



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

NO TO ENFORCED DISAPPEARANCES!

YES TO A WORLD WITHOUT DISAPPEARED PERSONS!

A Statement of the International Coalition

Against Enforced Disappearances
International Week of the Disappeared
26-31 May 2014

This week, we commemorate the International Week of the Disappeared, first initiated by the Latin American Federation of Associations of Relatives of Disappeared-Detainees (FEDEFAM) in 1981 and adopted by many organizations of families of the disappeared and civil society organizations worldwide. The commemoration was also meant to step up the campaign against enforced disappearances which were then at their peak during the dark years of the dictatorship in many Latin American countries. Working hard to realize the dream for a world without enforced disappearances is our most important tribute to the *desaparecidos*.

The International Coalition Against Enforced Disappearances (ICAED), which has 52 member-organizations from various parts of the globe, gives tribute to the disappeared and their families. A fitting tribute to them is the concretization of its mandate to campaign for the universal ratification and implementation of the International Convention for the Protection of All Persons from Enforced Disappearance (CED), the recognition of the competence of the UN Committee on Enforced Disappearances and the enactment of domestic laws criminalizing enforced disappearances. This strong international human rights instrument for prevention of recurrence of enforced disappearances provides for the right NOT to be subjected to enforced disappearances. Stemming from real-life experiences of victims of enforced disappearances, this treaty provides, among other things, the right to truth and justice and the right not to be subjected to enforced disappearance. It considers enforced disappearance as a continuing offense and holds States proven to have committed enforced disappearances, responsible for the acts committed by its agents. It has strong provisions on truth, justice, reparation and guarantees of non-recurrence.

One of the major objectives of the formation of FEDEFAM in 1981 was to campaign for an international treaty protecting persons from enforced disappearance. While there were developments at the international level vis-à-vis enforced disappearances, since then, *FEDEFAM* and a group of Argentine NGOs, drafted a project of an international treaty on enforced disappearance in 1988.

On December 18, 1992, the United Nations General Assembly adopted without a vote the Declaration for the Protection of All Persons from Enforced Disappearance. Yet, there is still a gap in the existing UN instruments in protecting all persons from enforced disappearance. The Declaration does not expressly mention an autonomous, non-derogable human right not to be subjected to enforced disappearance, neither the right to know the truth and the prohibition to hold someone in secret detention nor the right to form and participate freely in associations of relatives of disappeared people. Further, the Declaration does not specify which cases the state has a competence to exercise jurisdiction over those accused of enforced disappearance. It does not establish a clear indication of the minimum information to be provided to relatives of people deprived of liberty.

The International Coalition against Enforced Disappearances (ICAED) gathers organisations of families of disappeared and NGO's that work in a non-violent manner against the practice of enforced disappearances at the local, national and international level. The principal objective of ICAED is an early ratification and effective implementation of the International Convention for the Protection of all Persons from Enforced Disappearances.



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With this gap, in 2001, then President of the Sub-Commission of the UN for the Promotion and Protection of Human Rights came up with a legally-binding normative instrument for the protection of all persons from enforced disappearances. In January 2003 to September 2005, the former UN Commission on Human Rights, through the Inter-Sessional Working Group to Elaborate a Draft Legally-Binding Normative Instrument for the Protection of All Persons from Enforced Disappearance, with the committed and able leadership of the late French Ambassador Bernard Kessedjian, drafted the Convention in Geneva, Switzerland. The active role of the families' associations from various parts of the world and of the international non-government human rights organizations, significantly contributed to the speedy adoption of the Convention. It was the fastest human rights treaty ever in the United Nations history. The text of the treaty was finalized by the then UN Commission on Human Rights on 23 September 2005; adopted by the UN Human Rights Council as its first resolution in September 2006, adopted unanimously by the UN General Assembly on 20 December 2006 and entered into force on 23 December 2010.

More than seven years since the adoption of the Convention and almost four years after its entry into force, there are only so far, a total of 92 signatories and 43 States Parties. Of the 43 ratifications, only 16 have recognized the competence of the UN Committee on Enforced Disappearances. While 14 Latin American States have ratified the Convention, pending in many of these states is the recognition of the competence of the Committee on Enforced Disappearances (CED). Asia, which has a very high incidence of enforced disappearances, only has 4 ratifications and only Japan has recognized the competence of the Committee on Enforced Disappearances, particularly on inter-state complaints and not on individual cases. 13 European States have ratified and 22 have signed without ratification. Africa, with a long history of human rights violations, only has 10 ratifications and 19 have signed without ratification.

This situation of slow turn of ratifications and recognition of the competence of the Committee on Enforced Disappearances and the lack of codification of the offense is ironic in the context of the continuing commission of the crime and the lack of resolution of past cases. The United Nations Working Group on Enforced or Involuntary Disappearances, at its 101th session, decided to transmit 41 newly reported cases of enforced disappearances. This is an addition to the long litany of 53,986 cases transmitted by the UN WGEID to governments (2012 WGEID report) since its inception, not to mention the huge problem of underreporting.

On the occasion of this year's International Week of the Disappeared, the 52 ICAED member-organizations are conducting various activities in their respective countries to reverberate its call to governments throughout the world to:

SIGN AND RATIFY THE CONVENTION NOW!

RECOGNIZE THE COMPETENCE OF THE COMMITTEE ON ENFORCED DISAPPEARANCES!

ENACT DOMESTIC LAWS CRIMINALIZING ENFORCED DISAPPEARANCES!

STOP ENFORCED DISAPPEARANCES NOW!

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