

Universal Periodic Review

Session 4

Remarks on enforced disappearances

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Azerbaijan

National report

Azerbaijan signed the International Convention for the Protection of All Persons from Enforced Disappearance on 6 February 2007.

40. Azerbaijan supported the adoption by the Council of a draft legally binding normative instrument for the protection of all persons from enforced disappearance.

Bangladesh

Stakeholders report

ODHIKAR and Fédération internationale des ligues des droits de l'Homme (FIDH) stated that Bangladesh should ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

Cameroon

Outcome of review

Germany asked about the ratification of the Optional Protocols to the Convention on the Rights of the Child; the International Convention for the Protection of All Persons from Enforced Disappearance (CED)

Ratify (France) or consider ratifying (Djibouti) the International Convention for the Protection of All Persons from Enforced Disappearance (CED).

Canada

Outcome of review

Chile, highlighting the diversity in Canada and welcoming measures to integrate immigrants, recommended ratifying as soon as possible the Convention of Enforced Disappearances (CED),

China

Outcome of review

Mexico recommended that China give positive consideration to ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (CED).

Argentina recommended analysing the possibility of ratifying human rights instruments which are considered relevant in

strengthening its promotion and protection, highlighting: ICCPR, International Convention for the Protection of All Persons Against Enforced Disappearances, and assess the possibility of accepting the competency of the Committee on Enforced Disappearances in accordance with the Convention.

Cuba

Outcome of review

Cuba has just ratified the International Convention for the Protection of All Persons from Enforced Disappearance.

Djibouti

Outcome of review

France recommended Djibouti to ratify ICERD as well as to sign and ratify the International Convention for the Protection of all Persons against Enforced Disappearances

Germany

Stakeholders report

2. *Forum Menschenrechte (JS2)*³ and Amnesty International (AI), both welcomed Germany's initiation of the process for ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, and called on the Government to ratify it without any reservations and to ensure that the crime of enforced disappearance is codified as a criminal offence in national law, as required by article 4 of the Convention.⁴

Outcome of review

France encouraged the Government to conclude its procedure for the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance.

Mexico

National report

In its report No. 26/2001, CNDH noted that 275 fully documented cases of alleged forced disappearance had occurred during the 1970s and the early 1980s. In keeping with the recommendations contained in the report, the archives of State security agencies for that period were declassified. In addition, an institutional compensation committee³⁸ was established and is still in operation. Likewise, a special prosecutor's office was set up to investigate these and other past events.³⁹ In November 2006, the inquiries assigned to the special prosecutor's office were transferred to the General Bureau of Investigation of the Office of the Attorney General of the Republic. Although forced disappearance has been a serious offence in federal criminal law since 2000, it is an offence in only four state criminal codes.⁴⁰ On that subject, the National Human Rights Programme calls for measures to promote legislation on forced disappearance of persons in accordance with the highest international standards. It also calls for a comprehensive programme to compensate victims and their families for offences committed in the past.

With regard to murders and disappearances of women in the border city of Ciudad Juárez, Chihuahua, between 1993 and May 2008, a total of 432 cases have been registered. Of these, 45.25 per cent have been dealt with by a court, 16.62 per cent are pending before a court and 33.02 per cent are under investigation. The Government of Mexico is aware that such killings and disappearances are a grave problem. It recognizes its responsibility to ensure their full investigation and punishment and to adopt measures aimed at effectively preventing these offences, based on a holistic approach that also takes into account their economic and social aspects. Through state and local authorities, the Government has granted special support to the relatives of the women murdered in Ciudad Juárez.⁸⁶

Stakeholders report

Amnesty International (AI) informed that domestic legislation implementing the Rome Statute of the International Criminal Court has not yet been adopted.² Joint Submission One (JS1)³ added that although Mexico recently ratified the International Convention for the Protection of All Persons from Enforced Disappearance, the Government did not recognize the competence of the Committee to receive and consider individual communications.⁴

Nigeria

National report

With regard to United Nations human rights instruments and protocols that Nigeria is yet to sign, Government is determined to ensure that they are signed, ratified or domesticated as the case may be without delay. In the case of the International Convention for the Protection of all Persons from Enforced Disappearance, Government has already set in motion the necessary process of their accession.

Stakeholders report

JS1 indicated that the police is under-funded but that there are reported cases of mismanagement of financial resources by top officers, which coupled with poor conditions of service make the police institution vulnerable to corrupt practices. JS1 said that the police have weak internal and external disciplinary mechanisms thereby promoting a culture of impunity.⁵⁵ CHRI said abuse by the police is associated with a pattern of impunity, arbitrary detention and enforced disappearances, which is endemic to unreformed and outdated policing in the Commonwealth. CHRI reported allegations that Nigerian police force and security forces commit rape in many different circumstances, both on and off duty, as well as strategically to coerce and intimidate entire communities.⁵⁶

Outcome of review

The President has made the rule of law an abiding principle of governance in Nigeria. In line with this commitment, as well as the pledge made during the election to the Human Rights Council in 2006, on 19 January 2009 the President signed the instruments of accession to the International Convention for the Protection of All Persons from Enforced Disappearance (CED);

Russian Federation

Stakeholders report

Amnesty International (AI) and Human Rights Watch (HRW) recommended that the

Russian Federation sign and ratify the Convention for the Protection of All Persons from Enforced Disappearance.

HRW recommended that the Russian Federation allow access to the North Caucasus for the United Nations Working Group on enforced and involuntary disappearances and the Special Rapporteurs on torture and on extrajudicial, summary and arbitrary executions.

AI noted that the 2006 federal law "*On counteracting terrorism*" fails to make explicitly clear the relation between the Criminal Procedure Code, with all the safeguards involved, and procedures of a counter-terrorist operation. The law contains no provision making clear the obligation of the authorities to respect and protect human rights in the context of a counterterrorist operation. Russian NGOs stated that disproportionate use of force in special and counter-terrorist operations, extra-judicial executions, kidnapping, involuntary disappearances.

AI stated that enforced disappearances, extrajudicial executions, torture, ill-treatment, and arbitrary arrest and secret detention continue to be reported in the Chechen Republic, Ingushetia, Dagestan and North Ossetia, while impunity for these violations remains entrenched.

AI welcomed the decreased number of reported enforced disappearances in Chechnya. However, it noted that an increasing number of such human rights violations were reported in Dagestan and Ingushetia.

AI alleged that many human rights defenders, lawyers and journalists working in the North Caucasus have been subjected to threats, harassment, abuse and enforced disappearance, and extrajudicial executions.

Outcome of review

The United Kingdom expressed concern about ongoing extra-judicial killings, torture, abduction and arbitrary detention in the North Caucasus. It recommended to provide access to Ingushetia for the United Nations Working Group on enforced disappearances

South Africa noting concerns raised by the Working Group on Enforced/Involuntary Disappearance about cases during anti-terror operations it asked for more information on this issue.

Japan recommended to submit as quickly as possible information on alleged forced disappearances cases to the Working Group on Enforced or Involuntary Disappearances.

While noting that the number of involuntarily disappearances has decreased in Chechnya, Norway remained concerned about the increased number of involuntarily disappearances in Ingushetia and the human rights conditions in North Caucasus. Norway appreciated that Russia has agreed in principle upon a visit by the Working Group on enforced or involuntarily disappearances, and recommend that this visit takes place within 2009.

Mexico also recommended that the Russian Federation ratifies the Convention on the Rights of Persons with Disabilities, the Convention for the Elimination of the Enforced Disappearances

As Russia has not signed the Convention for the Protection of All Persons from Enforced

Disappearances Argentina recommended to consider the possibility of signing and ratifying the Convention for the Protection of All Persons from Enforced Disappearances

Saudi Arabia

Stakeholders report

The International Commission of Jurists (ICJ) called on the Human Rights Council (HRC) to urge the Government of Saudi Arabia to accede to the International Convention for the Protection of All Persons from Enforced Disappearance

Outcome of review

Consider positively the ratification of the conventions on enforced disappearances (Mexico);

Senegal

National report

Le Sénégal fait partie des cinquante-sept (57) premiers signataires de la Convention internationale pour la protection de toutes les personnes contre les disparitions forcées, adoptée à l'unanimité, le 20 décembre 2006, par l'Assemblée générale des Nations unies. L'Assemblée nationale sénégalaise a déjà autorisé le Chef de l'Etat à ratifier ladite Convention.

Outcome of review

Haiti noted Senegal's participation in the promotion of human rights. Noting that Senegal has signed the Convention on Rights of Persons with Disabilities (CPD), the Optional Protocol thereto (OP-CPD) and the Convention on the Protection of all Persons from Enforced Disappearances (CED), it recommended that they be ratified as soon as possible