

Forced Disappearances and the Inequalities of a Global Crime

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Despite international conventions and legislation, evermore frequently we witness the hundreds of thousands of people arrested, detained and abducted against their will from across all sorts of life and geographical contexts (i.e., journalists in Yemen, human rights defenders in Pakistan or campaigners in Myanmar.)¹ By definition, enforced disappearances occur when three elements combine: deprivation of liberty against the will of the person; involvement of government officials, at least by acquiescence; and a refusal to acknowledge the deprivation of liberty or concealment of the fate or whereabouts of the disappeared person (UNGA, 2010). In practice, however, forced disappearances are the outcome of complex and intertwined factors, usually involving unaccountable parties avoiding enforceable legislation (Rozema, 2011). Against this backdrop, researchers have begun to pay greater attention to state and non-state sanctioned disappearances. This commentary surveys recent data on enforced disappearance and suggests ways to help expand the knowledge frontier.

Iron-fist security restrictions implemented worldwide (and more so in the context of the COVID-19 pandemic) have seemingly catalysed dehumanising forms of routinised and often authorised violence. From 2012 to 2020, the UN Committee on Enforced Disappearances has received 895 requests for urgent action concerning incidents in member states, with most of them coming from Iraq, Mexico, Colombia and Honduras. In a vast number of cases, family members, close contacts or representatives of the disappeared persons blame the poor and ineffective search and investigation strategies put up by the public authorities (UNGA, 2020).

The extent of the problem is wide and far reaching. Disappearances in cross-border contexts, for example, reveal states' failure to protect asylum seekers, refugees and internally displaced and stateless persons. In Syria, from March 2011 to August 2019, at least 144,889 individuals were detained or forcibly disappeared by the main actors at conflict, that is, the regime forces, militias, Islamist groups, factions of the opposition, and foreign criminals and combatants (SNHR, 2019). Migrants and refugees exiting Central American countries such as El Salvador, Honduras and Guatemala heading north to Mexico and the United States also disappear. Many times, migrants are exposed to violent situations, including the death, forced disappearance, and kidnapping of relatives. They are also threatened with extortion, and many have been previous victims of assault and torture (Doctors Without Borders, 2020). It is estimated that more than 5500 people have disappeared in the United State-Mexico border since the mid-1990s, along many more found dead on their attempts to cross "dangerous wilderness, perilous

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mountains, or swift river currents” (quoted in [Patiño Houle & Torres, 2019](#)). The Missing Migrants project, tracking deaths and disappeared people along migratory routes, ranks the US.-Mexico border the third most dangerous behind crossings in the Mediterranean and North Africa ([IOM, 2021](#)).

In order to alleviate the problem, the 1992 UN General Assembly Declaration on the Protection of All Persons from Enforced Disappearance has become the cornerstone towards collective efforts to eradicate, punish and prevent this crime. It provides states with a definition and the implementation of search mechanisms for disappeared persons through a body of independent experts. To date, however, only 63 of the 193 UN member states have ratified the convention meaning that many complex challenges remain unsolved at the highest level of policymaking. Key issues revolve around achieving universal ratification, adopting guiding principles for the search of the disappeared, enforcing exchange mechanisms under other treaties, most notably, human rights protection, and coherence in jurisprudence and implementation worldwide ([UNGA, 2020](#)). States do not always comply with their basic humanitarian obligations, making us question the universality of treaty bodies. States usually hide, disguise, and shift responsibilities from their doings on brutal crimes including the killing of civilians, torture of combatants, and violent repression of political groups, just like they ignore crimes committed by other violent operators.

A Multidisciplinary Agenda

The bulk of the research available, both on the local and global scale, offers new themes in order to best conceptualise enforced disappearances. Political science and international relations scholars, for instance, focus on the use of disappearances and political terror.² Social philosophers study the ethics of punishment on perpetrators.³ Educators emphasise student activism and public discourses against disappearances.⁴ Historians review the politics of memory and the afterlives of the disappeared.⁵ Sociologists highlight the link between migration and forced disappearances.⁶ From the intersection of security studies and criminological perspectives, victim-led research and theorisation, including outlined areas for an in-depth qualitative and quantitative study, shed light on the current inequalities in crime, human rights protection, and access to justice whilst reflecting on the role of perpetrators, security actors, and public authorities.⁷

What is common across the literature is that most scholars suggest that forced disappearances remain at the crux of state–society relations. This not only in vastly unequal societies currently or previously governed by autocrats (i.e., Zimbabwe), but also in more thriving egalitarian societies (i.e., Uruguay). Its vestiges affect victims and their families, who carry the weight of suffering and exasperation ([Cronin-Furman & Krystalli, 2021](#)). As noted by [Medina \(2016\)](#) forced disappearances “aim is to deprive a person of everything that makes life meaningful, short of killing them (although this usually happens too), and to spread terror in their direct environment, family and friends, and in society as a whole” (p. 66). This crime targets the most vulnerable social groups, undermine confidence in institutions, destroy liberties, and leave victim’s families in despair and feeling helpless.

Let us consider the example of Mexico, a country surviving a history of enforced disappearances ([Osorio et al., 2018](#)) dating back two centuries and a present-day of heightened criminality and economic inequality. In 2018 and 2019, the count of the yearly disappeared went from 37,000 to 60,000, yet the miniscule number of cases opened by the special prosecutors and the lack of convictions give proof of a fractured and ill-prepared justice system.⁸

From the latest round of the [AmericasBarometer \(2019\)](#) surveying twenty-two states, Mexico’s country specific round ($N = 1580$) revealed that 33% of the respondents were victim of crime in the last 12 months, an increase of seven percentage points since 2014. Respondents said that crime (33%), a lack of security (15%), and problems with the economy (10%) were the three utmost concerns to them. For research purposes, the AmericasBarometer is a useful dataset as it asked participants to shed light on enforced disappearances. This data give fertile ground for both hypothesis-testing and

hypothesis-generating studies of crime inequalities, offering insight for further quantitative methodologies, but also giving unique experiences and perceptions useful for interpretivist qualitative research.⁹

For example, 8% of the respondents said they had an acquaintance or a family member victim of forced disappearance in the last year. More females (53%) than males (47%) know someone or have a family member who had been a victim of forced disappearance. However, among all Mexican victims of crime, males are the majority by a thin margin (51% vs. 49% of female victims).

Despite recent gruesome episodes where the state apparatus was actively involved in abducting people, such as the 2014 disappearance of 43 students from the Ayotzinapa Rural Teachers College in the southwestern state of Guerrero,¹⁰ only a minority in the public believed the military, national police or local police were responsible for disappearances.¹¹ In fact, from the subset of those who had an acquaintance or family member who fell victim to forced disappearance ($N = 120$), 51% said that organisations linked to drug trafficking were responsible for the disappearances.¹² During Mexico's dirty war in the 1960s and 1970s, the state selectively and silently persecuted, abducted and disappeared members of the political opposition. Nowadays, drug trafficking organisations publicise their assassinations, disappearances and kidnappings in order to intimidate enemies, recruit supporters, and create fear in the eyes of citizens (see [Karl, 2014](#); [O'Neil, 2009](#)). These acts of open violence glorifying narcoculture and narco-propaganda affect social and political representation, and they reproduce crime inequalities as they often target the poor (see [Cabañas, 2014](#)).

Crime, Justice and Inequality

Crime victimisation in Mexico also showed the prevalence of armed robbery (26% according to the 2014 round of the survey). This trend is likely to persist due to the large flux of weapons in the country ([Weigend Vargas & Pérez Ricart, 2021](#)). Second in rank-order came extortion and blackmail with 21%, a crime often related to enforced disappearances, and above other serious offences such as unarmed robberies (17%), home burglary (7%), vandalism (3%), and rape and sexual assault (1%). Gender, race and economic inequalities affect Mexican society heavily,¹³ which suggests a person's different probabilities of being a victim of crime. A binomial logit model using race and ethnicity as predictor showed that being Black and Mulatto had the greatest predicted probabilities of having an acquaintance or family member forcefully disappeared, that is .14 and .15, respectively, followed by being Mestizo (.08), Indigenous (.07), and White (.04). In terms of odds ratios, those in the minorities Black and Mulatto are 3.5 times¹⁴ and 3.6 times,¹⁵ respectively, more likely to have an acquaintance or family member forcefully disappeared than Whites. Adding gender to the model, or creating a separate binomial model, did not show statistically significant results, nor it did after including a measure of household income or whether the respondent lived in urban or rural localities.

After recoding the data, two categorical variables were correlated, first having an acquaintance or family member forcefully disappeared, and second being or having a family member victim of extortion, both coded 1 (or "yes") for the category of reference. The results of a chi-square test suggested that there was a statistically significant relationship between the variables.¹⁶ Having an acquaintance or family member forcefully disappeared is also statistically significant to having been asked for a bribe by a police officer,¹⁷ and by a public employee,¹⁸ but there is no significant relationship when, for example, a military officer solicited a bribe.

When modelling a logistic regression using the same variables, then the odds of having an acquaintance or family member forcefully disappeared increased by a factor of 2.8 for those who have been asked to pay a bribe by a police officer, compared to those who haven't experienced police corruption.¹⁹ Similarly, the odds of having an acquaintance or family member forcefully disappeared increased by a factor of 3.8 for those who have been asked to pay a bribe by a public officer, compared to those who haven't experienced such a form of corruption.²⁰ Another critical argument to examine

was whether disappearances carry the burden of further extortion on the friends and family of the victim. An additional logit model showed that the odds of being or knowing a victim of extortion increased by a factor of 3.23 for those having an acquaintance or family member forcefully disappeared when compared to those who haven't suffered such fate.²¹

What's Next?

Upon consideration of these preliminary results, we can make two arguments. First, critical criminologists and international relations scholars should enter a more profound dialogue about repressive state crimes and crimes against humanity which includes forced disappearances to understand better what Bigo called “the practices of (in)security and the experiences lived by human beings” (2016, p. 1068). Victims of enforced disappearances are likely to live in an environment of widespread corruption and state abuse disguised in various forms. The fact that individuals with intimate experiences of forced disappearances are prone to fall prey to blackmail by coercive actors speaks about a recurrent state of vulnerability and lack of social and judicial protection to underprivileged social groups. Due to the inequality of this crime, it is essential to ask whether victims and their families will ever have the appropriate legal and social rights and human recognition as the higher socio-economically positioned groups. Scholars from both positivists and interpretivists research backgrounds face a complex endeavour ahead studying the commonalities in meaning, explanation and experiences defining this crime and its impact upon society.

Second, and as suggested above in the case of Mexico, the internal and external dimension of systematic violations of human rights and states' inaction continues to be a trend worldwide. This happens in countries transitioning to or from civil war and dictatorship, and most relevantly, among those experiencing the dynamics played out by transnational organised criminality. Non-state groups, on the one hand, recklessly violate the regulations of international law as they are not subject to conventions. States, on the other hand, have the ability to criminalise certain actions, but also to avoid criminalisation of their own activities.²² Scholars interested in the globalisation of crime and the micro and macro inequality factors driving social harm should engage in a criminological debate—open to the realm of other academic disciplines—that is victim-led, accessible, and actionable.

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Notes

1. See three independent reports in [Amnesty International \(2021\)](#), [Human Rights Watch \(2021\)](#), and [UNHROHC \(2020\)](#).
2. See [Aguilar and Kovras \(2019\)](#).
3. See [Espindola \(2021\)](#).
4. See Blanco [Ramírez and Metcalfe \(2017\)](#).
5. A recent literature review on American Andean history is available in [González de Reufels \(2018\)](#).
6. [Schindel \(2020\)](#) is an excellent example of this research agenda.

7. See for instance the edited work published by Chambliss et al. (2010).
8. Blasi (2020) explained recently the legal rocky road lying ahead for Mexico.
9. See a discussion on quantitative and qualitative trends in criminological research in Armstrong (2020).
10. The Ayotzinapa case is an example of a widely exposed and condemned case for which the government recently established a Commission for Truth and Justice (Meyer and Ngong, 2020).
11. That was, 1.17, 1.72, and 4.48% of the preferences, respectively.
12. Similarly, but this time among those not having an acquaintance or family member disappeared ($N = 1451$), 53% of the respondents also blamed the drug trafficking organisations.
13. Mexico ranks third to last on the income inequality scale among OECD countries, only above Chile and Costa Rica (OECD, 2021).
14. $p = .04$, 95% CI = 1.02–11.69, $N = 1365$.
15. $p = .02$, 95% CI = 1.23–10.21.
16. Chi-square with one DF = 40.224, $p = .001$.
17. Chi-square with one DF = 30.611, $p = .001$.
18. Chi-square with one Df = 47.082, $p = .001$.
19. $p = .001$, 95% CI = 1.92–4.11, $N = 1570$.
20. $p = .001$, 95% CI = 2.53–5.68, $N = 1569$.
21. $p = .001$, 95% CI = 2.25–4.90, $N = 1568$.
22. See Carrabine et al. (2014).

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