**Enforced Disappearances as disturbing the stability and structure of the family**

**Submission By**

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One of the factors which has rendered families deeply vulnerable to disintegration is the practice of mass violations of civil and political rights by states through the practice of enforced disappearances. In particular the practice of enforced disappearances is violative of Article 6 and Article 9 of the ICCPR. This submission will make the case of how the violation of international human rights through the practice of enforced disappearance contributes to the disintegration of the institution of the family.

The question of how the practice of enforced disappearances is a threat to the family is best captured in a report, popularly known as Nunca Mas, on the disappearances perpetrated by the Argentinian military from 1978 to 1983. In this time period, thousands of Argentinians were disappeared by the military junta. The fact of who they were abducted by and whether they were dead or alive was left hanging by the junta leaving thousands of grieving and anxious family members in a state of ever present tension even as they ran from pillar to post to try and find their loved ones. This phenomenon of disappearances had a terrible impact on the *structure and stability of the family* as the family gets reduced to a continual state of dread and anticipation regarding whether their loved one are alive or not.

As Nunca Mas observed :

It is a feature of the disappearance syndrome that the stability and structure of the family of the person who disappears is profoundly affected. The arrest (generally carried out in the presence of the family or of people connected to the family); the anxious search for news at public offices, law courts, police stations and military garrisons; the hope that some information will arrive, the fantasy of a bereavement that is never confirmed; these are factors that destabilize a family group just as much as the individual members. Behind each disappearance, there is often a family that is destroyed or dismembered, and always a family that is assaulted in what is most intimate: its right to privacy, to the security of its members, and to respect for the profoundly affectionate relations that are the reason for its existence.[[1]](#footnote-1)

The question of enforced disappearances as a fundamental attack on the family is also squarely referenced by the Human Rights Council in the context of the enforced disappearances by both state and non-state actors in Syria.

The Report identifies the crux of the violation caused by disappearances

The heart of the anguish suffered by families lies in the authorities systematic refusal to acknowledge the deprivation of liberty or to disclose any information about the relatives. Across Syria, parents, siblings, husbands, wives, children and friends wait anxiously to know the fate or whereabouts of their loved ones. Not knowing whether the disappeared is still alive, and if so in what state of health and under which conditions, causes a level of grief impossible to convey. The secrecy surrounding the fate of the disappeared has the effect of intimidating and punishing families by leaving them in a state of uncertainty and mental distress. This mental anguish may rise to the level of torture or inhuman treatment and makes entire families the victims of enforced disappearances. [[2]](#footnote-2)

The impact of disappearances on the institution of the family as documented in the Report has implications for understanding the wider impact of disappearance itself

Besides the grave emotional and psychosocial impact, families also often have to cope with the economic consequences of disappearances. The absence of the main breadwinner creates financial difficulties that add to the extreme vulnerability of families. Women and children face specific hardships. The uncertainty created by the disappearance of their husbands or fathers has social and legal consequences, including on the status of marriage, right to inheritance and social welfare, and the management of property of the disappeared person. Children of disappeared experience acute suffering with the loss of a parent. One young woman interviewed about the disappearance of her husband stated ‘I do not know how to live and care for my young children without their father’.[[3]](#footnote-3)

Based on this documentation the Report rightly concludes that

The victims of enforced disappearance are not only those who have been disappeared. Enforced disappearances wreak havoc on families, tearing the social fabric of entire communities. [[4]](#footnote-4)

The practice of enforced disappearances renders the family vulnerable to disintegration. There is ample documentation of the enforced disappearance of political opponents of the regime by Belarus[[5]](#footnote-5), activists in Crimea[[6]](#footnote-6) and Chechnya[[7]](#footnote-7) by Russia and perceived political opponents by Egypt. [[8]](#footnote-8) It is this comprehensive understanding of how destructive the practice of enforced disappearances is to the stability of the family unit which needs to find a place in the Report of the OHCHR.

1. <http://www.desaparecidos.org/nuncamas/web/english/library/nevagain/nevagain_226.htm> [↑](#footnote-ref-1)
2. Report of the independent international commission of inquiry on the Syrian Arab Republic, Annexure IV Without a trace : enforced disappearances in Syria A/HRC/25/65 at para 44. [↑](#footnote-ref-2)
3. Ibid. para 49. [↑](#footnote-ref-3)
4. Ibid. para 32. [↑](#footnote-ref-4)
5. <http://spring96.org/files/misc/individual-submission-to-the-universal-periodical-revue-of-belarus-bdc.pdf>. [↑](#footnote-ref-5)
6. <https://www.hrw.org/news/2014/10/07/crimea-enforced-disappearances> [↑](#footnote-ref-6)
7. <https://www.hrw.org/news/2005/03/20/chechnya-disappearances-crime-against-humanity> [↑](#footnote-ref-7)
8. <http://humanrights-monitor.org/Posts/ViewLocale/8094#.VdbSHEW8Gah> [↑](#footnote-ref-8)