

are you
LOOKING FOR
someones who has gone
MISSING
on a
MIGRATORY?
ROUTE

A stylized map of the United States and Mexico. The landmasses are yellow, and the water is dark blue. A trail of small yellow stones leads from the top left towards the border. Along the border, there are two clusters of red dots connected by dashed red lines, representing migration routes. Black dots are placed along these routes, indicating missing persons. The text is positioned in the top left corner.

GUIDE FOR
FAMILIES OF
BORDER VICTIMS

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www.caminandofronteras.org
May 2021

WHAT CAN BE DONE TO SEARCH FOR A PERSON WHO HAS DISAPPEARED ON ONE OF THESE MIGRATORY ROUTES?

DO NOT WAIT. GATHER AS MUCH INFORMATION AS YOU CAN AS SOON AS POSSIBLE:

PERSONAL DETAILS:

Names and surnames.
National identity document.
Place and date of birth.

DETAILS OF LAST CONTACT:

Where was he/she?
How did he/she contact you?
Information on their last location.

RECENT PHOTOGRAPH

OTHER DETAILS FOR IDENTIFYING THE MISSING PERSON

Physical description. If you know their height, weight, build, eye colour, hair colour, any other distinctive marking (tattoos, scars...), if he/she suffers from an illness...

Clothing and personal objects at the time of disappearance.



WHERE TO GO?: PUBLIC AUTHORITIES

States must protect the rights of all missing persons, including migrants.

The State of origin of the missing person is obliged to contact the country in which that person was last seen or in which it is thought that person may be.

Remember: You can **DEMAND** that a search be carried out by the country where the person has disappeared, the countries that border that country, or by the person's country of origin. You can also **DEMAND** that all the States coordinate the search among themselves.

Why report a missing person?

Remember that disappearances should **ALWAYS** be reported so that a record is made of the person's disappearance. It is vital for the disappearance to be reported in order for the countries to begin searching.

Reporting the disappearance will also mean that your rights as a family member are protected.

When a disappearance is reported, the mechanisms for finding the person are activated. This is why it is important to have as much information as possible and to provide any new information you may have regarding the person.

If at any stage of the process you believe you can provide more information, you have the right to update the information provided to the authorities.

Where can I report a missing person?

At any police station or at a court (in those States where the law allows) in any of the countries. It is not necessary for you to travel to the place you believe the person disappeared.

You have the right to report the disappearance in the country of origin or in the country where the person disappeared. If the person disappeared when attempting to cross a border, you can report their disappearance in both countries (that from which he/she left and that to which he/she possibly arrived).

Even if you are in another country and you cannot travel, you can still report the disappearance. The police have the obligation to process the report and inform the police of the place where the person disappeared.

Another possibility is to report the disappearance in the consulates of the countries where you think your loved one has disappeared.

Who can report a missing person?

Anybody: a relative or someone close to them. You only need your identity document and to provide the information. If the police ask you for any other document this **IS NOT OBLIGATORY**¹. They may ask you for a document that proves your link to the missing person but this is not obligatory or relevant when reporting a missing person.



CONSULATES



COURTS



POLICE

¹ National Centre for Missing Persons' guide

WHERE TO GO?: SOCIAL ORGANISATIONS AND COMMUNITIES

Unfortunately States are not complying with their obligation to search for missing persons when they are migrants. Therefore it is possible that you will encounter administrative problems in adding to the distress of the disappearance.

Therefore we recommend that you continue your search together with social organisations and communities that could alleviate the problems you encounter and also give you more complete assistance.

Reasons why we recommend that you are always **WELL** accompanied in your search:

To report a missing person. Reporting a missing person is very stressful and painful. If, in addition to this, you do not speak the local language or know the administration, it is better to be accompanied. This will make communications and the bureaucratic process easier. It will also allow you to better understand the context, problems and administrative obstacles that you may encounter during the search.

Grief. Being accompanied can help you to respond to some questions and to alleviate the pain of going through this delicate situation. Remember that you are not alone.

If a body is found, you will need support in beginning the identification process and for the subsequent burial in the same place or in the country of origin in the case of repatriation. Being accompanied will help you with the bureaucratic procedure and to cover your needs that may arise.

The organisations and communities help with the search. They have broad experience in searches such as yours. Some of them due to their work have data that may help you and the authorities with the search. You are not the only person this has happened to. There are thousands of families searching for their loved ones who have disappeared on the border.

Do not be deceived. Sadly there are some people and even organisations that give false information to families: this can be for an economic benefit, due to a lack of knowledge or because they are incapable of giving bad news to the relatives. Try to be accompanied by reliable organisations with knowledge and experience of these complicated circumstances.



WHAT TO DO IF A BODY IS FOUND

When a body is found, in most cases the police and courts are involved. The body is taken to the morgue. There the autopsy is carried out and all the information relating to the body is recorded, including DNA samples to facilitate the identification of the body, if necessary.

If the deceased person is your relative, remember that there are organisations and persons who provide support and accompany families in this process. Some of them are those named in the previous section. They can facilitate a pre-identification, accompany family members, and assist in the burial and repatriation processes.

IDENTIFICATION

In order to facilitate the identification of a body, we recommend gathering as much data as possible on the missing person. This way, this data can be cross-referenced with the data on the deceased person gathered by the forensics and the police.

In all the countries that we have investigated it is possible to perform a pre-identification with the data provided when the person was still alive. This depends on the condition of the body. If the decomposition is advanced this will not be possible and the identification will depend on DNA samples.

In Spain, photos and other information referring to the person when they were alive can facilitate pre-identification but in most protocols the definitive identification occurs once DNA samples have been taken.

In Morocco, Algeria, Mauritania and Senegal, photos and ante-mortem data provided by friends and family members can lead to an identification if the body is in good condition, without the need to take DNA samples.

BURIAL

Once the body of the deceased person has been identified, the family have to follow a series of police and judicial procedures that will depend on the laws of each country. Being accompanied by people who know the administrative procedures alleviates the burden on the family.

Once the legally required police and judicial procedures are complete, the family has the right to obtain a death certificate, which legally certifies the identification.

Families can choose to bury their loved one in the place where the body was found. In the countries that we have investigated it is also possible to request a burial free of charge if the family does not have sufficient resources.

REMEMBER that the deceased person has the right to be buried with dignity and in accordance with their religious beliefs.

REPATRIATION

The deceased person and their family members have the right to take the body to the country of origin and for it to be buried there.

In the majority of cases the problem occurs when the family does not have the economic means to carry out the repatriation. The costs are quite significant.



FREQUENT PROBLEMS AND STRATEGIES TO OVERCOME THEM

BEING A MIGRANT

PROBLEM: The states of origin, transit and destination of migrants do not want to recognise victims of the borders. States are participants in this through their own border control policies and for this reason they do not give visibility to the deaths and deny families access to the truth, justice and reparations.

STRATEGY: Defend your rights as a family member and those of the victims of the borders. Do not be frustrated if the searches are not successful. Seek support from organisations and families that are going through the same experience.

THE CRIMINALISATION OF MIGRATION

PROBLEM: The public authorities of the countries of the Euro-African Western border may respond negatively, presenting resistance and obstacles to the reports made by the families. Unfortunately the authorities do not treat the disappearances of migrants in the same way as those of other people.

STRATEGY: Migrants who have disappeared, those who have died and their families have rights. Remind the public authorities of this. Also, family members can be accompanied by organisations and communities that defend the rights of migrants.

STATES' LACK OF WILLINGNESS

PROBLEM: States do not give visibility to the disappearances of migrants. They do not have the political will to carry out searches.

STRATEGY: Report, give visibility and organise. Remember that families have rights and it is important to demand that states guarantee them.

FAMILIES ARE BLAMED

PROBLEM: Families are also stigmatised for the criminalisation of migration and for the judicial cases that are opened when a person crosses a border illegally. During this investigation we have even observed police forces attempting to accuse a family member in search of a loved one, associating him with mafias.

STRATEGY: It is highly recommended to be accompanied. If someone attempts to make you responsible for what has happened to your family member, remember that you are only providing information to help with the search. As a family member of a disappeared person you should NEVER be blamed. Families are victims, and as such you have rights. It is also an obligation to bring attention to a person's disappearance



FACING EXTORSION AND FALSE INFORMATION

PROBLEM: In our work with families we have detected groups, organisations and persons who give false information to families for two reasons: a lack of knowledge or to extort money from families.

STRATEGY: Try to verify information by checking other sources, like those provided in this guide and, above all, do not give money to anyone. Do not believe that they have found your loved one if there is no proof to confirm that this is the case. Beware of rumours and the information on the internet: YOU DO NOT KNOW WHO IS BEHIND THESE PUBLICATIONS. If someone is extorting money from you, report it.

SADLY MANY VESSELS AND THE PEOPLE ON BOARD DISAPPEAR WITHOUT TRACE

PROBLEM: It is possible to disappear at sea and not leave any trace. It is possible for whole vessels to disappear at sea and never be seen again. In the year 2020, 33 vessels totally disappeared. It is also possible for the bodies of the majority of those deceased in a shipwreck never to be found.

STRATEGY: Contact social organisations, witnesses, migrant communities or other persons who can help you to piece together information on the disappearance. This has allowed many families to start the grieving process without having the body of the missing person.

ALONG THEIR JOURNEY MIGRANTS MAY HIDE THEIR TRUE IDENTITY

PROBLEM: People may hide their true identity for various reasons. An incorrect identification can hinder the identification process.

STRATEGY: It is vital to gather as much information as possible (photographs, physical details, clothes, companions) to facilitate the identification.

WE HAVE DETECTED THAT THE AUTHORITIES THAT GATHER INFORMATION ON PERSONS WHO HAVE DIED ON THE BORDER DO NOT TREAT THESE CASES WITH SUFFICIENT DILIGENCE

PROBLEM: Administrative irregularities may occur with regard to the treatment of migrants. This may happen during autopsies, when gathering information on the deceased person or even at the civil registries responsible for recording deaths.

STRATEGY: It is vital that the body be treated with dignity and that all the information necessary for its identification be gathered. Deceased persons have rights and we must demand that the public authorities respect them. Remind the authorities of their obligations towards families as the guarantors of their rights and for the dignity of those who are going through the same experience. You can be accompanied when defending your rights. Remember that, unfortunately, there are other families in your situation: you are not alone.

MISSING PERSONS, DECEASED PERSONS AND THEIR FAMILIES HAVE RIGHTS

Missing persons have the right to:

- Not lose their identity
- To be the subject of coordinated and effective searches by international bodies responsible for searching for missing persons.

Deceased persons have the right:

- To be identified
- To be buried with dignity according to their religious and/or spiritual beliefs
- For their remains to rest in the place decided by the family members

Families have the right:

- To report the disappearance and to receive information throughout the search process.
- To have an effective and coordinated search be conducted for the missing person.

TO THE TRUTH: to know what happened to their family member to be able to piece together the details of their disappearance.

TO REPARATIONS: The impact of the disappearance or death of a family member affects not just the family but also the community. A psycho-social perspective is necessary in order to support the family in their grief and to cover their needs.

TO HAVE ACCESS TO JUSTICE: Victims of the borders and their family members have the right to justice and for investigations to be opened in order to identify those responsible for the death or disappearance.

TO BE CONSIDERED VICTIMS OF THE BORDERS: A person's disappearance affects their family and their community. Therefore, independently of criminal investigations, families and communities have a right to answers under law; and to be acknowledged as being affected by the death or disappearance of their loved one.



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