

The Development of Indicators on Missing Persons

By Dr Melanie Klinkner¹

Introduction

Missing persons cases are a global phenomenon that exists on a shocking scale. As amply outlined, described and analysed in all five preceding regional reports, persons go missing during armed conflict, migration, as a result of systematic human rights abuses, disasters or organized crime. The reports paint stark and often harrowing pictures: the many missing persons cases arising from migration hotspots and routes in the MENA region; missing persons as a result of trafficking, particularly in relation to women and children, in African states; hundreds of unresolved missing persons cases as a legacy of armed conflict in the Balkans; the remarkable activism of mothers and relatives in spurring on the development of frameworks for investigation, legislative developments and redress in Latin America; and the impact of natural disasters, such as the 2004 tsunami, amidst a plethora of causes for persons going missing in Asia.

The reasons for persons going missing is undoubtedly diverse, as reflected in the ICMP's broad mandate. Places, circumstances and reasons may all differ. However, this global report highlights a commonality: a family or community suffering from anguish and grief as a result of their loved ones going missing. They need answers and have the right to know what happened to those that went missing. This, as reflected in the many chapter recommendations, requires first and foremost clear actions on behalf of the State who has obligations primarily to protect individuals and resolve the fate of missing and disappeared persons.

But there is another common challenge arising from the chapters' stocktaking exercise, that of accurately quantifying and measuring the scale of missing persons cases at country level. A lack of coherent statistics, data and essential context information on institutional structures and processes renders it difficult, if not impossible, to assess whether rights attaching to missing persons and their families are safeguarded and what the scale of the problem is. Whilst all reports have drawn on many data sources, coherent linkage between the data points is lacking.

Based on the premise that such information is not only desirable and beneficial but indeed essential in the quest to better understand missing persons cases across the globe, this chapter presents a first conceptual sketch on how rights attaching to missing persons cases might be rendered more connected and measurable. To achieve this, the development of missing persons indicators is proffered and explored. Accordingly, the chapter begins (1) with a brief overview of what data sources are readily available, before (2) offering an appraisal of the rationale for indicators. This is followed (3) by an outline of the core legal framework that governs the subject of missing persons. Finally, (4) the chapter presents a first attempt at concretizing what missing persons indicators might look like.

1. Missing Persons data

All five reports draw on a multitude of data in their quest to substantiate, evidence and quantify the plight of missing persons and their families in the regions covered. The data accessed can be roughly

grouped into data ascertained at international, state and civil-society/community level, though arguably there is some overlap between this rather crude segmentation, specifically in relation to globally active NGOs. The point here is to give an overview on sources of missing persons data.

1.1. International mechanisms and institutions as providers of data

At an international level, a number of organizations gather and hold information on missing persons cases. The International Commission on Missing Persons, with its broad mandate on the subject of missing persons operates an [Online Inquiry Centre](#) whereby it can capture reports of missing persons. The International Committee of Red Cross has its Missing Persons Project to primarily develop technical standards and expertise on the subject; it also operates a [tracing service](#). Depending on where both International Organisations are operational, detailed information and statistics on missing persons cases, successful investigations and resolution can be ascertained.

A further key actor in relation to missing persons is INTERPOL through its [Yellow notices](#), a searchable public database for missing persons and its well-established Disaster Victim Identification approach (Interpol 2018).

A most valuable resource in ascertaining global figures tracking deaths along migratory routes and persons going missing when crossing State borders, is the International Organisation for Migration's [Missing Migrants Project](#) where data is compiled based on estimates from IOM, national authorities and media sources.²

Also noteworthy are the various international and regional fora where victims are seeking redress for rights breached. For a number of key international human rights treaties, such as the International Covenant on Civil and Political Rights or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, for example, so called 'Treaty Monitoring Bodies' have been established to further compliance of State Parties. They also enable individual victims who suffered human rights violations to file a complaint against State Parties to the respective treaty subject to the State recognising the Committee's competence. Regional human rights bodies are tasked with safeguarding human rights protection. They comprise of the European Court of Human Rights; the human rights protection system of the Organization of American States with its interplay between the Inter-American Commission on Human Rights and the Inter-American Court for Human Rights; the Arab Charter on Human Rights; and the African Court on Human and People's Rights which seeks to complement the African Commission on Human and Peoples' Rights. Complaints may be lodged by individuals alleging their rights have been breached by the State. There are, however, strict admissibility requirements: Individuals who allege to have suffered violations of rights contained within the relevant human rights instrument can submit a complaint, provided that domestic avenues and remedies have been exhausted and the object of the complaint is not pending before another international jurisdiction. Whilst not necessarily yielding quantitative data³, such cases do offer important qualitative assessments on whether a state has conducted an effective investigation, 'based on thorough, objective and impartial analysis of all relevant elements' (*Kukhalashvili and others v Georgia* 2020, para 130) and on the harm suffered. In *Velásquez Rodríguez v Honduras* (on enforced disappearance) compensation was awarded to the family of the victim for loss of earning, pecuniary and moral damage, including emotional harm.

1.2. Data on reporting and investigation

States, through their structures, are arguably best placed to gather information on missing persons. The United Kingdom, for example, has a [Missing Persons Unit](#) and general advice on reporting a missing persons is available through [dedicated government website](#) on how reporting a missing person..

All regional reports contained in this publication have sought to ascertain statistics that may point to causes for persons going missing. When gross human rights abuses at state level are suspected, the number of persons found at illegal detention centres can give an indication of scale. During armed conflict the number of missing and displaced persons is often interlinked; statistics on those going missing in action should also be compiled. In circumstances of illegal migration, trafficking and organized crime, the relevant authorities should be able to track the numbers of those individual going missing in those circumstances as well as investigation efforts that follow.

The focus of a global report is to point to the systematic and complicated landscape of missing persons, often with staggering numbers. For completeness, it is however worth listing certain factors that may result in individual missing persons and with it sources of useful data. They include persons going missing as a result of lost documents, miscommunication, domestic abuse, absconding, mental health issue, asylum or refuge seeking or the start of a new relationship (Greene and Collie 2021).

When information on missing persons is not forthcoming, the issue may be one of structures, capacity and/or political will, for the level of information provision is contingent on States having pre-existing structures to deal with the issue of persons going missing, whether in relation to conflict, human rights abuse, irregular migration or disaster. Where such a legal and institutional framework is not existent or compromised, the relevant data may not be gathered or not be publicly available.

1.3. Civil Society, victim group and community information

The needs of survivors to have their loved one's fate revealed can be both overwhelming and enduring. It is therefore unsurprising perhaps that individual victims and victim group may wish to influence and participate in processes to help access information and, where possible, participate in justice processes.

At a global level, a number of NGOs such as the International Centre for Transitional Justice, Human Rights Watch and Amnesty International are reporting, monitoring and offering assistance following human rights abuses which can include efforts to ameliorate the cause and alleviate the impact of persons going missing.

As rightly outlined in the Americas report, NGOs assisting with scientific-investigative work, such as forensic groups and digital, open source fact-finding organisations, can offer invaluable data and data sets. A growing body of literature testifies to the advances digital evidence and technological documentation have made for human rights investigations (e.g. Freeman 2018; Dubberley, Koenig and Murray 2020), including in relation to the benefits of solving missing persons cases through the use of DNA (e.g. Erlich, Stover and White 2021).

Local, regional and national civil society groups are also instrumental in documenting missing persons cases, offering valuable support systems whilst seeking avenues for resolution of missing persons cases and redress.

Crucial in this regard can be the activities by individuals, community leaders and victim groups in compiling lists of missing or deceased persons. The publication 'Pursuing Justice for Mass Atrocities. A Handbook for Victim Groups' (McIntosh 2021), an educational source for victim groups, suggests the following actions and benefits:

Victim groups may decide to record the number of people who have disappeared or been killed. They may keep a tally or even record victims' names if it is safe to do so. Keeping these records not only can help communities memorialize what has happened but also could help data experts estimate the total number of victims. For example, it may shed light on the nature of the violence by demonstrating that a particular group has been persecuted and that the violence is not random or perpetrated equally by all sides. Because governments and armed groups do not typically keep detailed records of their crimes, this information would otherwise be difficult for outsiders to learn (McIntosh 2021, p80).

Undoubtedly, an accurate record of what happened and the impact it has on affected individuals and communities, can assist in putting pressures on the relevant authorities to investigate missing persons cases. But of course, such sources of information may be fragmented. Any attempts at integration inevitably raise data protection, privacy, ethics, safety and data security concerns and is contingent on the desire for collaboration and much needed trust. Missing Persons Indicators may serve as a conceptual avenue for seeking to integrate and carefully connect some of the data from disparate sources.

2. The rationale for Missing Persons Indicators

Human rights indicators have gained recognition as a useful tool in 'articulating and advancing claims on duty-bearers and for formulating public policies and programmes that facilitate the realization of human rights' (UNOHCHR 2012, p2). Indicators serve to measure the extent to which policy objectives are achieved. Indeed, as this global report suggests, a grappling is needed to better articulate, safeguard and measure the full range of human rights issues associated with missing persons. *But what are indicators?*

Indicators are commonly understood as an observable and measurable characteristic that evidence changes over time (UN Women 2010). In the context of human rights, it is data (quantitative and qualitative) relevant to the enjoyment of a specific human rights. To be meaningful, indicators should be valid, reliable, objective, precise and timely but also be clearly aligned with policy goals as well as feasible in the sense that generating or acquiring the data is not too resource-intensive (compiled from UN Women 2010 and Eibel 2006). Finally, indicators should ideally be capable of disaggregation to ensure data can be disaggregated to measure non-discrimination and equality (this cross-cutting human right is very pertinent to missing persons cases⁴).

Fundamentally the point and purpose of indicators is to help record information effectively and allow for links and patterns to become visible. To achieve this, the literature on the subject uses the following three indicator categories:

Structural indicators: Structural indicators are examining the legal, regulatory and institutional structures in place. A state who has signed and ratified a human rights treaty has expressed commitment to a certain set of human rights. Therefore, the state should have domestic legislation, institutional mechanisms and policies to safeguard the right and secure redress when it is breached. Consequently, the UN Guide stipulates that structural indicators ‘focus first and foremost on the nature of domestic law in relation to a specific right – i.e., whether it incorporates the required international standards – and the institutional mechanisms that promote and protect those standards’ (UNOHCHR 2012, p35).

Since the United Nations Treaty mechanism is much concerned with monitoring progress, that is how states progress over time in their protection of human rights, a set of *process indicators* is suggested. Process indicators evaluate, for example, public programmes designed to implement better human rights compliance; budget allocation to address a shortcomings or other specific measures taken by the state to implement commitment for a particular human right. Finally, *outcome indicators* are designed to ‘provide summary information on the extent of realisation of a human right’ (Söllner 2006, p151). They assess, whether a right (or set of rights) is indeed ‘enjoyed’ by the population. Outcome indicators are therefore results-oriented and measure the results that the State has achieved through its various regulations, policies, programmes and activities.

Within the realm of the United Nations human rights mechanisms, the benefits of indicators are clear: it helps with the monitoring process. A core activity of the United Nation’s Human Rights Council is the Universal Periodic Review whereby the human rights situation in member states countries are subjected to scrutiny. Indicators will assist states in evidencing and reporting and the reviewing body in its assessment.

The development of human rights indicators, as amply outlined in the UN Guide on the subject, requires a robust methodology; a methodology that fully considers all ethical, data protection and statistical issues that attach to the indicator selection. A clear understanding of data generating mechanisms is also required. Furthermore, due regard must be given to the ability to disaggregate data and the processes of identifying indicators is often predicated on detailed consultations with States and the relevant Treaty Monitoring bodies. Such detailed considerations on method are beyond the scope of this conceptual sketch. Nor is creating a tool to hold States to account the purpose of this exercise. The purpose of this outlook is distinctly more modest as it seeks to conceptualise indicators primarily as a tool to assist stakeholders in better understanding the global phenomenon, albeit from a rights-based perspective.

With this limitation in mind, what might be the wider benefits of creating missing persons indicators?

At a foundational level, a better understanding of the legal framework a state has subscribed to, the structures that are in place at state-level, and an awareness of constraints and outcomes will benefit a number of stakeholders:

- First and foremost, any progress of collating such information will assist families of the missing persons in understanding their rights under international law, domestic law and how they are institutionally safeguarded (or not) at country level.

- In the regional reports the importance of Civil society organization, family organisations and community leaders in advocating investigations into missing persons cases and advancing the rights of families has been highlighted. Indicators would provide them with information that might contribute to optimizing their own strategies.
- States will benefit from a set of indicators that would assist them in optimizing their present commitments, legislation, and operationalization mechanism to progress and resolve missing persons cases. They can help highlight the need for specific assistance mechanisms or technical support required to fulfill its obligations.
- It will further assist when collaboration between and across state borders are required; firstly, because it aids transparency in state processes and secondly, good state practice can be discerned and disseminated.
- For the international organizations (but also international community) it will offer information that paints a more precise and coherent account of the full scale of the global issue that missing persons cases present and galvanize support where it is most needed.

It is from this perspective of supporting, assisting and encouraging all stakeholder involved in missing persons processes that this preliminary outlook chapter understands the remit and purpose of missing persons indicators.

3. Developing indicators on Missing Persons: the legal framework

There are some obvious obstacles when seeking to transfer the language and framework of human rights indicators to the topic of missing persons.

Firstly, depending on circumstances, a number of right bearers may exist⁵: the individual that went missing; the family that is seeking to understand the fate of the missing individual; and, in circumstances of gross human rights violations such as enforced disappearance and the context of transitional justice, the wider public who may have an interest in knowing what happened (UNOHCHR 2005).

Secondly, a number of human rights coalesce under the wider issue of missing persons: At the most fundamental level are the right to life, right to security and liberty, as well as the dignity of the person. The right to be free from torture also serves as a good example to illustrate how the right may apply concurrently: to the individual that was taken and to the family members since the not knowing what happened to the loved one may constitute a form of inhumane and degrading treatment. The catalogue of rights can be further expanded to include: the right to family life and privacy and, as argued in cases of mass atrocity, the right to the truth (which includes a public aspect). Also noteworthy are the procedural rights that arise when the right to life has been breached. This includes the right to an effective investigation, an obligation placed on the state to conduct comprehensive and effective investigations of human rights abuses, regardless of who committed violations and abuses (State or non-State actors). Failure to investigate the fate and whereabouts of missing persons in an effective way, including the circumstances of their disappearance, can constitute a continuing breach of fundamental human rights of both the missing persons and their family members.

At the PARIS PEACE FORUM on 12 November 2018, the International Commission on Missing Persons (ICMP) presented the eight “Paris Principles” to reflect and advance an emerging global consensus on how to address the issue of persons going missing.

1. State responsibility

States bear a responsibility for ensuring lasting peace, reconciliation and social cohesion – resolving the fate of missing and disappeared persons, and protecting persons against disappearance, is an integral element in securing this objective.

2. Substantive rights

The right to dignity and to life, 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 – are all invoked when a person goes missing or is a victim of enforced disappearance.

3. Capacities

Investigations are credible only if they are capable of establishing the facts – adequate capacities cannot be ensured ad hoc or through philanthropy: they require official and sustained efforts and permanent provisions.

4. Cooperation

The issue of missing persons does not respect borders: it has an international dimension – cooperation between States and with international institutions is an indispensable element in effective measures to account for the missing.

5. Procedural rights

Rights have meaning only if violations and abuses are investigated. Persons who go missing or are victims of enforced disappearance are entitled to protection under the law; relatives and others close to a missing or disappeared person have the right to an effective investigation.

6. Truth

The right to the truth means that the circumstances of disappearances are made known – including establishing cause and manner of death in cases where the missing person is deceased.

7. Justice

Criminal activity is behind the vast majority of disappearances – the justice system must lead efforts to investigate disappearances and prosecute those responsible.

8. Rule of law

Rule-of-law failures are a cause and a consequence of persons going missing or disappearing – all measures to address the issue must uphold and advance the rule-of-law.

One might also wish to draw attention to what are known as ‘cross-cutting’ human rights such as non-discrimination and equality, participation, access to remedy, accountability, the rule of law and good governance. Missing persons and their families should enjoy such rights.

Furthermore, the subject of missing persons is complex often straddling various branches of international law and, where border crossing is involved, may involve more than one state. The importance of a comprehensive and holistic approach to the subject of missing persons is not new and has been noted. The ICMP Paris Principles, for example, seek to build a global consensus on how to address the issue of persons going missing. They highlight the importance of the State as the primary entity for solving missing persons cases whilst noting the different rights that missing persons cases bring to the fore, as well as the critical requirements of cooperation and capacity to realise those rights.

4. First step towards the development of missing persons indicators

In light of the exposition above, is the endeavor of creating missing persons indicators doomed? Whilst it is certainly true that there is not one 'Missing Persons Right' that might lend itself to a rigorous indicator development exercise (as developed, for example, in the context of Violence against Women and Girls), persevering with the missing persons indicators has real merit, particularly when adopting the nomenclature of structural indicators and outcome indicators; a more cautious approach may be necessary when seeking to conceptualise process indicators, since the processes, actors and rights at issue are multi-faceted and multi-layered rendering evaluative efforts more challenging. Nevertheless, attempting to advance indicators that logically link state commitments, efforts and outputs is compelling.

4.1. Working towards Structural Missing Persons Indicators

As outlined above, structural indicators measure the legal, regulatory and institutional mechanisms and these can be related to missing persons cases.

A systematic review of international treaty obligations that contain provisions relevant to missing persons and their families will help ascertain the various obligations that States have ratified. There is no one missing persons treaty. Instead a number of applicable treaties can be listed as indicative for a number of rights that attach to missing persons:

- the International Covenant on Civil and Political Rights (ICCPR),
- the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);
- the International Convention for the Protection of All Persons from Enforced Disappearance (CED).

More such instruments can be cited, including at regional level and provisions contained in soft law⁶, but what the three mentioned treaties seek to illustrate is that a structural indicator on missing persons could therefore capture what international treaties, relevant for the subject of missing persons, have been ratified by the State. This is also easily measurable for the UN has a regularly updated [dashboard](#) that tracks the status of Treaty ratifications. Date of entry into force can also be recorded. → **suggested Indicator 1: Recognition of the rights of Missing Persons and their families in international law**

A further structural examination can then follow at national level. The International Convention for the Protection of All Persons from Enforced Disappearance requires relevant authorities to have official records and registers of all persons deprived of their liberty (Article 17(3)). This would require implementation in domestic law. Therefore, a further structural indicator could measure the extent to which international treaties are reflected in national law. → **suggested Indicator 2: Domestic Legislation enshrining rights of Missing Persons and their families**

Structural indicators also seek to ascertain what national institutions exist to address human rights issues. In the case of missing persons this could be a designated Missing Persons Authority for the co-ordination of the missing persons effort (the 2004 Bosnian Law on Missing Persons, Article 7, for example provides such legislation). Such national mechanisms are designed to put in place safe reporting structures to create a registry of missing persons and associated information; it may also

serve to start the process of investigations. Such information should be in the public domain and easily accessible. → **suggested indicator 3: Institutional mechanisms dedicated to Missing Persons.**

4.2. A cautious approach towards charting Process Indicators on Missing Persons

Whilst process indicators are incredibly important for human rights monitoring, a wholesale translation into the realm of missing persons is not without its challenges. And this is perhaps best visible in the very differing data sources canvassed above in section 1 pertaining to very different stages in the processes of resolving missing persons cases: at a minimum there are reporting, investigation and communication of results stages.

The UN Guide (2012) usefully lists some process indicators in relation to the Disappearance of Individuals and includes:

- Proportion of communications from the Working Group of Enforced and Voluntary Disappearances responded to effectively by the Government in the reporting period
- Proportion of cases where pretrial detention exceeded the legally stipulated time limit (UNOHCHR 2012, p101).

Therefore, process indicators in relation to missing persons would require a careful examination of the proportion of missing persons cases reported that have been investigated by the government effectively and, depending on the circumstances, adjudicated at the national level in a certain period of time. Further, the proportion of cases that have been investigated *ex officio* and where the Government responded in an effective manner could be constructed into an indicator.

The right to an effective investigation is an essential procedural right, particularly pertinent to cases of enforced disappearance and missing persons cases resulting in death. It is clearly articulated in jurisprudence with obligations placed on the State (*Cyprus v Turkey* 2001). In circumstances of death, the duty to conduct an effective investigation means that the investigation needs to be independent, adequate (for example, Article 12 of the CED) and capable of determining facts and identifying those responsible (*Kukhalashvili and others v Georgia* 2020). The investigation must have sufficient authority to obtain information and hold officials to account. It must be conducted promptly; overall, it is a continuing obligation to investigate (*Aslakhanova and others v Russia* 2012) but an obligation of means and not of ends.⁷ The Inter- American Court of Human Rights stresses the need for an investigation to consider the broader context and complexities surrounding events (*The Massacres of El Mozote and other Places v El Salvador* 2012) to achieve the ‘most complete historical truth possible, including the determination of patterns of collective action’ (*Valle Jaramillo et al. v Colombia* 2008, para 102) in line with the right to know the truth (for example, CED Article 24(2)). In short there are a number of factors that would render an investigation ‘effective’. The complex set of requirements might make the development of process indicators rather convoluted, as it would most likely include indicators to ascertain what proportion of officials are held to account as part of the effective investigation requirement.

To be clear, the justice system, including courts, prosecutors, law enforcement and related institutions, constitute the most comprehensive investigative resource in any country. Working with and through justice and related institutions represents the strongest possible commitment to dealing with the issue of missing persons in a non-discriminatory, rights-based manner, and contributes directly to building the credibility of these institutions. Their aim is also to, where

possible, prevent people from going missing. Scrutinizing their effectiveness has benefits but is, arguably, the prerogative of the United Nations review system.

While therefore such a granular set of process indicators may be ill-aligned with the spirit of supporting, assisting and encouraging states and stakeholders, an indicator to measure an increase of collaboration between intra-state, inter-state and international actors would greatly help to identify and close any gap. Such an indicator would further dovetail with a recommendation from the Americas report which argues for great harmonization in infrastructure and policies. This, in turn will facilitate greater alignment between all actors and with it the likelihood of protecting the safety of those that have gone missing whilst also seeking to minimize the distressing effect felt by the families. → **tentative indicator 4 – Missing Persons Collaboration**

There is further scope to sub-divide such a collaboration indicator to allow the assessment of cooperation in areas such as secure data sharing and identification efforts.

4.3. Working towards Output Missing Persons Indicators

As outlined above, outcome indicators are designed to offer summary information on the realization of a right. In the case of missing persons, it might be useful to distinguish negative and positive outcome indicators.

A negative output indicator could measure the reported missing persons cases (as reported to an international organization or a State). Such an indicator could also take into account the data sources identified in section 1.3, where civil society organizations compile lists. Such different sources of data can appear as sub-indicators and cross-referenced with official statistics.

Conversely, a positive output indicator would serve to quantify the proportion of missing persons cases that were, in fact, clarified by the state. Such statistics would clearly demonstrate the link between the structural indicators achieving the desired and intended effect as evidenced by the positive output indicator.

→ **suggested indicator 5 – Reported Missing Persons Cases**

→ **suggested indicator 6 – Resolved Missing Persons Cases.**

5. Serving Missing Persons and their families better

The past decades have seen an increase in the level of attention directed toward the issue of missing persons and how it is addressed. In particular, law-based institutional approaches, the use of modern forensic methods and advanced data processing systems have made it possible to locate missing persons with a level of effectiveness that was not possible before. However, despite such progress, as outlined in this report, there is more to be done to enable states to address this issue in all its aspects.

The conceptual outline presented here is intended to support truth and justice-seeking through the creation of rights-based missing persons indicators for inclusion in future editions of the present Global Report, offering a systematically enhanced, factually-informed picture at the levels of countries and global regions.

The development of indicators, as tentatively mapped out here, will help create systematic links between different types of quantitative and qualitative data. The extent to which states subscribe to international law and the degree to which public authorities implement policies to address missing persons issues is measurable. Indicators will help build a more comprehensive, convincing and

systematic account of how the issue of missing persons permeates international law and domestic state spheres, and connects actors for the benefit of the affected communities.

Aside from seeking to lay a useful foundation for future editions of the Global Report, the development of missing persons indicators will make visible, and to some extent quantifiable, missing persons processes that are consistent with international human rights norms and rights-informed processes. But ultimately, they are geared towards clear goals: to bring answers to families of the missing, and advance the cause of justice for society at large.

List of References

Legislation:

Bosnia and Herzegovina: Law on Missing Persons (21 October 2004), Official Gazette of Bosnia and Herzegovina 50/04.

Cases:

Aslakhanova and others v Russia, Judgment, ECtHR Application Nos 2944/06 and 8300/07, 50184/07, 332/08, 42509/10 (18 December 2012).

Da Silva v United Kingdom, Grand Chamber Judgment, ECtHR Application No 5878/08 (30 March 2016)

Cyprus v Turkey, Grand Chamber Judgment, ECtHR Application No 25781/91 (10 May 2001).

Kukhalashvili and others v Georgia, Judgment, ECtHR Application Nos 8938/07 and 41891/07 (2 April 2020).

The Massacres of El Mozote and other Places v El Salvador, Judgment on Merits, Reparations and Costs, Inter-American Court of Human Rights Series C No 252 (25 October 2012).

Valle Jaramillo et al. v Colombia, Judgment on Merits, Reparations and Costs, Inter-American Court of Human Rights Series C No 192 (27 November 2008).

Velásquez Rodríguez v Honduras, Judgment on Merits, Inter-American Court of Human Rights Series C No 4 (29 July 1988).

Literature:

Henry Erlich, Eric Stover and Thomas White (2021) *Silent Witness. Forensic DNA Evidence in Criminal Investigations and Humanitarian Disasters*, Oxford University Press.

Karen Shalev Greene und Graig Collie, 'People who go missing abroad: an examination of patterns and investigative challenge' (February 2021), University of Portsmouth

Interpol, (2018) Disaster Victim Identification, available at: www.interpol.int/en/How-we-work/Forensics/Disaster-Victim-Identification-DVI [last accessed 6 November 2020].

UN Women Virtual Knowledge Centre to End Violence against Women and Girls, 'Indicators', last updated 31 October 2010, available <https://www.endvawnow.org/en/articles/336-indicators.html>

Accessed 24 May 2021.

UNOHCHR, (2012) Human Rights Indicators. A Guide to Measurement and Implementation, UN Doc HR/PUB/12/5.

UNOHCHR, Report of the independent expert to update the Set of Principles to combat impunity (18 February 2005) UN Doc E/CN.4/2005/102/Add.1.

Eibe Reidel, 'The IBSA Procedure as a Tool of Human Rights Monitoring', In: Universität Mannheim, Schlussbericht. Messung von Entwicklungen bei der Realisierung des Rechts auf Nahrung durch Indikatoren: Das 'IBSA'-Verfahren (2006) 59-86.

Dubberley S., Koenig A. and Murray D. (eds), *Digital Witness* (Oxford University Press 2020).

Freeman, L. (2018) 'Digital Evidence and War Crimes Prosecutions: The Impact of Digital Technologies on International Investigations and Trials', *Fordham International Law Journal*, 41(2) 283-335.

Sven Söllner, 'The right to Food Indicator Description'

Shelah S Bloom, Violence against Women and Girls. A Compendium of Monitoring and Evaluation Indicators (2008) available at

<https://www.endvawnow.org/uploads/browser/files/M&E%20Indicators-MEASURE-2008.pdf>

¹ I am grateful to the reviewer for her considered comments on an earlier draft and to Dr Luke Nwibo Eda who confirmed my reading on the subject of human rights indicators.

² For further information on the methodology employed by the IOM Missing Migrants projects and its sources see <https://missingmigrants.iom.int/methodology>.

³ Though interestingly, in the case of *Aslakhanova and Others v Russia*, the European Court of Human Rights pays attention to statistics saying: 'As a rule, investigations of abduction in circumstances suggesting the carrying out of clandestine security operations do not reveal the fate of the disappeared persons. Despite the magnitude and gravity of the problem, noted in many national and international reports, the response to this aspect of human suffering by means of the criminal investigations remains inadequate. Thus, as attested by the statistics submitted by the Russian Government, the average rate of success in solving such crimes in Chechnya was 7.5%, falling to 3.5% in 2002 – the year when the largest number of disappearances occurred' (para 224). The case (concerning the practice of enforced disappearances in the context of the armed conflict in Chechnya) is further noteworthy for the Court's recommendation that urgent steps should be taken, with the clear aim of 'putting an end to the continued suffering of the relatives of the disappeared persons; conducting effective investigations into the cases of abduction unlawful detention and disappearance allegedly committed by servicemen; and ensuring that the families of the victims are awarded adequate redress' (para 221).

⁴ Non-discriminatory investigative approaches into missing persons cases ought to apply without adverse distinction and regardless of political or other opinion, association with a national minority, sex, sexual orientation, gender identity, religion or belief, age, race, colour, language, ethnicity, caste, national or social origin, physical or mental disability, health status, property, birth, marital status, or any other ground recognised by international legal instruments.

⁵ For a discussion on the subject, particularly in relation to the right to the truth, see Klinkner and Davis, *The Right to the Truth in International Law* (Routledge 2020), where the individual and public aspect of the right are examined.

⁶ Such provisions include the 2018 UN Global Compact for Safe, Orderly and Regular Migration; the Guiding Principles for the Search for Disappeared Persons of 2019 and the 2005 Basic Principles and Guidelines for the

Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

⁷ For a summary of the requirements see also *Da Silva v United Kingdom*, Grand Chamber Judgment, ECtHR Application No 5878/08 (30 March 2016) paras 231–238.