



REFERENCE: 2019/CED/HLPF

## Committee on Enforced Disappearances

### Contribution to the 2019 United Nations High-Level Political Forum on Sustainable Development

1. The United Nations Committee on Enforced Disappearances (hereinafter the Committee) highly appreciates the opportunity to provide inputs to the High Level Political Forum. Considering that the International Convention for the Protection of All Persons from Enforced Disappearance- (hereinafter the Convention) is at a relatively young age, the Committee wishes to deliver a brief introduction on the Convention's origins, its content and its potential concerning the advancement of the Sustainable Development Goals. Furthermore, the Committee wishes to express its full support for the implementation of sustainable development goals and 2030 Agenda for Sustainable Development in light of the human rights principles underpinning the Agenda.

2. The Convention is result of a long-lasting effort to adopt a universally binding document aiming at the protection of all persons from enforced disappearance. After its adoption on 20 December 2006, the Convention came into force 4 years later, on 23 December 2010. Since then, the Convention has gained wide support among various actors, including many Member States of the United Nations, other international and regional organizations, civil society and non-governmental organizations. On 17 February 2017, the General Assembly organized a High-Level Plenary meeting to commemorate the tenth anniversary of the Convention, in which it reaffirmed the commitment of Member States to prevent and eradicate enforced disappearances.

3. As prescribed by the Convention, the Committee is a body responsible for monitoring implementation of the provisions of the Convention. One of the Committee's tasks is to provide for functioning accountability mechanisms envisaged by the Convention. These mechanisms include, inter alia, review of State reports on the compliance with the provisions of the Convention and consideration of urgent actions, without the necessity to previously exhaust all domestic remedies – as soon as disappearance takes place, a request for urgent action may be submitted. In the latter context, the Committee has the possibility to order interim measures to protect and locate the person concerned. Moreover, the Committee may also receive and consider individual and interstate complaints concerning enforced disappearances in cases where the State party has explicitly agreed to recognize the Committee's competence with respect to these options. It should also be noted that the Committee might carry out a visit to a State party if the situation seems to suggest serious violations of the Convention. Finally, the Committee's competence to refer a situation to the General Assembly in cases where the reliable information about widespread violations is received shall deserve some special attention as such power is a unique feature comparing to other treaty bodies.

4. The Committee wishes to emphasize that Convention represents an opportunity for States to either improve the pre-existing or establish a new legal framework for the prevention of all persons from enforced disappearances. That indicated, the Committee stresses that the Convention deals with enforced disappearance in a comprehensive manner and the final objective is to make all provisions operative.

5. Scope of the Convention and the Committee's main areas of work include the prevention of enforced disappearances, the obligations concerning the search for the victims of enforced disappearance and related investigation, as well as the right of victims to know the truth and to receive reparation.

6. On the relationship between Sustainable Development Goals and the Convention, the Committee would like to refer to its previous statements calling States to strengthen the Rule of Law by ratifying the Convention. The Committee also wishes to refer to the linkages between the Convention and Goal number 16 on peace, justice and strong institutions.

6.1. In order to underpin Target 16.2 on ending all forms of violence against children, article 25 of the Convention envisages measures to protect children against enforced disappearances.

6.2. Article 12 on the right to impartial and prompt investigation, articles 13, 14, 15 on cooperation in criminal matters and article 24 on the right to know the truth and the obligation to search for the disappeared persons build up on aim pursued by Target 16.3, which strives for promotion of rule of law and equal access to justice.

6.3. Even though the Convention does not explicitly addresses the issue of corruption and bribery tackled by Target 16.5, its article 12 reinforces fight against both crimes by prescribing the obligation for the States to ensure that any person suspected of commission of enforced disappearance has no possibility to influence the process of an investigation.

6.4. Additionally, articles 11 and 12 of the Convention both establish the right of fair trial and impartial investigation by the competent authorities, which contributes to the achievement of Target 16.6, i.e. development of effective and accountable institutions at all levels.

6.5. In order to make a reality Target 16.7 on responsible, inclusive and representative decision-making, article 24 of the Convention provides an obligation to ensure the effective participation in the search for the disappeared and in conduct of the investigation.

6.6. Besides, article 12 on the obligation to ensure the access to documentation relating to the investigation, article 18 on the right to access information on the persons deprived of liberty, article 20 on the right to judicial remedy in cases of refusal of delivery of information and article 24 on the right to know the truth are all aiming at the achievement of Target 16.10, which is to ensure public access to information and protect fundamental freedoms.

6.7. Furthermore, article 23 of the Convention provides for the obligation of training of domestic authorities regarding the normative framework for

enforced disappearances, including the provisions of the Convention itself. This results in enhanced national institutions for building capacity and prevention of enforced disappearances, which is the main goal sought by Target 16.a.

6.8. The Committee also stresses that the Convention applies to everyone without any distinction. However, it also wishes to highlight that article 7 of the Convention stipulates that aggravating circumstances should be applied when enforced disappearance is committed against particularly vulnerable persons. In the light of the previously mentioned, the Convention may be seen as reinforcing Target 16.b on the promotion of non-discriminatory laws and policies.

6.9. Both the Committee and the Working Group on Enforced and Involuntary Disappearances have highlighted the situation of women affected by enforced disappearances and called upon States to take into account gender perspective in their policies and measures to prevent and eradicate enforced disappearances.

7. Finally, the Committee welcomes the fact that 59 Member States of the United Nations have already ratified the Convention. The Committee further encourages all States that have not yet ratified the Convention to do so as quickly as possible.

---