

***Enforced disappearances and
other international instruments
and mechanisms, and the
Sustainable Development Goals***



UNITED NATIONS



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Let's start

How much do you know about enforced disappearance and other international instruments and mechanisms already?

Please provide your answers to the four questions in the chat box.

Question 1

Which of the listed regional systems, if any, include a regional treaty on enforced disappearances. Indicate the correct numbers in the chat box:

1. The Americas
2. Africa
3. Asia
4. Europe
5. None of the above

Question 2

Please indicate in the chat box the correct match for the two statements below:

1. The Rome Statute of the International Criminal Court
2. The International Covenant on Civil and Political Rights:
 - a. envisages enforced disappearance as one of the underlying offences of the crime against humanity
 - b. enshrines a number of fundamental rights and freedoms that are infringed by the practice of enforced disappearance

Question 3

Please indicate the number of the correct response in the chat box:

The following treaty bodies have made pronouncements on enforced disappearances:

1. The Human Rights Committee
2. The Committee against Torture
3. The Committee on the Elimination of Racial Discrimination
4. The Committee on the Elimination of Discrimination against Women

Question 4

Please read the below text and complete it by listing the following words and phrases in the correct order in the chat box: family links, prevent, international humanitarian law, facilitate, persons, missing

The Geneva Conventions of 12 August 1949 and the Protocols Additional thereto include numerous rules on _____ designed to _____ instances of _____ going _____ and to _____ the re-establishment of _____.

Let's dive in

Presentation on enforced disappearances and international frameworks, and the Sustainable Development Goals: questions and answers

The 1992 Declaration

- Soft law instrument
- Does not require signature, ratification or accession by States
- Body of principles for all States
- Reflects customary international law on enforced disappearances

Working Group on Enforced or Involuntary Disappearances

- Special procedure of the Human Rights Council focusing on enforced disappearances
- Performs its mandate mainly through:
 - Cases
 - Urgent appeals
 - Prompt intervention letters
 - General allegations
 - Country visits
 - Referral

The Working Group and the Committee

- For States not parties to the Convention: only the Working Group
- For States parties to the Convention: both the Working Group and the Committee
 - Complementarity: coordination and cooperation
 - Possible overlap of mandates: urgent actions for the Committee (art. 31 of the Convention) and cases for the Working Group

Enforced disappearances and the human rights frameworks

Universal human rights instruments

- International Covenant on Civil and Political Rights
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Other universal human rights treaties

Enforced disappearances and the human rights frameworks

Regional human rights instruments

■ Africa

- African Charter on Human and Peoples' Rights

■ The Americas

- American Convention on Human Rights
- Inter-American Convention on Forced Disappearance of Persons

■ Europe

- The Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights)

Enforced disappearances and rights affected

African Charter on Human and Peoples' Rights

- Right to life (art. 4)
- Prohibition of torture and cruel, inhuman and degrading treatment (art. 5)
- Right to personal liberty and protection from arbitrary arrest (art. 6)
- Right to fair trial (art. 7)
- Right to receive information (art. 9)
- Right to freedom of association (art. 10)

Enforced disappearances and rights affected

International Covenant on Civil and Political Rights

- Right to life (art. 6)
- Prohibition of torture or cruel, inhuman or degrading treatment or punishment (art. 7)
- Right to liberty and security of person and the treatment of persons deprived of liberty (arts. 9-10)
- Recognition as a person before the law (art. 16)
- Right to family life (art. 17)
- Right to special measures of protection for children (art. 24)
- Right to an effective remedy (art. 2 (3))

Enforced disappearances and rights affected

American Convention on Human Rights

- Right to life (art. 4)
- Right to humane treatment (art. 5)
- Right to personal liberty (art. 7)
- Right to fair trial and judicial guarantees (arts. 8 and 25)
- Right to juridical personality (art. 3)
- Freedom of thought and expression (art. 13)
- Rights of the family (art. 17)
- Right to a name (art. 18)
- Rights of the child (art. 19)
- Right to nationality (art. 20)
- **Positive obligations (arts. 1-2)**

Enforced disappearances and rights affected

The European Convention on Human Rights

- Right to life (art. 2)
- Right to liberty and security (art. 5)
- Right to family life (art. 8)
- Right to an effective remedy (art. 13)
- (in relation to the relatives of disappeared persons) the prohibition of torture and inhuman treatment (art. 3)

Enforced disappearances and the Rome Statute

- Enforced disappearance committed as part of a widespread or systematic attack against civilian population

Enforced disappearances and international humanitarian law

- No specific mention of enforced disappearances
- Rules that might be infringed by enforced disappearances
- Rules on missing persons and re-establishment of family links

Enforced disappearances and the Sustainable Development Goals

- Goal 5: Achieve gender equality and empower all women and girls
- Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

Let's wrap-up – key messages

- The 1992 Declaration
- The Working Group
- The relationship between the Working Group and the Committee
- Universal and regional human rights and other treaties
- Human rights mechanisms that deal with, and make recommendations on, enforced disappearance;
- The Sustainable Development Goals