

Policy Brief

Missing migrants

Lessons from the EU's response to Ukrainian refugees

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16 May 2022

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With several reports highlighting cases in which migrants fleeing the war on Ukraine had disappeared en route to a safe haven in the EU, this Policy Brief by Dr. Grażyna Baranowska analyses how the EU and its member states address the issue of missing migrants. Ahead of the first International Migration Review Forum, it specifically shows how the Commission's 10-Point-Plan to manage the arrival of more than 6 million Ukrainian refugees can provide a suitable model for further European initiatives to address the challenges related to missing migrants and implement the Global Compact on Safe, Orderly and Regular Migration to that end.

Introduction

The Russian invasion on Ukraine has led to an [unprecedented response](#) of the EU to people fleeing the war. Following the activation of the Temporary Protection Directive, the European Commission presented in March 2022 a [10-Point Plan](#) for enhanced European coordination on welcoming refugees. This addresses the risk of people being trafficked and going missing, given that [several reports](#) had highlighted cases in which people fleeing Ukraine had disappeared en route to a safe haven in the EU.

Yet, these reports are merely recent examples, as people frequently disappear along migratory routes towards the EU: since 2014 over 30,000 deaths were [recorded](#) at borders and in the Mediterranean and many more undoubtedly went missing without trace. It is against that backdrop that the 2018 [Global Compact for Safe, Orderly and Regular Migration \(GCM\)](#) has addressed missing migrants as an important part of its efforts to deal with international migration. In its Objective 8, states committed to “save lives and establish coordinated international efforts on missing migrants”. They further agreed to review the GCM's implementation at the [International Migration Review Forum](#), due to take place every four years and starting in 2022. Ahead of the first review on 17-20 May, this Policy Brief highlights the relevance of actions taken by the EU and its members states regarding missing migrants.

As migratory routes to the EU are among the deadliest in the world, European efforts to save lives could significantly contribute to implementing the Global Compact in this regard. Specifically, the Policy Brief shows that the 10-Point Plan in response to the arrival of more than six million Ukrainian refugees is an effective way of meeting the commitments set out under GCM Objective 8. It further demonstrates how the EU could build on immediate measures taken to manage the inflow of Ukrainian refugees and adopt a similar approach to its overall migration policies.

1. Migratory routes to the EU

While it is not possible to count the overall number of people who have died or disappeared on their way to the EU, it is worth recalling that over half of the deaths recorded by the [IOM missing migrant](#) project since 2014 took place in Europe or in the Mediterranean. Out of the 48,423 recorded deaths, 23,980 took place on the Mediterranean and another 815 in Europe. A further 11,431 were recorded in Africa, of which a significant number is expected to have been among people en route to Europe.¹ Hence, the EU-27 can be said to have a particular responsibility to address the structural factors that lead to migrant disappearances.

Visa requirements and carrier sanctions make it difficult for many migrants to enter the EU along legal pathways. What's more, applying for asylum status while outside the EU is extremely difficult and [resettlement](#) places are limited. Thus, taking the irregular – more dangerous – route is often the only way to reach the EU. Not all irregular crossings are recorded, so it is not possible to quantify accurately how many take place. Figures provided by [Frontex](#) can serve as an indication. According to its published data, between January and April 2022 27,172 irregular crossings were detected in the Western Balkans, 21,597 in the Mediterranean and 6,521 in Western Africa.

While irregular migration routes clearly increase the risk of dying or going missing, persons pursuing regular routes are also in danger. For example, as flagged by the [European Home Affairs Commissioner](#) and [United Nations Office on Drugs and Crime](#), Ukrainian refugees are at high risk of being targeted by criminal networks. It should then be a big priority for the EU to prevent these people from going missing, thereby helping to meet GCM Objective 8.

2. GCM Objective 8: Save lives and international efforts on missing migrants

The GCM was adopted on 19 December 2018. It is the first intergovernmental agreement under United Nations auspices aimed at covering all dimensions of international migration in a holistic and comprehensive manner. Following a [controversial debate](#) about the Global Compact's alleged infringement of national sovereignty, out of the 152 countries just 19 EU member states voted in favour of adopting the document. Even though European institutions were the initial driving force between the compact, three member states (Czech Republic, Hungary and Poland) voted against the Global Compact while another five abstained (Austria, Bulgaria, Italy, Latvia and Romania).

On the one hand, the compact hence represents a missed opportunity for the EU to speak with a single voice and underpin its ambition to build migration partnerships with third countries. On the other hand, the fact that migratory routes to the EU are among the most perilous and deadly in the world assigns member states a special role in fulfilling the objectives set out in the Global Compact. This is particularly true for Objective 8, in which states committed to:

¹ The numbers recorded remain undercounts, as the program accounts only for border deaths and collecting information is challenging.

“co-operate internationally to save lives and prevent migrant deaths and injuries through individual or joint search and rescue operations, standardised collection and exchange of relevant information, assuming collective responsibility to preserve the lives of all migrants, in accordance with international law. We further commit to identify those who have died or gone missing, and to facilitate communication with affected families.”

While the Global Compact is non-binding, states highlighted several actions they would undertake to meet this commitment:

- a) develop procedures and agreements on search and rescue of migrants,
- b) review impacts of migration policies and laws to ensure that they do not raise or create the risk of migrants going missing, including by identifying dangerous routes used by migrants,
- c) enable migrants to communicate with their families without delay,
- d) establish transnational coordination channels to support families looking for missing migrants,
- e) collect, centralise and systematise data regarding corpses and ensure traceability after burial,
- f) make all efforts to recover, identify and repatriate remains of deceased migrants to their countries of origins.

2.1. Who are ‘missing migrants’?

The term “missing migrant” mentioned in GCM Objective 8 remains undefined, and is used by various actors differently. For example, the [International Organisation for Migration \(IOM\) missing migrant programme](#) embraces only the numbers of recorded deaths at external borders of states. This means that the IOM database does not include migrants who are missing but still alive. Nor does this interpretation include those who have died along a migratory route, but not directly at a border. Yet, as it is the only institution that systematically collects such data, the IOM data is widely used, including in the [biennial report](#) on GCM implementation.

As opposed to the narrow definition from IOM, the compact itself applies the term “missing migrants” to a wider group: the way GCM Objective 8 is phrased infers that its scope extends to all migrants whose whereabouts remain unknown. It undoubtedly covers for instance migrants who are missing but are alive. This is clear from the main commitment to “identify those who have died *or gone missing*”, as well as from the proposed actions, which include enabling migrants to communicate with their families.

3. Implementation of GCM Objective 8

3.1. General state of implementation

EU member state divisions on migration – which emerged during the adoption of the Global Compact – [continues to impact](#) the EU’s lack of progress towards enacting migration policies in line with the GCM. That the goals from GCM Objective 8 have rarely been streamlined into EU’s migration policies is clear from the European Commission’s 2020 [New Pact on Asylum and Migration](#), from which specific measures to address missing migrants are absent, while saving lives is addressed only in the context of [preventing irregular arrivals](#).

Reports and statements on implementation of GCM Objective 8 show that there is a huge need for improvement. For example, a [statement](#) from the UN Network on Migration ahead of the International Migration Review Forum highlighted that it has scarcely

been implemented. While review bodies do not single out the EU specifically, their recommendations are particularly relevant for the EU. So far, the implementation of the GCM has been [predominantly centred](#) in the Global South. For example, an overview of funded projects shows that almost half of them are in the Global South, while funded almost exclusively by the Global North. Among the 29 so-called [GCM implementation champion countries](#) figure just two EU countries: Portugal and Luxembourg.

In his [biennial report](#) on implementation in December 2021, the UN Secretary-General further stated that the “commitment to saving lives and establishing coordinated international efforts on missing migrants has yet to be translated into meaningful action” (para 75). As most recorded deaths on the migration routes to the EU occur in the Mediterranean, it is also worth recalling that the report mentioned that “rescue at sea is a basic humanitarian imperative. The absence of clear, safe and predictable disembarkation mechanisms for rescued people continues to pose avoidable risks to life in some parts of the world” (para 76).

Similarly, the IOM’s missing migrant programme stated in a recent [review paper](#) on GCM Objective 8 in West Africa that implementation “remains very poor”. The recommendations, directed at both West African and European policymakers, included “avoid linking the implementation of Objective 8 with the prevention of irregular migration”. As explained by the IOM, the [securitisation](#) of migration policies has undermined searches for missing migrants. This is particularly relevant for the EU, which has been criticized for increasingly treating migration as a threat to security and its “[way of life](#)”.

3.2. The EU response to Ukrainian refugees: addressing missing migrants at last

Neighbouring states are usually the first countries of refuge, which is true for people fleeing Ukraine. According to the [UNHCR](#), as of 9 May 2022, out of the almost 6 million who have fled Ukraine, the majority went to neighbouring EU countries: over 3 million (54%) to Poland, 880,000 (14%) to Romania and 570,000 (9.6%) to Hungary.

As holders of a Ukrainian passport are allowed to enter the EU for a 90-day period without a visa,² the EU response was less concerned with people *trying to enter*, but with managing people who *have entered* already. This is very different from most other circumstances in which people fleeing conflicts or prosecution are most at risk of going missing while trying to reach EU. Even so, the efforts undertaken by the EU and its member states with regard to managing the arrival and onward movement of Ukrainian refugees are in line with the principles of GCM Objective 8 and show how the EU could well address the issue of missing migrants.

The need to provide protection for people fleeing the war was addressed by the EU just a few days after the start of the invasion, on 4 March 2022, when the EU activated – for the first time - the [Temporary Protection Directive](#). This provides immediate protection for [most](#) people fleeing the war in Ukraine. On 28 March 2022, the European Commission followed up with its [10-Point Plan](#) “for a stronger European coordination on welcoming people fleeing the war against Ukraine”.

The 10-Point Plan contains many actions that implicitly address the challenge of missing migrants. First, it encourages member states to record and exchange information, which is crucial for the prevention of migrants going missing. Second, it addresses two particular risks affecting this migration route: human trafficking and child vulnerability. Women

² The European Commission has called upon member states to also allow entry for those without biometric passports, which they have done since the beginning of the war.

and children – who make up the largest group fleeing Ukraine – are particularly likely to go missing as a consequence of human trafficking. As the following section shows, by addressing those issues, the 10-Point-Plan can serve as a good example of how to implement GCM Objective 8.

3.2.1. Recording and exchange of information

One of the measures underlying the 10-Point-Plan is recording and exchange of information. An EU platform for registration is to be set up (point 1), an overview of transport and information hubs should be developed (point 2), as well as standards for identification and registration and children (point 5), and a framework for international cooperation with non-EU partners (point 8). The platform and common standards are aimed at ensuring that people can effectively enjoy their rights to the full in all EU member states.

This corresponds with one of the major measures envisioned by GCM Objective 8, which is the standardised collection and exchange of relevant information. This allows for families to find their missing relatives, while also helping to prevent the disappearance of vulnerable persons. The importance of collection and sharing of data has also been confirmed by [several studies](#) on missing migrants. Collecting all information in one place makes it possible to create a single contact point. This in turn makes it significantly easier to search for and find information about their missing migrants. [Registration](#) is particularly relevant in the case of children, as it is key to avoiding their going missing and to helping reunite families.

3.2.2. Addressing particular risks: human trafficking

Furthermore, the 10-Point Plan clearly addresses a major risk of those fleeing the war in Ukraine: human trafficking. It stipulates that the majority of those coming from Ukraine are women and children and foresees developing an anti-trafficking plan (point 6), while also supporting the “Safe Homes” initiative (point 3). This initiative aims at supporting hosting initiatives taken at local, regional and national levels and in cooperation with the private sector. Coordinating and supporting initiatives, as well as screening of potential hosts, thereby helps to prevent possible abuse and trafficking.

Ukrainians had been among the most frequent victims of [trafficking](#) in Europe before the Russian invasion. This has now [significantly](#) increased, due to the high numbers of women and children travelling, who are at a higher risk of violence and abuse, including illegal adoption. According to the [UNODC](#), swift action by European countries to allow people fleeing the war to safely cross borders has significantly reduced the risk of trafficking. The threat of exploitation will increase if the vast number of refugees are not properly supported. To [prevent and address](#) this, a network of anti-trafficking coordinators in all EU member states has been activated. The [operational guidelines](#) to support member states in applying the EU’s Temporary Protection Directive include a dedicated chapter on trafficking of human rights. What’s more, GRETA, the Council of Europe’s trafficking body, has published a [guidance note](#) on addressing the risks of human trafficking during the war in Ukraine.

3.2.3. Addressing particular risks: vulnerability of children

The 10-Point Plan also foresees strengthening the protection of children (point 5). Here it talks of developing standard operating procedures and uniform guidance for the reception and support of children, with particular attention paid to the needs of children with disabilities, unaccompanied minors and children separated from their parents. This is very pertinent today, as children have been [reported](#) to have ‘vanished’ after arriving in EU countries from Ukraine.

The particular needs of children on the move figure in GCM Objective 8,³ which stipulates that attention to them should be given when reviewing the impacts of migration-related policies and laws, as well as in the context of enabling communication between families. In the European context, the need to better protect migrant children, especially from going missing, has been mentioned many times. As it is [particularly challenging](#) to collect data on missing migrant children, it is impossible to present exact data. However, the information collected by [Missing Children in Europe](#) can serve as a troubling indicator: over 18,000 migrant and refugee children went missing in Europe between 2018 and 2020, it says. As the [ICMP](#) reports, there are many reasons for the disappearance of migrant children: some are trafficked for labour or sexual exploitation, while others choose to disappear from a system in which their human rights are systematically denied.

Over 1.8 million children have fled from Ukraine to EU countries. The number of unaccompanied minors – particularly vulnerable to going missing – is [estimated](#) to be about 6,000. Therefore, the GRETA [guidance note](#) on addressing the risks of trafficking in human beings related to the war in Ukraine includes recommended actions for preventing the disappearance and abuse of children. These cover *inter alia* immediate registration of children and appointing promptly legal guardians for unaccompanied or separated children.

4. Implementing Objective 8 beyond the Ukraine refugee crisis

Taking a Ukrainian-style approach to address other migration routes would help the EU and its member states step up their efforts to implement commitments set out under GCM Objective 8. This section highlights four aspects that could benefit from a change. The first two – recording and exchanging information, as well as addressing particular risks – follow up on the steps taken in the 10-Point Plan. The remaining two – reviewing impacts of migration policies and identifying, recovering and repatriating human remains – address more general shortcomings in the implementation of GCM Objective 8 at EU borders.

Recording and exchange of information

The EU should generally coordinate its efforts to record and exchange information on all missing migrants. The need for improved collaboration between countries, as well as exchange of information about missing migrants, has been a recurring theme voiced by families both [in](#) and [outside](#) the EU. It has also been recommended by the [IOM](#). Such exchanges of written information enable to reconnect families who have lost contact with individual members. As the search for missing migrants has a [transnational dimension](#), so has the process of collecting information. Hence, the EU should support the collection of data on missing migrants as an integral part of its relationship with third countries and work towards establishing a comprehensive database on missing migrants.

Addressing particular risks: search and rescue missions in the Mediterranean

Given the high numbers dying or missing at sea in the Mediterranean, undertaking actions to address this issue head-on would considerably improve implementation of GCM Objective 8. Search and rescue operations have been specifically mentioned in the GCM, as well as in the [biennial report](#) on GCM implementation of the UN Secretary-General. Clearly, effective search and rescue missions in the Mediterranean undertaken by the EU and/or its members would save lives and prevent migrants from going missing. As rescue missions at the Mediterranean are often performed by NGOs, which face [severe obstacles](#) to performing their work in some EU member states, ending the criminalisation of search and rescue operations would also bring the EU closer to meeting GCM Objective 8.

³ As well as within other objectives of the Global Compact, see in particular Objective 7: Address and reduce vulnerabilities in migration.

Reviewing impacts of migration policies and laws

That migratory pathways to the EU are amongst the deadliest in the world is not caused by geography or objective danger along the route. A combination of factors, including the huge difficulties in reach the EU regularly, lie at the roots of this problem. This indicates that reviewing migration policies and laws, as well as identifying dangerous routes used by migrants, would significantly improve the implementation of GCM Objective 8. While the Commission recently put forward plans to establish so-called [Talent Partnerships](#) to attract skilled migrant workers from third countries, there remains a need to increase and diversify the portfolio of legal pathways to the EU. This is true for both labour migration schemes and for pathways to protection for those fleeing war and persecution.

Identifying, recovering and repatriating remains

Last but not least, there is a huge need for improvement with regard to identifying, recovering and repatriating remains. The [vast majority](#) of bodies found in the Mediterranean are not identified and the majority of those that are not identified scientifically. This task is now conducted entirely by national or regional authorities, which often lack the necessary capabilities or know-how. Cooperation with organisations that have such knowledge, for example the [ICMP](#) – which has a programme dedicated to missing migrants – would help tackle those challenges. Furthermore, the EU could specifically support regions in which there is a need to identify and recover remains of missing migrants, for example through training and financial support.

Conclusion

This Policy Brief showed that the measures stipulated in the European Commission's 10-Point-Plan are in line with the rationale of the GCM Objective 8 on missing migrants. Specifically, the Plan helps implement Objective 8 by stressing the recording and exchange of information and addressing particular risks connected to this migration route. The 10-Point-Plan could indeed serve as a suitable model for further European initiatives to address the challenges related to missing migrants. This paper calls for the EU and its member states to apply the same approach to other migratory routes and mainstream GCM Objective 8 into EU migratory policies and laws – not least because, as we've seen, migration routes to Europe are among the deadliest in the world.

This project has received funding from the European Union's Horizon 2020 research and innovation programme under the Marie Skłodowska-Curie grant agreement No 101026079



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