



INTERNATIONAL COALITION AGAINST ENFORCED DISAPPEARANCES

c/o AFAD Office Rms. 310-311 Philippine Social Science Center Commonwealth Avenue, Diliman, Quezon City
Tel: +6324907862 Email: fpicaed@gmail.com Fax: +6324546759

ICAED STATEMENT ON THE 5TH ANNIVERSARY OF THE CONVENTION ON ENFORCED DISAPPEARANCES

On 23 December 2010, the International Convention for the Protection of All Persons from Enforced Disappearance (Convention) entered into force after the 20th instrument of ratification was deposited by Iraq. Today we celebrate the 5th anniversary of the entry into force of a treaty that originates in the concrete sufferings of the families of the disappeared and that has reached 50 signatories and 52 ratifications, Italy being the latest one that deposited the instrument of ratification on 8 October 2015.¹ Yet, only 19 States Parties have recognized the competence of the Committee on Enforced Disappearances (CED) to receive and examine individual complaints.

88 States have outstanding cases submitted to the UN Working Group on Enforced or Involuntary Disappearances (WGEID). Hence, universal ratification of the Convention, which is still far from being realized, is imperative, indeed. The WGEID reports having received, since its inception, a total of 54,557 cases from 105 States. The number of cases under active consideration stands at 43,563 in a total of 88 States. If multiplied by the number of family members, relatives and friends who also suffer from the effect of enforced disappearance, we see the incredible amount of human sufferings caused by States which are supposed to protect human rights.

Over time cases of enforced disappearance have continued to spread all over the world, remaining mostly unresolved. In this respect, the rapid deterioration of the situation in Pakistan, where thousands of cases are being registered and human rights defenders are threatened and disappeared raises grave concerns. Indeed, Pakistan is the country with the highest reported number of urgent cases transmitted to the UNWGEID this year.

Enforced disappearances continue to happen also in Bangladesh and Kashmir, where more than 50 new cases were reported in each country in 2015; it is also very alarming that no prosecutions have been conducted and no investigations have been carried out to clarify the fate and whereabouts of the victims.

The approval of a new Constitution in Nepal and the establishment of the Truth and Reconciliation Commission (TRC) as well as the Commission of Inquiry on Enforced Disappearance (CIED) are welcome developments in a country which, 9 years after the end of the conflict, has not yet addressed its past human rights violations. However, the composition of the CIED and the loopholes in the TRC Act still pose challenges in the search for truth and justice.

By looking at the 2015 Report of the UN WGEID, it appears that the Asian and Euro Mediterranean regions are the ones where the highest number of enforced disappearances is occurring, particularly in Iraq (16,408 outstanding cases) and Sri Lanka (5750 outstanding cases). Some members of the WGEID recently

¹ Signatories refers to those States who have signed, but not yet ratified the Convention. An important step was taken by Sri Lanka, where the Parliament recently approved the text of the Convention.

conducted a country visit in Sri Lanka in November 2015, concluding that the presence of the military in the North and East of the country should be sensibly reduced. Moreover, Sri Lanka should adopt all the necessary measures to secure the rights of all the victims of enforced disappearances regardless of the period in which they disappeared and of whether the acts were carried out by state agents or non-state armed groups like the Liberation Tigers of Tamil Eelam (LTTE). As a result, a broad, inclusive, gendered, and participatory consultative process is needed in order to rebuild the confidence of the victims.

In its latest report, the WGEID also expressed its concerns for what seems to be a recent pattern of short-term disappearances in Egypt, where human rights are being violated on a large scale.

Although some of these countries are members of the UN Human Rights Council and, as such, have pledged to sign and ratify the Convention, its ratification and implementation, as well as the acceptance of the competence of the CED, is very challenging. Instead of keeping up to their commitments, some states continue committing enforced disappearances justifying their actions on national security grounds or as part of the “war against terrorism”. After the attacks in Paris and Beirut, France decided to derogate from its human rights obligations under the ECHR and, together with the UK, to authorize the use of armed force against ISIS on the territory of Syria. These recent developments raise grave concerns on a possible increase in the number of human rights violations and – particularly – of cases of enforced disappearance.

In this context the International Convention on Enforced Disappearances is more relevant than ever and its ratification has become an imperative for all States. Being a strong human rights instrument designed for the protection of all persons from enforced disappearances, it entails many fundamental human rights, such as the right not to be subjected to enforced disappearance and the right to know the truth, but it also provides specific obligations for the States, which are required to codify enforced disappearance as an autonomous offence.

Provisions on truth, justice, reparation, memory and guarantees of non-recurrence are very strong features of this Convention, which stems from the true-to-life experiences of families of the disappeared. For this reason, it is of utmost importance that it reaches universal ratification and implementation as soon as possible, as it is a crucial instrument to fight against the plague of enforced disappearance and to put an end to it.

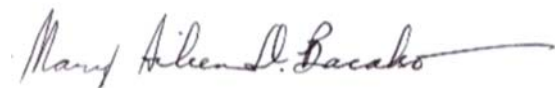
The 55 member-organizations of the International Coalition Against Enforced Disappearances (ICAED), reiterates its call on all States to listen to the cry of the disappeared and their families:

NO to enforced disappearances!

Respect the Right Not to be Subjected to Enforced Disappearances!

Ratify the Convention Against Enforced Disappearances NOW.

Recognize the competence of the Committee on Enforced Disappearances NOW.



MARY AILEEN D. BACALSO
ICAED Focal Person