

The full-scale war in Ukraine has exposed the structural weaknesses and fragmentation of the national mechanism for tracing missing persons, both civilian and military. The study “How to Improve the System for Tracing Missing Persons?” analyzes the current legal and institutional framework, revealing that it remains adapted mainly to peacetime conditions and is unable to handle the wartime scale of disappearances.

Although Ukraine has established an extensive system of state bodies dealing with the issue of missing persons, it remains ineffective and marked by significant duplication of responsibilities. Through a comprehensive legal and practical analysis, we identify systemic inconsistencies between general civil procedures and special wartime regulations. The coexistence of multiple overlapping institutions, including the National Police, Ministry of Internal Affairs, Ministry of Defense, Security Service of Ukraine, the Commissioner for Missing Persons, and the Coordination Headquarters for Prisoners of War, has created legal uncertainty, duplicative registries, and procedural confusion for families seeking information.

As of August 29, 2025, the Unified Register of Missing Persons Under Special Circumstances in Ukraine listed approximately 70,000 individuals, with nearly 69,430 criminal investigations opened and distributed among roughly 1,321 National Police investigators, supported by regional centers for tracing missing persons. By 26 March 2025, authorities had confirmed 9,739 individuals previously reported missing as alive. Despite extreme workload conditions, the national investigative mechanism has processed only about one-sixth of all registered cases since the start of Russia's full-scale aggression. At the same time, the actual number of missing persons is believed to be significantly higher.

These findings highlight the urgent need to reassess and modernize Ukraine's approach to tracing missing persons, moving from a fragmented, police-centered system toward a coherent and sustainable model grounded in human rights and humanitarian principles. The study further examines relevant international experience, including practices established in post-conflict contexts and through mechanisms under international humanitarian and human rights law to identify models of institutional coordination, data management, and family support that could inform reforms in Ukraine. This comparative analysis serves as the basis for outlining key conclusions and recommendations aimed at improving the national framework and aligning it with global standards for the protection of the rights of missing persons and their families.

Drawing on these findings and lessons from international experience, we present the following **conclusions:**

- The current mechanism for tracing missing persons is overloaded and unclear to both relatives and the general public, with a legal framework that focuses on criminal investigation rather than the search itself. Reform is needed to redistribute responsibilities and enable effective tracing of both civilian and military individuals who have gone missing as a result of the war.
- The system of government authorities is complicated by multiple parallel registries of missing persons, leading to duplicated functions and additional distress for relatives. A single centralized registry is needed, accessible to all involved authorities.
- Many relatives of missing persons have experienced technical difficulties in submitting information and creating or managing an online account. These resources are generally not designed for individuals with limited computer literacy. Another challenge is the interaction of the Unified Registry with international databases and registries of other government authorities.
- Reporting a person as missing can be particularly challenging for those in temporarily occupied territories or abroad. Relatives in such areas need neutral communication channels rather than submitting information through the Security Service's website. They also cannot easily contact the police, a required first step for all other procedures. The administrative search system could be more flexible in handling cases from occupied territories.
- Parallel general and special legal frameworks during the special period are not fully harmonized, creating confusion for relatives of missing persons. Under general civil procedures, a person can be declared missing or deceased through the courts, while during the special period, a police report can serve the same purpose. Filing a report and initiating the tracing for a missing person does not limit an individual's right to seek a court ruling declaring their relative as missing or deceased. This often leads them to file lawsuits to access state assistance or manage the deceased's estate. This overlap makes it unclear who sets policy, who implements it, and who oversees the process, leaving relatives uncertain about where to turn and the legal consequences of different actions. Individuals may be considered both missing and legally deceased simultaneously.

- According to the law on missing persons, an individual is first required to contact the national police, which must open a criminal case regarding the disappearance. All subsequent important actions must be carried out exclusively based on the investigator's orders, such as an order recognizing the person as a victim, an order to conduct DNA testing, or an order to obtain data from a telecom operator. Investigators are extremely overloaded and entirely unprepared to communicate with relatives of missing persons.
- The initiation of a criminal case is mandatory in all instances, even when it is known with certainty that the person died in combat and no criminal offense was committed against them under international law.
- A limited number of police investigators handle hundreds of missing persons cases alongside many other investigations, leaving them focused on bureaucracy rather than active searching. Recognizing the low prospects of success, most avoid proactive investigative actions. The excessive concentration of procedural powers in police investigators paralyzes their work, as all actions must go through criminal procedure, which burdens the tracing process with applications to the investigating judge for carrying out various procedural actions, even though collecting such information could be simplified.
- The excessive workload of investigators leads to inadequate communication with the relatives of missing persons, which can result in untimely procedural actions, oversights, and unjustified delays in the tracing process.
- Legislative repeal of the obligation to conduct an internal investigation by the military unit in the event of a person going missing. It should be noted that in the United States, an Initial Report on a missing person serves as the central document from which further investigation and tracing for the missing person are conducted.
- The activities of search teams in areas of active combat and temporarily occupied territories cannot be conducted in a manner that fully incorporates all necessary investigative procedures.

Relatives note the following problems in communication with the authorities dealing with missing persons:

- Instances of rude communication by investigators with relatives and the failure to provide any information regarding the case.
- Upon request from relatives, the Initial Report that should have been prepared by the military unit, containing a description of the circumstances of the disappearance, is not provided.
- Numerous instances of failure to conduct internal investigations regarding the disappearance of a service member.
- Ignoring petitions from relatives, which can only be acted upon after sending a copy of the petition to the prosecuting authority
- Inadequate communication by investigators with relatives of missing persons, unwillingness to communicate, explain the rights and options of the victims, and frequent cases where there was only one contact with the investigator in 12 months.
- Failure to carry out investigative actions, explained by military operations, the remoteness of the disappearance site, or the fact that the site is under Russian control, with instructions to wait until the end of the war.
- Frequent changes of investigators in the case causing many processes to restart or be suspended.
- The investigator did not contact the military unit; as a result, relatives had to obtain all information themselves and personally deliver it to the investigator.

- Instances requiring repeated DNA testing due to problems with the proper collection, storage, and transportation of materials result in significant delays. Months are also lost while waiting, and repeated tests are conducted according to the general queue, which significantly complicates and prolongs the process. In some cases, this process lasts over a year.
- An unresolved legislative situation where there is confirmation from the ICRC that a person is a prisoner of war, but the state system continues to consider them missing.

One of the most significant problems is the extremely long time required for DNA testing. The state holds a monopoly and refuses to cooperate with foreign or international laboratories. The current level of cooperation between the state and the ICMP is highly insufficient, considering the ICMP's laboratory capacities and willingness to assist in the identification process. Unfortunately, under national legislation, a memorandum of cooperation is not considered a binding document. Moreover, this does not comply with criminal procedural law. For this reason, it is practically impossible to submit DNA samples if relatives are abroad; they are required to travel to Ukraine specifically for this purpose, and given all the difficulties, this may need to be done multiple times. Consequently, it is not even theoretically possible to conduct testing from occupied territories.

At the same time, the following systemic problems exist in Ukraine regarding such tests:

- A large number of dead or missing persons and a small number of expert institutions.
- Lack of fully equipped laboratories.
- Shortage of experts.
- Many remains require long-term and complex examinations.
- Failure to introduce a system for collecting DNA samples from military personnel at the beginning of service: this is an expensive procedure, but it is very effective later for locating missing persons and investigating crimes.
- Relatives report that cases of DNA samples being lost, even before they reach the laboratory, are common.
- Violation of the rules for collecting biological materials, as investigators themselves often do this in police stations. Problems with labeling, storage, transportation, protection of collected DNA samples, and documenting actions performed with them (the presence of an accompanying protocol note). Delays in investigators sending biological material to experts result in samples deteriorating and relatives having to provide DNA material again, which unjustifiably prolongs the entire process. As a result, the quality of the analysis decreases, or the test has to be repeated.
- Loss of DNA information during its transfer between investigators of different districts or regions.
- There are cases where unidentified soldiers are buried as unknown persons. When the DNA of their living relatives is later entered into the database, further examination requires the exhumation of the soldier's body. This causes severe psychological suffering to the families.
- Verification and processing of DNA data and entering it into the Register is a lengthy process. At the same time, relatives of the missing note that these actions are often delayed and inadequate.
- It is impossible to undergo a DNA examination on one's own initiative and in another country.

As a supplement to this information, it is also advisable to collect fingerprint data and dental records of all persons involved in the defense forces.

These findings underscore the urgent need for systemic changes and serve as the basis for the following recommendations:

1. To reform the system of state bodies involved in the process of tracing missing persons.

We believe that to improve the effectiveness of the mechanism for tracing missing persons, it is necessary to redistribute the powers of state bodies that have been formed as a result of the functioning of the current system and to choose a more appropriate model for the national mechanism of tracing missing persons, which will correspond to the purpose of the search: establishing the fate and whereabouts of persons who went missing as a result of the war.

Changing the search model from a police-based to a specialized one implies the creation of a special body with functions and powers enshrined in law to formulate policy in this area and to carry out measures for tracing missing persons outside the criminal process, or the granting of such powers to an already existing institution. The realities of the Russian Federation's war against Ukraine also determine that, in our context, it would be more appropriate to separate the institution responsible for tracing missing civilians from that responsible for tracing missing military personnel.

In parallel, but without overburdening one another, the national system of criminal investigation should function within this framework, as it also plays a crucial role in establishing the truth. However, it is advisable to change the approaches to investigating such categories of criminal proceedings.

We believe that the tracing and determination of the fate of missing military personnel, both during the aggressive war and after its end, should be carried out by a state institution (hereinafter — the Institution) directly related to the field of defense (within the system of the Ministry of Defense of Ukraine), which will ensure the effective processing, protection, and preservation of information.

This solution has many positive aspects:

- The military is better informed about where and who was carrying out a combat mission.
- The military marks the area where the presumed disappearance occurred. It must be clearly indicated in their documentation, based on which they can draw their own conclusions and carry out the necessary range of search actions.
- The military has easier access to service investigations and classified information that can be used for effective tracing.
- Such a system would establish an appropriate channel of communication with the intelligence directorate, which determines the fate of a particular serviceman. It would ensure the secure storage of classified information within the country's defense sector.

We believe that such a body could work in close cooperation with the Defence Intelligence Directorate (DIU) and the Security Service of Ukraine (SSU), which could carry out the search for and return of missing persons, including the deceased, from the territories of other countries, the occupied territories, and areas of active hostilities.

This Institution should also organize and coordinate the actions of search groups in various areas, especially after the cessation of active combat and the establishment of agreements regarding their operations.

The transition from a police-based model of tracing to a specialized mechanism will make it possible to prioritize not merely the victim-offender relationship and the prosecution of perpetrators, but rather the establishment of the fate and whereabouts of prisoners of war and persons missing as a result of the war. Such a mechanism could function permanently and remain an enduring structural element within the systems of the Ministry of Defense of Ukraine and the Ministry of Internal Affairs, bringing the current system to a qualitatively new level of functional capacity and operational responsiveness to potential sharp increases in the number of missing persons for any reason in the future. For instance, a significant rise in reports of missing civilians is likely to occur after the end of active hostilities, as people begin searching for their relatives and seeking to clarify their fate.

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The American system, considered one of the most effective, originated after the First World War in response to the need to create a mechanism capable of processing a sudden, large-scale increase in the number of missing persons and being prepared for another major war.

The Ministry of Defense Institution should be responsible for tracing all persons who went missing in combat zones or who may be located in occupied territories or in the territories of other countries. The Ministry of Defense should also handle the return of missing persons, including prisoners of war, as well as the recovery and repatriation of the bodies of the deceased.

The tracing and determination of the fate and whereabouts of civilians missing as a result of the war should be carried out by the Commissioner for Missing Persons Under Special Circumstances under the Ministry of Internal Affairs. The Commissioner should be granted functions and powers for administrative search (similar to the experience of Colombia, Peru, Sri Lanka, etc., where search and investigation are separated and do not interfere with each other) within the country. Such powers should, among other things, include referring relatives of missing persons for DNA and other examinations, obtaining information from communication channels (such as mobile operators), and collecting information from other state registers, among others. There is no legal or other need to burden investigators of the National Police of Ukraine or the Security Service of Ukraine with these functions.

No less significant is the maintenance by the Commissioner of a Unified Register of Missing Persons under Special Circumstances and the conduct of communication with the families of missing persons through the Commissioner's offices in all regions of Ukraine.

Overall, based on this institution, it is advisable to create a "Single Window" for the relatives of missing persons, where they can provide all available information and receive updates accordingly. Other authorities lack the organizational capacity to ensure quality communication with relatives, primarily because they do not have branches nationwide. However, there are additionally many reasons why it is advisable to leave this function with the Commissioner.

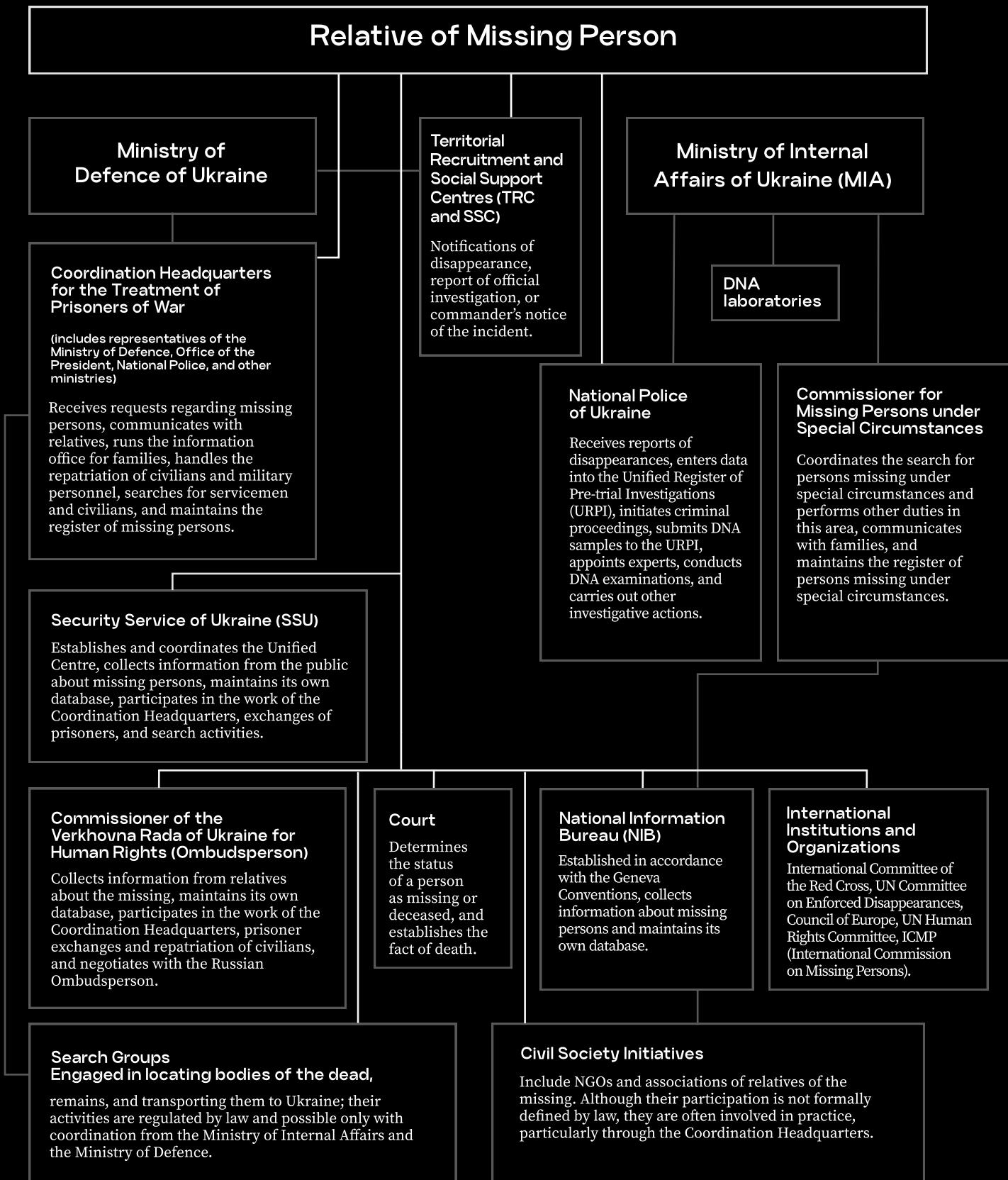
The Commissioner should also ensure the organization of work on the identification of recovered bodies: in particular, at his request, it should be allowed to conduct DNA examinations and collect DNA samples, as well as coordinate other related processes. Amendments to the Criminal Procedure Code should permit the use of expert conclusions obtained at the request of the Commissioner and in the interest of a criminal investigation.

The investigation of crimes related to missing persons should be conducted separately from the processes of searching for such persons, particularly by the Office of the Prosecutor General, the National Police, and the Security Service of Ukraine. However, these authorities should maintain channels of communication and exchange up-to-date information with other relevant authorities. It is advisable to centralize the investigation of cases of missing civilians to give priority to promising investigations where there is information about the commission of war crimes or crimes against humanity, or the use of mass graves of civilians and military personnel. Such investigations are significantly more effective when conducted through the creation of investigative groups rather than dispersing each case of disappearance across separate criminal proceedings. Centralized investigation should substantially affect the quality of the investigation, which, in turn, may provide an opportunity to obtain additional information to determine the whereabouts of missing persons.

It is important to emphasize that for the effective fulfillment of their responsibilities, all authorities involved in tracing processes (the Institution under the jurisdiction of the Ministry of Defense and the Office of the Commissioner for Missing Persons under Special Circumstances under the jurisdiction of the Ministry of Internal Affairs) must carry out effective, regular, and comprehensive joint communication, information exchange, and interaction in the processes of tracing for all missing persons.

The division of powers between the Ministry of Defense of Ukraine and the Commissioner for Missing Persons is conditionally depicted in the attached table.

The current system of state bodies dealing with missing persons



Proposal of the Center for Civil Liberties on the Redistribution of Government Authorities' Powers Regarding the Issue of Missing Persons



2. To expand the procedures for the administrative search for missing persons

It is advisable to amend the procedures provided for by the Law on Missing Persons. In particular, to expand the mechanisms of administrative search, which should include:

- Reports of missing persons should be collected by the Commissioner for Missing Persons, based on whose information criminal proceedings may be initiated in cases where the person has not previously reported to the police.
- The Commissioner should be granted the authority to collect information about a person reported as missing. In particular, after a case is registered, they should have the power to obtain data from registers maintained by other government authorities, request information from telecommunications operators, order DNA and other examinations, request information on internal investigations, and collect other information necessary for the effective search for the possible whereabouts of the missing person, their body, or remains. Since these powers are exercised not for criminal prosecution, international law allows them to be carried out under simplified procedures, provided that they are based on a clear law regulating how and for what purposes the collected information may be used. Furthermore, this expands the possible sources of information about missing persons, as the primary goal of the authority will not be to document specific evidence or ensure the legality and admissibility of evidence, but rather to determine the fate of identified individuals.
- For effective oversight against abuses, it is possible to provide for supervisory powers of the Ukrainian Parliament Commissioner for Human Rights to exercise parliamentary control over the use of these powers by the Commissioner for Missing Persons.

3. To create a "Single Window" for relatives of missing persons

If these changes are implemented, the relatives of missing persons will gain a "single window" for communication with government authorities through the Commissioner for Missing Persons. It is essential that such communication be closer to people's places of permanent residence, at least in every regional center. This will make these procedures more human-centered. Accordingly, people will no longer need to provide information to multiple authorities; this information will not be distorted, and relatives will avoid additional trauma from repeatedly submitting the same information. This will also help maintain more accurate data.

This approach will also relieve the National Police, the Ministry of Defense, the Security Service of Ukraine, the Ukrainian Parliament Commissioner for Human Rights, and other authorities, as communication with relatives requires the continuous allocation of significant human and other resources.

4. To change the approach to investigating crimes related to missing persons

It is advisable to stop initiating criminal proceedings for every single case of a military or civilian disappearance due to the war, and instead do so only when there is additional information indicating a possible crime. It is appropriate to distinguish cases of war crimes committed by enemy combatants against Ukrainian military personnel or civilians, for which criminal proceedings should be initiated, from cases of military deaths resulting from combat actions or the performance of a combat mission, which do not lead to the opening of criminal proceedings.

Accordingly, the strategy for criminal investigations should be changed. Instead of dispersing all reports of missing persons into individual cases, as is currently done, it is advisable to group these cases based on instances of possible mass crimes, war crimes, or crimes against humanity, or the search for mass grave sites.

Such prioritization, involving investigative teams, should yield more effective results in both locating missing persons and investigating the most serious crimes.

This should relieve investigative officers of the National Police from the administrative and paperwork burden, as they currently have to process tens of thousands of criminal investigations.

On the other hand, it allows for a focus on the effectiveness of investigations. It is essential to grant the National Police the authority to investigate crimes related to missing persons, as there is a risk of jurisdictional changes in such cases, which could negatively impact the quality of investigations.

5. To improve the quality of internal investigations into the circumstances of disappearances in military units

It is important to regulate by law the issue of conducting internal investigations in military units. The official report of an internal investigation was once one of the central official documents used to establish the fate and whereabouts of a service member, their body, or remains. However, it has been replaced by a notification from the commander about the incident. It is still impossible to assess what effect this will have on internal investigations, but it appears that this could effectively legitimize the absence of such investigations. Without proper legislative regulation of the process of conducting internal investigations in military units, it will be practically impossible to:

1. establish all the circumstances of the disappearance of service members (which are most fully known precisely to these military units);
2. hold those responsible accountable if the incident occurred due to fault, for example, the commander's fault.

The procedure for conducting and documenting an internal investigation should be clearly regulated and required in all military units without exception. Additionally, it is clear that the Commissioner and investigators should have access to all investigative materials. Separately, the law should provide clearer regulations for relatives of missing persons to obtain an official document regarding the results of the internal investigation.

6. To ensure the practical possibility of conducting DNA examinations in other countries or through international organizations

Suppose our initial proposals are implemented and DNA examinations are removed from the criminal procedure framework. In that case, this will allow a broader range of entities to conduct such examinations, both in Ukraine and abroad. From the perspective of international human rights law, there is no prohibition on using these examinations for criminal investigations. However, this requires amendments to the Criminal Procedure Code of Ukraine.

This will significantly accelerate the conduct of examinations and, accordingly, the process of tracing missing persons, since this stage remains one of the key steps for the medical identification of the bodies or remains of deceased persons.

7. To introduce a system of mandatory collection of additional information from all military and other personnel involved in the defense forces, including the National Guard, the State Border Guard Service, the Security Service of Ukraine, and others

This issue can only be regulated at the legislative level and should include the mandatory collection of the following information:

- DNA samples;
- Fingerprint data;
- Dental records.

This information should be stored in electronic registers and used for the medical identification of the bodies or remains of deceased persons. This will significantly accelerate the search process and reduce the number of unidentified bodies or remains.

These procedures will not constitute a violation of human rights if:

- The data is used exclusively for this purpose.
- The law establishes a prohibition on using this data for any purpose other than its intended use.
- Violations of this prohibition result in appropriate accountability.
- There is a system of independent oversight over the collection, processing, storage, and use of this information, particularly in the context of personal data protection.

8. To develop an effective procedure for collecting reports of missing persons from relatives or other individuals in occupied territories or from abroad

These communication channels should be neutral, but provide a certain level of security for persons who transmit information. In particular, such information must not be directly transmitted to the defence or security forces.

Procedures may provide means accessible to people in occupied territories or abroad to identify themselves for the purpose of submitting this information.

9. To involve relatives of missing persons and the non-governmental organizations they have established in the development and implementation of state policy regarding missing persons

It is advisable to more broadly involve relatives of missing persons and include them in the development of procedures or the assessment of existing procedures to improve them. This can be achieved through the creation of specialized advisory or expert bodies under the Commissioner or the Ministry of Defense. In addition, organizations of relatives of missing persons serve as an effective means for conducting informational, educational, and communication campaigns at the national and international levels. They can also participate in the work of search teams.

10. To expand cooperation with international organizations on issues related to missing persons

It is necessary to legally recognize the authority of the International Commission on Missing Persons and to join the Global Alliance for the Missing, which has been an essential coalition of 13 countries since 2021. Participation in this and other similar international organizations focused on tracing missing persons will allow efforts to be coordinated for advocacy on missing persons issues before other international actors and states, at both regional and global levels, and, equally importantly, to facilitate the exchange of technological solutions in the field of tracing missing persons.

11. To develop a strategy for advancing agreements on the tracing of missing persons at the international level

The issue of tracing missing persons as a result of the war should be one of the priorities in the political and negotiation agenda of the parties to the conflict. International experience shows that the political will of the parties is a highly complex issue. Still, the matters of prisoners of war and missing persons are a mandatory priority for resolution, generally for all parties to the conflict. In this regard, the Ministry of Foreign Affairs should have a long-term strategy to influence the Russian Federation regarding the release of prisoners of war and civilians, as well as granting permissions for the search for bodies and remains.

The complete English translation of the study, comprising all findings, detailed case analyses, and comprehensive conclusions, will be made available in due course. The material presented here represents only a preliminary overview of the broader insights and in-depth analyses contained within the complete research.