



Enforced or Involuntary Disappearances

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Why in News

Since **the coup in Myanmar**, the **United Nations Working Group on Enforced or Involuntary Disappearances (WGEID)** has received reports of **enforced disappearances from the family members of victims**.

Many Asian regimes are using **enforced disappearances as a tool to suppress the people**.

Key Points

- **About:**

Enforced disappearance occurs when a **person is secretly abducted or imprisoned** by a state or political organization, or by a third party with the authorization, support, of a state or political organization, **followed by a refusal to acknowledge the person's fate and whereabouts**, with the intent of **placing the victim outside the protection of the law**.

- Enforced disappearances became widely known to the world in the **1970s and the early 1980s during the 'Dirty War' in Argentina**.
- **Dirty War**, also called **Process of National Reorganization**, was a infamous **campaign waged by Argentina's military dictatorship against suspected left-wing political opponents**.

- **Constituents of Enforced Disappearances:**

- **Deprivation of liberty** against the will of the person.
- **Involvement of government officials**, at least by acquiescence.
- **Refusal to acknowledge the deprivation of liberty** or concealment of the fate or whereabouts of the disappeared person.

- **Recent Occurrences:**

- **Myanmar:**

- The **military is committed to suppressing the people's movement**, and the police are carrying out unimaginable acts of violence and oppression against those demanding freedom of expression and the restoration of democracy.

- **China:**

- Under the pretext of re-education to prevent terrorism, **Uyghur minority ethnic group members are forcibly sent to what Chinese authorities call 'vocational education and training centers'**, with no information on their whereabouts.

- **Sri Lanka:**

- It has experienced more than three decades of **domestic conflict accompanied by various forms of enforced disappearances.**

- **Pakistan and Bangladesh:**

- Enforced disappearances are **being committed in the name of counter-terrorism measures.**

- **Global Measures:**
 - **United Nations Working Group on Enforced or Involuntary Disappearances (WGEID):**
 - **About:**

In 1980, the UN Commission on Human Rights (now replaced with UN Human Rights Council) decided to "establish for a period of one year a working group consisting of five of its members, to serve as experts in their individual capacities, to examine questions relevant to enforced or involuntary disappearances of persons".
 - **Functions:**
 - **Assist Families:**

It **assists families in determining the fate or whereabouts** of their family members who have reportedly disappeared.
 - **Oblige States:**

It is **entrusted with monitoring the progress of States in fulfilling their obligations** deriving from the Declaration and to provide to Governments assistance in its implementation.
 - **Involves NGOs:**

It **draws the attention of Governments and non-governmental organizations (NGOs) to different aspects** of the Declaration and recommends ways of overcoming obstacles to the realization of its provisions.
 - **International Convention for the Protection of all Persons from Enforced Disappearance in 2006:**
 - To **protect the right to be free from enforced disappearances**, the international community adopted the International Convention for the Protection of all Persons from Enforced Disappearance in 2006.
 - This became effective in 2010 and the **Committee on Enforced Disappearances (CED) was established.**
 - **CED and WGEID coexist side by side and seek to collaborate and coordinate** their activities with a view to strengthen the joint efforts to prevent and eradicate enforced disappearances.
 - The number of **participating states is still very low** compared to other treaties.
 - Among **63 member states** of the treaty, only eight states from the Asia-Pacific region have ratified or acceded to the treaty.
 - Only four East Asian states — Cambodia, Japan, Mongolia, and Sri Lanka have ratified it.
 - **India has signed but not ratified it.**

- **Relevant Indian Laws:**

In India there is **no specific legislation for enforced disappearances** but there are international, constitutional legal protections available for torture, extra judicial killings and forced disappearances such as the **Armed forces and special powers Act, 1958**, Prevention of torture bill, 2017, **Right to Information act 2005** etc.

Way Forward

- Enforced disappearance is a **serious crime that goes against humanity**. The pain and suffering of the family members do not end until they find out the fate or whereabouts of their loved ones.
- **Asian countries should consider their obligations and responsibilities** more seriously and reject a culture of impunity in order to eradicate enforced disappearances.
- The **domestic criminal law systems are not sufficient to deal with the crime of enforced disappearance**. It is a continuous crime that **needs a comprehensive approach to fight against it**.
- The **international community must strengthen its efforts** to eradicate enforced disappearances at the earliest.

Source:TH