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Impact of the war in Ukraine on the search for persons missing under special circumstances

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Abstract
Given the challenges of the ongoing war, the relevance of this study is conditioned by to the need to improve the practice of searching for Ukrainian citizens who went missing under special circumstances, specifically on the territory of other European states. The purpose of this study was to examine the legislative regulation of the status of missing persons and to analyse the legal regulation of relations related to the identification and search for, as well as social and legal protection of such persons. The methodological framework of the study was formed by both general scientific and special methods of scientific cognition: systemic and structural, informational, terminological, and formal logical method. Using these methods, the study highlighted the content of international and national regulatory legislation, which determines that the legal grounds for conducting a search for missing persons are the legal norms constituting the basis of international, legislative, and departmental regulations and are cumulative. The role of the International Committee of the Red Cross is analysed, and the statistics of identification of persons missing under special circumstances by this organisation was considered. Attention was focused on the activities of the International Commission on Missing Persons, which operated in various countries where the situation of missing persons during armed conflict and military operations arose. It was proved that the effectiveness of the mechanism for searching for missing persons depends on the interpretation of certain provisions of regulatory legislation, as well as on the staffing of bodies and units directly involved in the search for persons of this category. The study focused on the activities of the Commission on Missing Persons under Special Circumstances, which is a permanent advisory body of the Cabinet of Ministers of Ukraine, as well as the significance of the International Commission on Missing Persons. It was concluded that the real situation in countries with ongoing armed conflicts necessitates the introduction and use of advanced digital technologies in the work on searching for missing persons. The study can serve as a basis for improving the legal framework for international cooperation in identifying missing civilians and military personnel in the territories where armed conflicts have occurred or are ongoing

Keywords:
search for persons; armed conflict; war; identification; international cooperation; legal regulation; International Commission on Missing Persons

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Introduction

The current situation with the armed conflict in Ukraine calls for the immediate use of comprehensive, prompt, and unprecedented military, economic, political, and legal measures to ensure human rights under martial law. An essential issue in this context is the integration of practices of European countries that have experienced armed conflict and the achievements of international humanitarian law into the Ukrainian system. As a considerable number of people go missing in Ukraine, their relatives and friends are entitled to have information about their missing relatives.

Many researchers investigate the issue of searching for missing persons during armed conflicts based on comparative studies (Doyle & Barnes, 2020; Ablamskyi *et al*., 2023). The problematic continues to be relevant and requires further investigation. T.I. Blystiv (2020) argues that the problem of searching for missing persons during armed conflict stays very relevant for Ukraine and all countries where there is a fact of disappearance of people under special circumstances. J. Sarkin (2021) notes that enforced disappearance practised by the Syrian regime is classified as the most powerful and sadistic weapon of war. The researcher examines the situation of missing persons in Azerbaijan and Armenia in the territory of Nagorno-Karabakh.

The findings of F. Baça & A. Anxhaku (2023) on the protection of freedoms and human rights, world peace, and international security, namely the role of the United Nations as a human rights defender, are also worthy of attention. Studying the numerous causes and consequences of war, researchers point to significant measures that ensure peace and security in the world but conclude that a considerable number of agreements and treaties, both bilateral and multilateral, between different states have only temporarily avoided conflicts.

According to O. Katz (2023), it is advisable to consider the experience of searching for missing civilians and military personnel in Israel, where the search for these categories of persons has good methodological and material and technical support. In Israel, there is a separate unit of the Israeli police that deals exclusively with the problems of missing persons.

F. O'Brien *et al*. (2023) highlighted the importance of funding in the search for missing persons. Researchers note that a 14% reduction in police personnel in the UK due to austerity measures hinders effective search operations. Noteworthy is the study by L. Huey & L. Ferguson (2023), which is investigates the facts of disappearances during the curfew, through an exploratory descriptive analysis of 291 closed cases of missing persons from the records of the municipal police service.

In the current context, research on this topic has intensified in the Ukrainian academic space, which was caused by the invasion of Ukraine by the Russian Federation. The situation as of 2024 is worrying and requires a comprehensive approach to investigating the problematic aspects of searching for missing persons in special circumstances. In the context of the study, the findings of D. Moiseianko & A. Taranenko (2023) are valuable. According to the researchers, to overcome the challenges of the war, it is necessary to cooperate with many international institutions and organisations, as the main task is to reduce the violation of the rights and legitimate interests of persons who are missing. It is also important to address the illegal and morally unacceptable actions of the Russian military, which hinder the collection of detailed information on the circumstances of disappearances, abductions and captivity, or the possible death of a person, leading to the suspension of the investigation. Researchers consider it necessary to focus on the rules governing the legal consequences associated with the restoration of violated rights after a person goes missing. This is explained by the slow development of legislation in this area, as citizens reported missing sometimes return from captivity after a certain time. It is also worth paying attention to studies aimed at examining the essence and content of temporary restrictions of the right, specifically, on the example of declaring a person missing or declaring them dead during martial law. V.P. Makovii (2023) notes that there are a limited number of persons who can exercise the right to declare a person missing and declare them dead. According to O.V. Zlahoda & M.S. Mishko (2022), considering the increase in the detection of crimes related to the disappearance or abduction of persons and servicemen during martial law in Ukraine, it would be advisable to create a temporary interagency investigative task force to investigate and stop the abduction of servicemen and persons involved in the war in eastern and southern Ukraine.

Despite the wide range of studies, certain aspects of the topic are still unexplored, and the purpose of this study was to analyse the comprehensive indicators of the status of search for persons missing under special circumstances in Ukraine as of 2024. Fulfilling this purpose involves a range of tasks: analysis of the legal framework for searching for missing persons during armed conflict at the national and international levels, analysis and interpretation of numerical indicators that characterise the state of search for missing persons, analysis of the experience of countries that have had analogous problems with searching for missing persons in armed conflict.

Materials and Methods

A fundamental component of the methodological toolkit was the dialectical approach, which helped to investigate contradictory manifestations of reality in their interconnection and interaction. The use of this method helped to expand the knowledge of the conceptual apparatus by studying and reflecting the discussion of researchers who have different visions of the subject

under study. The system approach allowed analysing the object of the study through the components of the system and their interrelationships within a particular organisational structure. As is well known, strategic communications constitute, on the one hand, a system of ideas, opinions, and beliefs that form a background on which interaction unfolds at the international level in the sphere of politics, economy, culture, etc., and on the other hand, a system of institutions, subjects of interaction, which determine the rules and the subject of this interaction.

Using the terminological method, the study examined a range of specific features of searching for persons missing under special circumstances. The systemic-structural method was used for a comprehensive scientific analysis of the structure of international treaties and current national legislation related to the search for persons who went missing under special circumstances. The use of the formal logical method helped to analyse the trends in the development of legal norms governing the search for missing persons in different countries. The comparative legal method was used as the basis for the analysis of definitions from the legislation. To obtain reliable and valid results, the above methods were applied in a mutual relationship and interdependence.

During this study, a survey was conducted with 150 people, namely those who have applied to units that provide assistance in the search for missing persons in special circumstances. This sample was composed of people living in central and western Ukraine who agreed to take part in the survey. An important methodological component of the survey was the formation of a sample of people who simultaneously applied to several units. This allowed the respondents to determine which of them, in their opinion, was the most effective. The respondents were asked to indicate which units they had contacted to search for missing relatives and friends and to identify which unit had helped them the most. The survey was conducted in December 2023. The survey was conducted in a face-to-face format, following the principles of the Helsinki Declaration[1]. All respondents were informed about the purpose of the survey and how their anonymity was ensured.

The regulatory framework for this study is based on international studies, as well as national legislation, namely the Law of Ukraine "On the Legal Status of Persons Missing Under Special Circumstances"[2], "On Operational and Investigative Activities"[3], the Constitution of Ukraine[4] and a range of instructions adopted at the legislative level. Along with this, the study employed empirical methods, which included the investigation of the legal positions of the Convention for the Protection of Human Rights and Fundamental Freedoms[5], the Geneva Convention relative to the Treatment of Prisoners of War[6]. Using the above methods, the study examined the activities of joint investigations by national and international bodies into the responsibility of perpetrators of enforced disappearances in the territory of hostilities, war crimes, and crimes against humanity in Ukraine. To obtain reliable and real research results, the above methods were used in mutual connection and interdependence.

Results

According to the Constitution of Ukraine, the greatest social value in the state is the human right to life, health, honour and dignity, inviolability and security[7]. This constitutional principle obliges the state, its bodies and officials to take all possible measures to trace a missing person, regardless of the circumstances. The right to life is protected by law[8]. Considering the aggression of the Russian occupation forces, it can be stated that this right of Ukrainian citizens is being violated on an unprecedented scale in the history of the state. Since 2014, civilians and military personnel have been going missing in Ukraine, and with the start of the full-scale invasion in February 2022, this situation has become particularly acute.

The legal grounds for the search for missing persons in special circumstances is the Law of Ukraine No. 2505-VIII[9]. According to Article 4 of the Law, the term "person missing under special circumstances" is defined. This Article specifies that such a person is a person who went missing in connection with an armed

[1]The Declaration of Helsinki. (1975, October). Retrieved from https://www.wma.net/what-we-do/medical-ethics/declaration-of-helsinki/doh-oct1975/.
[2]Law of Ukraine No. 2505-VIII "On the Legal Status of Persons Missing Under Special Circumstances". (2018, July). Retrieved from https://zakon.rada.gov.ua/laws/show/2505-19#Text.
[3]Law of Ukraine No. 2135-XII "On Operational and Investigative Activities". (1992, February). Retrieved from https://zakon.rada.gov.ua/laws/show/2135-12#Text.
[4]Constitution of Ukraine. (1996, June). Retrieved from https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text.
[5]Convention on the Protection of Human Rights and Fundamental Freedoms. (1950, July). Retrieved from https://zakon.rada.gov.ua/laws/show/995_004.
[6]Geneva Convention on the Treatment of Prisoners of War. (1949, August). Retrieved from https://zakon.rada.gov.ua/laws/show/995_153#Text.
[7]Constitution of Ukraine". (1996, June). Retrieved from https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text.+
[8]Convention on the Protection of Human Rights and Fundamental Freedoms. (1950, July). Retrieved from https://zakon.rada.gov.ua/laws/show/995_004.
[9]Law of Ukraine No. 2505-VIII "On the Legal Status of Persons Missing Under Special Circumstances". (2018, July). Retrieved from https://zakon.rada.gov.ua/laws/show/2505-19#Text.

conflict, military operations, temporary occupation of a part of the territory of Ukraine, natural, or anthropogenic emergencies. On 31 August 2023, the International Commission on Missing Persons and the National Police of Ukraine signed a Protocol granting the Main Investigation Department of the National Police of Ukraine access to the data management system (iDMS) developed by the International Commission on Missing Persons to process information to search for and identify persons who went missing as a result of the Russian invasion of Ukraine (What does the International Commission..., 2023).

An essential task is to organise the interaction of a range of national and international organisations involved in the search for persons missing under special circumstances. Considering the cooperation between the International Commission on Missing Persons (ICMP) and the National Police of Ukraine (NPU), in 2023, a Protocol was signed that allows the Investigation Department of the NPU to use the integrated Data of the Management System (iDMS) developed by the ICMP to process data used to search for, summarise and identify people who went missing as a result of the invasion of the territory of Ukraine by the Russian occupation forces. Notably, the signing of the Protocol envisages the launch of the ICMP campaign to optimise the collection of information about families who have left Ukraine and are living in Europe and have relatives who went missing during the ongoing war in Ukraine (ICMP & Ukrainian authorities sign Protocol..., 2023).

Signing the Protocol was of great importance in connection with providing the relevant authorities with access to the Deoxyribonucleic Acid (DNA**)** profile, which will be formed and stored in iDMS from the data provided by the relatives of the missing persons, if the relatives give appropriate written permission. Relatives will be able to access DNA profiles from a tooth or bone that have been processed by ICMP based on a relevant document, namely an investigator's or prosecutor's order, DNA match reports (ICMP & Ukrainian authorities sign Protocol..., 2023).

According to Matthew Holliday, ICMP Europe Programme Director, the ICMP's activities are aimed at helping the Ukrainian government find people who went missing during the armed conflict in Ukraine or in other war-related circumstances. This organisation expresses its support for the performance of a particularly important task for Ukraine, namely the search for tens of thousands of missing persons and the continuation of investigations into disappearances, following international judicial standards and international treaties. An example is the need for DNA-based identification, by sampling thousands of families of missing persons who have become refugees in other European countries (ICMP & Ukrainian authorities sign Protocol..., 2023). In 2023, samples were taken from more than 400 Ukrainian citizens abroad. With the help of international cooperation, about 90 matches were established. As of the beginning of 2024, the State Migration Service of Ukraine has created the possibility to submit buccal epithelial samples in seven European countries, namely: Czech Republic, Germany, Italy, Poland, Spain, Slovakia, Turkey (Ukrainians can submit DNA samples..., 2024).

The International Commission on Missing Persons has been involved in legislative and institutional activities to increase Ukraine's capacity to identify missing persons. A considerable number of ICMP recommendations were implemented before the full-scale invasion of the Russian occupation forces in 2022. In the spring of 2022, representatives of the Commission opened an office in Kyiv, where they launched a comprehensive programme to assist institutions and organisations in tracing persons who went missing during the invasion of Ukraine by Russian troops (ICMP & Ukrainian authorities sign Protocol..., 2023).

As of the beginning of 2024, over 90% of information on missing persons is investigated by the National Police of Ukraine. From 19 February 2014 to 23 February 2022, the largest number of persons was registered in 2014 in Donetsk region – 1,337 people. The situation changed dramatically with the start of the full-scale invasion from 24 February 2022 to 1 January 2024. In Donetsk region alone, 7,334 people were registered as missing. In other regions that suffered considerable destruction as a result of the war, the situation is also worthy of attention (Fig. 1).

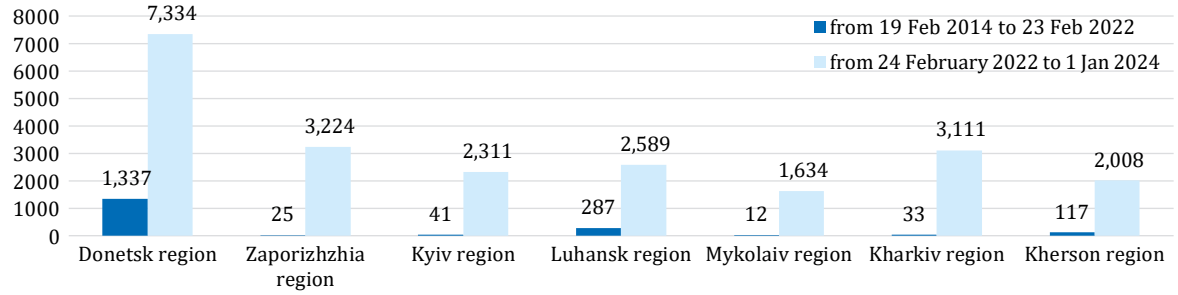


Figure 1. Information on the number of persons gone missing under special circumstances during the specified period

Source: Office of the Prosecutor General (n.d.)

Thus, considering the situation in Donetsk region, it can be concluded that due to the fact that this region was one of the first to be hit by the military conflict, it was already reflected in the significant number of persons missing under special circumstances in early 2014. A great concern arises from comparing the situation in Ukraine with other countries where armed conflicts have occurred, as no other European country has suffered such a great number of losses in the 21st century.

Considering the data of the Prosecutor General's Office of Ukraine over the past five years, from 2019 to 2023, the number of missing persons has changed significantly, e.g., in 2019, 9,723 people were declared missing, of whom 9,270 people were found, while with the full-scale invasion of the Russian occupation forces in 2022, the number of registered cases of missing persons has reached 33,186 people, and only 12,017 people have been found, as can shown in the table below (Fig. 2).

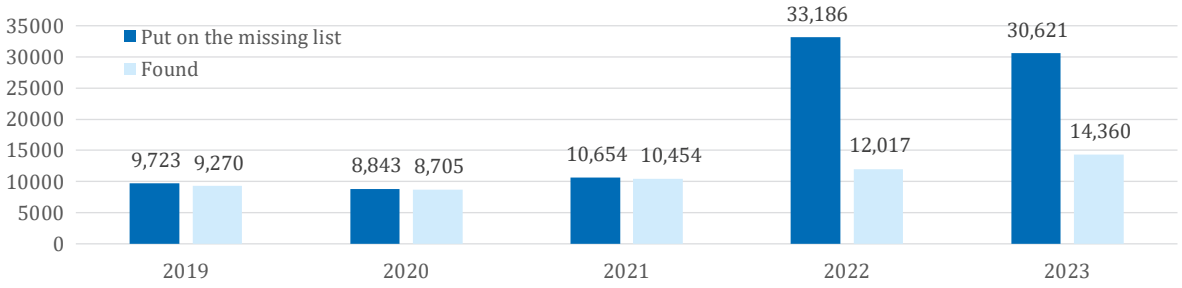


Figure 2. Statistical data of the Prosecutor General's Office of Ukraine for the period from 1 January 2019 to 31 December 2023 on the status of search for missing persons

Source: Office of the Prosecutor General (n.d.)

Paying attention to a more detailed analysis of the search for persons missing under special circumstances before the full-scale invasion (19 February 2014 to 23 February 2022), 2,462 (66%) of the registered missing persons were found, 1,242 (34%) were found and during the full-scale invasion (24 February 2022 to 1 January 2024), 46,857 (79%) of registered missing persons were found, 12,121 (21%) were traced, and therefore it can be concluded that the efficiency of searching for missing persons decreased by 13% (Fig. 3).

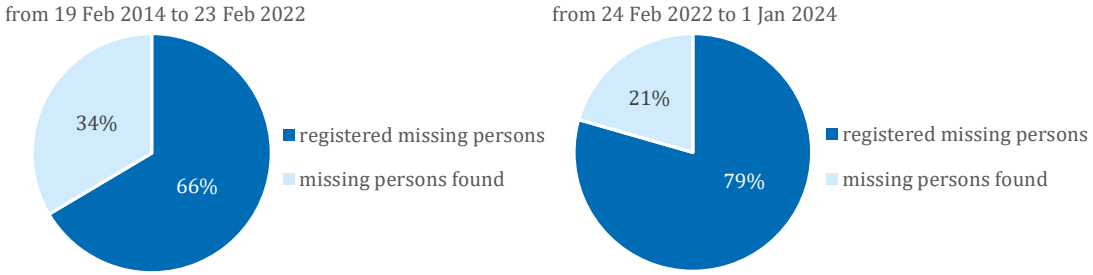


Figure 3. Statistical data of the National Police of Ukraine on the status of the search for missing persons

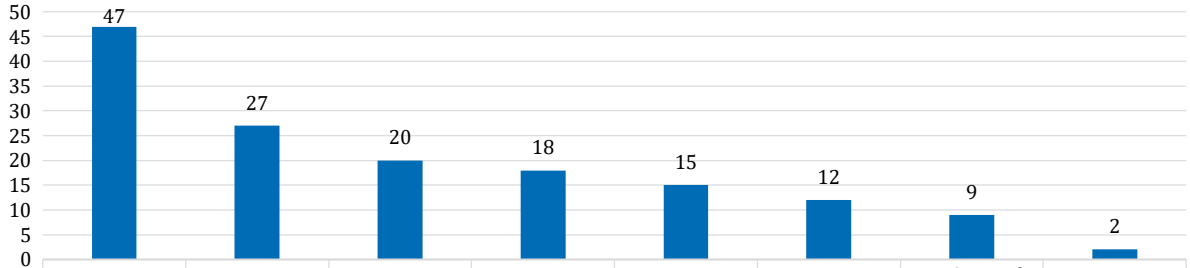
Source: Office of the Prosecutor General (n.d.)

The number of missing persons continues to increase in all bodies of the National Police of Ukraine without exception, due to the fact that the occupation forces in the occupied territories are forcibly deporting Ukrainian citizens to the territory of the Russian Federation and other occupied territories, the deaths of Ukrainian defenders during hostilities, and their captivity in the temporarily occupied territory and in the territory of the Russian Federation.

According to the legislation of Ukraine, namely the Law "On the Legal Status of Persons Missing Under Special Circumstances"[1], the creation of the Unified Register of Persons Missing Under Special Circumstances (the Register) was prescribed to collect, accumulate, and process data on such persons, as well as to record and analyse information necessary for effective search. The operational units of the National Police of Ukraine enter information into the Unified Register of Persons Missing under Special Circumstances and, in case of establishing the location of the missing person or the place of their burial or the location of the remains of such a person, notify the applicant and relatives.

[1]Law of Ukraine No. 2505-VIII "On the Legal Status of Persons Missing Under Special Circumstances". (2018, July). Retrieved from https://zakon.rada.gov.ua/laws/show/2505-19#Text.

According to V.K. Kolpakov (2023), the Register can process information, including personal data, received from the authorities. This information includes background information on missing persons, as well as information on their unidentified remains and court decisions recognising such persons as a) missing, b) missing without a trace, or c) dead. Furthermore, the Register may receive other data that may increase the efficiency of search activities. This information may be stored and protected by the Register, including the use of technical and cryptographic tools, and used to trace missing persons. According to the Law, an important form of using the Register database is the interaction between the Register and other state information resources. During the survey of 150 people whose relatives and friends went missing under special circumstances, they noted that the most effective units in the search include National Police, military registration and enlistment offices, and military units of the Ministry of Defence. However, some people also sought help from the National Information Bureau, the State Migration Service of Ukraine, the Office of the Commissioner for Missing Persons Under Special Circumstances, the Joint Centre for the Search and Release of Prisoners of War, which operates under the Security Service of Ukraine, and the International Committee of the Red Cross. Since the respondents applied to the above-mentioned units in parallel, they were able to assess which of them provided them with the most assistance (the total number of applications of these 150 people is presented in Fig. 4).



	National Police of Ukraine	Military enlistment office and military unit of the Ministry of Defence	International Committee of the Red Cross	Office of the Commissioner for Missing Persons under Special Circumstances	National Information Bureau	State Migration Service	Joint Centre for the Search and Release of Prisoners of War, which operates under the SSU	International Commission on Missing Persons
Number of respondents	47	27	20	18	15	12	9	2

Figure 4. Number of respondents who identified a particular unit as the most effective in providing assistance

Source: compiled based on the findings of this study

According to a survey of people who faced the situation of missing relatives or friends during the war, they felt strong support from the bodies authorised to search for missing persons. According to the survey results (Figure 4), the bulk of the work is carried out by the National Police of Ukraine and units engaged in operational and investigative activities, as defined by the Law of Ukraine "On Operational and Investigative Activities"[1].

According to Deputy Minister of Internal Affairs Leonid Timchenko, as of October 2023, about 9,000 citizens in Ukraine received extracts from the Unified Register of Missing Persons Under Special Circumstances (Zhuravel, 2023). It is not possible to determine exactly how the results of the survey represent the real state of affairs regarding the effectiveness of certain units as of the beginning of 2024 due to the lack of official data on the exact number of relatives of missing persons, as the number of extracts does not correspond to the total number of such persons.

Discussion

The survey results confirm the opinion of V. Terekhov (2022) that during the war, considerable progress in the statutory and organisational regulation of wartime activities was observed in the National Police. Powers were especially strengthened with regard to administrative procedures related to the support of military operations, including ensuring the security of territories under threat of hostilities and the protection of their inhabitants. The results of the survey show that the National Police, according to relatives of missing persons, is making the greatest efforts to search for missing persons in the special conditions of the armed conflict.

The problem under study is a popular subject of investigation by contemporary researchers around the world, especially in those countries where armed conflicts have occurred or are ongoing. It is worth noting the principal areas of research they conduct. There is a fairly strong connection between Ukraine and some

[1]Law of Ukraine No. 2135-XII "On Operational and Investigative Activities". (1992, February). Retrieved from https://zakon.rada.gov.ua/laws/show/2135-12#Text.

international European and global organisations in terms of participation in the search for persons missing in special circumstances. According to J. Sarkin (2022), the problem of missing persons arose due to the conflict between Armenia and Azerbaijan over Nagorno-Karabakh. About 5,000 people from all sides were reported missing by 2020. Ultimately, J. Sarkin (2022) believes that if the state wants to make progress, it is necessary to establish a process involving all parties to the conflict. Considering the legislation of Ukraine, attention should be paid to the existing problem concerning the legal norms on the search for missing persons, which are incomplete and need further development, as new and unforeseen circumstances arise.

J. Sarkin (2022) examines the situation of missing persons in Armenia. The study analyses the fact that about 5,000 people from all sides of the Nagorno-Karabakh conflict are currently missing. The researcher notes that to make progress, a coordination mechanism involving all parties to the conflict is needed to search for, return, and identify missing persons. One of the signs of progress is that in 2019, a new commission was established in Armenia – the Interdepartmental Commission on Prisoners of War, Hostages, and Missing Persons – and a new order was adopted. J. Sarkin (2022) focuses on improving information gathering and searching for potential burial sites. This experience should be used by the law enforcement agencies of Ukraine, as the study proves that it is essential to raise public awareness of the activities of the agencies to which relatives and friends of missing persons can apply in special circumstances.

This is also emphasised by a Ukrainian specialist in the field of identification of persons, V. Korzh, (2019), who investigates the problem from the standpoint of expert and forensic activities using the latest method of genetic identification, which is modern and necessary to identify a missing person. The results of molecular genetic and forensic examination of the skull are of evidentiary value for the investigation of murder or other criminal events related to a missing person. As of 2024, buccal epithelial sampling can be carried out, as noted above, outside Ukraine, namely in seven European countries, which will reduce the number of people who are difficult to identify.

According to V. Voichenko *et al*. (2019), the identification of persons missing under special circumstances, namely during the armed aggression of the Russian Federation, has certain difficulties, and to increase efficiency and objectivity, organisational activities, i.e., a comprehensive approach, are needed. In the current situation in Ukraine, the availability of the latest morgues and modern equipment in the places of storage of material evidence of the Bureau of Forensic Medicine is not key to conducting an effective examination of the identity of the deceased. Considering the experience of European and global countries during natural and anthropogenic disasters, a clear organisation, planning, and sequence of actions in conducting certain studies is essential (Fyfe *et al*., 2015; Filippova, 2023; Kešeljevi & Spruk, 2023). Therewith, as the results of the study show, it would be advisable to use an integrated approach in the activities carried out in Ukraine to identify missing persons during the armed conflict and mass casualties, which increases the accuracy and organisation of law enforcement agencies' interaction with various international institutions and organisations.

Considering this issue in greater detail, some researchers address the identification of unidentified corpses of servicepeople, as this is a necessary process not only to identify the deceased, but also to provide a proper burial according to traditions, as well as to record these cases for further consideration in international courts as war crimes. According to E.I. Orzhynska & V.O. Senina (2023), the identification of bodies during military conflicts is often complicated by the fact that many recovered bodies are severely damaged, their identification features may be partially or completely destroyed or deformed. Even though the Criminal Procedural Code of Ukraine prescribes a clearly defined sequence of actions when examining corpses under martial law, conducting an investigative action, such as identifying a person or remains, may face various difficulties for investigators and other professionals.

According to T.I. Blystiv (2020), it is necessary to introduce certain regulations into the legislative activity, as well as to recruit highly professional personnel to ensure and solve certain tasks in the activities of the International Commission on Missing Persons and the functioning of the relevant Register in the system of military justice bodies of Ukraine. Supporting the researcher's opinion, it should be noted that it is necessary to intensify cooperation with such a significant organisation as the International Commission on Missing Persons, as its activities improve the work on searching for persons missing under special circumstances.

According to I. Holubenko (2023), the measures prescribed in international law can help relatives and friends of missing persons and military personnel. An example is the establishment by the state of an information bureau, which is created and operates to receive and transmit information about protected persons. In addition to the researcher's conclusions, it can be noted that in Ukraine it is advisable to carry out organised interaction between law enforcement agencies and international institutions and organisations that will ensure the search for missing persons in special circumstances at the appropriate legal level, as evidenced by the survey of 150 people who wish to apply to various international organisations.

S. Sydorenko (2022) notes that Ukraine has a considerable number of institutions and organisations at the legislative level that are empowered to search for persons who went missing during the armed conflict. The researcher believes that a significant number of

actors should contribute to the comprehensive and objective conduct of the search for persons. However, this approach can lead to a decrease in the effectiveness of search operations due to improper and untimely coordination between government agencies and institutions performing search functions. This may include the conditional "delegation" of responsibility for search operations from one entity to another, as well as the absence of a centralised state body responsible for coordinating and carrying out search activities for persons missing under special circumstances. According to S. Sydorenko, such a large number of search authorities creates difficulties in contacting relatives and friends. Notably, the key role in the search for missing persons is vested in the National Police of Ukraine, but proper and clear cooperation with other bodies and units and the involvement of international bodies and organisations will considerably accelerate the search for and identification of persons who went missing under special circumstances on the territory of Ukraine.

H.M. Ustinova-Boichenko & O.M. Skriabin (2023) point out that Ukrainian legislation does not make provision for court proceedings on the recognition of missing persons. According to the researchers, the establishment of the fact of a missing person is prescribed in the administrative and personnel procedure, which regulates the formation of an approach that does not correspond to the one consolidated in the provisions of civil law. This situation requires a more detailed investigation.

S. Sydorenko (2023) considers a relevant area on the interaction of public associations with law enforcement agencies of the state. Notably, the involvement of a significant number of concerned groups and organisations united by common views and goals will increase the effectiveness and efficiency of the search, not only by the state authorities, which are granted the relevant powers, but also by public associations. In this regard, it is promising to further organise and cooperate with law enforcement agencies, various organisations, and the public to identify and investigate the facts of searching for missing persons and identifying unidentified bodies on the territory of Ukraine, considering international practices and establishing cooperation with countries that provide support in combating crime and searching for missing persons.

Conclusions

The results of the tasks have shown that the principal areas for improving the effectiveness of establishing the whereabouts of missing persons are the proper submission of information to the National Police on the fact of searching for such persons. The survey received information that relatives and friends most often contact the National Police, as this agency is the main authority in the search for missing persons. The study also noted that the applicants simultaneously apply to a number of other law enforcement agencies and international institutions and organisations to accelerate the search and identification of persons missing under special circumstances.

Having analysed the statistical data of the Prosecutor General's Office of Ukraine, it can be concluded that the most difficult situation with regard to missing persons is observed in the east and south of Ukraine. This is conditioned by the fact that the occupation forces in the occupied territories carry out forced deportations of Ukrainian citizens to the territory of the Russian Federation or other occupied territories, the deaths of Ukrainian defenders during hostilities, as well as their captivity in the temporarily occupied territory or in the territory of the aggressor country.

Since the beginning of the full-scale invasion, the total number of missing persons has increased from 2,462 to 46,857 people, which has drastically increased the burden on law enforcement agencies that are supposed to search for them. The interaction of different departments with each other and with civil society organisations is not properly organised. In such circumstances, the activities of international institutions stay relevant for Ukraine. The activities of international bodies such as the International Commission on Missing Persons, the International Committee of the Red Cross, and the European Court of Human Rights are particularly important. Their decisions and recommendations have a major impact on the development of the national legal system of Ukraine. Notably, the practice of these international bodies contains numerous principles and norms formulated when considering cases related to military operations and armed aggression around the world. Cooperation with them will help both to increase the number of qualified persons involved in the search for missing persons and to borrow their extensive experience.

Further research could be conducted to identify areas of cooperation between law enforcement agencies of Ukraine and various international organisations in the search for persons missing under special circumstances and to develop recommendations that would improve such cooperation.

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None.

Conflict of Interest

None.

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Вплив війни в Україні на стан розшуку осіб, зниклих безвісти за особливих обставин

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Анотація
Актуальність статті зумовлена необхідністю вдосконалення у зв'язку з викликами війни, що триває, практики розшуку зниклих безвісти за особливих обставин громадян України, зокрема на території інших європейських держав. Метою дослідження стало вивчення законодавчого регулювання статусу осіб, зниклих безвісти, й аналіз правового регулювання відносин, пов'язаних із встановленням та пошуком і соціально-правовим захистом таких осіб. Методологічну основу проведеного дослідження становлять як загальнонаукові, так і спеціальні методи наукового пізнання: системно-структурний, інформаційний, термінологічний, формально-логічний методи дослідження. За допомогою цих методів висвітлено зміст міжнародного й національного нормативно-правового законодавства, у якому визначено, що правовою основою проведення пошуку осіб, зниклих безвісти, є правові норми, які становлять основу міжнародних, законодавчих і відомчих нормативно-правових актів і є сукупністю. Проаналізовано роль Міжнародного Червоного Хреста, а також розглянуто статистику ідентифікації цією організацією осіб, зниклих безвісти за особливих обставин. Акцентовано увагу на діяльності Міжнародної комісії з питань зниклих безвісти, яка діяла в різних країнах, де виникала ситуація зі зникненням осіб безвісти під час збройного конфлікту, воєнних дій. Доведено, що ефективність механізму проведення розшуку зниклих безвісти залежить від тлумачення окремих положень нормативно-правового законодавства, а також кадрового забезпечення органів і підрозділів, які безпосередньо беруть участь у розшуку осіб цієї категорії. Увагу зосереджено на діяльності Комісії з питань осіб, зниклих безвісти за особливих обставин, яка є постійно діючим консультативно-дорадчим органом Кабінету Міністрів України, а також значенні Міжнародної комісії з питань зниклих безвісти. Сформульовано висновок, що реальна ситуація, яка складається в країнах, де тривають збройні конфлікти, зумовлює необхідність упровадження та використання в роботі щодо розшуку зниклих безвісти осіб прогресивних цифрових технологій. Дослідження може слугувати основою для вдосконалення правового забезпечення міжнародного співробітництва у виявленні фактів безвісти зниклих цивільних осіб і військовослужбовців на територіях, де відбувалися або тривають збройні конфлікти

Ключові слова:
пошук осіб; збройний конфлікт; війна; ідентифікація; міжнародне співробітництво; правове регулювання; Міжнародна комісія з питань зниклих безвісти