

Specialized Social Assistance to Families of Victims of Disappearance During the COVID-19 Contingency

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Abstract. In Mexico, the situation of forced disappearance is critical; more than 73.000 families at the national level, and more than 4.000 at the state level in Nuevo León, are affected by the situation they suffer when one of their relatives is missing. As a result of the health crisis caused by the global COVID-19 pandemic, the vulnerability of families of disappeared persons has increased, although the epidemic is a generalized condition in this population, the effects are exacerbated by the conditions in which they live after the victimizing act. This article reports on the specialized attention that these families have received in the state of Nuevo León during this health crisis.

Keywords: Enforced disappearance; Intervention; Social work; Families of victims; COVID-19

[es] Atención social especializada a familias de personas víctimas de desaparición durante la contingencia COVID-19

Resumen. En México, la situación de la desaparición forzada es crítica, más de 73.000 familias a nivel nacional y más de 4.000 en el estado de Nuevo León que están afectadas por la situación que padecen cuando uno de los familiares se encuentra desaparecido. Con motivo de la crisis sanitaria derivada de la pandemia mundial COVID-19, la situación de vulnerabilidad de las familias de desaparecidos se ha incrementado, si bien la epidemia es una condición generalizada en la población, las afectaciones se agudizan por las circunstancias en las que viven después del hecho victimizante. El presente documento da cuenta de la atención especializada que dichas familias han recibido en el estado durante esta crisis sanitaria.

Palabras clave: Desaparición forzada; Intervención; Trabajo Social; Familias de víctimas; COVID-19

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1. Diagnostic panorama

The disappearance of persons, also considered forced disappearance, refers to the act of depriving a person from their liberty through abduction, hide them, and deny any kind of information about their whereabouts; every act around this social issue, forcibly takes the rights of liberty, the recognition of legal personality and personal integrity, it also jeopardizes the human right of life (Chale, 2018).

In Latin America, forced disappearance of persons is considered a deliberate strategy against so-called subversive groups or terrorists, used by Armed Forces and security agencies, intelligence services, or even paramilitary groups acting either with cooperation or tolerance from the State. In Mexico, the situation of forced disappearance is critical, according to the latest statistics from the *Comisión Nacional de Búsqueda* [National Search Commission] there are over 73,226 cases in the country, Nuevo León reports 4,305, however, it is possible that there are more unreported, unrecorded, or under-investigated disappearances; there's also the chance that the authorship of the acts is unknown (Gobierno de México, 2020).

Although there are disappearances in Mexico reported since the 70's, in 2006 the incidence level increased nationally because of the "Guerra contra el Narcotráfico" [Mexican Drug War] fostered by then President Felipe Calderon, the operative "Nuevo León Seguro" [Safe Nuevo León] and the re-foundation of Nuevo León's state

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police, renamed Fuerza Civil, were part of the implemented strategies to attend the issue of violence in the state. However, with the report authored by the Universidad Iberoamericana and *Fuerzas Unidas por Nuestros Desaparecidos en Nuevo León* [FUNDENLAC, United Forces for our Disappeared in Nuevo León], between 2010 and 2011, there was a rate of 19.14 disappeared persons for every 100 inhabitants (Ruiz, 2019).

In the first semester of 2020, there has been 526 reports of disappeared persons in Nuevo León, according to the data from the *Grupo de Búsqueda Inmediata* of the Fiscalía General de Justicia del Estado de NL [GEBI, State Attorney General's Immediate Search Group], from which, they haven't been able to find 175 persons, who are added to the long data list of missing people.

From the total of disappearances in the first semester, there are a 51% of male and 49% of female victims; however, women have a bigger location rate compared to men, because they have a 50% rate of finding, compared to 16% of women not found (GEBI, 2020).

2. Group of target population

Adding to the information above, it should be considered that over 73 thousand families in the country, and four thousand in the state, are affected by the situation of having a disappeared family member. Women in the families are particularly vulnerable to suffer adverse social and economical effects, besides violence, persecution and retaliation because of their efforts and actions focused on finding their missing loved ones. In relation to children suffering this situation, they are particularly vulnerable to Human Rights violations, including their right to identity protection and privacy (Comisión Nacional de Derechos Humanos, 2019).

The data is incapable of showing the hard situations and agony that the family members can suffer due to the uncertainty of not knowing their disappeared person's whereabouts or if they are going to see them again; there are, inside institutions, acts of injustice and impunity that have caused in families and communities feelings of vulnerability, insecurity and victimization; there's also a low rate of official complaints, only two out of ten forced disappearance-related crimes are reported, because of fear of retaliation (Reveles, 2015).

Every act of disappearance represents a violation of the norm of the International Law, which guarantees that every human has the right of recognition of their legal personality, the right of liberty and the right to security of person; those same rights are granted to their families. The State has the duty of taking legislative, administrative, judicial, or whichever kind of action is needed to prevent and eradicate the acts of forced disappearance and establishing a civil co-responsibility (Organización de las Naciones Unidas para los Derechos Humanos, 2015).

3. Economical support for children of disappeared persons

Forced disappearance is a multi-offensive crime, because it affects and violates the Human Rights of both the victim and their family, it increases the economic endangerment of the families because of their informal businesses in most cases; anxiety and depression because of the suspended grief are increased by the confinement and the lack of possibilities to reactivate their search.

In the *Ley General de Atención a Víctimas* (2017, General Law on Attention to Victims), it is mentioned that children and youth of disappeared persons have the right to apply for and receive immediate help, assistance and attention, on an opportune, quick, equitable, free and affective manner, given by a professional team specialized in attention to the damage caused by the victimizing act, independently of where they are; in addition, that help, assistance or attention must not create a new trauma.

This same law points that children and youth must receive medical and psychological attention and social assistance, they also must be recipient of affirmative actions and social programs implemented by the State, to protect and guarantee their right to life with conditions of dignity; furthermore, it mentions the Dependencies and Entities of both Local and State administrations, and also, the agencies and public institutions that are responsible of offering attention, assistance and protection to victims (*Ley General de Atención a Víctimas*, 2017)

In Nuevo Leon, the institution responsible of offering support to children and youth who are family to disappeared persons is the *Sistema para el Desarrollo Integral de la Familia* [System for the Integral Development of the Family], which has the task of developing and executing programs with the mission of offering integral protection to the people that are subject to receive every implied service, including social assistance. In order to be eligible to receive support, the first of the requirements is to arrange in the family members what is juridically named as victim.

This process is done through the Public Ministry, which is in charge of running the investigation files of the presumed disappearing, the Victim Status is given to the direct family members in first-degree, upwards and downwards, and the persons directly affected by the victimizing act; in order for the Public Ministry to

grant this document, documents that prove the relationship are needed, wives need a marriage certificate, and children, parents and brothers need a birth certificate. Once the Public Ministry approves the familiar relationship, it generates an agreement, which is sent to the *Comisión Ejecutiva Estatal de Atención a Víctimas* [Executive State Commission on Victim Attention], to receive and fill out the *Formato Único de Declaración* [Unique Form of Declaration], which is the start of the registry as a victim, and the possibility of accessing the attention services of the institution.

4. Current situation due to the COVID-19 pandemic

In the National context, phase two of the COVID-19 pandemic was declared on the last week of March of 2020, which refers to contagions between citizens without record of traveling or contact with people who did travel outside of the country, making it difficult, or, in the worst case scenario, impossible to properly track the chain of contagions; from then on, every government institution announced security measures to prevent the spread of the virus, and either partially or completely suspended in-person activities (UNESCO, 2020).

One of the worst consequences of the pandemic was the unprecedented job losses, changes in offer and demand, and quarantining and isolation measures forced the ceasing of activities in numerous businesses and social institutions; some workers were able to continue working remotely through home-office, but those unqualified or those dedicated to manual or informal labor were more likely to lose their jobs. Workers on informal business areas are on a more vulnerable situation, because they have lost their income and, therefore, their families, that are in a rung below of the income distribution base, are going through difficult moments, coupled with the day-to-day uncertainty (Neidhöfer, 2020).

We can link all these previous contexts and demonstrate the crisis that the people who need to go through an administrative process have to deal with in any government institution; plus, they might ignore every requirement or step in the process to be a beneficiary of a social assistance program. If having access to the information and being able to apply was a difficult task on a pre-Pandemic reality, this actual context makes it all the more difficult.

Therefore, the family of disappeared people have to use other instances and use the information they can access through social media to ask for help to apply for any aid. Through these messages they get the information they need to apply for programs, their documents are asked for and if they don't have the official Victim Status, this is arranged through the Fiscal *Especializado en Delitos de Desaparición* [Specialized Counsel on Disappearance Crimes] of the Public Ministry, once this certification is generated, every document is sent to the proper institution to continue the procedure that the family needs.

5. Intervention Strategy

The critical condition that the family of a disappeared person must endure is hard to face and manage, the intervention of a Social Worker becomes necessary to give strategies and abilities to the family, so they can be able to face this situation in a way that, first, facilitates the search process; and second, minimizes the psychosocial impact in them (Pérez, 2012). Also, help is needed to manage the resources for the family survival, which implies a series of tasks that the Social Worker must carry out.

The violence suffered by the families in the wake of a disappearance requires a case intervention, because every family has a different background, Merendiz (2012) points out that the process of intervention is done through the identification of the conflict, historicizing, and accompaniment on the effects happening in the lives of violence victims and their unveiling; and counseling and management of the Institutional processes.

Patterson (2002), cited in Fernández, Parra & Torralba (2012), indicates that, in order to properly develop interventions that seek to strengthen the family system's resilience, it is necessary to train the families to face the stressing situations that they encounter. This training is comprised of four phases, namely:

The first phase is promotion and divulging, which has two purposes, the first one is to offer the service of the assistance strategy to families of disappeared persons; and second, to inform the victims about their Rights, given that, in order to exercise a right, it is necessary to know it, starting with that premise, the attention process begins.

The second phase is the assessment of the case, the family needs are defined with a social interview done through video call, messaging, or phone call, this is a process of empathic listening that has the challenge of making the person feel accompanied despite the distance.

The third phase is the process of orientation and canalizing, based in the needs established along with the family. The managing process is done through the department of Social Work, focused on the required aids or the ones they have access to, then, the team proceeds to solicit every requirement of the program, as well as carrying out the interinstitutional arrangements with the offices involved in attention to victims of disappearance.

The fourth phase is the following-up of the aid arrangements done with the family and with institutions, this is not considered a closing stage, because the needs of the families change, and with time, orientation might be needed, so, it is required to keep the close link with the family and help them if new needs occur.

5.1. Phase One: Promotion and Divulging

In this phase, the strategy to follow will be informed to the families of disappeared persons, it will be done through infographics placed in the dependencies where they go to file a disappearance report, in the state of Nuevo Leon, this action is done in the *Centros de Orientación y Denuncia* [CODE, Orientation and Denounce Centers] of the *Fiscalía General de Justicia* [Justice General Attorney], the *Grupo de Búsqueda Inmediata* [GEBI, Immediate Search Group] and the *Comisión Local de Búsqueda* [CLB, Local Searching Commission].

One of the main reasons for the families to not exercise their rights, is the lack of information of what the *Ley General de Atención a Víctimas* [General Law on Attention to Victims] provides, so, it is necessary to make this information accessible to the target public. Social Media is an important medium to spread information, so, in the profile of the Strategy, the public information about the rights of the victims will be displayed using informative videos, posters and infographics.

In addition, a series of informative capsules will be elaborated, with flowcharts with step-by-step how-tos for accessing the different programs and aids granted by the *Comisión Estatal Ejecutiva de Atención a Víctimas NL* [Executive State Commission on Victim Attention] (*Ley General de Atención a Víctimas*, 2017), and the *Dirección de Orientación y Protección a Víctimas y Testigos de la Fiscalía General de Justicia de NL* [DOPAVIDET, Justice General Attorney's Direction of Orientation and Protection to Victims and Witnesses].

Those divulging materials will contain the different ways of contact to properly develop the adequate orientation to the families, these mediums are social media messaging, e-mail and video calls.

5.2. Phase two: Initial Assessment

It is fundamental to know the necessities of the families to properly develop a social assistance model, therefore it is necessary to know the different socioeconomic conditions of the indirect victims. The impact areas of the victimizing act are identified through a social interview that inquires about their particular situation and different economical aspects like education, health and juridic status, this information will be useful in the orientation and canalizing process (Mallardi, 2009).

It's worth mentioning that the main objective of the family is finding their disappeared member, however, it's indispensable to inform them about the importance of accessing every available aid to satisfy their basic needs and help them continue their search. Other aspect to consider is the psychological attention, and accompaniment on a victimological and specialized focus on disappearances, to properly develop the coping resources, for example, when it is time to inform the children of a disappeared person about the situation they are living now.

The professional must take into account that the approach for the interview must be sensitive and empathic, because when a person describes their conditions of need, it might make them recall their victimizing act, special care is needed to prevent revictimization, giving them safe spaces of listening, to facilitate the sharing of information (Carballeda, 2018).

It's important nothing that the socioeconomic conditions are not a factor that determines the access to the aids and resources from the institutions, given that these aids are presented as a protection from the State because of the victimizing act, so, applying for a socioeconomic study is not necessary because the access to these rights are recognized trough a Victim Status granted to a family member of a disappeared person by the Public Ministry.

5.3. Phase three: Intervention Route (orientation and canalizing process)

Rebolledo & Rondón (2010) point out that the communities and individuals require the materialization of the Right and the psychosocial aggregate that favors the integrality of the reparation after the violent acts, these enable a better coping in a preventive relation facing a repetition of the events.

After establishing an intervention route, developed according with the results of the interview, the needs and instances that provide the assistance are assessed. A dialogue with the family happens to show every grant, management, or resource that are available, and the Social Worker and the family work together to decide every action that will be taken, making clear the documents, time and requisites that needed for every assistance.

On the legal spectrum, they have orientation about their Victim Status and how to apply for it at the Public Ministry, the Social Worker lists the documents needed to validate the relationship with the victim to be able to be approved, this means that the Social Worker links up with the *Comisión Ejecutiva Estatal de Atención a Víctimas* [CEEAV, Executive State Commission on Victim Attention], that is the instance to

which the Public Ministry sends the Victim Status certificate, to make the registration to the *Registro Estatal de Víctimas* [State Registry of Victims] and access the specialized services of social, legal and psychological assistance.

In this sense, they are sent to the and the *Comisión Local de Búsqueda* [CLB, Local Search Commission], to make the disappearance report and begin the search actions of the disappeared person, whether they are alive or not. In longstanding cases, the families are guided through the processes of Absence Declaration or Presumption of Death, these proceedings vary depending on the conditions and needs of every family.

Regarding education, scholarships are arranged through the *Centro Estatal de Becas de Nuevo León* [SEbecas, State Center for Scholarships of Nuevo León], which is a dependence of the *Secretaría de Educación del Estado de Nuevo León* [Secretary of Education of Nuevo León], this procedure is managed by the *Comisión Ejecutiva Estatal de Atención a Víctimas* [CEEAV, Executive State Commission on Victim Attention] or the *Dirección de Orientación y Protección a Víctimas y Testigos de la Fiscalía General de Justicia de NL* [DOPAVIDET, Justice General Attorney's Direction of Orientation and Protection to Victims and Witnesses].

On the economic spectrum, the Social Worker arranges for a monthly stimulus for food for the children of disappeared persons, through the *Dirección de Gestoría Social* of the *Sistema para el Desarrollo Integral de las Familias de Nuevo León* [Direction of Social Agency of the System for the Integral Development of the Family of Nuevo León]. To apply for this aid, the families must present a few documents that need to be approved, and once accepted, a debit card is granted for each child. It is worth mentioning that the Social Worker must make sure that the person clearly identifies the documents requested and how to get them, as well as the needed format, required to send the documents, because otherwise, the aid won't be granted.

Regarding the special aids for mental health, those are arranged through the *Comisión de Víctimas* and DOPAVIDET's Psychology department, both of which have qualified personnel to properly give the assistance needed according to the needs of the family.

Interinstitutional linking up and developing collaboration networks are fundamental tools for the Social Worker, to aid them in achieving a successful intervention, because the conditions of each family require individual attention and their needs might require aid from other institutions not listed above, therefore, it's necessary to have a catalog of Public and Private institutions capable of helping with the aid, a valuable tool to the development of the intervention.

5.4. Phase Four: Follow Up

It is fundamental do constant follow-up of every case after successfully getting the aids, so it is necessary to make calls and verify that the documents needed were received, confirm that the forms required the institution are rightly filled and be aware of the expected time to fulfill the aid to the family. If it's needed, the social worker must help with amending a form, or ask for aid to other institutions, to satisfy the needed paperwork.

Likewise, the family must be notified about the status of their application and make them aware that every step must be fulfilled to get access to the aid, so, the family member is ready to act when needed.

As it was mentioned before, the disappearance crime doesn't have any specific timeline because it is imprescriptible, and the protection granted by the *Ley General de Atención a Víctimas* [General Law on Attention to Victims] is only finished with the death of the beneficiary. These assistance programs don't prescribe until the disappeared person is recovered, otherwise, they might end only if the institution that provides the aid stops getting resources to operate their assistance programs.

6. Conclusions

The vulnerability of the families with a disappeared person have increased because of the sanitary crisis in our country, even when the Pandemic is affecting everyone, the family of victims of disappearance suffer a particularly severe condition after the victimizing act.

Their rights and the ease of access to them are provided by the laws and jurisprudences of the Mexican State, in the case of Nuevo León, the government has a specialized office to give support, but those services offered by the *Comisión Ejecutiva Estatal de Atención a Víctimas* [CEEAV, Executive State Commission on Victim Attention] are barely advertised.

Developing effective actions to successfully provide aids and resources to the families, is a needed action and an urgent task for the local government; and the Social Worker is the most competent professional to properly elaborate a sensible and effective intervention in this panorama, given that their formation allows them to successfully develop management, orientation, canalizing, and follow-up processes.

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