



## Policy brief

### “The light has disappeared” Enforced disappearances in Syria and their impact on children and young people

#### Introduction

Enforced or involuntary disappearances have been a widespread occurrence in Syria since the start of the uprising and the outbreak of the armed conflict. Most persons subjected to enforced disappearances have been men, although women have also been targeted. The practice has caused devastation to families and communities across Syrian society, forcing them to deal with grief, desperation and physical and financial uncertainty, all at once. The severe emotional, psychological, and social consequences amount to a complex trauma that greatly impacts children’s day to day life.

Moreover, the forcible disappearance of a family member places Syrian children at risk of compounding violations and abuses. The fate of missing and detained persons is a key issue for the peace process in Syria. Moreover, there are few political avenues available to those who arguably have the largest stake in the country’s future; young people and children. Failing to give a voice to those who will be living with the effects of enforced disappearance for generations to come only makes it more likely that “true reconciliation, the healing of society’s wounds, credible justice and sustainable peace will remain elusive.”<sup>1</sup>



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# “The light has disappeared”

## Enforced disappearances in Syria and their impact on children and young people

### Background

Unofficial estimates put the number of the missing and detained persons in Syria at over 100,000. Parties to the conflict have used enforced disappearances as a tactic of war, as a means of spreading terror among the local populace, or to silence and punish the opposition.

As early as 2013, the UN Independent International Commission of Inquiry on the Syrian Arab Republic (Commission of Inquiry) concluded that there were reasonable grounds to believe that the Syrian Government was committing acts of enforced disappearance as part of widespread and systematic attacks against the civilian population amounting to a crime against humanity.<sup>2</sup>

Those subjected to enforced disappearance include defectors as well as current and former humanitarian workers, activists and other civilians, including those who had undergone so-called “reconciliation” processes.

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“There were reasonable grounds to believe that the Syrian Government was committing acts of enforced disappearance.”

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*Independent International Commission of Inquiry  
on the Syrian Arab Republic*

## Methodology

LAW has been working on Syria since 2019 and has been responding to the needs of survivors through our staff, national implementing partners and community-based lawyers. Through consultations with Syrian survivors' associations and partners, LAW identified families of the missing and detained as a group that required specific legal support.



*A preliminary assessment of justice needs indicated that families of the missing had two key priorities: clarifying the fate or whereabouts of their loved ones and, creating an official record of missing persons. Families also impressed upon LAW the severe emotional, social, and psychological challenges faced by their children.*

Between September 2020 and December 2020, LAW interviewed 18 families who have been affected by the forcible disappearance of a loved one. LAW sought the views of young people and children over the age of 12 to amplify their voices, and to better understand the impact of enforced disappearances on over them and their needs.



*On 27 January 2021, LAW submitted a general allegation and communication to the United Nations Working Group on Enforced or Involuntary Disappearances on the families' behalf.*

The communication responded to families' stated need to clarify the fate and whereabouts of their loved ones, but also highlighted the impact of mass enforced disappearances on an entire generation of Syrian children. LAW worked with a clinical psychologist to understand and describe the long-term consequences of enforced disappearance and the complex traumatology caused by it.



*...Recognition of the harm caused to family members and other persons affected by enforced disappearance goes hand in hand with recognition of their right to a remedy..."*

## Legal Framework



Under international law, an enforced disappearance has three elements: (1) arrest, detention, abduction or any other form of deprivation of liberty; (2) involvement of government officials, or by persons acting with the authorization, support, or acquiescence of the government; and (3) refusal to acknowledge the deprivation of liberty or concealment of the fate or whereabouts of the disappeared.<sup>3</sup>

It is an ongoing, or continuous, violation so long as the perpetrators conceal the fate and whereabouts of the disappeared person.<sup>4</sup> Enforced disappearance has the effect of placing the victim outside the protection of the law, depriving him of the enjoyment of other fundamental rights and freedoms.<sup>5</sup>

Victims of enforced disappearance include both the disappeared person and any individual who has suffered harm as the direct result of an enforced disappearance, particularly family members of the disappeared person or other close relations.<sup>6</sup> Recognition of the harm caused to family members and other persons affected by enforced disappearance goes hand in hand with recognition of their right to a remedy, including their absolute right to demand and obtain the truth.<sup>7</sup>



## Drawing distinctions

Enforced disappearances must be distinguished from other categories of conflict-related loss. The terms “disappeared”, “missing” and “detained” are often used as overlapping and interchangeable concepts. However, there are significant differences between them. These differences deserve emphasis in order to strengthen the response to victims and their families.

### Definition



A missing person is “a person whose whereabouts are unknown to his/her relatives and/or who, on the basis of reliable information, has been reported missing ... in connection with an international or non-international armed conflict, a situation of internal violence or disturbances, natural catastrophes or any other situation that may require the intervention of a competent State authority.”<sup>8</sup>



A detained person is any person deprived of personal liberty except as a result of conviction for an offence.<sup>10</sup> A detained person remains a victim of enforced disappearance as long as the authorities refuse to acknowledge the detention. By extension, families of disappeared persons are recognized as victims of an ongoing crime which causes them mental anguish and sorrow amounting to torture.



A victim of war constitutes a broad category of persons who have been harmed by the consequences of an internationally unlawful act and also persons whom humanitarian law seeks to protect in armed conflict.<sup>12</sup> Victims of war can include victims of enforced disappearance, as well as individuals who have lost their life as a result of conflict.

### Legal Impact

The use of the term ‘missing’ implies that the fate or whereabouts of the concerned person is simply unknown. It does not carry the implication that a crime has been committed.<sup>9</sup> This has significant ramifications for individuals disappeared under circumstances that do not satisfy the elements of enforced disappearance, particularly where there is no state involvement. As a result, victims of enforced disappearance by non-state actors, such as Islamic State, risk being categorized as “missing”. This reduces the avenues available to the victims, including their families, for seeking recognition and redress. Missing persons are effectively removed from the protection of the law.

Unlike victims of enforced disappearance, detained persons can exercise their rights to a fair trial, communicate with their family and seek redress for wrongful arrest, detention and inhumane treatment.<sup>11</sup>

Victims of war are protected under the 1949 Geneva Conventions.<sup>13</sup>

## Enforced disappearance and impact on children

Syrian families spoke of the deep psychological and emotional impact caused by the disappearance of a loved one, describing the pain caused by the loss of their fathers and brothers in a way that borders on the physical. The international community has expressed concern about the impact of enforced disappearances for families, especially women, children, older persons, and communities, in the immediate and long-term.<sup>14</sup>

It is the complex trauma experienced by children of disappeared persons that is deserving of better understanding and recognition. The complexity arises from the loss and absence of closure caused by the initial disappearance, followed by multiple psychosocial consequences that can in themselves be traumatic.

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*...Syrian families spoke of the deep psychological and emotional impact caused by the disappearance of a loved one.”*

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*At that time, I was over thinking everything because before I had been very much taken care of by my father. Psychologically, I was very tired without my father. My mother kept telling us that our father would get out tomorrow. I was seeing him a lot in my dreams during that period and I was very tired and very sick.*

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Young Syrian woman, aged 18

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*...It is the complex trauma experienced by children of disappeared persons that is deserving of better understanding and recognition.”*

## Clinical perspective on psychological consequences:

**Hyper-maturity:** Children become caregivers, either because they have to become breadwinners or because they have to emotionally assist the remaining parent. It results in a loss of innocence and carefreeness. It is not only the disappeared person that has to be mourned, but also childhood. This puts the child under an incredible amount of pressure, that can lead to physical and emotional exhaustion, depression, anxiety disorders, or psychosomatic disorders.

**Anger:** Sadness, helplessness and hopelessness are often concomitant with an intense feeling of anger, which is generally expressed out loud toward the system, the perpetrator, the war, poverty, etc., This anger is nonetheless often unconsciously directed towards the disappeared person. This raging anger will often be projected on the remaining figures of attachment and can manifest in mild to severe behavioral disorders, such as oppositional disorders, delinquency, and self-destructive and risky behaviors such as substance abuse.

**Intense sense of insecurity:** The psychosocial consequences of the shift in family responsibility and economic precariousness brings a whole new set of concerns and stressors. On top of the anxiety of not knowing where the disappeared person went and what happened to him, if he is safe or even alive, the anxiety is now driven by survival anguish. Insecurity significantly increases the family's vulnerability. Children in this situation are more prone to experience further violence, exploitation and abuse, in the midst of this battle for survival.

**Between survivor's guilt and constant fear of being the next one:** The randomness and the suddenness of the disappearance puts the entire family into a constant feeling of fear, a sword of Damocles, that leaves them to wonder "if him, why not us?". On the other hand, the entire family can feel guilty that it was him and not them. In young children, this feeling can be exacerbated by magical thoughts that s/he caused the disappearance. This feeling of guilt can be carried for years without being named or admitted, and can result in self-depreciation, poor-self-esteem, feeling of worthlessness and often amplified by an idealization of the missing one.



## Impact on children's rights

In addition to the serious emotional and psychological consequences, enforced disappearances place children at risk of further violations and abuses of their rights, compounding the gravity of the original act. Compounding violations and abuses typically arise from the physical and financial uncertainty caused by the disappearance of a primary caregiver.<sup>15</sup> This uncertainty has a unique and differential impact on young women and girls and young men and boys.

### *Loss of custody and legal identity*

Numerous legal consequences flow from enforced disappearance, including effects on the child's right to identity,<sup>16</sup> to know his or her parentage, and to preserve his or her identity. Syrian nationality is conventionally conferred to children through their fathers.<sup>17</sup>



*Although Syrian mothers are also legally able to pass on Syrian nationality, social norms and stigma often subvert their ability to do so.<sup>18</sup> When a father disappears, Syrian mothers have difficulties in obtaining custody of their children under Personal Status laws which prevent them from assuming full guardianship of their children.<sup>19</sup> Other legal and administrative hurdles include registering children and obtaining nationality documents.<sup>20</sup> These difficulties undermine a child's right to be registered and gain a legal identity and/or nationality.<sup>21</sup> Lack of legal guardianship creates problems when it comes to educational enrolment and marriage consent.<sup>22</sup>*



*...only four percent of Syrian female refugees surveyed in Jordan and Lebanon claimed to have had property registered in their name in Syria..”*



## Housing, land and property

Disappearances have an adverse impact on families' housing, land, and property rights, particularly women and children dealing with the loss of a male head of household.<sup>23</sup>



After I came to [location withheld], my brothers-in-law took my house from me. I was renting it. They kicked out the tenant and seized the house. The house is registered under my husband's name...My brothers-in-law never called me or checked on me and my daughters. They only called me once to say that they took my house. His brother [name withheld] called me and said that they took the house and it was theirs.”





Under Syrian law and customary practice, property is often held in the name of male members of the family.<sup>24</sup>

In fact, only four percent of Syrian female refugees surveyed in Jordan and Lebanon claimed to have had property registered in their name in Syria.<sup>25</sup> When a male head of household is forcibly disappeared, therefore, the status of family property is automatically thrown into doubt.<sup>26</sup> Women are often unable to prove ownership over property, ultimately jeopardizing their children's inheritance and future.<sup>27</sup>

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*...Forcible disappearance of a male breadwinner increases the risk that young men and boys will be forced into child labour.”*

### Disruption to educational development and attainment

There is a clear link between the forcible disappearance of a family member and a reduction in children's educational development and attainment. Education is often severely disrupted when a Syrian household loses a male relative. Loss of motivation is one of the most common reasons for the disruption, re-emphasizing the psychological and emotional consequences of enforced disappearance. Other reasons include a drop in familial support for education, the need to work, or the pressure to marry early.

Young Syrian women and girls repeatedly indicated that losing their father meant losing a pillar of support for their education.



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*“If we continued to have him with us, I would continue to be pursuing my studies. This was my dream. They deprived me of my studies, of my freedom.”*

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One girl, aged 17

Young men and boys have reported that education was incompatible with their new role within the family, as they took on responsibilities such as care of younger siblings and earning to support the family. If schooling is not completely disrupted, the work that young men and boys are forced to undertake places great strain on their ability to study, amounting to a serious interference with their right to education.

### Child labour

Young men and boys have reported that they became acutely aware of the family's economic and social situation following the disappearance of the family breadwinner.

Recognition of the economic disruption caused by the disappearance of the breadwinner goes hand in hand with a growing sense of responsibility to improve the family's financial and social situation. Young men and boys step into stereotypically male adult roles, including by becoming income earners, to meet the needs of the family. As a result, the forcible disappearance of a male breadwinner increases the risk that young men and boys will be forced into child labour.

The work performed by Syrian boys varies depending on their circumstances. Young men and boys report that they started to work from around the age of 10.

“*If my father was still here, I think we would just be going to school. We wouldn't have been working. What do you want me to do? I don't have any other choice. I've been working since I was 10 years old. It's been four years.*”

A 14-year-old boy

They perform jobs involving hard labour, such as farming, wood cutting, and carrying heavy goods. Such work is well beyond their physical development, making it hazardous to their health and physical wellbeing.

“*He carries bricks weighing over 20kg from 6am to 4pm. His hands have become calloused and hard from carrying the bricks.*”

A mother laments about her 11-year-old son.



Girls are not unaffected. One girl, aged 13, helps her mother picking olives at the weekend to assist with the family's poor financial situation. Her mother reported that she often falls from olive trees and has cut her hand whilst picking olives. Another girl, now aged 18, reports that she and her mother went to work, as hat weavers and casual labourers on olive and chickpea farms, following the disappearance of her father.

## Sexual and gender-based violence, particularly child marriage

The financial uncertainty caused by the forced disappearance of the family breadwinner puts young women and girls in Syria at risk of forced and child marriage. For young women and girls who find themselves in this position, getting married seems like the responsible course of action to ease the burden on the household. The sense of responsibility makes it difficult for girls and their families to acknowledge the lack of full and free consent.

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*I didn't have the choice but despite my will and what I wanted, I decided to get married. The burden on my mother and on my children would be lower.” One young man, aged 18, has spoken of his sister's decision to get married at 13. He said, “At that time I told her that no one was obliging her and if she didn't want to get married she didn't have to get married. I told her that if she was feeling as a burden to the house that she didn't have to feel that way. I told her that I was both her father and her brother.” Despite her brother's objections, the marriage went ahead, with the girl feeling an overwhelming sense of responsibility to “make the burden less”.*

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One 14-year-old

In the case of one girl, who was married at the age of 16, child marriage resulted in the victim being subjected to domestic violence. The young girl's mother has provided the following account of her daughter's abusive marriage:

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*“[My daughter] got married seven months ago. She was 16 years old. She decided to get married because she felt that she was a burden on me ... [She] was happy when she got married. Five months later, she started to face some problems with her mother-in-law. Her mother-in-law was treating her badly and started to come between her and her husband. ... She was not happy seeing her son treating his wife very nicely. Her husband started to beat her because of his mother.”*

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Caregiver, aged 42

Trapped by economic uncertainty and a sense of familial duty, the young victim in this case remains under the control of her husband and his overbearing family. Her mother has expressed distress at not being able to free her daughter from the situation she now finds herself in, as well the circumstances that led them to this position in the first place.

Child marriage is detrimental to the health, education and well-being of the victim, gravely impacting the survival and development of young women and children, especially those from vulnerable groups such as displaced persons or refugees.<sup>28</sup> Child marriage robs girls of their childhood and the necessary time to develop physically, emotionally and psychologically. It also denies young women and girls the chance to determine their own future and increases vulnerability to sexual violence and exploitation.

## Conclusion

Childhood is a unique period of physical, mental, emotional and spiritual development and any violation of children's rights, such as exposure to violence or to child labour and environmental hazards, may have lifelong, irreversible and even transgenerational consequences.<sup>29</sup> Syrian families have described the many ways in which enforced disappearances lay waste to that unique period of development. Indeed, the harmful effects of enforced disappearance strike at the heart of what it means to be a child, robbing young victims of the rest, leisure, and freedom to engage in play that is essential to this stage of their life. The anguish and sorrow of not knowing what happened to their loved ones, a suffering that reaches the level of torture, only exacerbates their hardships. It is that original act of cruelty and indifference that has defined and engulfed their young lives, making it hard, if not impossible, to look to brighter future. In the words of one Syrian woman:

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*“Imagine that you have someone that you can rely and depend on and then they don't exist anymore. That is very hard. It's like a candle that has started to melt away and everything is now dark. The light has disappeared.”<sup>30</sup>*

Caregiver, aged 29

## Recommendations

Legal Action Worldwide makes the following recommendations to respond to the needs of families and to ensure full and effective enjoyment of the rights to which they are entitled under international law:

### **First responders in humanitarian and human rights field:**

1. Mainstream children's voices in institutional and policy responses to the Syria crisis to ensure that children's needs are adequately understood, disseminated, and addressed.

### **For service providers across all sectors:**

2. Differentiate between missing, disappeared, and detained individuals to ensure that appropriate, tailored support is available to all victims, including their families..
3. Ensure that support services are available to caregivers dealing with grief, financial hardship, and increased responsibilities as a result of enforced disappearance.
4. Provide training to ensure that frontline staff understand the psycho-social consequences of enforced disappearance and the distinct needs, challenges and stressors experienced by children of disappeared persons.

### **Human rights and legal aid actors:**

5. Support families of the missing and disappeared to access legal tools and mechanisms that respond to their broad range of justice needs, particularly their fundamental right to know the truth, including by submitting evidence to mandated bodies such as the UN Working Group on Enforced or Involuntary Disappearances.
6. Assist families of missing and disappeared persons to address compounding violations of children's rights, ranging from lack of legal identity to SGBV, which can themselves be sources of re-traumatization.

### **To all parties to the conflict in Syria:**

7. Implement fully United Nations Security Council Resolution 2474 (2019), which expresses concern regarding the consequences of enforced disappearances on women and children, and calls on all parties to armed conflict to actively search for persons reported missing, to enable the return of their remains and to account for persons reported missing without adverse distinction.

## Endnotes

1. UN News, Calling Progress in Syria 'Vastly Insufficient', Special Envoy Tells Security Council of Need for Meaningful Action on Humanitarian, Human Rights Front, 23 July 2020, <https://www.un.org/press/en/2020/sc14259.doc.htm>
2. Independent International Commission of Inquiry on the Syrian Arab Republic, Without a trace: Enforced disappearances in Syria, 19 December 2013, para. 52.
3. UN General Assembly, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, A/HRC/46/54, 21 January 2021, para 66.
4. UN General Assembly, International Convention for the Protection of All Persons from Enforced Disappearance, 20 December 2006, available at: <https://www.refworld.org/docid/47fdfaeb0.html> [accessed 20 January 2021], Article 2.
5. Ibid, Article 8.
6. International Convention for the Protection of All Persons from Enforced Disappearance, Article 2.
7. International Convention for the Protection of All Persons from Enforced Disappearance, Article 24(1).
8. See International Convention for the Protection of All Persons from Enforced Disappearance.
9. Article 2(1), Guiding Principles/Model Law on the Missing – Principles for Legislating the Situation of Persons Missing as a Result of Armed Conflict or Internal Violence: Measures to prevent persons from going missing and to protect the rights and interests of the missing and
10. Jeremy Sarkin, Why victimology should focus on all victims, including all missing and disappeared persons, 9 International Review of Victimology 25(2), p. 254.
11. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Adopted by General Assembly resolution 43/173 of 9 December 1988, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/DetentionOrImprisonment.aspx>.
12. Ibid.
13. International Review of the Red Cross, War victims, IRRIC No, 874, June 2009, <https://international-review.icrc.org/reviews/irrc-no-874-war-victims#:~:text=The%20notion%20of%20'war%20victims,to%20protect%20in%20armed%20conflict>.
14. Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Geneva, 12 August 1949; Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, Geneva, 12 August 1949; Convention (III) relative to the Treatment of Prisoners of War, Geneva, 12 August 1949; Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949.
15. UN Security Council resolution on persons missing as a result of armed conflict, S/RES/2474, 11 June 2019; UN General Assembly Resolution A/RES/73/178, 23 January 2019.
16. UN General Assembly, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, A/HRC/46/54, 21 January 2021, para 60-61.
17. Ibid, Articles 7 and 8.
18. Legislative Decree No. 276, Article 3.
19. A/HRC/42/51, para. 93.
20. Amnesty International, Between Prison and the Grave Enforced Disappearances in Syria (London, 2015) at 24.
21. Ibid.; Supra note 23, "Shadows of the Disappeared: Testimonies of Female Relatives Left with Loss and Ambiguity", para. 76.
22. UN General Assembly, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, A/HRC/43/CRP.6, 15 August 2019, para 76.
23. Amnesty International, Between Prison and the Grave Enforced Disappearances in Syria (London, 2015) at 24.
24. See Syria Justice and Accountability Centre, "The Women Left Behind" (11 June 2020) available online: <https://syriaaccountability.org/updates/2020/06/11/the-women-left-behind/>; Kesh Malek, "The Impact of Enforced Disappearance on Victim's Female Family Members" (30 August 2020) available online: <https://glimpse.keshmalek.org/the-impact-of-enforced-disappearance-on-victims-female-family-members/>.
25. Dawlaty & Women Now for Development, "Shadows of the Disappeared: Testimonies of Female Relatives Left with

- Loss and Ambiguity”, 36 (November 2018) available online: [https://women-now.org/wp-content/uploads/CS4\\_Eng\\_InDesign.pdf](https://women-now.org/wp-content/uploads/CS4_Eng_InDesign.pdf).
26. Zoey Tabary, No documents, no home: ‘desperate’ Syrian mothers turn to child marriage, Reuters (28 March 2019) available online: <https://www.reuters.com/article/us-syria-women-landrights/no-documents-no-home-desperate-syrian-mothers-turn-to-child-marriage-idUSKCN1R92L5>.
  27. UN General Assembly, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, A/HRC/46/54, 21 January 2021, para 64.
  28. International Centre for Transitional Justice, ‘Gone Without a Trace: Syria’s Detained, Abducted, and Forcibly Disappeared’, 26 (May 2020) available online: [https://www.ictj.org/sites/default/files/ICTJ\\_PolicyPaper\\_Syria\\_Gone\\_Without\\_a\\_Trace\\_web.pdf](https://www.ictj.org/sites/default/files/ICTJ_PolicyPaper_Syria_Gone_Without_a_Trace_web.pdf). See also A/HRC/33/55, para. 85; A/HRC/30/48, para. 54; A/HRC/28/69, para. 120.
  29. See e.g. Girls Not Brides, What is the impact of child marriage, available <https://www.girlsnotbrides.org/what-is-the-impact/>.
  30. United Nations Committee on the Rights of the Child, General Comment No. 16 (2013) on State obligations regarding the impact of the business sector on children’s rights, UN Doc. CRC/C/GC/16 (17 April 2013), para. 4.
  31. Witness Statement of 006, 16 October 2020, para. 35.



Contact for more information:  
info@legalactionworldwide.org

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