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Missing people in the Syrian Arab Republic

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution [76/228](#) of 24 December 2021, in which the Assembly requested the Secretary-General to conduct a study on how to bolster efforts to clarify the fate and whereabouts of missing people in the Syrian Arab Republic, identify human remains and provide support to their families.

Reflecting the results of broad consultations, the report acknowledges that families from across the Syrian Arab Republic face systematic challenges to know the fate and whereabouts of their relatives, including those who are arbitrarily detained, forcibly disappeared or abducted or have gone missing in connection with human rights violations or abuses. Based on an overview of existing mechanisms and measures, the report contains an outline of good practices and gaps and obstacles related to clarifying the fate and whereabouts of missing persons and supporting their families. It also highlights the multifaceted challenges and needs of the families, in particular the gendered impact of disappearances.

Any measure towards addressing the continuing tragedy of missing persons in the Syrian Arab Republic requires a coherent and holistic approach going beyond current efforts. The report therefore presents a framework combining proposals to improve existing mechanisms and the creation of a new institution dedicated to clarifying the fate and whereabouts of persons reasonably believed to be missing in the Syrian Arab Republic and to providing adequate support to victims, survivors and the families of those missing.



I. Introduction

1. The present report is submitted pursuant to General Assembly resolution [76/228](#), in which the Assembly requested the Secretary-General to conduct a study on how to bolster efforts to clarify the fate and whereabouts of missing people in the Syrian Arab Republic, identify human remains and provide support to their families. It follows the interim oral update on the situation of human rights in the Syrian Arab Republic given by the United Nations High Commissioner for Human Rights to the General Assembly on 8 April 2022.¹

2. As victim, survivor and family associations have made clear, after 11 years of violence and conflict, little progress has been made to address this crucial issue. There is an urgent need to provide answers and support to the families of missing persons. Their voices and experiences must also be fully taken into account in any effort to identify measures to respond to those challenges. Already an issue before 2011, the phenomenon of missing persons has since then been greatly exacerbated by the conflict, with families from all parts of the Syrian Arab Republic struggling to know the fate and whereabouts of their relatives, as acknowledged by the Human Rights Council in its resolution [47/18](#) of 13 July 2021.

3. The study requested by the General Assembly, which forms the basis for the present report, was conducted through broad consultations with relevant international and Syrian actors working on missing persons, including associations of victims, survivors and their families, as well as other stakeholders active in this field. A comprehensive United Nations-led consultative process allowed for an extensive exchange of views and experiences on the issue of missing persons, and many actors stated that such dialogue should continue beyond the submission of the report.

4. The present report addresses the scope, guiding principles, methodology and legal framework that served as basis for the study, before providing an overview of current efforts and mechanisms related to missing persons. It examines good practices, gaps and challenges with regard to clarifying the fate and whereabouts of missing persons, including the identification of human remains, and supporting victims, survivors and their families. Building on existing efforts, it identifies a set of interconnected solutions that, combined, offer a coherent framework both to respond to existing gaps and challenges and to improve ways to address the issue of missing persons in the Syrian Arab Republic and provide support to families, taking into account the mandates of relevant existing actors and information gathered during the consultations.

5. The constructive engagement of each of the actors with which the Secretariat engaged through the course of the study and the preparation of the present report is noteworthy, in particular, the leadership, strength and courage of the families whose right to know and struggle to learn the fate and whereabouts of their loved ones remain the driving force behind this initiative.

II. Scope, framework, principles and methodology

A. Scope

6. In its resolution [76/228](#), the General Assembly set out parameters that defined the scope of the study. In particular, it required consideration of existing measures and mechanisms, with a view to bolstering efforts, to clarify the fate and whereabouts

¹ Michelle Bachelet, United Nations High Commissioner for Human Rights, “Update to the General Assembly on missing persons in Syria”, statement made to the General Assembly, 8 April 2022.

of missing persons and provide support to their families. It also requested that the report be based on the recommendations of the Independent International Commission of Inquiry on the Syrian Arab Republic, which were used as guidance on various issues ranging from addressing ongoing violations related to missing persons to the creation of a new entity on missing persons.

7. While there is no specific legal definition of “missing persons” in international law, as commonly accepted and for the purpose of the present report, the expression “missing people in the Syrian Arab Republic” is taken to include all persons whose fate or whereabouts have become unknown for various reasons and causes “as a result of the situation in the Syrian Arab Republic”, whether there is a link or not to the armed conflict. It encompasses those individuals “subject to abductions, enforced disappearance and arbitrary detention”, as mentioned in the preamble of the resolution. When an individual goes missing, it is often associated with or the result of one or more human rights violations or abuses or international humanitarian law violations. The term includes the situation of individuals arbitrarily held in and forcibly disappeared from official and makeshift detention facilities run by Government and pro-Government forces across the Syrian Arab Republic – in respect of many of which the Office of the United Nations High Commissioner for Human Rights (OHCHR) has confirmed reports of ill-treatment, torture and death in custody. It also includes individuals gone missing while deprived of their liberty, those ill-treated and those who died in the hands of non-State armed groups, as has also been regularly documented by OHCHR, the Commission of Inquiry and other entities and organizations. The expression “missing persons” further covers people gone missing in other contexts, such as displacement and the conduct of military operations, that may not necessarily be directly connected to specific human rights violations or abuses.

8. Given the continuous and multifaceted nature of the phenomenon of missing persons, as well as its various links to the situation in the Syrian Arab Republic, the present report uses the terms “missing people in the Syrian Arab Republic” or “missing persons” to refer to people, regardless of nationality, who have gone missing in that country. It also refers to Syrians who fled the conflict and violence at home and went missing after crossing an international border.

B. International legal framework

9. Any measure to bolster efforts regarding missing persons must be in line with existing relevant international norms and standards. As recognized by the Human Rights Committee, under the International Covenant on Civil and Political Rights, States have the obligation to respect, protect and fulfil human rights (see [CCPR/C/21/Rev.1/Add.13](#)). As previously highlighted by the Secretary-General (see [A/67/267](#) and [A/67/267/Corr.1](#)) and the Human Rights Committee (see [CCPR/C/134/D/3320/2019](#)), with regard to enforced disappearances, there is a range of rights in international human rights law that are relevant to the situation of missing persons and their families. As underlined by the Security Council in its resolution [2474 \(2019\)](#), international humanitarian law norms² are applicable in the context of the armed conflict in the Syrian Arab Republic, including the rights of missing persons to be accounted for and, when necessary, for their bodies to be recovered. International humanitarian law recognizes the right of families to know the fate and whereabouts of their missing relatives, including the right to receive information in

² International Committee of the Red Cross (ICRC), “Missing persons and their families”, fact sheet, 31 December 2015.

that regard or, if they are dead, on the circumstances of their deaths and place of burial, if known, and to receive their mortal remains.

10. The International Convention for the Protection of All Persons from Enforced Disappearance, regional jurisprudence and a number of soft-law instruments and international human rights mechanisms have contributed to the recognition and development of the right to know the truth about gross violations of human rights and serious violations of international humanitarian law. As many cases of missing persons in the Syrian Arab Republic are associated with violations of human rights, the right to the truth is also relevant to families. Furthermore, its scope is broader than knowing the fate and whereabouts, as it also encompasses the entitlement to seek and obtain information on a range of aspects of the violation. It requires knowing the full and complete truth about the violations and events that transpired, their specific circumstances and who participated in them (see [E/CN.4/2006/91](#)). It is essential to recognize that families are also victims.

C. Guiding principles and methodology

11. Throughout all stages of the study, consultations were based on an approach centred on victims, survivors and their families and were carried out in full respect of the principles of impartiality, non-discrimination and complementarity.

12. To the extent possible, the full and meaningful participation of victims, survivors and their families was sought during the consultations. The process also addressed the situation of all persons gone missing, without distinction on any ground in relation to them or their relatives. The consultations and the report were also aimed at reflecting and integrating the gendered impact of disappearances, which is crucial to identifying relevant solutions. Measures were taken to ensure that the conduct of the study would do no harm, to ensure the security and safety of consultees and to avoid re-traumatization in contexts where families often suffer from interview fatigue and have in the past been considered merely as providers of information in what have often been one-way processes.

13. The study was based on a broad consultative process undertaken by OHCHR, following three tracks of discussions through in-person and virtual meetings with, respectively, Member States; victim, survivor and family associations and other civil society organizations, including women's rights organizations; and relevant international actors and experts. It sought to build upon those discussions with a view to making proposals to the General Assembly to bolster efforts to address the issue of missing persons in the Syrian Arab Republic. A document providing an overview of the consultative process, including on how to send written submissions, was shared with relevant actors (see annex I).

14. OHCHR sent a note verbale (see annex II) to all Member States, including the Syrian Arab Republic, seeking their views. OHCHR also sought the views and experiences of victim, survivor and family associations, as well as other civil society organizations, many members of which still had relatives missing. OHCHR also reached out to women's organizations to gather information on the gendered impact of disappearances and needed support. It met with United Nations human rights mechanisms, including the Committee on Enforced Disappearances, the Working Group on Enforced or Involuntary Disappearances, the Working Group on Arbitrary Detention and special rapporteurs of the Human Rights Council. It also met with relevant international actors working on the issue, including the International Committee of the Red Cross (ICRC), the International Commission on Missing Persons, the Commission of Inquiry, the International Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for

the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 and the Office of the Special Envoy of the Secretary-General for Syria. Overall, OHCHR met with more than 100 relevant actors, multilaterally or bilaterally.

15. OHCHR received 23 written submissions from Member States; international institutions; victim, survivor and family associations; civil society organizations; and non-governmental organizations. Those submissions provided valuable information on issues addressed in the report, including suggested solutions. While the report primarily reflects the results of the consultations, it also makes use of publicly available information, where relevant.

16. When referring to international humanitarian law or international human rights law, the findings of OHCHR and the Commission of Inquiry regarding relevant violations or abuses were taken into account in the report.

III. Existing measures and mechanisms

17. The present section provides a brief overview of current efforts to address missing persons in the Syrian Arab Republic. It focuses on the main relevant activities and recognizes that some actors carry out multiple tasks in this regard. The majority of submissions and consultations highlighted the importance of building on existing measures and mechanisms to ensure complementarity with any proposals for improving the situation and designing solutions that consider the mandates and constraints of current processes.

A. Activities to clarify the fate and whereabouts of missing persons

18. A range of activities are aimed at clarifying the fate and whereabouts of missing persons throughout the searching process: from registering claims by families and collecting information to identifying human remains in case of death. In the Syrian Arab Republic, both international and national actors carry out some of those functions. Other actors have information on missing persons without having a search mandate. No actor currently conducts the full range of activities.

19. The Government of the Syrian Arab Republic has established bodies with authority to deal with the issue of missing persons, in particular the Office on Missing Persons of the Ministry of Justice, the General Committee for Forensic Medicine, which has set up the online Syrian Identification Centre, and the Directorate for Martyrs and Wounded and Missing People, which provides support and services to families of soldiers and members of the security forces only. The Committee on Reconciliation (formerly established as a ministry and turned into a committee in November 2018) was reportedly closed in 2020.³

20. Victim, survivor and family associations, as well as other civil society organizations, in spite of often having limited resources, play a critical role in collecting information on missing persons and following up on cases. Survivor and family associations, such as the Association of Detainees and Missing People at Saydnaya Prison, the Caesar Families Association and the Coalition of Families of Persons Kidnapped by ISIS-Da'esh, as well as civil society organizations, such as the

³ Al Watan Online, "The People's Assembly ratifies a decree abolishing the General Committee for National Reconciliation", 22 October 2020, available at www.alwatanonline.com/%d8%a7%d9%84%d8%b4%d8%b9%d8%a8-%d9%8a%d9%82%d8%b1-%d9%85%d8%b1%d8%b3%d9%88%d9%85-%d8%a5%d9%84%d8%ba%d8%a7%d8%a1-%d8%a7%d9%84%d9%87%d9%8a%d8%a6%d8%a9-%d8%a7%d9%84%d8%b9%d8%a7%d9%85%d8%a9-%d9%84/.

Syrian Centre for Media and Freedom of Expression, the Syrian Network for Human Rights and the Syria Justice and Accountability Centre, possess information on more than 100,000 missing persons.

21. The Working Group on Enforced or Involuntary Disappearances assists families in determining the fate or whereabouts of missing relatives, in particular through the transmission of individual cases to the authorities' attention. The International Commission on Missing Persons has a dedicated mandate and contributes to the search of missing persons by collecting data on cases and genetic reference samples from relatives of the missing persons, as well as through capacity-building for civil society organizations.

22. ICRC plays a particularly prominent role, with the most comprehensive and specific mandate to prevent disappearances, restore contact among family members and ascertain the fate of missing people. It carries out the last of those tasks partly by tracing requests filed by families and engaging in confidential dialogue with the parties concerned, visiting persons deprived of liberty, even though access is limited to certain places of detention in the Syrian Arab Republic, and other means.

B. Activities to support families

23. The support needed by the families of missing persons is manifold. Survivor-led initiatives, such as the Ta'afi Initiative, and ad hoc networks of support have developed in response to their needs. Those needs vary depending on their location (inside or outside the Syrian Arab Republic), which and how many members are missing in a family, their gender, the circumstances of the disappearance and the experiences that they face when looking for their relatives.

24. Some international entities; victim, survivor and family associations; and civil society organizations provide psychosocial support or legal or administrative assistance, but consultations highlighted the massive scale and diversity of needs. Families pointed to the request for bribes and extortion that they encounter when searching for missing relatives. This has forced associations and civil society organizations to focus on practical advice to help families to protect themselves from exploitation, including by identifying forged documents, such as interrogation reports in detention, used to extort money when they search for information about their loved ones.

25. The impact of disappearance is deeply gendered. Women-led victim, survivor and family associations, including Families for Freedom, Amals Healing and Advocacy Centre and Release Me try to cater to a vast array of urgent needs of all groups, including children and persons with disabilities, who are extremely vulnerable. Women Now for Development supports women's economic and sociopolitical empowerment and provides psychosocial assistance, and Syrian Feminist Lobby draws attention to the gendered impact of disappearances. Nadia's Initiative focuses on the multinational nature of the issue, in particular with regard to Yazidi women and children who were abducted by Da'esh in Iraq and may have been taken to the Syrian Arab Republic.

26. Some organizations, such as Impunity Watch, provide support to families to help them to make their demands heard through advocacy, expand their capacity and create space for their expertise to become a keystone of processes for addressing the issue of missing people. The International Center for Transitional Justice, together with civil society organizations, such as the Syrian Legal Development Programme, also highlights the experiences faced by survivors and the families of missing persons.

C. Activities to document violations and seek accountability

27. Several international and Syrian organizations have collected information to document violations of international humanitarian law and violations and abuses of international human rights law and to preserve evidence for criminal prosecutions. Some of those data are not merely relevant for accountability purposes but also for clarifying the fate and whereabouts of missing persons. In the United Nations system, the International, Impartial and Independent Mechanism, the Commission of Inquiry and OHCHR, within their respective mandates, have gathered a wealth of information on a wide range of alleged violations. Accountability processes in third States are also increasingly adding to that record.

D. Other related activities

28. The situation of missing persons in the Syrian Arab Republic is also addressed through diplomatic and political processes. The Special Envoy for Syria has undertaken diplomatic efforts to seek the release of arbitrarily detained persons consistent with Security Council resolution 2254 (2015), the release of abductees and information on missing and disappeared persons, including through direct engagement with the parties concerned and other actors. In December 2017, the Islamic Republic of Iran, the Russian Federation and Türkiye established a working group on the release of detainees and abductees, the handover of bodies and the identification of missing persons, under the Astana format, with the participation of the United Nations and with ICRC as an observer. Other initiatives, such as the Global Alliance for the Missing,⁴ also contribute to raising awareness on the issue.

IV. Good practices, gaps and challenges

A. Good practices

29. There has been increasing coordination among Syrian victim, survivor and family associations, which, over the past two years, have put forward visions and expectations regarding processes that seek to clarify the fate and whereabouts of missing persons, including their approach to meaningful engagement with victims. Together with Syrian civil society organizations, they have led advocacy and documentation efforts in all areas of the Syrian conflict, developing robust, survivor-informed best practices.

30. Despite limited resources and a heavy personal toll, Syrian and regional organizations, especially women-led civil society organizations, provide essential urgent assistance, including psychosocial support, to victims, survivors and their families. The models and practices that they have developed should be taken into account in similar endeavours.

31. There are important lessons to draw from existing frameworks that provide opportunities for cooperation. Some Syrian civil society organizations noted as a model of cooperation the International, Impartial and Independent Mechanism framework for engagement with victim and survivor groups, as well as civil society in general, by way of a combination of bilateral cooperation and regular consultations, including through the Lausanne Platform meetings.

⁴ See www.icrc.org/en/document/global-alliance-missing-persons.

32. Some international entities and bodies have taken steps, including reviewing or amending their working methods, to contribute to the search for missing persons carried out by others, such as through better use of the relevant information that they gather.

33. In other contexts, ICRC and International Commission on Missing Persons have promoted multiparty cooperation within mechanisms related to missing persons, such as in Colombia and Cyprus, or have taken part in various initiatives, such as ICRC with the Tripartite Commission created after the 1990/91 Gulf War.

34. Throughout the consultations, many actors pointed out the need to rely on good practices from other countries, as well as guiding documents for the implementation of international standards for the search of missing persons, such as those of the Committee on Enforced Disappearances ([CED/C/7](#)), ICRC⁵ and the Swiss Peace Foundation.⁶

B. Gaps and challenges

35. The human, geographical and political scale and complexity of the issue of missing persons in the Syrian Arab Republic were repeatedly emphasized during the consultative process, together with violations of international humanitarian law and human rights, abuses that are often associated with people going missing and the limited access to facilities where many are being held.

36. This situation is further complicated by the sheer number of people affected and repeated displacements. Families inside and outside the Syrian Arab Republic, especially female-headed households, including in neighbouring countries, have limited access to employment, basic services and rights. States hosting refugees may struggle when families do not have key legal or administrative documents. All of this means that families may not know where or how to report their missing relatives or may not have the resources to do so.

37. Inside the Syrian Arab Republic, those missing and their families face violations of international humanitarian law and human rights violations and abuses perpetrated by all parties to the armed conflict, as documented, for example, by the Commission of Inquiry (see [A/HRC/46/55](#)). Few actors have meaningful access to official facilities where people are detained, and none has known access to intelligence and unofficial or secret detention sites, where most detention-related disappearances, in particular enforced disappearances, occur, as documented by the Commission of Inquiry (*ibid.*).

38. Against such background, a series of interrelated challenges were highlighted during the consultations: insufficient coordination among relevant actors and outreach to families; families left in administrative, legal and financial limbo; the particular gendered impact of disappearances; and the underuse of existing data. As a result, the capacities of Syrian family associations and civil society organizations are frequently overwhelmed, making them unable to provide adequate support to address those gaps.

⁵ ICRC, *Guiding Principles/Model Law on the Missing* (Geneva, 2009).

⁶ Ana Srovin Coralli, *Coordination between the search and criminal investigations concerning disappeared persons* (Basel, Swiss Peace Foundation, 2021). See also the set of principles submitted during the consultative process by a coalition of Syrian family and survivor organizations (Caesar Families Association and others, “An international mechanism for confronting the crisis of detention and enforced disappearance in Syria”, position paper, 25 July 2022).

Insufficient coordination and outreach to families

39. Participants in the consultations repeatedly mentioned insufficient coordination among relevant actors. Syrian civil society organizations pointed out the obstacles preventing better coordination of their efforts. Similarly, international actors all regarded insufficient coordination as a significant obstacle to progress. This may stem from differences in mandates, data protection and sharing issues and varying access and advocacy policies, but it has an impact on families. As one family representative stated, “families don’t know anymore where to go to give data and information; everything is so dispersed”. They end up registering cases with multiple agencies. People consulted also regularly spoke of insufficient communication by such agencies after registering claims, highlighting what one family member called “a one-way information flow”. The issue is widespread, including for families from the northern part of the Syrian Arab Republic and those whose relatives were abducted by Da’esh. In some cases, the unintended consequences of insufficient outreach reportedly resulted in desperate acts, such as what one family association representative described as “the haphazard and unscientific exhumation of mass graves in areas formerly held by ISIL”, which in turn may damage future search for and identification of missing persons.

Fragmented and underused information

40. As noted by one organization, the amount of documentation gathered to date creates an opportunity for action, but it is currently dispersed in numerous international institutions and non-governmental organizations. A representative of a key international actor also stressed the importance of avoiding a situation where relevant, shareable information remains in central repositories “without being used in a timely way to help to provide answers to families about the fate of their loved ones”. At present, there are multiple partial lists of missing persons spread across many stakeholders.

Complex legal and administrative burdens leaving families in limbo

41. Without an adequate legal avenue to declare a person missing or absent, especially in the Syrian Arab Republic, a family faces insuperable challenges to inherit or use property. Women face challenges to raising, educating or travelling with their own children without the required civil documentation, one consultee noting that such challenges were exacerbated by the discriminatory Personal Status Law⁷ which grants guardianship of children to the husband’s family in case of a dispute, effectively rendering those women subject to the authority of the husband’s family.

Disproportionate impact on women

42. As noted by a Syrian women’s organization, while “the percentage of forcibly disappeared women may be small compared to the number of men, they are disproportionately affected by the consequences”. Pre-existing gender inequalities, discriminatory laws and social injustices are exacerbating factors. Multiple consultees identified how such a situation had shattered women’s lives. As women are reportedly less likely to be detained, they are sometimes considered the “safer” person to undertake the search, thus exposing them to further vulnerability, risk and exploitation. When male family members go missing, women in the family are forced, despite the stigma, social isolation, grief and sometimes inexperience, to take on the responsibility for providing for themselves and their families, while also bearing the financial burden of searching for the missing person. Mothers may also be forced to

⁷ See interim oral update to the General Assembly by the United Nations High Commissioner for Human Rights, 8 April 2022.

sacrifice their children's education in order to help to support the families. Those female heads of household are often searching for multiple relatives gone missing.

Overstretched Syrian civil society organizations

43. Survivor and family associations and civil society organizations are taking on a disproportionate share of the efforts to meet the most urgent needs of victims, families and survivors. Such efforts are frequently underresourced and largely volunteer-based. As a result, the needs of the children of those arbitrarily detained, missing and forcibly disappeared, as well as of victims of Da'esh, are largely unmet. Civil society organizations working to support the children of missing parents explained how those children often directly witnessed grave human rights violations, leaving deep psychological scars.

44. Those challenges and gaps cause harm to families and communities as a whole. Despite the risk of reprisals, families have continued to report the disappearance of their loved ones, often to multiple organizations, which makes them repeatedly relive their traumatic experience. They must also deal with an extensive exploitative network profiting from the chaos, including requests for bribes for information about their relatives' whereabouts and fate or to obtain their release; assaults and blackmail by people claiming to hold information or to be in a position to influence the fate of the missing individual; and a rampant black market in fraudulent documentation.

Weaknesses in the legal and institutional framework

45. Further to the discriminatory impact of laws, such as the Personal Status Law, flaws in the Syrian legal and institutional framework create additional challenges for survivors and the relatives of missing persons to the search for and discovery of the fate and whereabouts of their loved ones and to the demand for accountability, such as legislation granting immunity to law enforcement officers⁸ and the judicial oversight and review of the legality of the deprivation of liberty of those detained by Government officials within proceedings without judicial guarantees. The implementation of recently adopted Legislative Decree No. 7/2022 on amnesty for terrorism-related crimes also illustrates some of the institutional weaknesses.⁹ At the time of reporting, the decree had resulted in the release of a few hundred detainees, even though no lists had been provided, and reportedly led to the release of persons who had previously been the subject of death notifications communicated to their families. As a result, tens of thousands of families desperately tried to determine by any means available whether their relative might have been released.

V. The case for a coherent framework of solutions to respond to the crisis of missing persons in the Syrian Arab Republic

46. During the consultative process, international and Syrian actors concurred that the scale and complexity of the crisis, together with the impacts and challenges that families faced, entailed to go beyond seeking incremental improvements to existing mechanisms and processes, as gaps can only be addressed through a comprehensive approach. Most actors and several Member States agreed that a new international body specifically dedicated to missing persons in the Syrian Arab Republic should be established in parallel with immediate measures taken within existing mechanisms and processes.

⁸ Legislative Decrees Nos. 14 and 5409 of 1969.

⁹ Available at www.parliament.gov.sy/arabic/index.php?node=5516&cat=22968&.

47. Little progress has been achieved over the past 11 years. Existing gaps in coordination and support for and communication with families and the ineffective use of existing information have left families in limbo. Despite their best efforts, civil society organizations do not have the capacity to keep filling those gaps without a robust framework to support them. Better outreach and coordination will not remedy the families' lack of clarity about where or to whom to report cases. Offering psychosocial support without being able to provide answers on what happened will not alleviate suffering. Because challenges are interconnected, so must be solutions. A dedicated independent entity focused on clarifying the fate and whereabouts of missing persons in the Syrian Arab Republic, including those arbitrarily detained, is needed to provide families with answers and adequate support.

48. The proposal to establish a body on missing persons is not new. The recommendations that the Commission of Inquiry made in its first report in 2011 included a call for the creation of a national mechanism to investigate cases of disappearances by allowing relatives of disappeared persons to report the details of their cases, and to ensure appropriate investigation (A/HRC/S-17/2/Add.1, para. 112 (k)). Since 2016, it has called for an international mechanism in the light of inaction by the Government of the Syrian Arab Republic, and the proposal has gathered momentum. In 2021, an alliance of survivors and families of missing persons released the Truth and Justice Charter¹⁰ and a study recommending a new mechanism.¹¹ Those calls have met with support from many Syrian family associations, civil society organizations and international actors.

49. The added value of a stand-alone entity focused entirely on clarifying the fate and whereabouts of missing persons related to the Syrian Arab Republic and on adequately supporting families is clear. It would fill the gaps identified throughout the study and galvanize efforts from relevant actors to provide a fuller picture of the fate and whereabouts of those who are missing and more effective support to victims, survivors and their families.

50. Such an institution would not start from scratch. It would build on existing efforts and benefit from immediate actions by existing institutions and actors to improve the situation, which would facilitate the functioning of the entity. Networks between Syrian civil society and international actors working on this issue, together with the wealth of information that has already been collected and the expertise of current entities, are a vital foundation for an institution that can make an effective difference to those arbitrarily detained, missing and disappeared who may still be alive, as well as to their families, which have a right to know their loved ones' fate and whereabouts.

A. Strengthening existing measures and mechanisms

51. In response to the good practices and challenges highlighted above, several steps should be adopted to improve current efforts, avoid missing opportunities and harness existing momentum.

1. Improving coordination among actors and outreach to families

Coordination of information collection and sharing

52. While several organizations, including victim, survivor and family associations and civil society organizations have called for a centralized database of missing

¹⁰ Caesar Families Association and others, "Truth and Justice Charter", February 2021.

¹¹ Jeremy Sarkin, "Humans not numbers: the case for an international mechanism to address the detainees and disappeared crisis in Syria", May 2021.

persons, several consultees have pointed out that it may be technically challenging to establish and that some organizations may not be able to cooperate and share data, owing to strict operating principles. It is crucial to strengthen the analysis of existing information and explore ways to better cooperate on identifying what is relevant and can be used by others. Associating the new body with such efforts and discussions would also be important.

53. *Bilateral communication with families.* Survivor and family organizations repeatedly raised the issue of access to information for families and lack of follow-up, expressing frustration at the often one-way information flow from actors engaging with families. They called for a review of existing protocols from international actors to ensure better and regular outreach, and clearer information on reporting and mandates. Such improvements are vital to manage the hopes and fears of families that face “unbearable silence” and further trauma.

2. Interim steps to prevent families from being left in administrative, legal and financial limbo

Improving support for families through indirect interventions by related actors

54. People consulted identified a number of additional stakeholders that could provide information on missing persons. Humanitarian organizations in the Syrian Arab Republic could ensure that their response includes the specific needs of families of missing persons so as to provide urgent support, in line with needs assessments and in accordance with humanitarian principles.

Addressing civil documentation needs

55. Several of the persons consulted stressed the importance of amending the Syrian legal and policy framework related to missing persons in order to remove key obstacles for families. The lack of a comprehensive legal status for missing persons in the domestic legal system greatly hampers the families’ ability to live their lives and deal with legal and administrative issues. The wives and children of missing men are especially harmed by the legal limbo. Creating a procedure to issue a certificate of absence would be one of many reforms needed to address those concerns.

3. Addressing the gendered impact of disappearances

Increasing economic support for vulnerable women

56. There is a need to increase economic support for women in a vulnerable situation as result of the disappearance of their relatives. Existing funding to Syrian civil society organizations could be directed to provide subgrants to economic projects led by and targeting women-headed households. Helping them to become more independent financially would help to alleviate exposure to risk.

Issuing interim civil documentation to alleviate administrative limbo

57. Member States could consider issuing interim certificates of absence for refugees in third countries. This may, for example, allow women married to men who are missing to travel with their children in the absence of other relevant documentation.

Revising existing documenting procedures to ensure that the gendered impact is captured

58. Numerous women-led organizations asked that gender considerations be strengthened and incorporated into existing efforts, such as when assessing the needs of families and implementing support measures.

4. Addressing the underuse of documentation

Mapping available information

59. Existing institutions hold a wealth of information, both direct and indirect, on missing persons, and more can be done to ensure better use. An inventory of available information should be carried out to prepare current institutions to contribute, as far as possible, their expertise and information to the new entity.

Better consolidation and use of existing information

60. Improvements regarding practices by current institutions can help an independent entity to provide answers to families. Several experts and representatives of international actors pointed out that a crucial interim step would be to better consolidate and use existing information and information-seeking processes. For example, the efforts by the International, Impartial and Independent Mechanism to amend its protocols for collecting information and tagging factual elements relevant to missing persons are an initiative that could be replicated, especially by those not tasked with a search mandate.

Use of existing agreements and information gathering frameworks

61. With Syrian refugees living in more than 82 countries, relevant actors and the States concerned can use the framework of the global compact on refugees (A/73/12 (Part II), para. 76) and the Global Compact for Safe, Orderly and Regular Migration (resolution 73/195, annex, para. 24) to better identify those who died or went missing when leaving the Syrian Arab Republic and to facilitate communication with the affected families.

62. Persons held in the Syrian Arab Republic, including by non-State armed groups, such as former Da'esh fighters or those being repatriated to their country of origin, as well as former government officials detained in third or asylum countries, are valuable sources of information about missing persons and burial site locations. Relevant institutions should seek such information, in compliance with international law.

5. Improving support for Syrian survivor and family associations and civil society organizations

Strengthening the capacity of Syrian actors

63. Victim, survivor and family associations and civil society organizations remain critical partners in all work on the issue of missing persons. They are trusted by families and are doing the bulk of documentation, outreach, accompaniment and advice work and provision of psychosocial support to families. Many highlighted the need to consolidate their capacity in certain fields, such as data management, human rights documentation, the provision of legal and psychosocial support and forensic work. Taking steps now to enhance the expertise of Syrian professionals, victim, survivor and family associations and civil society organizations will also support the fundamental need for continued Syrian ownership of and partnership in this process.

B. Proposal for a new international institution on missing persons in the Syrian Arab Republic

64. Throughout the consultations, most actors and several Member States agreed that a new international body specifically dedicated to missing persons in the Syrian Arab Republic should be established in parallel with immediate measures taken

within existing mechanisms and processes. The study has provided an opportunity to consult relevant actors and hear their views, including on such a proposal. In line with the consultations and drawing on elements included in the Guiding Principles for the Search for Disappeared Persons of the Committee on Enforced Disappearances (CED/C/7), the establishment of an independent entity is recommended.

65. Consultees offered views on two key aspects of a new body on missing persons in the Syrian Arab Republic: its mandate and the core principles and parameters to guide its work. While some slightly diverging views were expressed, the process identified the main elements of a new institution that would complement existing measures and mechanisms.

1. Mandate

66. There was convergence for a broad mandate that could work in coordination with other actors, as well as changing circumstances on the ground, in particular in cooperation of parties to the conflict. This is based on another point of agreement throughout the consultations: the new body may need to focus initially on a specific set of priority tasks.

67. Highlighting the importance of the non-duplication of existing processes and responding to one of the most pressing demands of families, the great majority insisted on the institution's mandate comprising two components: clarifying the fate and whereabouts of missing persons in the Syrian Arab Republic, including by identifying human remains; and supporting victims, survivors and their families. The term "humanitarian" was used during the consultations to frame the mandate and refers to the objective of alleviating the suffering of families by providing answers as to the fate of their relatives. The second aspect focuses on providing comprehensive support to victims, survivors and their families to address their multifaceted needs – psychosocial, legal, administrative, economic and commemorative. This could be carried out in partnership with existing Syrian and other actors already providing such services but that would need more resources and upscaling.

68. Such a focus is aimed at ensuring that the new entity builds on what exists and fills gaps that remain despite the efforts of current actors.

69. A mandate dedicated to clarifying the fate and whereabouts of missing persons would also address a recurring issue raised by families throughout the consultations, namely, the lack of clarity as to where to report missing persons. A new body would offer a single avenue to register new cases, as well as coordinate with others on existing ones, so as to build upon the wealth of available information. Such a mandate would allow existing mechanisms to focus on their dedicated area of specialization.

2. Core principles and standards

70. Several actors shared key principles and standards that should serve as an operating structure for a new entity. The present section, which is based on the consultations, offers a framework to inform the conceptualization of the proposed new body and differentiates between guiding principles, fundamental features and operational standards.

(a) Guiding principles

Overall approach

71. The proposed new entity should be designed on the basis of a approach centred on victims and survivors and inclusive of families, and should apply this principle throughout its operations in all matters. This approach includes:

(a) The aim of contributing to the right to know the fate and whereabouts of missing persons, including the right to the truth;

(b) The meaningful participation and representation of victims, survivors and their families throughout the creation and functioning of the new body. This includes the design of its terms of reference, structure and action plan, and prioritizing their views about the multifaceted impact of the disappearance of people and the support needed;

(c) Being easily accessible to families; having clear and straightforward reporting procedures for cases; and ensuring that families receive regular information on the cases of their relatives, even where there is no progress.

Gender inclusivity

72. The proposed new entity should take into account the gendered nature of harm and consequences, and take steps to address those inequalities through its interventions. It should apply this principle throughout its operations in all matters.

Non-discrimination

73. Equal and effective access to all persons should be guaranteed, and prioritization of cases should be carried out without discrimination on any ground.

Do no harm

74. The proposed new entity should not cause harm in its operational aspects. This relates to those engaging with the institution, providing relevant information to families and managing expectations. This is vital given the current lack of trust among families and the overly one-way nature of current processes, whereby information is sought from families without adequate follow-up.

(b) Fundamental features

Independence

75. The proposed new entity should operate independently from any influence or instructions from any person, party or source.

Impartiality

76. The proposed new entity should work with all parties and address all missing persons in the Syrian Arab Republic, irrespective of which actor may have been involved. It should operate impartially and take measures to prevent perceptions of partisanship, for example, by ensuring transparency in its prioritization of cases.

Transparency

77. The proposed new entity should make information about its mandate, methodology and work publicly available, as far as possible without detriment to its work, the security of staff, information and persons cooperating with it, and with due regard to the right to privacy, including for victims, survivors and their families. It should also communicate regularly and clearly with victims, survivors, their families and civil society.

Confidentiality of sources

78. The proposed new entity would need to be able to treat and maintain as confidential the information that it gathers, in particular that received from individuals cooperating with it under expectation of confidentiality. In addition to the

protection that it affords to those providing information, confidentiality enhances the entity's credibility, the integrity of its activities and its effectiveness.

(c) Operational standards

Complementarity and non-duplication

79. Taking into account existing mechanisms and measures, the terms of reference and mandate implementation should ensure that other actors can effectively complement its work.

Presumption of life

80. As noted by the Committee on Enforced Disappearances in its first guiding principle, the "search should be conducted under the presumption that the disappeared person is alive, regardless of the circumstances of the disappearance, the date on which the disappearance began and when the search is launched" (see [CED/C/7](#)). This principle should guide search strategy and methodology.

Sustainability

81. The proposed new entity would have to be granted the powers, position towards other institutions, resources and capacities necessary to fulfil its mandate.

Multidiscipline

82. Given the diversity of activities, from supporting families to contributing to identifying human remains, and keeping in mind the flexible approach underlined earlier, the proposed new entity should incorporate multiple sets of expertise.

VI. Conclusions

83. The consultative process indicates that the status quo with regard to the issue of missing persons in the Syrian Arab Republic is not sustainable. The gaps and challenges identified include the massive scale of missing persons and associated displacement, as well as insufficient coordination by multiple agencies working on the issue, resulting in victims and survivors facing prolonged legal and psychological limbo. A majority supported the establishment of a new entity specifically dedicated to missing persons in the Syrian Arab Republic.

84. Existing actors play a key role in contributing to addressing the crisis. However, because there is no overarching framework for current responses, the scale and complexity of the challenges cannot be dealt with by existing measures and mechanisms alone. Nor can it be dealt with through a one-size-fits-all approach.

85. At present, families undertake searches themselves, furthering their trauma and putting themselves at risk. As a family association representative said, "just imagine looking through leaked videos of massacres [on social media] to see if your loved one is among the decapitated, mutilated bodies over and over, desperately conducting your own search". Women-led households in particular should not have to put themselves at risk to search for their missing relatives, nor impoverish themselves in an economic environment that is already dire and where survival is precarious, in order to claim basic rights. One written submission highlighted how "women paid most of their savings, including selling their wedding ring, to obtain information, and were subject to financial extortion and fraud".

86. The impacts and urgent needs of marginalized groups are often invisible – former detainees have almost no support, children of missing parents experience extreme trauma, and existing gender inequalities and social injustices are replicated in the communities’ treatment of women, in particular female former detainees. Women from extremely marginalized communities, such as Yazidis, and, more broadly, women detained by Da’esh or forced to “marry” Da’esh fighters are often treated as traitors or terrorists.

87. To provide a comprehensive solution to the crisis, a new institution should be established, tasked with a broad mandate. The role of the entity can be two-pronged: to clarify the fate and whereabouts of persons reasonably believed to be missing in the Syrian Arab Republic; and to provide adequate support to victims, survivors and the families of those missing. It would serve as a point of entry for survivors and families, and provide a framework for existing actors to continue and coordinate their work.

VII. Recommendations

88. The following recommendations stem from the consultative process. They should be read in conjunction with those formulated by relevant actors and the universal periodic review recommendations.

89. The search for missing persons should be consistent with applicable international law norms. States, non-State actors and institutions dealing with the search for missing persons should comply with relevant international norms and standards, as applicable.

90. On the basis of the present report, the Secretary-General recommends that:

(a) **The Government of the Syrian Arab Republic:**

(i) **Comply with its obligations under international law;**

(ii) **Accede to the International Convention for the Protection of All Persons from Enforced Disappearance;**

(iii) **Revise, in line with international law, existing laws, policies and related practices that undermine the rights of victims, survivors and the families of missing persons, including personal status legislation and other laws that discriminate against women in that context;**

(iv) **Release all persons arbitrarily deprived of their liberty; provide access to all detention facilities to relevant human rights and humanitarian organizations; allow family members to communicate with detained relatives and be provided with proof of life; and share lists of all persons deprived of liberty with relevant actors to help to clarify the fate and whereabouts of missing persons;**

(v) **Amend and strengthen existing national institutions;**

(vi) **Cooperate with the proposed new entity on missing persons, should it be established;**

(b) **Other parties to the conflict:**

(i) **Comply with their obligations under international law;**

(ii) **Release all persons arbitrarily deprived of their liberty;**

(iii) **Cooperate with the proposed new entity on missing persons, should it be established;**

(c) Existing mechanisms and other stakeholders:

(i) Adopt immediate steps to improve coordination, including through strengthened analysis and the use of available relevant information. This could be done by adjusting existing databases and practices or by exploring new avenues for cooperation. Representatives of the proposed new entity, should it be established, should be allowed to participate in related discussions;

(ii) Enhance communication and cooperation with survivors and families, victim, survivor and family associations and civil society organizations;

(iii) Strengthen coordination in the areas of support for and training of Syrian associations and civil society organizations on the basis of their needs and expand such activities, using an approach centred on victims and survivors. The areas covered by such support and training include, in particular, data management, human rights documentation, the provision of legal and psychosocial support and forensic work;

(d) Humanitarian actors:

(i) Ensure that the humanitarian needs assessments, delivery of humanitarian assistance and early recovery and resilience programmes take into account the specific needs of victims, survivors and their families, including the specific protection needs of families and survivors, in particular the gendered impact that they face, and provide tailored support;

(e) Member States:

(i) Increase efforts to directly support relevant organizations, including victim, survivor and family associations;

(ii) Take steps to seek information that persons held in the Syrian Arab Republic or in third countries, such as former Da'esh fighters or persons associated with that group may have on missing persons, including those abducted from neighbouring countries, such as Iraq, in line with international law, including when they are repatriated to their country of origin;

(iii) Review existing asylum processes and create a specific referral system of support for the families of missing persons;

(iv) Consider establishing through the General Assembly a new international body, to work in cooperation and complementarity with existing mechanisms, and in line with the principles and standards highlighted above. This body should have a structural element that ensures that victims, survivors and their families – as well as women's organizations and other civil society organizations – may participate in a full and meaningful manner in its operationalization and work. Its mandate would be to:

a. Clarify the fate and whereabouts of persons reasonably believed to be missing in the Syrian Arab Republic;

b. Provide adequate support to victims, survivors and the families of those missing, including through the establishment of a trust fund.

Annex I

Document on the consultative process for the study on missing people in the Syrian Arab Republic

On 24 December 2021, the United Nations General Assembly adopted resolution [76/228](#) requesting the Secretary-General to conduct a study on missing persons in Syria, in consultation with the Office of the United Nations High Commissioner for Human Rights (OHCHR). Paragraph 64 of the resolution requested the Secretary-General to:

... conduct a study on how to bolster efforts, including through existing measures and mechanisms, to clarify the fate and whereabouts of missing people in the Syrian Arab Republic, identify human remains and provide support to their families, in consultation with the Office of the United Nations High Commissioner for Human Rights and based on the recommendations of the Commission of Inquiry, with the full and meaningful participation of victims, survivors and their families and in consultation with other relevant actors, and to present an interim oral update to the General Assembly by 1 March 2022, to be followed by a report within the first half of 2022.

In implementing this resolution, OHCHR is conducting a consultative process. Those to be consulted include but are not limited to Syrian victims and family organizations, non-governmental organizations (NGOs) working on the issue, as well as United Nations and non-United Nations bodies and institutions, and a note verbale was sent to all Member States, including Syria. Throughout the process, particular attention will be given to the call for full and meaningful participation of victims, survivors and their families.

The consultations will be as broad as possible, taking into account the various constraints, in particular the time frame. This process will consist of individual and focus-group discussions with Syrian family associations, international experts on missing persons, Syrian NGOs working on detention and missing persons, and relevant United Nations bodies (including but not limited to the Commission of Inquiry, the Office of the Special Envoy for Syria and the International, Impartial and Independent Mechanism).

Interested parties who wish to submit written materials (in particular those focusing on what would be needed to strengthen efforts to deal with missing persons in Syria, and which concrete solutions you would suggest, including in relation to a new mechanism on missing persons in Syria as recommended by the United Nations Commission of Inquiry on Syria) could send them to ohchr-syriaruleoflawtjunit@un.org. OHCHR encourages them to submit in English, Arabic and/or French. Contributors are requested to include whether the submission (or any part of it) should be treated confidentially. Written materials should be sent no later than 15 March and will form part of the consultation process.

The oral update is requested by 1 March, and is anticipated to provide a summary of the process to date. The consultations will continue until 15 April and will inform the final report. The report will be finalized and translated into all six United Nations languages by the end of June 2022, for presentation to and consideration by the United Nations General Assembly.

Annex II

Note verbale dated 20 January 2022 from the Office of the United Nations High Commissioner for Human Rights addressed to the Permanent Missions of the Member States to the United Nations and to the international organizations in Geneva

The Office of the United Nations High Commissioner for Human Rights (OHCHR) presents its compliments to the Permanent Missions of all Member States to the United Nations and to the international organizations in Geneva and has the honour to refer to the adoption of resolution [76/228](#) by the General Assembly on 24 December 2021 on the situation of human rights in the Syrian Arab Republic.

The resolution requests the Secretary General to conduct, in consultation with the Office of the United Nations High Commissioner for Human Rights, a study on how to bolster efforts to address the issue of missing persons in Syria (paragraph 64).

In this regard, the resolution calls for a broad consultation to inform the drafting of this study. As part of this process, this note verbale seeks the views of all Member States on the matter. In particular, the Office of the United Nations High Commissioner for Human Rights would be grateful if you could share with us your views on two questions:

(1) In your view, what would be needed to strengthen efforts to deal with missing persons in Syria?

(2) Which concrete solutions would you suggest, including in relation to a new mechanism on missing persons in Syria, as recommended by the United Nations Commission of Inquiry on Syria?

For ease of reference, please find attached herewith the text of the resolution.

The Office of the United Nations High Commissioner for Human Rights would be grateful if you could share your views no later than 21 February 2022.
