

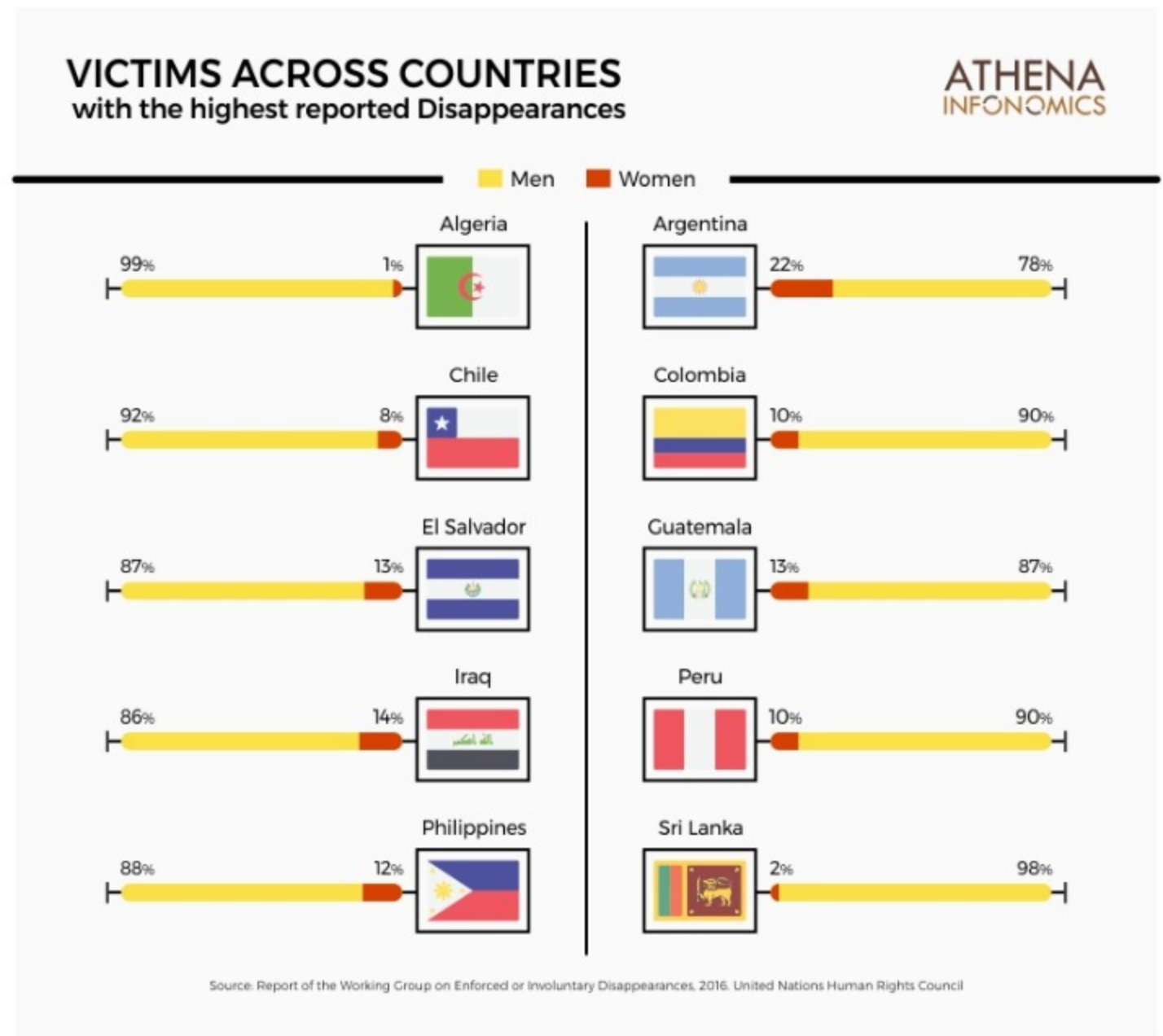
Why we need to Recognize the Gendered Impacts of Enforced Disappearances



Posted by Maria Jose in [Public Policy Advisory](#)

Political upheavals and unstable regimes world-over have been stained with the practice of abducting and silencing opponents. People literally disappear from their loved ones and their community, when state officials (or someone acting with state consent) grab them from the street or from their homes and then deny it, or refuse to disclose their whereabouts. The UN recognizes this as a serious violation of human rights on August 30th yearly as 'International Day of the Victims of Enforced Disappearances'.

Although men are predominantly targeted (as shown in the Infographic below), the impact on women is severe and lasting. The perpetrator's motive may vary in each country but the gendered impact it has is a common thread across all regions.



In Bardiya, a district of Nepal, men were regularly taken away in the middle of the night during the country's 10-year insurgency, amid wives begging to be taken instead so that their children may be looked after by the breadwinner.

The meagre resources of the victims such as livestock or land are often sold or jobs given up for the long-drawn out pursuit of finding their family members. Matters are often made worse as the status of 'missing' is rarely recognized as legal and hence affects property, inheritance and guardianship claims and even access to bank accounts and pensions. Victims' families may also lose access to basic social services that are tied to the victim's employment such as healthcare and childcare. All in all, a costly and emotionally-draining battle is waged to restore life back to even a semblance of normalcy.

The practice does not appear declining, either. In 2016 alone, there were 766 newly reported cases of disappearance – thrice that of those in the previous year. Among countries in Asia, Bangladesh appears to demonstrate cause for concern. People from all sections of society face are at risk, from Supreme Court Lawyers to Daily-Wage Laborers. Between January and July 2016, at least 70 people vanished through enforced disappearances compared with 55 in 2015, according to data compiled by Ain-O-Salish Kendra, a leading Bangladeshi human rights organization.

In India, the legal framework required to place a check on such crimes remains weak. India has failed to ratify the Convention Against Torture and its Optional Protocol as well as the Convention for the Protection of All Persons Against Enforced Disappearances. Further complicating matters include existing laws in India that make it extremely difficult to prosecute state officials. In particular, all government officials and members of security forces are protected under section 197 of the Criminal Procedure Code, which provides that no court can recognize any offense (except for sexual offenses) alleged to have been committed by a public servant in the discharge of an official duty without the approval of the central or state government. Measured against international standards that recognize the rights to justice, truth, reparation, and guarantees of non-recurrence, India's domestic laws and practices fall short of an effective remedy. Recognizing the different gendered impacts of forced disappearances leads to a better understanding of the problem, rather than just focusing on the individual who has disappeared. It is this enhanced understanding that will help activists influence policy change and raise greater awareness surrounding the effects of forced disappearances, thus onboarding a more diverse range of support for more effective change.

- Sources:
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 - <https://www.ictj.org/sites/default/files/ICTJ-Global-Gender-Disappearances-2015.pdf>
 - https://www.icrc.org/sites/default/files/topic/file_plus_list/4152-living_with_absence_helping_the_families_of_the_missing.pdf
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About Maria Jose

 Maria is interested in Private Sector Development and Women's Empowerment. She previously worked at the World Resources Institute and Citigroup.

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