



GUIDANCE NOTE 7

INVOLVEMENT OF THE FAMILIES AND FAMILY ASSOCIATIONS



The mechanism¹⁴ should ensure the effective participation of families of missing persons in both the process to establish and the operation of the mechanism.

This guidance note underscores the importance of family involvement in the mechanism and provides an overview of the possible roles they can play. It examines the formation and activities of family associations and outlines the opportunities that could be explored, as well as some of the challenges that may need to be addressed.

1. INTRODUCTION

While there is a tendency to “inform” families of the work of the mechanisms relating to missing persons, there is a need and growing effort to actively involve families and their representatives throughout the process, encourage them to work together, and promote their agency and ownership of the process as much as possible.

The involvement of families is invaluable to ensure that responses are appropriate and effective, to facilitate information flow and to ensure community acceptance.

Although there is a general agreement with the principle of family participation, the extent and manner of the involvement of families will depend on the will, capacity and resources of the families themselves and their associations. It will also depend on the context in which the mechanism is set up and the technicalities associated with the mechanism processes.

Family associations can be an effective means of representing the interests of families. Where their objectives align with those of the mechanism, their support can be drawn upon. At the same time, possible challenges need to be taken into account – for example, those related to legitimacy and representation.

2. THE IMPORTANCE OF FAMILY PARTICIPATION

a. Ensuring a targeted, appropriate and effective response to the needs of the families

Involving the families is essential to ensure that the mechanism understands their particular needs and is able to design objectives and a strategy that respond to these and are also culturally appropriate.

b. Facilitating information flow

Families are invariably the ultimate authority on who is missing. They play an important role in the compilation of a consolidated list of missing persons and other information, such as on the circumstances in which people went missing or possible gravesites. Families can also be invaluable intermediaries to exchange information, facilitate referrals and provide assistance to other families as part of family associations.

¹⁴ For the purpose of these notes, the term “mechanism” refers to all national institutions, commissions and other bodies and processes established by relevant authorities that aim to provide individualized answers on the fate and whereabouts of missing persons, and provide support to families of missing persons. Beyond this humanitarian objective, mechanisms may pursue other objectives, including those linked to accountability or transitional justice. However, these objectives will not be further explored in this set of guidance notes, other than insofar as they relate to the search for the missing.

c. Ensuring community acceptance

Involving the families ensures greater understanding of the mechanism and trust in it among communities. In politically sensitive contexts where trust in the state is compromised, this can be essential for the security and protection of mechanism staff.

3. THE POSSIBLE ROLE OF FAMILIES IN A MECHANISM

Families can be represented in a mechanism in various ways that may differ according to context. They may be organized in formal groups or be represented directly or through a loose, informal structure, such as one led by community leaders.

Families could be involved in the setting up, governance, operations and monitoring of the mechanism. They may take on an advisory or liaison role or be involved in decision-making. The extent of their involvement will depend on their will, capacity, resources, and the risks involved.

A mechanism's mandate and objectives should be defined in consultation with families, their associations and other civil society organizations representing them, putting their concerns, experience and knowledge at the centre of the process.

Once a mechanism is operational, family members or civil society representatives with relevant profiles could act as sounding boards for decisions or participate in the mechanism's management and operations.

Families may also participate in the process of gathering, analysing and sharing information to determine the fate and whereabouts of missing persons. Involvement in the exhumation and identification process may be more technical and complex. The mechanism should ensure the families have access to relevant information and support them in understanding the often highly technical processes.

When defining the role of family associations in a mechanism, their set-up, objectives and acceptance in the community should be considered.

In addition to its interaction with family associations or representatives of families, a mechanism should not neglect direct contact with individual families, including those not represented by family associations.



Ukraine

The Law of Ukraine on the Legal Status of Missing Persons 2018 states that individuals, NGOs and legal entities can be involved in the search conducted by the National Police. They can gather information from other authorities, except confidential information under a criminal procedure. This provision gives relatives an opportunity to be more actively and organically involved in the search for their loved ones, and to cooperate more closely with the authorities involved in the search in a more transparent way.



Mexico

The General Law on the Forced Disappearance of Persons, Disappearances Committed by Individuals and the National Search System demands the creation of a National Citizen Council (*Consejo Nacional Ciudadano*), whose role is primarily to advise the National Search System, but also the other institutions of the National Search System. National Citizen Council members are relatives of the disappeared, experts from a variety of disciplines (e.g. forensic science) and human rights defenders. A body like the National Citizen Council must also be formed in each of the states.

4. FAMILY ASSOCIATIONS

Family associations are groups of families who come together because they share the experience of having a missing relative.

Family associations can develop in a variety of ways. In many contexts, especially where persons have gone missing during armed conflict or other situations of violence, families may spontaneously organize themselves to create networks and groups. In other contexts, they may be created with the encouragement and support of religious institutions, human rights organizations, civil society, political actors or even state institutions.

Family associations may be formal or informal and can be created as a local community, regional or national organization. In some cases, specifically in situations of armed conflict, they may be established in a country different from the one in which persons are going missing.

Family associations have a dual role:

- representing the families and advocating on their behalf
- providing services to the families, either directly or indirectly, by acting as a channel for the state and others.

There may be several family associations operating in the same territory, representing different constituencies, e.g. based on ethnicity, circumstances of disappearance or political affiliation. Competition between different groups and internal disputes may result in divisions and fragmentation.

The status and effectiveness of family associations can vary depending on the will and capacity of the families involved and the prevailing normative framework. Even where a family association has no formal status, it may nevertheless enjoy a certain authority and legitimacy among certain groups of families and/or the affected community and may be a relevant actor in a mechanism.

Before entering into cooperation with a family association a mechanism may wish to obtain clarity on the following issues:

- Which families does it represent (i.e. how many members does it have and what proportion of the families does it represent)?
- Which affected communities are represented?
- What is the origin of the initiative? Is it local? Is it part of a national network? Is it sustainable?
- How does it represent all its members to authorities, the media, NGOs, etc.?
- Are the declared objectives and intentions of the family association compatible with the mandate and mission of the mechanism?
- How is its structure defined and how are individual responsibilities defined?
- Which rules and procedures are in place governing operational management, financial management and public communication?
- Is it guided by the express needs of its members?
- To what extent is it independent in terms of political affiliations and material and financial resources?
- How does it keep data and records on the missing and how does it ensure the protection of data?
- How is it able to facilitate the exchange of information and help families understand the information they are given?
- How is it regarded by the authorities?
- How does it participate in decision-making and in channelling of community-based support programmes?

5. ACTIVITIES OF FAMILY ASSOCIATIONS IN SUPPORT OF THE WORK OF A MECHANISM

Many of the activities of family associations will be in line with the objectives of a mechanism and could be drawn on to support the work of the mechanism. Some of these activities are highlighted below.



Associations of families of missing persons can serve as a means to transform individual pain into a collective cause. In July 1998, associations of wives of missing people from **Srebrenica** gathered in Goražde, on the bridge over the Drina river under which, three years earlier, the bodies of victims of the Srebrenica massacre had been carried along by the river. The ceremony created a collective bond among individuals and gave them a place in their community and in their society as *families of missing persons*. Family associations are also key stakeholders for authorities in search and identification efforts, legal reform processes and in the establishment of domestic institutional frameworks to address the question of missing persons. Their role transcends the individual stories of their members and acquires a societal dimension – it shapes the way a country deals with a part of its past. (Adapted from “[Where are they now](#)”.)

a. Advocacy and representation

- Emphasizing the role of the families as actors in a process to address their needs, and not simply as victims.
- Bringing social and political recognition to the missing issue through collective advocacy and political pressure.
- Engaging with the authorities and others to advocate for improved support in addressing the needs of the families.
- Ensuring that the authorities in charge of ascertaining the fate and whereabouts of missing persons do not neglect their duties.



In **Colombia**, the *Asociación de Familiares de Detenidos Desaparecidos de Colombia* (ASFAD-DES) provides information to other families and communities about transitional justice mechanisms. The association successfully advocated for the inclusion of the prohibition of enforced disappearance in Colombia’s basic military manual and national legislation. Together with the family association *Fundación Nidia Erica Bautista* and the NGO *Cooperación Jurídica Libertad*, ASFADDES participated in negotiations in Havana, Cuba to conclude the Peace Agreement.

In **Chile**, the *Agrupación de Familiares de Detenidos Desaparecidos* (AFDD) has been advocating for answers on the fate and whereabouts of those who disappeared under the military dictatorship since 1974 through collective action, including protests, events and the making of tapestries or *arpilleras*. The tapestries are exhibited around the world to raise awareness of the issue of disappearance.

b. Support to members and facilitating access to support provided by the state and other actors

- Mapping and assessing services available to families of missing persons.
- Linking families to service providers, including the state.
- Providing guidance on legal and administrative processes to exercise rights and obtain benefits.
- Representing, where required, families in interactions with national missing persons mechanisms and judicial processes.
- Keeping families informed of developments in the search, identification or judicial investigations.



More than 30 family associations provide support to families searching for their missing relatives in **Bosnia and Herzegovina**. They conduct a range of activities, including: accompanying families during the identification process; participating in organizing collective burials; taking care of missing persons' family members (children attending schools – enrolments, scholarships, taxes – supporting those in socially vulnerable categories – the elderly, etc.); raising awareness of the missing persons issue and families' needs in local communities; commemorations and memorial events; creating and maintaining memorials; advocating for the families' rights with local authorities; filing criminal charges; collecting data from eyewitnesses; and finding and accompanying those who testify in court. The associations also link families in need to other service providers and keep them informed of developments in relation to the search (e.g. issuing bulletins, organizing meetings, etc.).

In particular, the Advisory Board of the Missing Persons Institute of Bosnia and Herzegovina (MPI), whose six members are proposed by family associations from all over the country, acts as a link between families and missing persons mechanisms and judicial processes. The Advisory Board organizes round tables at local level in different regions of the country and gathers together families of missing persons, authorities and international organizations involved in the search process to answer questions the families may have about the different processes and to enable an exchange of information between individual families and the MPI investigators.

c. Memorialization and reconciliation

- Organizing commemorations and memorials that acknowledge all missing persons without discrimination, following a consultation process with all communities involved.
- Promoting reconciliation among communities in a manner that does not adversely impact the issue of missing persons.
- Promoting efforts to prevent disappearances in the future, including by engaging younger generations.





In **Georgia**, families of missing persons initiated a project to design a Missing Memorial with the support of the ICRC and the authorities. This tangible reminder of their loved ones was inaugurated on 30 August 2021, the International Day of the Disappeared.

Since 1998, hundreds of families in **Bougainville**, Papua New Guinea, are still yearning to know the fate of their missing loved ones. On 1 November 2020, families of those who went missing in Central Bougainville gathered to commemorate their relatives. A community priest conducted a ceremony, giving blessings to pictures brought by families of their loved ones and to trees, which the families then planted close to their homes. The ceremony provided a platform for families to celebrate the lives of their loved ones and find ways forward without them.

In **Cyprus**, the members of the Bicomunal Association of Relatives of Missing Persons, who come from both the Greek Cypriot and Turkish Cypriot communities, actively work together to find information on the fate of missing persons and collectively advocate for greater understanding of the issue, particularly among future generations of Cypriots, by publicly talking about their shared grief as families of missing persons.

Las Abuelas de la Plaza de Mayo is an Argentinian association of grandmothers searching for their disappeared children and grandchildren who were born in captivity. The association has held public awareness-raising campaigns and events, such as *Teatro por la Identidad* (Theatre for Identity) and *Tango por la Identidad* (Tango for Identity) to publicize the issue of children abducted during the military dictatorship of 1976–1983 and urge young people who have doubts about their identity to contact it. The aim of such events is to challenge historical amnesia and ensure the memory of the disappeared is passed on to subsequent generations.

6. ENSURING EFFECTIVE FAMILY PARTICIPATION

The mechanism should seek to ensure the support of the families and their effective participation, including by:

- ensuring transparency and communication in order to ensure families' expectations are realistic
- promoting non-discrimination and inclusivity, without distinction between specific groups or geographic locations
- ensuring the mechanism and/or related institutions have the capacity to support families, including with regard to their legal, administrative, economic, psychological and psychosocial needs
- managing the different outcomes for different families, i.e. some will receive answers while others will not, understanding that this can cause divisions between them and ensuring that interactions with families and family associations address this issue
- acknowledging that individual families themselves may be divided
- recognizing and mitigating the possible exposure of family members to security risks or stigmatization where they participate in the mechanism
- building trust and understanding between families and authorities, and providing safe spaces for family engagement with the authorities
- in situations of armed conflict or other situations of violence, promoting connections between families on all sides, emphasizing common suffering and pain, and encouraging a united front in achieving objectives related to the search for missing persons and the clarification of their fate and whereabouts
- acknowledging that the families' voluntary engagement may waiver due to demotivation and security risks, and taking steps to encourage sustained engagement
- where one does not exist and families have indicated an interest in establishing one, encouraging and facilitating the development of family associations as a means of support for the families of missing persons.



In **Colombia**, a *Mesa de Atención Psicosocial a Familiares de Personas Desaparecidas* (Round Table for Psychosocial Support to Families of the Disappeared) was, for many years, a means of bringing together representatives of family associations and state authorities on a regular basis to share experiences and exchange knowledge in the field of psychosocial support to families of missing persons and to promote best working practices in this regard. The Mesa was also aimed at strengthening the capacity of prosecutors and forensic civil servants to respond more effectively to the needs of families of missing persons and the challenges they face in the field while carrying out their work. The Mesa has also published relevant documents that highlight the plight of families of the missing and contributed to the drafting of the law on the declaration of absence of missing persons (*Ley de Ausencia*). The success of this joint initiative resulted from the political will on the part of state actors, the high visibility and organization of associations for families of the missing, and the participation of all actors in the Mesa on an equal basis.