



Date: [December 2018](#)

## “The Issue of Missing Persons under the light of the Universal Declaration of Human Rights”

In December 2018 Missing Persons Resource Center has organized a round table discussion on the occasion of marking the International Day of Human Rights. Ombudsman Institution, Office of the Prime Minister / Office of Good Governance, Human Rights, Equal Opportunities and Anti-Discrimination, Government Commission on Missing Persons discussed on the topic of “The Issue of Missing Persons under the light of the Universal Declaration of Human Rights”. Over 40 family members of missing persons of all ethnic background were present and were given opportunity to take part in the discussion.

Representatives of different embassies, local and international institutions and representatives of civil society were monitoring the event.

It was emphasized that the rights of missing persons and their family members are constantly being violated. The violation is not only related to the basic Human rights but also to the right to the truth, the right to justice, the benefices guaranteed by the current laws.

Conclusions:

- Insufficient political will of governments in Pristina and Belgrade for enlightening the fate of Missing Persons:  
The issue of Missing Persons has been politicized over the years and that slows down the process of enlightening the fate of missing persons. Due to the fact, the families of missing persons are deprived of the right to the truth.
- Insufficient cooperation between governments in Pristina and Belgrade:  
Lack of cooperation between the two governments creates a lot of obstacles in the path of solving this very sensitive issue.
- Insufficient information exchange between governments in Pristina and Belgrade: There are information regarding locations and identification of human remains that the two governments are not willing to exchange.
- Insufficient engagement of local and international institutions in charge:  
There is lack of interest and engagement of institutions in Kosovo and Serbia who are dealing with the issue of missing persons. International community does not exert



enough pressure

on institutions in charge regarding fulfillments of their obligations in the line of their duty.

- Insufficient and discriminatory law which regulates status of the missing person and pension scheme/financial benefits for the family members of Missing Persons:  
The existing laws concerning missing persons and their family members should be amended for the benefit of this sensitive and most vulnerable group of society.
- Insufficient engagement of local/municipal authorities in providing services to family members of missing persons when it comes to exercising of their rights guaranteed by current laws: There  
is lack of municipal capacities when it comes to officials/offices that are dealing with missing persons issue. In most of the municipalities Kosovo wide families are not being properly provided with necessary administrative and bureaucratic services.

#### Recommendations:

- The issue must be treated as humanitarian exclusively not political.
- The governments must work together for the benefit of families of missing persons, regardless their nationality.
- The exchange of information must be on a very high level because that's the only way the process of enlightening the fate of missing persons can move forward.
- The international community must exert more pressure on both governments, local and international institutions in charge.
- The family members of missing persons must be included in the process of amendment of the existing laws, so that their requests and recommendations that they submitted to the government more than once, will be adopted. The requests are mainly related to financial benefits, health insurance, education and employment.
- Every municipality in Kosovo must have an office/official who will deal with the issue of missing persons and provide services to families of missing persons when it comes to issuing documents required when applying for financial benefits, information regarding new findings and developments in the field such as new locations and recovery of remains of missing persons.



Remarks:

We would like to emphasize that none of the recommendations listed below from the “Conference on Missing Persons Issue Challenges in Identification, held in Pristina, held on August 23<sup>rd</sup> 2017, were not fulfilled:

- The Government of the Republic of Kosovo shall establish a TASK FORCE led by the State Prosecution, consisted of the Missing Talks Group, the Missing Persons Commission, the Forensic Institute, the International Committee of Red Cross, EULEX and representatives of Family Associations.
- Task Force will engage in identifying possible errors during identification as well as in solving cases of mortal remains in the mortuary of IFM.
- At the latest 3 months after its establishment, the Task Force shall draft the action plan with timeframe.
- Government of the Republic of Kosovo to support the Task Force with professional and financial resources.
- International community to support task force and to assist in obtaining documents and reports of exhumations by international teams during 1999-2002.