**Submission from Maat for Peace, Development and Human Rights**

**Regarding** **the Visit of the Working Group on Enforced or Involuntary Disappearances to the African Union’s Judicial and Human Rights Organs and other Bodies**

The importance of cooperation between special procedures and regional organizations, particularly in addressing pressing issues that result in gross human rights violations and perpetuate social injustices that fuel armed conflicts, cannot be overstated. The phenomenon of enforced disappearance has been prevalent in the African continent since colonial times, and it continues to persist, with reports indicating that African state agencies, militias, and other armed groups are involved in enforced disappearances, specifically targeting human rights defenders, journalists, political opponents, and members of minority groups.

However, available UN data and statistics do not accurately reflect the true scale of this problem in Africa. Only around 6,000 cases of enforced disappearance have been officially recorded since 1980, which is significantly lower than the actual number of cases that have occurred on the continent during this period. This discrepancy can be attributed to various factors, including poor judicial systems, lack of awareness, absence of official data, underreporting and underrecording of cases of enforced disappearance, victims' fear of reprisals, and lack of trust in authorities.

In light of these challenges, **Maat for Peace, Development, and Human Rights** presents an overview and comments to the Working Group on Enforced or Involuntary Disappearances, focusing on a set of questions provided by the Group. Due to word limitations, Maat was unable to answer all the questions posed by the Working Group.

**First: Please provide information on past/ongoing initiatives focusing on enforced disappearance in Africa.**

In recent years, Maat has examined several local and regional initiatives aimed at addressing cases of enforced disappearance in Africa. The following are some of the noteworthy efforts and initiatives:

* The African Commission on Human and Peoples' Rights, a key regional entity working to promote human rights in Africa, has established various mechanisms to address enforced disappearance, including the Working Group on Enforced or Involuntary Disappearances. Over the years, the African Commission has made significant efforts to tackle enforced disappearance in Africa. Notably, during its seventy-first regular session held in Gambia from April 21 to May 13, 2022, the African Commission adopted guidelines to protect individuals from enforced disappearance in Africa. These principles represent the first African and regional instrument aimed at combating and preventing enforced disappearances, improving the situation of victims, and providing guidance and support to African Union member states in fulfilling their obligations to eliminate enforced disappearances across the continent.[[1]](#footnote-1)
* **In a related context**, the International Committee of the Red Cross (ICRC) has been actively involved in reducing and addressing enforced disappearance in Africa. The ICRC collaborates with governments, civil society organizations, victims, and their families to address this issue. The organization provides support to victims and their families, assisting them in the search for missing persons and obtaining information about the fate or whereabouts of their loved ones.
* Local and regional human rights organizations, including Maat, have actively documented cases of enforced disappearance in Africa. They have advocated for the release of forcibly disappeared individuals, sought to uncover their fates, and called for accountability for those responsible for enforced disappearance. As an example, on August 30, 2021, in commemoration of the International Day of the Victims of Enforced Disappearance, Maat published a study titled "Enforced Disappearance in East Africa: A Noticeable Increase." This study extensively documented the escalation of enforced disappearance in East Africa, particularly in Somalia, Eritrea, and Ethiopia. It analyzed the various contexts in which this phenomenon occurs, particularly in relation to armed conflicts and counterterrorism efforts.

The study put forth several recommendations, including allowing the Special Team on Enforced Disappearance to conduct field visits in East African countries, ratifying the International Convention for the Protection of All Persons from Enforced Disappearance, and integrating its provisions into national legal frameworks.[[2]](#footnote-2) Maat emphasizes the urgent need to continue documenting cases of enforced disappearance, support the legal empowerment of lawyers working with human rights defenders, engage in advocacy campaigns to exert pressure on African countries where these practices are prevalent, and provide funding for initiatives aimed at increasing ratification of the International Convention for the Protection of All Persons from Enforced Disappearance.

**Second: Please elaborate on possible reasons for the low registration/reporting of cases of enforced disappearances in the region. Please provide information on whether families, human rights defenders, humanitarian workers, prosecution, judges and lawyers or persons in charge of investigations and search face reprisals, threats and harassment for their work and, if so, in which form (and how this could be prevented and mitigated).**

Maat has observed that while the phenomenon of enforced disappearance has significantly affected Africa in recent decades, the data and statistics provided by international, regional, and even the working group itself do not accurately reflect the true scale of this problem. According to UN statistics obtained by Maat, only approximately 6,000 cases of enforced disappearance have been officially recorded in Africa since 1980, out of more than 60,000 cases recorded worldwide during the same period. This indicates that Africa represents only 10% of the total cases of enforced disappearance globally. Furthermore, out of over 47,000 cases currently under consideration by the Working Group on Enforced Disappearances, only around 5,000 cases pertain to African countries.[[3]](#footnote-3) Given the prevailing circumstances in Africa, including widespread armed conflicts, terrorist groups, migration, repression, and political persecution, all of which contribute to an exacerbation of enforced disappearance, Maat concludes that the aforementioned statistics do not accurately represent the true extent of the problem in Africa. The recorded number of enforced disappearances in Africa is significantly lower than the actual number that has occurred on the continent during this period, highlighting a deficiency and weakness in the process of recording and reporting cases of enforced disappearance across all African countries. This can be attributed to various factors, which can be explained as follows:

* **Fear of reprisal**: Victims and their families often hesitate to report enforced disappearances due to the fear of retaliation from the perpetrators. This fear is particularly prevalent in countries with weak rule of law and a corrupt and ineffective justice system.
* **Lack of awareness of the crime**: A significant number of people in Africa are unaware of what constitutes enforced disappearance and their rights as victims. This lack of awareness is attributed to various factors, including limited access to education and information.
* **Lack of trust in government bodies**: Victims and their families lack trust in the ability of authorities to investigate and prosecute enforced disappearances. They are skeptical that reporting such cases will lead to justice or accountability, given the long history of corruption, political interference, and abuse of power in many African countries.
* **Culture of impunity**: Enforced disappearances often occur with impunity in numerous African countries, with perpetrators rarely being held accountable. This prevailing culture of impunity undermines confidence in the justice system and discourages reporting of such cases.
* **Poor rule of law**: Weak or corrupt legal systems discourage victims and their families from reporting enforced disappearances. They perceive the existing legal framework as unreliable in delivering justice, leading them to remain silent instead of seeking help.
* **Lack of resources**: Civil society organizations dedicated to addressing enforced disappearances in Africa often face resource constraints. This limits their ability to report and investigate cases and provide support to victims and their families.

Furthermore, Maat has observed a recurring pattern in many African countries, where relatives of the disappeared, human rights defenders, and organizations involved in uncovering the truth about enforced disappearances and the fate of the missing are targeted. For instance, Maat received credible reports from Algeria, indicating that several lawyers affiliated with the Association of Families of the Disappeared in Algiers have faced harassment, explicit threats, and intimidation by members of the Algerian intelligence. These actions are a result of their efforts to search for missing persons and seek justice regarding their fate and whereabouts.[[4]](#footnote-4)

**Third: Could you please share experiences, good practices, lessons learned, emerging trends and specific features and potential solutions, in the context of Enforced disappearance in the context of migration?**

1. **Experiences:**

With the increasing factors contributing to migration and the rise in the number of migrants worldwide, including Africa, Maat has recently observed a surge in enforced disappearances related to migration. According to latest statistics reviewed by Maat, approximately 69,000 migrants have disappeared globally since 2014. These disappearances occur due to various reasons, such as political kidnappings, intensified smuggling and human trafficking operations, detention procedures followed by forced deportations, and strict migration policies that involve violence, expulsion, or detention. Consequently, the risk of migrants becoming victims of enforced disappearance amplifies.[[5]](#footnote-5)

1. **Good practices and lessons learned:**

Several countries have developed comprehensive legislation that explicitly prohibits enforced disappearance and provides effective remedies for victims. Therefore, Maat recommends reviewing these legislations and seeking best practices and experiences from African countries in this regard.

Some member states have established national mechanisms to prevent and investigate enforced disappearances. Maat emphasizes the importance of African countries considering the adoption of similar mechanisms and learning about their structure and functions.

States should collaborate in preventing and combating enforced disappearances of migrants by enhancing cooperation in border management, migration management, and intelligence-sharing.

It is crucial for states to address the root causes of migration and displacement, such as poverty, violence, and conflict, in order to mitigate enforced disappearances occurring within the context of migration.

Some countries are making efforts, albeit limited, to establish safe and regular migration channels for migrants. This approach can reduce the reliance on irregular or illegal migration, thereby decreasing instances of forced disappearance. African countries should be more actively involved in coordinating migration processes with countries receiving migrants.

* States should prioritize raising awareness among migrants and the general public about the issue of forced disappearance of migrants.
* Collaboration with civil society organizations is essential to raise awareness, educate, and provide support to victims and their families regarding enforced disappearance.

**Maat offers the following recommendations to the working group:**

* Increase funding for initiatives aimed at promoting the ratification of the International Convention for the Protection of Persons from Enforced Disappearance;
* Prioritize the legal empowerment of lawyers working with families of forcibly disappeared victims in Africa;
* Advocate for the establishment of platforms to exchange good practices in reducing enforced disappearance practices;
* Enhance the involvement of African Union judicial bodies in providing training for prosecutors and judges in African countries;
* Encourage African countries to extend a standing invitation to the United Nations special procedures, demonstrating their commitment to addressing enforced disappearance.

1. African Commission on Human and Peoples’ Rights Guidelines on the Protection of All Persons from Enforced Disappearances in Africa [EN/PT], relief web, 25 Oct 2022, link: <https://bit.ly/3rPbn4M> [↑](#footnote-ref-1)
2. A study of the phenomenon of enforced disappearance in East Africa.. A remarkable escalation, Maat for Peace, Development and Human Rights, August 30, 2021, link: <https://bit.ly/46OYab3> [↑](#footnote-ref-2)
3. A study of the phenomenon of enforced disappearance in East Africa.. A remarkable escalation, Maat for Peace, Development and Human Rights, August 30, 2021, link: <https://bit.ly/46OYab3> [↑](#footnote-ref-3)
4. A/HRC/WGEID/130/1, Communications transmitted, cases examined, observations made and other activities conducted by the Working Group on Enforced or Involuntary Disappearances, <https://bit.ly/46s6rlF> [↑](#footnote-ref-4)
5. Committee on Enforced Disappearances Launches General Comment on Enforced Disappearances in the Context of Migration, link: <https://bit.ly/3LYunVt> [↑](#footnote-ref-5)