various stakeholders across regions are established;
- Policy development and coherence at national and international levels are promoted to account for missing and disappeared persons;
- Capacity-building and empowerment initiatives to benefit CSOs and families of the missing are advanced; and



- Knowledge and interest constituencies around the issue of missing and disappeared persons are fostered.

In the coming period, the GF Secretariat Program will reinforce the following PE objectives:

- Ensuring the representation of global regions in the GF, as well as ensuring a gender balanced panel;
- Systematizing and producing knowledge;
- Ensuring that the GF meets the needs of the participants for exchange, discussion and dissemination;
- Creating partnerships to maintain the GF, focused on local and country specific needs and promoting cross fertilization and learning to and from global and crosscutting issues;
- Supporting GF participation in a review of the ICMP Treaty as stipulated under its Article IX 7; and
- Supporting the outreach functions of the GF through public events, including seminars and conferences and providing expert advice to thematic, country and regional ICMP programs.



VI. COUNTRY PROGRAMS

ICMP's expertise and technical capacity make it possible to address the social, political, legal and scientific challenges of different missing persons scenarios in an effective way throughout the world. Country programs vary in scope and complexity, but all contain elements of the CCPs and are initiated on the basis of clearly articulated requests by governments.

6.1. Colombia

Introduction

ICMP first became engaged in Colombia in 2007 following a request by the Prosecutor's Office. Between 2008 and 2010, ICMP contributed to public policy documents and legislation on missing persons in Colombia, recommending provisions on the protection of genetic data, establishment of a national DNA database, collection and processing of reference samples, protection of unidentified remains in cemeteries, and provision of reparations to families of the missing.

The parties to the Final Peace Agreement, signed in November 2016, invited ICMP to support the peace process as an international partner on the issue of missing persons, an item covered in Point 5 of the Agreement in relation to victims of the armed conflict, and in support of overall Agreement implementation in Point 6.

From 2019 to mid-2021, supported by the European Union, ICMP took concrete steps to assist the Search Unit for Persons Listed as Disappeared (UBPD), created in the context of the Peace Agreement, as well as other authorities and CSOs, with special emphasis on families of the missing, in addressing the issue of missing persons. ICMP supported the technical component of the UBPD's mandate by enhancing the skills of UBPD staff in collecting, sharing and protecting data, delivering technical learning and development programs such as those dealing with the investigation of mass graves and the use of advanced technologies such as MPS-Plex in the analysis of DNA, and facilitating inter-institutional dialogue and coordination of forensic methods involving institutions that have a role in the missing persons process.

With ICMP's help, CSOs and families of the missing enhanced their technical and operational capacities enabling them significantly to improve their understanding of the technical components of the missing persons process and promoting their engagement in the participation spaces maintained by the Transitional Justice institutions (SIVJRN). ICMP stands ready to contribute to achieving the aspirations articulated in the Peace Agreement, especially through the transfer of capacity and expertise to State institutions and CSOs to engage in effective large-scale efforts to account for missing persons. ICMP plans to continue supporting civil society and plans to work with other Colombian institutions that have a role in addressing the issue of the missing, helping them to deliver effective assistance to the Colombian government. To this end, ICMP will seek to strengthen the capacities of the General Prosecutor's Office, the Directorate of Criminal Investigation and INTERPOL (DICI), the National Institute of Legal Medicine and Forensic Sciences, the Special Jurisdiction of Peace (JEP), and the Office of the Attorney General, and promote their collaboration with one another.

Program objectives

- Strengthen the operational and technical capacity of Colombian Institutions with a missing persons mandate to search for, locate, and recover missing persons;
- Ensure cooperation, collaboration and dialogue among Colombian institutions around the issue of the missing;



- Support the effective participation of CSOs and families of the missing in the process of accounting for their relatives;
- Promote leadership and collaboration among CSOs for an impartial and inclusive process of accounting for missing persons;
- Address the issue of missing persons effectively at the local and regional level; and
- Promote visibility and international engagement on the issue of the missing.

Planned outcomes

- Government authorities in Colombia make rapid and effective progress in addressing the issue of missing persons in Colombia as its forensic operations and field capacity are improved;
- The issue of missing persons is jointly addressed by all the institutions with complementary mandates in a coordinated manner;
- Active participation of civil society in Colombia is promoted, so that families of the missing can continue advocating directly and legitimately for their rights;
- Former members of the FARC meet the commitments established in the Peace Agreement regarding the provision of information on missing persons with proper data collection efforts; and
- Families of the missing and CSOs, regardless their different levels of expertise, unite and overcome the political divide among them to advocate for an effective missing persons process.

Strategy 2022-2027

ICMP concluded an initial phase of its presence in Colombia in July 2021, made possible by the support of the EU. The focus was on engaging civil society in the missing persons process and providing technical support to the UBPD.

While acknowledging the leadership and coordination role of the UBPD in dealing with missing persons after the armed conflict, ICMP will focus on expanding the number of institutions that receive technical assistance. Innovative ways of working through new relationships, especially with the JEP, will be the basis for designing the future Colombia program. Promoting inter-institutional coordination among transitional justice and ordinary institutions will be a priority. It is expected that by early 2022 new funding opportunities will have been identified to help define and shape future actions in the country. It is also expected that a mid- to long-term program can be supported by new donors, to be implemented from February 2021 to August 2024-2026.

ICMP will seek to continue supporting the development of CSOs and families that are starting organizational processes and strengthen their role in advocating for an effective response from the State. ICMP will also seek to promote their joint collaboration across the political divide and their participation in initiatives undertaken by State institutions.

Central to ICMP's strategy in Colombia will be an effort to ensure the capacity to reach remote locations and families who have traditionally lacked access to State institutions. ICMP's focus will reflect the aspirations of the Peace Agreement, will be gender-justice oriented and will integrate specialist approaches to include the participation of minorities and special groups.



6.2. Iraq

Introduction

Iraq is affected by a high number of missing persons. Government estimates range from 250,000 to one million missing from decades of conflict and human rights abuses including from the Ba'ath regime, the Iran/Iraq war, the Gulf Wars, and those missing since 2003 including as a result of Da'esh-related atrocities. The issue has significant consequences for society and security in Iraq today. Tens of thousands of families suffer the anguish of uncertainty regarding the fate of their relatives, and communities entertain different and often conflicting accounts of the truth, which undermines efforts to ensure peace, security and reconciliation. Further, many surviving family members are unable to access their rights, due to administrative, political and legal hurdles.

People continue to go missing and few measures have been implemented to end impunity for enforced disappearance and other crimes that cause persons to go missing. Moreover, laws, policies and customs concerning missing persons diverge and often excessively categorize missing persons according to group characteristics, era/time period, geographic area or the presumed circumstances of their disappearance.

As a result, the work of multiple agencies and institutions that deal with the issue of missing persons has developed in an ad hoc manner that cannot adequately safeguard the rights of survivors, including families of the missing and does not comply with international obligations to search for and locate missing persons. Such weaknesses are inevitable for any country in transition. However, they have been particularly acute in Iraq because of the circumstances in which institutions must operate and the extremely large number of persons who have gone missing over the past decades.

ICMP has worked with the authorities in Iraq since 2003 and has contributed over the years to the development of a structured approach based on the rule-of-law. Iraqi institutions and policymakers have taken some steps by establishing institutions and developing legislation, particularly the Law on Protection of Mass Graves (2006), amended in 2015 to the Law on Mass Graves Affairs to include persons missing as a result of Da'esh-related atrocities. Other relevant laws are the 2006 Law of the Ministry of Martyrs and Anfal Affairs of the Kurdistan Region of Iraq (KRI), the Forensic Medicine Law of 2013, the Minors Care Act of 1980 (as amended), Compensation Law No. 20 of 2009 (with amendments), and the recently adopted Yazidi [Female] Survivors Law of 2021. In 2006, the Martyrs' Foundation (MF) was established to oversee support and reparations to the families of martyrs. In 2010, Iraq signed the International Convention on the Protection of All Persons from Enforced Disappearances (ICPPED). The Ministry for Human Rights was given the lead responsibility for missing persons issues, but its mandate ended with the dissolution of the Ministry in 2015 and the lead responsibility for mass graves passed to the MF, while other competencies were passed to the Ministry of Justice and other Iraqi institutions. In the Kurdistan region, the Ministry for Martyrs and Anfal Affairs (MoMAA) has responsibility for mass graves and for supporting the families of victims. In 2007, the Law on Rights and Privileges of Families of the Martyrs and Anfal Victims was passed, defining the benefits and entitlements of surviving family members. There are other laws in the KRI that complement the reparations and compensation scheme, which the Region offers to the survivors.

In parallel with institutional and legislative developments there has been an increasing engagement by civil society on missing persons issues.

According to the MF, 216 mass or clandestine graves had been excavated by the relevant government agencies as of 2019. In the meantime, new testimony has led to the discovery of more mass and clandestine graves.

Capacity for scientific DNA-led identification for victims is limited. Challenges identified in the MF analysis "Mass Graves in Iraq" covering the period of 2007-2017 include the need to train specialist teams in



detecting, excavating and opening mass graves; to explain the missing persons strategy more effectively to families of the missing, to the public and to government departments; to facilitate the prosecution of crimes related to mass graves; to establish a national center to coordinate all resources and efforts related to accounting for the missing; to establish a coherent system to collect and examine unidentified remains; to apply appropriate forensic methods to mass graves resulting from recent terrorist activities and those that are decades old; to improve the system of using DNA; and to improve communication among Iraqi agencies and with the international community.

The challenges identified in “Mass Graves in Iraq”, were addressed during a planning workshop in 2019 and a strategic, high-level meeting in 2021, which ICMP facilitated for Iraqi partners. These meetings provided the basis for a broad consensus on the way forward for the process of accounting for missing persons in Iraq. Key Iraqi government institutions, including from the Kurdistan Regional Government, jointly concluded to:

1. Strive to create a central mechanism to coordinate the missing persons process;
2. Enhance planning at all levels, including through the adoption of a national plan or strategy;
3. Ensure that the activities of a central mechanism are inclusive across Iraq, working in coordination with the Kurdistan Regional Government;
4. Continue and enhance funding from the State to the relevant national institutions and encourage continued participation and support of the international community;
5. Improve data management, including through a central record that would be established through law or executive decision as required*;
6. Acknowledge the critical importance of data protection and the need to protect data with respect to the relevant national law and international conventions ratified by Iraq, including the right to privacy of the families of the missing;
7. Ensure the participation of civil society and the families of the missing, as this is central to finding all missing persons;
8. Strengthen the capacity of CSOs in their work with families of the missing and in building bridges with government authorities;
9. Acknowledge the adoption of the Yazidi Female Survivors Law or any other law that might replace it, thereby ensuring that the specific rights of women survivors are secured, given that the majority of the missing are men, which leaves a disproportionate number of female survivors, many of whom become heads of household;
10. Enhance efforts to bring perpetrators to account in accordance with Iraqi law and to enhance cooperation with judicial authorities in other countries, so that justice can be achieved and the rights of victims are secured *;
11. Strive to ensure that Iraq accedes to the ICMP Treaty; and
12. Ensure a high-level meeting with relevant institutions in Iraq within the next six months.

* Reservation expressed by the representative of the Kurdistan Regional Government

Program objectives

- To conclude an ICMP status agreement or similar instrument between the Ministry of Foreign Affairs and ICMP in line with international law as it applies to international organizations;
- To support the Iraqi authorities in the development and implementation of a centralized structure, to locate and identify missing persons, irrespective of race, religion, nationality, ethnic origin, or circumstances of disappearance;
- To support the establishment of central records of all missing persons from Iraq’s recent past;
- To help Iraqi institutions involved in processing personal data to implement appropriate safeguards and policies governing data protection processes, in line with international standards and obligations including those from the ICPPED, to which Iraq is a Party;
- To support the authorities in implementing a credible, transparent and coordinated strategy for locating and recovering missing persons and recovering human remains based on impartial and



transparent evidence-based criteria;

- To strengthen the capacity of Iraqi CSOs and family groups in their work with families of the missing and building bridges within and between civil society and government authorities, and play an active and effective role in ensuring that the government, at all levels, secures their rights;
- To improve legislation to secure all rights including access to truth, justice, and reparations, especially for survivors and female-headed households;
- To provide assurance that forensic standards in mortuaries and laboratories and at crime scenes accord with international best practice and can effectively and reliably support judicial proceedings; and
- To assist the Iraqi authorities in developing effective means for the scientific identification of missing persons, including centralized or inter-linked DNA testing and database functions.

Planned outcomes

- A national missing persons strategy is elaborated and implemented;
- A centralized structure, facilitated by a central records system, to locate and identify missing persons is established;
- Domestic authorities have the capability and institutional resources to undertake effective missing persons investigations;
- Civil society and families of the missing actively engage in securing their rights;
- The Iraqi authorities have strengthened their capacity to bring perpetrators to account for crimes that have been committed; and
- Access of the families of the missing to their rights to truth, justice and reparations is improved.

Strategy 2022-2027

ICMP's core partners will be those agencies mandated to deal with missing persons under Article 6 of the Law on Mass Graves Affairs, including families of the missing. ICMP will therefore seek to strengthen cooperation among these agencies, and between them and other important state entities, including the Iraqi Parliament, Prime Minister's and President's Offices, the Ministry of Justice, and the Ministry of Labor and Social Affairs, in order to develop a comprehensive strategy for addressing the issue of the missing in Iraq.

ICMP has had a long-standing and productive partnership with national authorities in advancing the process of accounting for missing persons in Iraq. However, for ICMP to continue to provide effective support it is essential that Iraq and ICMP resolve the issue of ICMP's legal status in country. At the end of 2019, ICMP signed technical cooperation agreements with the Ministry of Justice, the MF and the Ministry of Health and Environment. While these agreements constitute important progress, they do not resolve issues that ICMP has in Iraq regarding legal status, including but not limited to the status of staff, offices, import of assets and communications. A regulated ICMP status would strengthen the organization's ability to help the authorities meet their legal responsibilities towards victims and their families. Therefore, in addition to the implementation of program activities, ICMP will endeavor to strengthen its engagement with diplomatic missions and donor communities operating in Iraq to support an ICMP status agreement.

Anticipated progress on the desired program outcomes was curtailed in 2021 due to the Covid-19 pandemic. Like most organizations, ICMP had both to prioritize and limit activities to protect the safety of its staff and partners while remaining accountable to donors. To mitigate the programmatic risks brought about by the pandemic, ICMP maintained its footprint in-country by increasing national staff capacity. Beginning in June 2021, ICMP resumed deploying international staff to Iraq on a rotating basis. ICMP also modified its Medical Emergency Response Plan, incorporating lessons learned from operating in-country during the pandemic.

Supporting Iraq's aspiration to create a centralized structure on missing persons, to account for missing



persons irrespective of their race, religion, nationality, ethnic origin, or the circumstances of their disappearance, will be a key priority of this five-year strategy. ICMP will continue to facilitate bilateral consultations, roundtables and workshops with relevant Iraqi authorities and civil society partners on the structure, responsibilities and eventually the establishment of a central mechanism that will coordinate, unify and oversee the missing persons process in Iraq. Furthermore, ICMP will support efforts that will ensure relevant institutions are consulted and included.

In addition, ICMP will strengthen domestic legislation and institutional capacities to secure the rights of families of the missing by providing expert advice, including on draft legislation and draft amendments, as well as implementation of relevant laws, including the Law on Mass Graves Affairs, Compensation Law No. 20 and the Yazidi [Female] Survivors Law. Finally, ICMP will support relevant Iraqi authorities and civil society partners to ensure that the access to justice of families of the missing is improved. Specifically, ICMP will work with the Iraqi judiciary, legal aid professionals and other actors that can contribute to the increased guarantee of the rights of the families of the missing to truth and justice.

Beginning in 2022, ICMP will lay the groundwork for a data-driven, high-throughput DNA laboratory system in Iraq, capable of large-scale missing persons identification. Since 2008, ICMP has worked to build the technical capacity in forensic archeology and anthropology of staff members from the Mass Graves Directorate of the MF (MGD), the Medico-Legal Directorate of the Ministry of Health (MLD), and the MoMAA. Positive developments in their technical skills in these areas has highlighted a complementary need to increase the pace of DNA-based identifications. This is daunting, given the sizeable number of missing persons cases and the limited resources allocated to national institutions. However, ICMP will continue capacity-building initiatives to prepare the MLD DNA laboratory in Baghdad, in particular, for international accreditation in its Quality Management System. The overall aim is to increase Iraq's ability to recover, preserve, interpret and analyze human remains and associated evidence, and to obtain post-mortem (PM) and ante-mortem (AM) samples, that can lead to DNA-based identifications.

ICMP will continue to help the Iraqi authorities create a central record by helping to improve data collection and data management, which are central to the development of a coherent and comprehensive missing persons process. In 2022, ICMP will continue to support the roll-out of its iDMS in relevant institutions, including but not limited to the MGD and MLD. This will be a huge undertaking and will require sustained support both technically and financially, while ICMP continues to engage with the national authorities on establishing a centralized coordination mechanism on missing persons. The iDMS will synthesize and analyze a wide range of data collected from families of the missing, including biological reference data, data from the analysis of sites of forensic interest, and data resulting from mortuary and DNA laboratory analysis.

Families of the missing are at the center of all efforts to account for the missing. ICMP will maintain a strong focus on strengthening their capacity to hold the authorities accountable by ensuring that the government fulfills its responsibilities to account for missing persons. This work will include strengthening the capacity of CSOs to represent and support families of the missing and to advocate for their rights. This work will take place at different levels, ranging from linking families and authorities responsible for mass graves investigations at the local level to promoting the participation of families and CSOs in international forums.



6.3. Libya

Introduction

In 2012, according to estimates made by the Government of Libya, up to 10,000 persons were unaccounted for in the country. This included persons missing as a result of the 2011 conflict, as well as those who went missing during Muammar Gaddafi's 42-year rule, including in the 1977 war with Egypt, the 1979 war with Uganda, wars with Chad in the 1980s, and in the Abu Salim prison massacre in Tripoli in 1996. In addition, persons are missing from more recent events – these include victims found in 2020 in mass and clandestine graves in Tarhuna and other areas, as well as migrants traveling through Libya.

Libya's first Commission dealing with the missing persons issue was established after the end of the conflict in 2011. At the end of that year, the Libyan National Transitional Council (NTC) created the Ministry for the Affairs of the Families of Martyrs and the Missing (MAFMM) to handle the missing persons issue and dissolved the Commission. In 2012, Libya invited ICMP to assist in its efforts to build a sustainable process to find all missing persons, including those missing from the 2011 conflict. ICMP established a program in late 2012 and supported the country in line with an agreement with the Government of Libya until 2014, when the deteriorating security situation forced an end to the program's work.

The program focused on helping Libya develop institutional, legislative and technical capacity to account for missing persons impartially, in line with the rule-of-law, including by developing the capacities of the MAFMM and other state institutions engaged in the issue of the missing.

With the assistance of ICMP, the MAFMM collected more than 11,000 genetic reference samples from families of the missing, representing more than 3,000 missing persons in Tripoli, Benghazi, Sabha, Ben Walid, Sirte, and other places. Over its two-year program, ICMP was entrusted with 249 PM samples and 1,325 family reference samples. ICMP supported a DNA-led identification process that made it possible to submit more than 100 DNA match reports to the authorities concerning missing persons cases, including the case of the former Minister of Foreign Affairs and then human rights activist and dissident of the Qadhafi regime, Dr. Mansour Rashid Khikia. ICMP also trained Libyan experts, including more than 50 MAFMM staff, in forensic archaeology, anthropology, pathology, DNA reference sample collection and PM sampling procedures. Training in personal data processing, including DNA profiling, matching, and reporting, was also delivered, with a focus on data protection standards.

Despite ending its in-country presence in 2014 due to the security situation, ICMP continued to provide support. In 2015 and 2016, ICMP trained Libyan legal experts, civil society activists and government representatives to enable them to improve court-led processes on mass graves and missing persons. The training aimed to expand the use of forensic evidence in missing persons investigations and to clarify inter-institutional responsibilities and legal obligations to family members of the missing.

In late 2020, ICMP was asked to assess Libya's missing persons process, including its institutional, legal and technical capacities to address the issue of disappeared and other missing persons, as part of a project that aims to lay the foundations for a sustainable process to account for missing persons. Completed in January 2021, the assessment showed that, despite commendable efforts undertaken by various institutions, current legal, institutional, and technical provisions to account for missing persons are inadequate. The assessment also highlighted the need for immediate action to pave the way towards a process of effective investigations of missing persons cases and eventual accountability as well as to provide answers to families of the missing. At the end of September 2021, the US State Department Bureau of Democracy, Human Rights and Labor (DRL) confirmed a USD 2-million grant for a two-year ICMP program in Libya. This support will contribute to helping the Libyan authorities establish an effective and sustainable missing persons process based on the rule-of-law.



Program objectives

- Establishment of institutional and legislative capacities and a centralized data system capability;
- Enhancement of technical and scientific capacities (including DNA) and data processing capacities of law enforcement, medical experts, and others working in Libya to address the issue of missing persons;
- Establishment of standards for personal data protection and data privacy;
- Recovery and analysis of human remains and associated evidence in accordance with rule-of-law standards;
- Strengthening of the capacity and engagement of civil society and families of the missing; and
- Strengthening of networks of experts and others, including international and other organizations, to coordinate efforts to locate the missing in a comprehensive and effective manner.

Planned outcomes

- Standards and procedures applied in investigations concerning missing persons cases are enhanced and the overall forensic capacity of relevant institutions is strengthened;
- Rights of families of the missing throughout the process of accounting for missing persons are guaranteed;
- Mass graves in and around Tarhuna are protected and investigations are conducted according to international standards; and
- The issue of the missing is incorporated in initiatives and other activities conducted by the international community to reach a sustainable peace.

Strategy 2022-2027

The long-term goal to be achieved in 2022-2027 is to help Libya to establish a sustainable process to account for missing persons in a manner that upholds the human rights of families of the missing. This will enable rule-of-law-based investigations that can support future judicial processes, and will protect the rights of families of the missing.

To reach this goal ICMP plans:

- To enhance the capacities and resources available in the country through a dedicated capacity-building program on forensic archeology, anthropology, crime-scene investigation and geospatial technology to map and locate burial sites; DNA testing, profiling and matching; and introduction to effective missing persons investigations for policymakers, CSOs, and families of the missing;
- To support identification efforts undertaken by institutions such as the General Authority for the Search and Identification of Missing Persons (GASIMP), by using ICMP's DNA Lab to conduct DNA testing and matching, while at the same time supporting the relevant Libyan authorities in collecting PM samples and reference samples from families of the missing;
- By building on achievements of the Libyan Identification Center established in 2012, to create data networks for DNA-based human identification work drawing on existing DNA reference and PM data, and new data;
- To contribute to a long-term effort that needs to be undertaken by Libyan institutions to centralize information about missing persons cases with the creation of a central record of all missing persons cases;
- To launch an outreach program to engage families of the missing through seminars for CSOs and families of the missing on reporting mechanisms and their rights; capacity building for CSOs through training and small grants programs; training on use of the Online Inquiry Center (OIC) to report missing persons and mass graves sites; and collection of DNA reference data directly from relatives of the missing; and
- To build synergies among domestic stakeholders, between domestic and international stakeholders, and among international stakeholders. This will align to and support the Berlin Process, which aims to assist the United Nations (UN) in unifying the International Community in their support for a peaceful solution to the Libyan crisis.



6.4. Mexico

Introduction

According to the National Registry of Missing Persons, as of 6 October 2021, 83,698 persons were reported as disappeared in Mexico as a result of a crime. In light of widespread under-reporting (because of intimidation) and the lack of comprehensive nationwide statistics, these numbers likely offer only a partial view of the situation: day-to-day disappearances are a fact of life in Mexico.

Disappearances reflect rising levels of violence by organized crime in response to the government's strategy of militarized security, as well as violent repression by state or private groups competing for control of illegal markets, natural resources, and land. More than 150,000 people are estimated to have been killed in Mexico between 2006 and 2018 and, according to the Internal Displacement Monitoring Center, more than 357,000 had been internally displaced by violence as of December 2020. Migration from Central America has also fueled a spike in violent disappearances among migrants.

Data on missing persons in Nuevo León collected by ICMP's NGO partner, Citizens in Support of Human Rights (CADHAC) and analyzed by the University of Oxford, the University of Minnesota, and the Latin American Faculty of Social Sciences (FLACSO-Mexico) in 2017, found that at least 47 percent of disappearances in Nuevo León were committed by state authorities and 91 percent of victims had no relationship to organized crime. Across the country, 58 percent of those reported missing are men, and 42 percent are women. The states of Jalisco and Tamaulipas have the largest number of missing persons, while Nuevo León has the highest number of municipalities with the highest per capita rate of missing persons. Some states, such as Estado de México, Puebla and Yucatan, have more women reported as missing than men. Almost all of the women reported as disappeared are between the ages of five and 24.

While CSOs have been receiving reports on missing persons since 2009, it was not until 2011-2012 that the Federal government and some state governments initiated ad hoc measures to consolidate a registry of missing persons and undertake search and identification efforts. The disappearance of 43 students from the Teacher Training School in Ayotzinapa, Guerrero, in 2014 raised the visibility of the issue and resulted in the establishment of a National Movement of Families of the Missing. In 2018 the Movement secured the adoption and entry into force of the General Law on Enforced Disappearances and Disappearances by Private Persons.

The General Law provides for the criminal and administrative frameworks to punish perpetrators of disappearances, and establishes the National System for Missing Persons, composed of a National Search Commission (CNB), a Search Commission in each of the 32 states, and various other agencies, including the Conference of Prosecutors, and a Citizens' Council. In 2021, also thanks to the mobilization of families of the missing, the government of Mexico in collaboration with the United Nations established a Forensic Extraordinary Mechanism composed of seven Mexican and international experts in forensic, legal, psychosocial and international cooperation, who will contribute to the development of strategies to address the large numbers of mass graves that must be excavated and the more than 30,000 sets of human remains held by the authorities pending examination and identification.

Under the leadership of the CNB, formally established in 2019, efforts to account for missing persons have been more visible and intensive. The CNB reports that since the start of the administration of President Lopez Obrador in December 2018, 1,749 clandestine graves have been located across the entire country, from which 3,025 sets of human remains have been recovered. Of this number, 1,153 have been identified. In addition, a program of massive exhumation from cemeteries and common graves has been initiated to address the examination and identification of unidentified human remains held by the state.



In December 2018, ICMP launched a four-year program to assist the authorities in Nuevo León through the “Justice for the Disappeared in Nuevo León” project designed in collaboration with CADHAC, with funding from USAID. ICMP has worked with CADHAC since 2009. In 2014, ICMP and CADHAC worked to systematize and protect data from families of the missing and these efforts were formalized through a Data Partnership Agreement in 2017.

The CADHAC-ICMP project aims to enhance the institutional capacity of Nuevo León to comply with the General Law on Missing Persons, improve the data-processing infrastructure, strengthen the forensic processes for missing persons, including DNA-led identification, and enhance victims’ organization advocacy.

In July 2021, ICMP expanded its activities in Mexico to include assistance to the Federal Prosecutor’s Office through a 10-month pilot project funded by USAID.

Program objectives

- To help the authorities implement a scientific and technical missing persons strategy in Mexico;
- To introduce the Federal authorities, and the authorities of Nuevo León and other states to technical strategies for missing persons identification;
- To transfer knowledge and capacity and support efforts to enhance cooperation and collaboration between the Federal government and the states for processing of data on missing persons;
- To strengthen implementation of legislative and institutional frameworks for addressing the issue of missing persons; and
- To help family associations to participate in efforts to account for missing persons.

Planned outcomes

- Protocols that reflect best practice in technical strategies to address large-scale and complex cases;
- Skills transfer in large-scale DNA extraction, analysis, matching and reporting;
- A Data Management System is developed and deployed, and a Centralized Missing Persons Data System is established in Nuevo León;
- Increased knowledge by survivors, of their rights, and of the mechanisms to report missing persons, is ensured; and
- Coordination mechanisms among CSOs, the state government, and the Federal government are established.

Strategy 2022-2027

The huge number of missing persons cases in Mexico imposes an enormous burden on judicial authorities. The challenge of large numbers of missing is compounded by the fact that when persons are “disappeared” attempts are routinely made to hide evidence of the crime: human remains recovered from mass and clandestine graves are in most cases highly degraded, burned or fragmented.

ICMP will seek to advance increased understanding among policymakers, the scientific community, families of the missing, and international donors regarding appropriate technical and scientific strategies, including:

- a) the deployment of a multidisciplinary DNA-led approach;
- b) the creation of dedicated teams, and mechanisms that coordinate information management; and
- c) the deployment of integrated data management systems to support field and laboratory operations, and to enhance data cooperation across the country.



ICMP will seek to continue supporting Prosecutors' Offices through intensive mentoring, training and capacity transfer and work with civil society partners to enhance the communication, transparency and accountability of authorities towards families of the missing.



6.5. Myanmar

Introduction

The plight of the Rohingya has received considerable international attention but little progress has been made in addressing the underlying causes of the current crisis. In addition, steps to hold those responsible to account are only now beginning to get underway. Rakhine State (formerly Arakan) has remained largely inaccessible to most aid organizations. Living conditions in Rakhine are harsh and the Myanmar government has not changed its view that the Rohingya are non-citizens. This has prevented some 900,000 Rohingya refugees in camps in neighboring Bangladesh from returning to their homes.

The Independent International Fact-Finding Mission on Myanmar (IIFMM), established by the United Nations Human Rights Council (Resolution 34/22), has reported serious human rights violations and abuses in Kachin, Rakhine and Shan States committed by the Myanmar security forces, especially the Tatmadaw (military). The climate of impunity at the domestic level led the IIFMM to conclude that criminal investigations and prosecutions of senior Tatmadaw commanders will have to be launched by international institutions, including an international criminal tribunal for genocide, crimes against humanity and war crimes.

The IIFMM reported that throughout the region Rakhine men and boys had been killed after being separated from women and girls, who were raped and then killed or seriously wounded. Bodies were transported in military vehicles, burned and disposed of in mass graves. Survivors who received medical treatment from Médecins Sans Frontières (MSF) reported the deliberate use of rape and other forms of sexual violence. According to the IIFMM, the Tatmadaw also engaged in arbitrary arrest and deprivation of liberty, leading to enforced disappearance and incommunicado detention for extended periods.

The IIFMM mandate expired in September 2019. It was replaced by the Independent Investigative Mechanism on Myanmar (IIMM) to facilitate and expedite fair and independent criminal proceedings against perpetrators of crimes under international law in Myanmar. In line with this mandate, the IIMM works to a different standard of proof than the FFM. The IIMM is focused on collecting evidence to build criminal cases against individuals.

Meanwhile, the International Criminal Court (ICC) has approved a full investigation into the case of the Rohingya in Myanmar. Although Myanmar is not a member of the Rome Statute, the ICC ruled that it had jurisdiction because Bangladesh is a member. The massive number of refugees who fled to Bangladesh in 2017 joined hundreds of thousands of Rohingya who had fled Myanmar in previous years. According to the UNHCR, Kutupalong in Bangladesh, with more than 600,000 refugees, is now the largest refugee settlement in the world.

On 23 January 2020, the International Court of Justice (ICJ) ruled in the case of *The Gambia v. Myanmar*, in which The Gambia, on behalf of many other Muslim majority countries, called for emergency measures to be taken against the Tatmadaw, until a fuller investigation could be launched. The ICJ ordered, among other things, that Myanmar “shall take effective measures (...) to ensure the preservation of evidence related to allegations of acts within the scope of Article II of the Convention on the Prevention and Punishment of the Crime of Genocide; (...)”

Program objectives

- To strengthen the prospects for justice and accountability;
- To improve the likelihood of reconciliation and refugee return by contributing to international investigations; and
- To lay the foundations for a long-term domestic rule-of-law and human rights response.



Planned outcomes

- An actor-mapping report of CSOs, especially survivors in Rakhine and in refugee camps in Bangladesh is prepared;
- Ad hoc efforts to locate the missing and mass graves are better understood, and standards of reporting and evidence are improved;
- Sites of forensic interest in Myanmar are better protected; and
- Families of the missing are informed about processes to exhume, protect, and recover human remains, and the role of forensic evidence in accountability processes.

Strategy 2022-2027

In the context of seminars and meetings, ICMP will develop and circulate recommendations on how community actors can play a more effective role in documenting and preserving forensic evidence. This will support future efforts to secure the rights of families of the missing and hold those responsible for crimes to account. While seminars and meetings with families will form a core part of this activity, it will also include distribution of public information materials, and the use of digital technology. The IIMM's mission to Bangladesh from 9 to 14 November 2019 indicated that Cox's Bazar would serve as a more accessible venue for these activities than Chittagong or even Dhaka. Cox's Bazar is host to United Nations and other international agencies working on the issue. MSF reports suggest that Kutupalong and Balukhali Districts may also be options, though they are less accessible.

As part of the program, ICMP will make available its OIC and iDMS. Data entered in the OIC is validated by ICMP and then transferred to the iDMS, a specialized on-line database developed by ICMP to manage large data volumes related to missing persons investigations. ICMP will implement this activity in partnership with, and for the benefit of the aforementioned investigating institutions and CSOs, community leaders and family focal points that will take part in ICMP's outreach activities. The precise approach to data collection and training will be determined jointly with partner CSOs based on the preferences and needs of families of the missing.

6.6. Syria/MENA

Introduction

Approximately 17,000 persons are missing from the regime of Hafez al Assad, which includes cases that are still highly politically relevant for neighboring states. Further, at least 130,000 persons are missing from the present conflict. These include persons missing as a consequence of summary executions, arbitrary and incommunicado detention, kidnapping and abduction, enslavement, and human rights abuses, as well as combatants and civilians missing as a direct result of fighting and the day-to-day ravages of war. Those missing from the conflict that started in 2011 include not only Syrians but people from at least 60 different countries. There are also Syrians missing as a result of irregular migration from the region, including children who have been separated from their families, those who may have died during the Mediterranean crossing and persons subjected to human trafficking. In addition, since the conflict began in March 2011, hundreds of thousands of Syrians have been killed; more than 6.5 million have been displaced inside the country, and a further 5.6 million have fled the country, seeking safety in Lebanon, Turkey, and Jordan, and in Europe. The surviving families of the missing in a number of circumstances do not know if the person is missing inside or outside Syria and in some cases a number of relatives may have gone missing in different locations.

Therefore, creating a strategy to locate and identify the missing and secure the rights of surviving families to truth, justice, and reparations – including practical provisions such as inheritance, economic benefits, and custody of children, as well as return – will require a shared understanding of the process by civil society, families of the missing and international organizations, as well as the cooperation of multiple states that are hosting Syrian refugees and, of course, the cooperation of the Syrian authorities.

A sustainable strategy will necessitate the continued development of a secure, central, impartial database that can store and process data from multiple sources, including families of the missing residing inside and outside Syria, the location of mass graves and other clandestine missing persons sites, and data related to the person reported to be missing, in a complex set of scenarios – from children living in detention to human remains recovered from mass and clandestine graves in Syria, as well as witness information concerning possible perpetrators.

Accounting for missing persons through a rule-of-law-based process will have a bearing on the credibility of future actions to redress the loss of economic and social rights and to secure potential reparations for victims of disappearance. To date, the international community has agreed to support efforts to document, analyze and store evidence of serious violations of human rights in order to deter such conduct and lay the foundations for future accountability. These documentation efforts, led mostly by CSOs and NGOs, have been based on either the collection of statistical data and news reports about missing persons or on data collected about possible perpetrators. However, these efforts have not been designed to collect personal data about missing persons in a manner that can be used for future location and identification efforts. Further, to the extent that some organizations have been able to collect certain information and records, the legal, physical and operational protection of such data cannot be guaranteed as CSOs do not benefit from sufficient protections.

State ownership of the process of accounting for missing persons is fundamental to upholding the rights of all persons on the territory of Syria and to rebuilding trust in public institutions, including judicial institutions, and to creating the infrastructure for the collection, storage, management, analysis, sharing and protection of data. The precondition of State involvement is obviously not being met in Syria today. However, significant opportunities do exist, notwithstanding the lack of political will and the ongoing conflict, to establish the foundations for a future process of accounting for missing persons. ICMP's Syria program seeks to focus on the steps that can be undertaken while the conflict is ongoing and lay the foundations for an effective missing persons process once the conflict has ended.



Program objectives

- To ensure victims, civil society and key stakeholders have increased understanding of the processes, standards and rights of victims involved in accounting for missing persons;
- To launch a sustainable process of data collection about missing persons, and systematic compilation of data to assist efforts to locate the missing from the Syria conflict;
- To support efforts for planning a future rule-of-law approach to investigating missing persons cases in post-conflict Syria;
- To ensure Syrian Civil Society, including families of the missing, is unified in supporting and influencing policy measures to find all missing persons and to ensure the rights of all families; and
- To enhance cooperation between relevant international organizations and INGOs.

Planned outcomes

- CSOs, families and survivors are more effective in documenting and recording missing persons cases through improved data collection and data security;
- Families of the missing are better able to engage in the process of accounting for their missing relatives through improved understanding of their rights and participation in data collection;
- The data collection process yields statistical and qualitative information about the issue of the missing, thereby contributing to future peace and reconciliation processes;
- A comprehensive database of missing persons, built with the participation of families of the missing, survivors and Syrian CSOs, contributes to greater public acknowledgment of this issue; and
- The foundations are created for an effective rule-of-law-based approach to account for missing persons in post-conflict Syria.

Strategy 2022-2027

The Syria/MENA Program seeks to provide an immediate response to the issue of persons missing as a result of the Syrian conflict, while laying the foundations for a sustainable rule-of-law-based approach to accounting for missing persons in post-conflict Syria. Currently, ICMP is working with partner organizations in Northeast Syria, however, it is considering various avenues to have a physical presence there. ICMP will also undertake contingency planning so that it can operate in all of Syria as soon as conditions allow and where this is consistent with donor policies.

ICMP's immediate response involves capturing data about missing persons in as comprehensive and complete a form as possible using ICMP's OIC and iDMS. This is a strategic priority which focuses on creating the conditions to secure the informed and voluntary participation of families in reporting their missing relatives, providing personal information, including genetic information, and information on where and how persons went missing. Gaining the trust of families is an essential first step in this process, as is developing an understanding among families, community leaders and civil society of the process of accounting for missing persons, the importance of data collection and the rights of victims and survivors. Through outreach and training, the Program will seek to empower families by highlighting the importance of their participation in the process of accounting for missing persons and creating the conditions for this to happen.

Building on a foundation of trust and drawing on its experience in the collection of data from more than 130,000 families of the missing around the world, ICMP has launched a participatory process to collect data from families of the missing and survivors from Syria. The OIC and iDMS have been translated into Arabic and the fields adapted to meet the needs of Syrian families, making it possible to collect, analyze, protect and share data on missing persons. As the necessary legal agreements are formulated, collection of genetic reference samples to be processed using ICMP's specialized high-throughput DNA standing capacity will be expanded. While ICMP's primary data collection focus will be on families of the missing who are living as refugees in host states, there will also be an effort to collect data from families of the



missing living in Syria. This will be done remotely using the OIC, which can be accessed via an app, and through data collection partnerships with NGOs and other entities operating in Syria.

The Program's focus on gaining the trust of families and on developing their understanding of their rights and strengthening their capacity to participate reflects a strategy of placing families at the center of the process of accounting for missing persons. The Program will therefore also help families to address some of the challenges that they face as a result of having missing relatives, who are invariably men. This work will focus in particular on helping women to take on roles traditionally carried out by men, to overcome obstacles to social and political participation, and to seek the truth about their missing relatives.

The Program will therefore support families of missing persons, especially those with female heads of household, to create a common platform regardless of sectarian or national affiliation or the role of the missing person in the conflict. ICMP will also partner with CSOs working with families of the missing and expert legal communities to strengthen families' capacities to advocate for their rights and to undertake self-help initiatives to support and sustain vulnerable families. ICMP will support this process with both material and technical assistance in order to encourage association between families of the missing, promote their engagement on the issue of the missing and ensure that families take a leading role in accounting for their missing relatives.

The Program will seek to prepare the ground for a future rule-of-law-based approach to accounting for missing persons in post-conflict Syria. The steps, described above, to enable families of the missing to contribute to the data collection process, to organize, to advocate and to support one another are all important in securing their participation in a future process of accounting for missing persons. In addition, ICMP will work with relevant Syrian CSOs, legal experts and those with knowledge of the Syrian public administration, to analyze and develop proposals for an appropriate institutional and legal framework to account for missing persons in post-conflict Syria.

To that end, ICMP will seek to secure the informed and voluntary participation of families in reporting their missing relatives, providing personal information, including genetic information, as well as information on the place and circumstances of persons who have gone missing.

ICMP will work in Syria on the safeguarding of forensic evidence from mass graves by focusing on enhancing the capacity of first responders with methods to safeguard evidence as well as collect, store, secure and archive evidence. The evidence collected is integral to locating missing persons and for future accountability purposes.

ICMP will also seek the cooperation of states hosting Syrian refugees, migrants and displaced persons, through the facilitation of efforts to work with Syrian groups and to allow them to report missing persons cases, in addition to enhancing the cooperation between governments, IOs, international non-governmental organizations (INGOs) and the Syrian community in outlining the policy framework for a future accountability mechanism in Syria.



6.7. Ukraine

Introduction

The substantial number of missing persons as a result of the conflict in Ukraine is a serious threat to efforts to normalize the situation inside the country and to normalize Ukraine's relations with Russia. Addressing this issue through a coordinated series of social, political and technical initiatives is an essential part of any long-term peace process. The conflict in Ukraine began following the protests in Kiev in late 2013. By 15 September 2016, the UN Human Rights Office (OHCHR) had recorded 9,640 conflict-related deaths and 22,431 injuries among Ukrainian armed forces, civilians and members of separatist armed groups since mid-April 2014. There is still no accurate data on the number of missing persons in Ukraine. The list prepared by the joint center of the Security Service of Ukraine cites 294 missing people, including civilians. The NGO Peaceful Coast, which is involved in efforts to search for the missing, has data on 1,288 people, while the ICRC cites 1,500 people who have gone missing during the military conflict. Around one thousand sets of human remains, already buried or in morgues, have not been identified. Experts believe the number of unidentified human remains will increase as searches are still ongoing.

Since 2014, when ICMP was invited by the Prosecutor's Office in Kyiv to conduct an assessment mission in Ukraine, ICMP has engaged with stakeholders to explore options for extending assistance to the country. Following the 2014 mission, ICMP recommended a series of activities through which Ukraine should endeavor to:

- Establish a central entity to coordinate missing persons investigations;
- Create a mechanism for collecting and processing data on missing persons, including facilitating the reporting of missing persons cases through online capabilities;
- Build the capacities of civil society, in particular the families of the missing so that they are able to exercise their rights; and
- Build the capacities of public institutions through technical training and development, including in the forensic field.

A number of important steps have since been taken by Ukraine:

- In 2015, Ukraine acceded to the International Convention for the Protection of All Persons from Enforced Disappearance;
- In 2018, the Law on the Legal Status of Missing Persons, No. 2505-VIII of 12 July, came into force. In relation to the new Law, the Ukrainian Cabinet issued two decrees:
 - Order No. 248-p "on the establishment of the Commission on Persons Missing due to Special Circumstances," issued on 10 April 2019. The Commission was established in 2020 including a broad range of state agencies. It is mandated to account for missing persons under a range of circumstances, including armed conflict and natural disasters.
 - Resolution no. 726 "on approval of the regulation on the management of a single State Register of persons who went missing under special circumstances," issued on 14 August 2019.

At the invitation of the Deputy Prime Minister and Minister for the Reintegration of the Temporarily Occupied Territories of Ukraine, ICMP visited Kyiv on 21 to 24 July 2021, to discuss proposals for supporting Ukraine in its efforts to account for missing persons, including through:

- Duplicate testing of DNA-based identifications of the remains of missing persons that have been contested;
- Providing training in DNA testing and analysis, as well as with field operations relevant to excavations;
- Building the capacity of the Commission and developing the strategy of the Commission to find missing persons;
- Supporting the creation of a State Register of Missing Persons, as outlined in the Law on the Legal



- Status of Missing Persons; and
- Supporting consensus building between civil society and the Commission on policy and strategic objectives.

ICMP stands ready to assist Ukraine in establishing an impartial, sustainable missing persons process based on the rule-of-law.

Program objectives

- To help the Ukrainian authorities and others to develop a sustainable capacity to locate and identify missing persons;
- To establish a central record and missing persons data processing capacities;
- To enhance capacity among citizens to access social and economic rights and information through civil society engagement; and
- To initiate a process of collecting data from families of the missing.

Planned outcomes

- The creation of a central record of missing persons is initiated;
- Institutional and legislative frameworks are enhanced and resources are effectively allocated to resolve missing persons cases;
- Families of the missing are provided with practical tools to lobby the authorities effectively in order to secure their rights under the law; and
- Families of the missing are informed about the process of accounting for the missing and become active participants in the process of search and recovery of their relatives.

Strategy 2022-2027

ICMP will engage its institutional and civil society development and data systems resources to provide access to advanced data processing systems on missing persons and enhance the institutional and legislative framework within which resources are allocated to the missing persons issue.

ICMP will support efforts to develop the capacity of institutions and ministries in Ukraine to conduct investigations into mass and clandestine graves in accordance with international norms and standards through targeted training programs. Other initiatives will include the collection of data from families of the missing and the creation of a system that will allow ICMP to receive post-mortem samples from the relevant authorities for DNA testing by facilitating the creation of a domestic Identification Center.

ICMP will work with the authorities to develop centralized institutions on missing persons to ensure that reports of disappearances can be submitted and stored in a central mechanism. To facilitate the creation of central records on missing persons, the OIC will be made available in Ukrainian and Russian and information on how to use the system will be disseminated to the public.

ICMP will also focus on improving legislation that regulates support to female heads of household in order to streamline and simplify procedures for accessing rights, including inheritance and economic benefits; and support efforts to create implementing legislation in line with the ICPPED (Ukraine acceded to the Convention in August 2015), in particular regarding requirements of personal data protection as called for under the Convention.



6.8. Vietnam

Introduction

The Vietnam War, or the American War as it is known in Vietnam, was an armed conflict in Vietnam, Laos, and Cambodia that lasted from 1 November 1955 to 30 April 1975. Estimates of Vietnamese killed range from 966,000 to 3.8 million. In addition, 275,000 to 310,000 Cambodians lost their lives, as did 20,000 to 62,000 Laotians and 58,220 U.S. military personnel, with an additional 1,626 U.S. military personnel being reported missing in action.

The legacy of missing persons is particularly complex. Following the war, the state expended vast resources to recover and bury the remains of more than 900,000 fallen soldiers. The remains of at least 200,000 persons are believed to be in anonymous or unknown gravesites. In Vietnam, as elsewhere in the world, the return of human remains of missing persons to their families is psychologically important and has a direct impact on the relationship between society and the state, especially during what has been an extended period of political transition.

However, in Vietnam human remains have meaning that transcends the Western rights-based approach to missing persons. The concept of the “rights of the dead” is largely absent from Western legal doctrine, where all rights vest with the living. In Vietnamese culture, the dead have a right to assistance from the living in order to complete their journey to a new spiritual existence. This right and the obligations that go with it can create conflicting loyalties in Vietnam’s socialist society, especially in the South, where the vast majority of the missing died having fought or opposed the socialist North during the war. The renewed effort of Vietnam to locate and identify the remains of missing persons for appropriate burial and commemoration therefore has a continuing societal relevance. To the extent that it also incorporates an increasing recognition of the wishes of relatives, it should be seen as reinforcing the country’s continuing societal transition.

The Government of Vietnam has made the task of locating the wartime missing a priority, and it has recognized opportunities in advanced DNA testing capabilities. At the same time, Vietnam’s DNA identification project is faced with a number of difficulties. The two principal difficulties are the degradation of human remains, especially bones, and a lack of close family relatives whose DNA can be used for kinship DNA matching. No commercially available methods have been developed for testing biological material in conditions representative of the Vietnamese context. Therefore, ICMP plans to test methods for DNA extraction and testing (nuclear short tandem repeat (STR) as well as single nucleotide polymorphism (SNP)) of a sizeable number of relevant bone samples from the Vietnamese context using methods that are highly and specifically optimized. The empirical results from this exercise can then be presented to the authorities in Vietnam so that they can make an assessment of the best way forward, which may include optimization and implementation of novel extraction methods from the “ancient DNA” field.

Program objectives

Over a period of two years, ICMP proposes to conduct the following activities:

- Evaluate the proposed DNA extraction method in comparison to ICMP’s highly optimized bone extraction protocols, and establish a benchmark for nuclear STR testing success. This is to be conducted on a sizeable representative sampling of case material from Vietnam;
- Evaluate and optimize newer DNA extraction methods emerging from ancient DNA scientific research, that are particularly appropriate for nuclear SNP typing in Vietnam;
- Provide expert assistance in database-driven kinship matching central to large-scale DNA identification projects;
- Provide specialized bioinformatic assistance, including software tools, to permit kinship matching using high density SNP data;



- Evaluate additional massively parallel sequencing (MPS) assay methods for nuclear SNPs, involving “bait capture”;
- Conduct pilot MPSplex testing of select test cases from Vietnam, conducted in coordination with Vietnamese scientists to permit conclusive identification in cases where existing systems (e.g. mtDNA) suggest a possible identification that can be resolved by MPSplex;
- Deliver customized training packages, instrumentation specifications and operating procedures to enable high density SNP testing to be applied in Vietnam; and
- Conduct a needs assessment for the Government of Vietnam to develop a coherent integrated large-scale identification project that capitalizes on the technical advancements in DNA and kinship matching.

Planned outcomes

- The Government of Vietnam is informed, on the basis of empirically valid evidence, of prospects for success of DNA testing methods for purposes of returning the remains of missing persons from the war to their families;
- Vietnamese experts are familiar with database-driven kinship matching in large-scale DNA identification projects;
- Vietnamese experts have access to and can operate software tools that permit kinship matching using high density SNP data; and
- The Government of Vietnam is able to institute an effective, efficient and sustainable domestic DNA-led identification process to account for the missing.

Strategy 2022-2027

During the first year of project implementation there was no need for a sizable ICMP presence in Vietnam. However, as we move toward more advanced implementation it is important to establish a dynamic program of exchange visits and dialogue, with integration in technical working groups in Vietnam, which would necessitate an “ICMP desk” in the country.

The characterization of extraction and STR typing in ICMP’s specialized DNA laboratory will be coupled with direct involvement of Vietnamese laboratories and their engagement in coordinating examinations and sampling of human remains for DNA testing. ICMP skeletal sampling protocols are informed by more than 60,000 DNA tests, and can serve as a basis for selecting the best samples for submission to the DNA lab. STR typing in ICMP’s laboratory will also include developing and validating a high-throughput, robotic-driven laboratory work flow for ICMP’s MPSplex system, adapted to the Vietnam context, using the most suitable MPS instrument system.

To ensure that Vietnam is able to make significant progress in resolving outstanding missing persons cases, ICMP will work with experts from Vietnam to pair the matching program with a single, centralized missing persons database involving government entities responsible for registering missing persons and collecting reference samples. Not only do these activities need to be coordinated, they need to be executed in a highly quality controlled manner.

To secure the participation of relatives of the missing and to strengthen the public trust, ICMP will plan outreach and public information campaigns together with the Vietnamese authorities, both inside and outside Vietnam. Further, ICMP will work with the Government of Vietnam to ensure that a sustainable integrated identification program is established and optimized in order to identify the large numbers of missing accurately and efficiently over the next decade(s).



6.9. Western Balkans (WB)

Introduction

Since 1996, ICMP has spearheaded an extraordinary effort to help governments in the Western Balkans to develop dedicated institutions and technical capacities to account for those who went missing during the conflicts in the former Yugoslavia. As a direct result of this regional effort it has been possible to account for more than 70 percent of the 40,000 persons who went missing, including 7,000 of the 8,000 persons missing as a result of the Srebrenica Genocide. Institutions that ICMP helped to create have been effective, despite continuous political challenges, and legislation that ICMP helped craft has served as a model for countries around the world.

In Bosnia and Herzegovina (BIH) of the estimated 30,000 missing at the end of the conflict, more than 23,000 have been accounted for. In Kosovo, ICMP has helped the authorities to identify almost 2,600 of the estimated 4,500 missing from the conflict. Meanwhile, ICMP has helped Croatia to identify almost 700 complex missing persons cases through the exchange and matching of AM and PM profiles. It has also helped Serbia identify more than 1,500 mortal remains found on its territory. ICMP has helped the regional authorities excavate more than 3,000 clandestine graves to make these numbers of identifications possible. However, an estimated 11,500 persons are still missing throughout the region. In BIH, Kosovo and Serbia, the majority of persons identified have been accounted for through ICMP's DNA-led identification process. Other cases were closed using traditional identification methods prior to ICMP's system going online in 2001.

The conflicts of the 1990s in the former Yugoslavia resulted in 40,000 missing persons. More than 6,000 persons were registered as missing after the 91-95 conflict in Croatia. Approximately 4,500 persons went missing during, and in the aftermath, of the 98-99 Kosovo conflict. The 92-95 conflict in BIH resulted in the largest number of missing persons – more than 30,000.

Large numbers of persons missing as a result of violent conflict and human rights abuses are a poignant reminder of the failure to safeguard individual rights and to uphold the rule-of-law. They perpetuate a painful past, exacerbate the fragility of peace and reconciliation, and are an obstacle to the development of good neighborly relations in the Western Balkans.

After conflict, the emotive issue of missing persons often tends to be politicized as sides assert their victimhood to justify wartime gains and post-war claims and grievances. The issue is also linked to issues such as responsibility for war crimes, demands for justice, and challenges to accepted historical narratives. Such is the case throughout the Western Balkans, where ethno-politics continues to perpetuate tensions.

ICMP's provision of accurate information, support for the creation of institutions, and overwhelming achievement in accounting for missing persons stands in stark contrast to many of the characteristics of the Western Balkans political environment and has succeeded despite this.

ICMP helped the BIH authorities to develop the Law on Missing Persons, adopted in 2004, which created a clear legal framework for addressing the issue and a legal basis for the establishment of a Fund for the Families of the Missing, and for the creation of Central Records on Missing Persons (CEN).

ICMP helped the BIH authorities establish the Missing Persons Institute of BIH (MPI) tasked with locating and identifying the missing, regardless of ethnic, religious or any other affiliation, which revolutionized the way in which the search for missing persons was carried out.

BIH has created prosecutors' offices tasked with bringing perpetrators of war crimes, including enforced disappearances, to justice, and at the initiative and with the support of ICMP it has taken concrete steps to address the issue of more than 3,000 unidentified (NN) human remains stored in mortuaries across the country.



In Kosovo, ICMP has helped the domestic authorities to develop the Law on Missing Persons and establish domestic institutions, including a Government Commission on Missing Persons, to coordinate the process of accounting for the missing.

In Croatia, ICMP has developed, and is still implementing with the Croatian authorities, a Joint Project of Identifications based on the exchange of DNA samples pertaining to victims whose families provided reference samples outside Croatia. To date, 673 persons have been identified through the project implemented by ICMP and the Office for the Detained and the Missing within the Ministry of Defenders of the Republic of Croatia, who would otherwise have remained unidentified for lack of reference samples.

Through its cooperation with Serbia, as well as with the United Nations Mission in Kosovo (UNMIK) and later the European Union Rule-of-law Mission in Kosovo (EULEX), ICMP used DNA testing to assist in identifying 90 percent of the mortal remains that were recovered on the territory of Serbia between 2001 and 2002. In addition, the remains of more than 300 persons missing from the conflicts in Croatia and BIH have been recovered in Serbia and returned to their families in Croatia or BIH. ICMP opened an office and established a DNA laboratory in Belgrade in 2002. The laboratory was handed over to the Serbian authorities in 2006. To date, ICMP has helped the Serbian authorities to find more than 1,100 persons on its territory.

Throughout the Western Balkans, ICMP has helped to empower associations of families of missing persons, enabling them to claim their right to truth and justice and to lobby the authorities to fulfill their obligations to account for the missing. In addition, ICMP has collected more than 100,000 reference samples and other data from families of the missing to enable DNA-based identifications. The formal establishment of the Regional Coordination of Associations of Families of the Missing from the former Yugoslavia (Regional Coordination) CSO is a unique example of victims' groups from different sides of the conflict working together to hold the authorities to account and to keep the issue high on the agenda. The Regional Coordination gathers associations of families of the missing from BIH, Croatia, Kosovo, Montenegro and Serbia.

The signing, under ICMP auspices, of the Declaration on the Role of the State in Addressing the Issue of Persons Missing as a Result of Armed Conflict and Human Rights Abuses in August 2014, by the heads of state of Bosnia and Herzegovina, Croatia, Montenegro, and Serbia, demonstrated a renewed commitment by these countries to addressing the issue of missing persons. In order to put the principles enshrined in the Declaration into practice, mutual protocols of cooperation have been signed between almost all countries that were affected by the conflict on the territory of the former Yugoslavia. The BIH Council of Ministers has concluded protocols on cooperation in the process of accounting for missing persons with the governments of all neighboring countries (Croatia, Montenegro and Serbia). In addition to BIH, the Government of Serbia has concluded a protocol of cooperation with the Government of Montenegro. A set of protocols were concluded between Croatia and Serbia in 1995 and 1996 which require revision. Montenegro has in place protocols of cooperation, in addition to BIH, with Croatia and Kosovo.

In order to increase inter-governmental cooperation in a politically challenging environment, ICMP facilitated the establishment of a regional Missing Persons Group (MPG), which consists of domestic institutions for missing persons issues from BIH, Croatia, Kosovo, Montenegro and Serbia. In November 2018 the MPG signed a Framework Plan that lays out steps to boost their cooperation and increase their effectiveness in accounting for missing persons throughout the region. The Framework Plan outlines a common approach in resolving missing persons issues and promoting more effective regional collaboration implemented by domestic institutions in charge of missing persons in the Western Balkans.

In the coming period, ICMP will continue to build domestic ownership and the sustainability of the MPG and ensure the MPG's continued engagement with families of the missing. ICMP will seek to ensure the institutional sustainability of the MPG by facilitating the signing of an addendum to the Framework Plan



that will set out the priorities of MPG members and families of the missing. ICMP will seek to ensure the financial sustainability of the MPG by means of high-level policy dialogue with governments. ICMP will seek to increase domestic ownership of the MPG by gradually handing over the chairing of MPG sessions to MPG members on a rotating basis. ICMP will seek to increase the engagement of the families of the missing in the operations of the MPG by establishing an MPG Forum of Families, where the MPG chair will provide timely and accurate information on MPG operations to the families, and families will be included in an advisory role in guiding the work of the MPG. ICMP will ensure that the MPG remains accountable for its work by facilitating its annual reporting to the Western Balkans Berlin Process, and by supporting the Regional Coordination in a monitoring role.

ICMP will ensure that clandestine gravesites continue to be excavated in line with best forensic standards, and that cases exhumed are accurately identified based on DNA analysis. This will be done through the provision of technical assistance to the MPG in forensic archeology and anthropology and DNA testing and matching for the purpose of human identification. At the same time, ICMP will seek to develop domestic capacities in DNA testing and matching, in order to be able to scale back its level of engagement in Western Balkans countries after 2026.

Program objectives

- To ensure a sustainable process to locate and identify missing persons from the conflicts in the former Yugoslavia;
- To enhance the cooperation of states in the region to build trust, and identify shared challenges and shared solutions to finding the remaining missing persons;
- To encourage and empower families of the missing and CSOs in the region to work together to ensure that their governments cooperate in securing rights to truth, justice, and reparations;
- To increase the technical capacities of domestic institutions to locate and identify the missing through the provision of assistance in advanced DNA technologies and data systems capabilities;
- To ensure the full implementation of laws, including the BIH Law on Missing Persons;
- In Albania, to increase participation by civil society groups, and family members of missing persons, especially women, in transitional and reconciliatory justice processes, by raising awareness of their rights among families of missing persons and increasing the knowledge of local institutions (government, prosecutors' offices, and others dealing with the missing persons issue) about their legal and human rights obligations to families of missing persons;
- In Kosovo, to support the Kosovo Government Commission on Missing Persons to conduct a technical review of the 300+ cases of unidentified human remains in the Institute of Forensic Medicine mortuary, and of the 2000+ missing persons cases that were identified on the basis of presumptive methods of identification between 1999 and 2003.

Planned outcomes

- Cooperation between the countries, signatories of the joint Framework Plan, on issues related to missing persons is intensified;
- Families of missing persons and the general public are informed of the implementation of the Framework Plan and other activities relevant to the missing persons issue, which include but are not limited to reform of relevant institutions, legislation pertinent to families of missing persons, reparations and benefits, and advances in science and technology pertinent to search and identification of the missing, etc;
- Sustainable mechanisms are in place to ensure state responsibility in finding the remaining persons missing in Kosovo (1,600), BIH (7,500), and Croatia (1,700) as well as low numbers in Montenegro and Serbia;
- The rights of families of all missing persons, regardless of ethnic, religious or national background are secured;
- Policy dialogue with national authorities and families of the missing on sustainability of the missing



- persons process is established;
- In Albania, CSOs and families of the missing from the Communist era understand the avenues that are available to them to secure their rights, and local authorities in Albania become more aware of their legal obligations to victims and the conditions under which people disappeared. Progress towards resolving missing persons cases will contribute to establishing historical records, resolving grievances, and more importantly, reinforcing the rule-of-law, which are essential pre-conditions for reconciliation and post-conflict recovery in Albania;
- In Kosovo, the technical review will establish the scope of existing impediments to case resolution as well as result in recommendations for case closure. The technical review will strengthen the capacity of the Kosovo Government Commission on Missing Persons to fulfill its mandate and in its dealings with the Serbia Government Commission on Missing Persons.

Strategy 2022-2027

In the forthcoming period, ICMP's strategy in the WB will pivot around facilitating the cooperation of states in the region, and ensuring the engagement of families of missing persons in the process, while providing technical assistance to ensure that missing persons are identified accurately.

ICMP will foster cooperation through a number of key technical processes, including:

- Facilitating multilateral and bilateral meetings of the MPG members to ensure the successful implementation of the joint Framework Plan by all signatory countries;
- Facilitating the work of the MPG's Operational Group for the Database of Active Cases of Persons Missing from Conflicts on the Territory of the Former Yugoslavia, to ensure the timely and accurate sharing of information and contribution to the resolving of missing persons cases. ICMP will manage the database so as to ensure that data is shared securely and transparently among national partners and the public;
- Facilitating the work of the MPG's Operational Group to Resolve No Name (NN) or Unidentified Cases in mortuary facilities across the countries of the Western Balkans, in order to resolve NN cases through targeted joint pilot projects;
- Ensuring continued access to DNA testing and matching of missing persons cases for national partners in affected countries of the Western Balkans. Through the Wim Kok CEL, ICMP will develop domestic capacities in terms of DNA testing of PM biological samples;
- Facilitating cross-border operations to recover mortal remains. Often referred to as joint excavations, ICMP will facilitate cooperation between states to ensure that when one country (where the human remains are buried) conducts an excavation it allows other countries to monitor the process, if the persons exhumed are assumed to belong to families now residing in another country. ICMP has successfully facilitated such operations in the past, and plans to reinvigorate this activity going forward. This is critical to transparency and trust-building;
- Leading a policy dialogue with national authorities in the region and families of the missing on national ownership and sustainability of the missing persons process;
- Conducting meetings with national authorities and families of the missing to establish a policy perspective for strengthening national ownership and sustainability of the missing persons process. Items to be discussed comprise:
 - Determining which existing institutions can assume the function of DNA testing and profiling of PM samples for the purposes of identification of human remains, and
 - Determining which existing institutions can establish capacities in forensic archeology and anthropology to provide technical assistance at excavations and in the examination of exhumed cases of human remains, as a first step toward possible identification;
- Conducting info-sharing meetings with families of the missing and state partners, in order to ensure that they are well informed about efforts being made by the MPG to locate and identify persons missing from conflicts in the former Yugoslavia;
- Implementing a grants program to ensure that the associations of families of missing persons



- continue to remain actively engaged in the process and have the resources to do so;
- In Albania, ICMP, in partnership with the Authority on Opening the Communist Era State Security File, will draft and publishing a Guide on the rights of families of the missing, develop an exhibition using photographs and extracts from Communist state security files, hold countrywide community meetings to present the Guide to families of missing persons, gather oral histories from former politically persecuted and families of the missing and publish them in hard and electronic copy, and provide small grants to CSOs for the purposes of memorialization and commemoration;
 - In Kosovo, ICMP will help the Kosovo Government Commission on Missing Persons to conduct a forensic anthropological review of the 300+ cases of unidentified human remains in the Institute of Forensic Medicine mortuary. This review will establish the scope of existing technical impediments to case resolution and shed light on reasons for the inability to match 502 unique bone profiles which ICMP has obtained from Kosovo cases with more than 1,700 sets of blood references that were provided by families of the missing who are still searching for their missing relatives. Results of the review will be presented to the families of the missing, and other interested parties by the Kosovo Government Commission on Missing Persons with the support of ICMP, EULEX and the Institute of Forensic Medicine.



VII. THEMATIC PROGRAMS

7.1. Missing Migrants and Refugees (MMR)

Introduction

More than 1,400 migrants died trying to cross the Mediterranean in 2020, and more than 1,400 died in 2021. Since the beginning of 2014, almost 22,700 migrants have died on the Mediterranean route, and these are just the recorded figures.

Political instability in many countries and armed conflicts across the globe have led people to migrate by land and sea. The nature of irregular migration, where people travel without documents or with falsified documents and seek to avoid official scrutiny, means that the actual number of fatalities and disappearances is likely to be significantly higher than the numbers cited above. There is evidence that large numbers of migrants are killed or fall into the hands of people traffickers even before they reach the Mediterranean coast. At the same time, European governments have reported that migrants and refugees, and especially children, have disappeared in significant numbers after their arrival in host countries, either attempting to reunite with family members, or falling into the hands of traffickers, or absconding because of fear of the authorities.

Under international law, states are obliged to investigate the fate and whereabouts of missing persons, including the circumstances of their disappearance. This is especially true with regard to migrants and refugees going missing, which often relates to criminal activity, including trafficking in human beings. The uncertainty and pain experienced by thousands of families in countries of origin and in Europe as a result of insufficient investigative and cooperative capacities underpins the urgent necessity to address this problem. Efforts to do so and support families are being hampered by a comprehensive lack of detailed and actionable information as well as the lack of a systematic approach to the issue.

ICMP has already taken steps to secure the participation of authorities in Europe in efforts to build a more effective response to the issue of missing migrants and refugees. Meeting in Rome at ICMP's invitation on 11 June 2018, Cyprus, Greece, Italy and Malta launched a Joint Process to enhance domestic capabilities and expand cooperation. The Joint Process aims at:

- Enhancing the cooperative efforts to account for migrants and refugees who have gone missing or have died in the context of the migration crisis in the Mediterranean;
- Enabling an assessment of the scope and extent of existing investigatory capacities, including forensic and administrative capacities, that are available to the aforementioned countries through their own provision or through international and other cooperative arrangements;
- Enabling the assessment of procedures in place to locate MMRs and/or to identify their mortal remains, as well as to assess the modalities for repatriating the remains of deceased migrants and refugees;
- Responding to obstacles and gaps in domestic capacity that currently prevent governments from effectively addressing the issue of MMRs in the Mediterranean region; and
- Reaching out to authorities of third countries, as well as to families of the missing to secure their participation in efforts to account for MMRs.

Following agreements reached in Rome, ICMP conducted an assessment and produced a draft set of "Proposals for Action", which were presented at the second meeting of the Joint Process, which took place at ICMP HQ in The Hague on 13 June 2019. The participation of other European countries has been considered pivotal for the sustainability of this initiative. A third meeting of the Joint Process scheduled for November 2021 will aim at bringing this effort to another level, with a stronger emphasis on the



need to enhance a centralized data capability conducive to solving cases of missing migrants across jurisdictions.

Inter-agency cooperation has been at the center of ICMP's work on the issue of MMRs. In January 2016, together with the mission of the UK to the UN, ICMP brought together senior diplomats and experts at the UN Security Council, in the Arria Formula, to discuss core aspects of the global missing persons issue, including persons missing in the context of migration. ICMP has also conducted four topical Inter-Agency roundtables at its HQ in The Hague, the first on 9 December 2016 concerning data processing capabilities in respect of MMRs, the second on 18 December 2017 concerning support by international organizations to Mediterranean countries confronting the issue of missing and deceased migrants, the third on 17 June 2019 focusing on how international organizations can continue to support the Joint Process effectively, and the fourth on 21 November 2019, focusing on DNA analysis of missing migrants and unidentified human remains. A fourth interagency roundtable planned for November 2021 will seek operational support to enhance the data capability of the four countries and beyond. Since 2018, ICMP has facilitated an MMR consultative group involving international and other organizations, with a view to providing assistance to the Joint Process countries in their efforts to deal with the missing migrants and refugees issue. One recurrent theme that has emerged from these discussions is the need to enhance data sharing and break data silos.

Organizations such as the International Organization for Migration (IOM), INTERPOL, the European Union's Law Enforcement Agency (EUROPOL), the ICC, the ICRC, UNHCR, the United Nations Children's Fund (UNICEF), the European Union's Judicial Cooperation Unit (EUROJUST) and the EU Delegation in The Hague participated in these meetings. There was broad consensus that cooperation on data exchanges relative to missing persons and in particular MMRs needs to be improved as an increasing number of databases place data in silos, rather than enabling dynamic, outcomes-oriented processing solutions.

Program objectives

- To assist the Joint Process countries (Cyprus, Greece, Italy, and Malta) in implementing the Proposals for Action (starting with the identification of focal points);
- To enhance cooperation with Italy based on the agreement signed with ICMP in 2016 to assist in specific cases of shipwreck victims;
- To assist Joint Process countries and other countries in the Mediterranean region in conducting DNA identifications in accordance with rule-of-law standards;
- To enhance cooperation with countries of transit and origin, as well as countries of destination, (e.g. France, Spain, and Southern Shore countries) and involve them in the Joint Process in a progressive manner;
- To enhance data sharing across the Mediterranean region, including through the facilitation of discussions (in the format of Regional Roundtable meetings) on Data Processing and Cooperation concerning MMRs;
- To find solutions for inter-agency data sharing and ascertain jointly with international partners the quantity and quality of existing data on missing migrants;
- To facilitate the establishment of a regional DNA experts working group in order to create a shared body of knowledge and skills and build synergies to address common problems and challenges in the Mediterranean region;
- To engage civil society and other stakeholders in promoting access of families of missing migrants and refugees to data reporting tools in the Mediterranean region; and
- To ensure informed participation of families of missing migrants and refugees in the process of accounting for missing persons in order to facilitate rule-of-law-based data collection efforts.

Planned outcomes

- A regional process to account for MMR in accordance with human rights and the rule-of-law is in place and the Joint Process has become a sustainable mechanism from a policy and technical perspective.



- Resource and capacity gaps are bridged, through:
 - Assistance to domestic authorities in applying international standards of victim identification that rely on DNA, leading to an increase in DNA matching capacity among domestic authorities in the Mediterranean region; and
 - Capacity-building measures focused on data processing.
 - A system for processing data on MMR is launched, through:
 - The development of protocols for the sharing of key data from missing persons reports by family members and others, with their consent, among relevant institutions,
 - Access to shared and uniform DNA profiles and AM databases for relevant stakeholders in the Mediterranean region, and
 - An inclusive and participative approach vis-à-vis the families.
- Efforts to locate the missing, including DNA testing for human identification, are conducted in accordance with rule-of-law standards in the whole Mediterranean region.
- CSOs, families of the missing and others are engaged and participate in a rule-of-law-based process to account for MMR in the Mediterranean region.

Strategy 2022-2027

In the coming period, ICMP's MMR strategy will be based on four pillars:

- Advanced regional cooperation among governments and other relevant actors to address the issue of MMRs;
- Active engagement of CSOs and families of the missing in the process of accounting for missing migrants;
- Application of scientific capacities and processes to the issue of MMRs in the Mediterranean region; and
- Enhanced global understanding of the need to address the problem of persons missing as a result of migration.

To this end, the areas of action for 2022-2027 will cover the following:

- Enhancing cooperation among countries of transit and origin, as well as countries of destination;
- Improving scientific capacity, through technical assistance for identification purposes;
- Enhancing cooperation with regional and domestic organizations that can provide expertise to improve the efforts of third countries in accounting for MMRs;
- Promoting joint solutions for the processing and exchange of collected data among domestic institutions, as well as between international and other organizations; and
- Building the capacity of CSOs and families to engage them to participate in the process of accounting for missing migrants and refugees (from enhanced access to reporting tools to informed participation in rule-of-law-based data collection efforts).

Inter-agency cooperation with all international and other organizations (including, but not limited to, IOM, INTERPOL, ICRC, UNHCR and the EU) dealing with the issue of MMRs is central to ICMP's strategy. In the 2022-2027 period, ICMP plans to cooperate with international and other organizations to assist countries in the Mediterranean Region in advancing data sharing modalities, especially concerning cases of unidentified human remains and missing persons reports by families; it also plans to develop an agreed inter-agency solution with regard to data collected by international and other organizations.

Through a set of policy-focused discussions in the context of the Global Forum, ICMP plans to raise awareness about the issue of MMRs. ICMP also plans to make use of other international fora for this purpose (for example, the UN General Assembly, the UN Human Rights Council, the INTERPOL General Assembly.) ICMP's Global Report on Missing Persons will also cover this issue with detailed analysis and a review of policies to tackle it.



7.2. Disaster Victim Identification (DVI)

Introduction

Man-made and natural disasters can affect any country at any time – and global warming and political instability have together increased the frequency of disasters worldwide. Such events expose human vulnerability irrespective of political, cultural or religious contexts and they cause uncertainty and anguish over the fate of relatives and friends. Disasters also place exceptional strain on the capacity of authorities to sustain a society's ability to recover.

Major disasters today frequently have an international character, where multiple nationalities may be affected by a single event. This has important implications. For example, currently a small number of countries shoulder the expense of DVI operations and the maintenance of DVI capacities that will be needed only very occasionally within their own borders. A more effective solution would be to maintain an internationally available resource that can be shared. Such a global resource can be expanded and improved and can include the highest DVI standards, which are currently beyond the reach of many countries.

In this respect, it is important to stress that this is a challenge that is not limited to the developing world. Developed countries do not customarily allocate adequate resources to DVI preparedness because the demand for DVI is infrequent and uncertain. Given the international character of such events, it is critical that all nations work to a recognized DVI standard and that they have access to a global resource that can deploy the highest standards.

ICMP maintains a high-throughput standing capacity for DNA testing. In addition, ICMP has developed specialized techniques to extract DNA from highly degraded bone samples, for example samples that have been severely burned or exposed to the elements for long periods. ICMP's integrated laboratory system is coupled with a specialized human identification informatics system. ICMP's overall technical capacity is underpinned by policy frameworks for data processing and protection, and by international partnerships enabling effective operational deployments globally, including partnerships with INTERPOL and domestic agencies charged with responding to disasters, such as the NFI and others. ICMP's DNA testing and reporting components are internationally accredited to ISO/IEC 17025 standard.

ICMP began addressing disasters in 2004 following the Southeast Asian Tsunami, and since then it has been involved in disaster identification efforts involving Canada, Cameroon, the Democratic Republic of Congo, Cuba, Haiti, Namibia, the Philippines, Thailand, Ukraine, and the US. In October 2013, ICMP deployed a team to provide on-site assistance to the Kenyan authorities in identifying victims of the Westgate shopping mall attack in Nairobi.

Program objectives

- To provide a global standing capacity to respond effectively and efficiently to large-scale, complex DVI needs;
- To enhance disaster response mechanisms, especially those provided by law enforcement in DVI situations, through training;
- To ensure cost-effective provision of DVI and greater access to DVI among countries affected by disasters; and
- To provide training in DVI responses to law enforcement throughout the world through ICMP's CEL.



Planned outcomes

- Official, transparent and effective investigations are carried out to establish the facts, including the identity of victims;
- The highest standards are maintained in DVI operations;
- Domestic authorities are able to interact effectively with families of the missing and with the public in their efforts to account for victims in a manner that is responsive and merits trust; and
- Families of the missing are able to access and use DNA-led identification methods including providing data and biological samples securely in accordance with ICMP data protection standards.

Strategy 2022-2027

ICMP will work to achieve DVI preparedness while contributing to a platform for DVI operations with other actors, including INTERPOL. It will maintain its international rapid response capacity to address missing persons cases and mass calamities. Its specific focus will be to improve the scope and level of preparedness, to enhance better coordination mechanisms through a centralized operational structure; to identify means to provide DVI assistance equitably, and to seek cost efficiencies and ensure avoidance of duplication of effort. ICMP will also maintain a minimum target capacity of DNA throughput.

Through the program, ICMP will support the capacity of law enforcement, first responders and other agencies to deploy quickly and effectively in disaster situations. The organization will also augment the technical capacity of domestic stakeholders and develop domestic leadership through training so that authorities are able to interact effectively with families of the missing and with the public in their efforts to account for victims in a manner that is responsive and merits trust.

ICMP will work to ensure that basic elements of DVI are included in disaster planning and preparedness, especially in regard to local disaster response committees. Furthermore, domestic institutional capacities in the DVI field will be strengthened by enhancing the institutional performance of first responders including law enforcement, and community mechanisms such as local disaster response committees, which will be made more effective.

Families of the missing will be empowered to access and use DNA-led identification methods, including providing data and biological samples securely and without any threat to themselves. This will expand the availability and utilization of DNA, which is the only universally applicable primary identifier and is therefore an invaluable DVI resource. Genetic information will be processed separately from other databases, such as those of law enforcement, ensuring that all those involved in the process of collecting, submitting and sharing data are fully protected from privacy intrusion or the possibility of legal jeopardy. Genetic data will be processed solely within ICMP systems and will not be disclosed outside ICMP's quality assurance audits. This will make it possible to undertake DVI efforts effectively and quickly in all parts of the world, including places where effective personal data protection is not assured domestically.

Where necessary, ICMP will secure the participation of family members located in many parts of the world, through the OIC, which facilitates outreach and provides secure means for families to report persons feared missing as a result of disasters. The OIC will be complemented by open-source android applications in cooperation with mobile telecom operators, permitting almost universal reach in local languages. ICMP will also establish data exchanges with other missing persons reporting platforms, for instance those of INTERPOL, the ICC, the ICRC and social media operators. Advancing these mechanisms will contribute significantly to improved data processing and protection in DVI efforts.



7.3. Assistance to Justice

Introduction

ICMP's assistance to the justice sector has been extensive, in particular in the context of the International Criminal Tribunal for the former Yugoslavia (ICTY) and domestic trials concerning the wars in the former Yugoslavia, but more recently also with the ICC, the International, Impartial and Independent Mechanism (IIIM) and the United Nations Investigative Team to Promote Accountability Against Da'esh/ISIL Crimes (UNITAD). Much experience has been gained and processes have been developed for ICMP to support international and domestic criminal justice processes in an effective manner. Also, beyond criminal justice processes, judicial and law enforcement institutions are required to conduct effective investigations into the fate of missing persons and the circumstances of their disappearances as part of procedural human rights guarantees, in particular the right to life. ICMP's assistance to the justice sector in the context of criminal justice is one facet of supporting generally a rule-of-law-based approach to the issue of the missing.

Program objectives

- Provide effective support to justice sector institutions to take the lead in missing persons investigations; and
- Ensure that the standard of work in missing persons investigations conforms to the rule-of-law, human rights and the requirements of criminal justice processes.

Planned outcomes

- Enhanced investigative techniques are developed and implemented as part of country programs;
- International and domestic justice sector institutions lead investigations involving missing persons;
- ICMP provides analytical assessments relative to specific events or alleged crimes at the request of courts; and
- ICMP provides expert witness statements and testimonies in criminal justice processes.

Strategy 2022-2027

ICMP will support justice sector institutions with the aim of strengthening their capacity to conduct effective investigations regarding missing and disappeared persons. At the international level these efforts will include cooperation agreements with international tribunals and courts, as well as international law enforcement agencies.

At the domestic level, ICMP aims to establish technical agreements and arrangements to bolster the capacities of national prosecutors and investigative judges, as well as law enforcement and forensic investigators. In respect of their international counterparts, domestic support will strengthen the principle of subsidiarity of international investigations, which is particularly important in the context of strengthening the acceptance of international courts such as the ICC. International courts in particular often lack adequate forensic investigative resources. ICMP's cooperation with international courts will improve not only their investigative capacities, but also contribute directly to advancing domestic investigations.

Through the Assistance to Justice program ICMP will provide guidance to ad hoc investigative engagement at the request of courts and prosecutors or specialized investigative mechanisms, such as the IIIM for Syria, the IIMM for Myanmar or UNITAD in Iraq.





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