



International Day of the Victims of Enforced Disappearances,

30 August 2023

Enforced disappearance: justice must be guaranteed without delay to all victims, say the IACHR, experts of the UN, of the ACHPR and of the ASEAN

GENEVA, Washington D.C. (29 August 2023) – Ahead of the International Day of the Victims of Enforced Disappearances, the Committee on Enforced Disappearances, the Working Group on Enforced or Involuntary Disappearances, the Interamerican Commission on Human Rights, the Chairperson of the Working Group on Death Penalty, Extrajudicial, Summary or Arbitrary Killings of the African Commission on Human and Peoples' Rights and the Representatives of Indonesia and Malaysia to the ASEAN Intergovernmental Commission on Human Rights* urged all States to provide effective access to justice for victims of enforced disappearance, that include any individual who has suffered harm as the direct result of an enforced disappearance.

[“As we celebrate the 75th anniversary of the adoption of the Universal Declaration of Human Rights](#), we invite all States to reinvigorate access to justice at the national level and to finance and support Sustainable Development Goal 16 globally – the promotion of just, peaceful and inclusive societies. In this context, it is key to recall that the inextricable link between justice and truth is critical in cases of enforced disappearance.

The right of victims to access justice entails taking all the necessary steps to seek out the truth. When a person disappears and then is located, justice requires the thorough investigation of the enforced disappearance, and its circumstances, as well as the identification, prosecution, and sanction of the perpetrators. When the fate or whereabouts of disappeared persons are unknown, justice also encompasses an obligation to search for them immediately.

Ensuring adequate access to justice and, as a result, proper accountability for perpetrators at all levels of responsibility in the chain of command, is indispensable to convey that enforced disappearances are not permitted or tolerated. It also serves both as a preventive measure and as a guarantee of non-repetition, and is closely intertwined with reparation, emphasized the experts. Access to justice must not be merely theoretical, but guaranteed in practice through concrete measures that promote and fully value the genuine and meaningful participation of victims and their representatives throughout the process.

States must guarantee the launch of the search and investigation without delay, as soon as authorities are informed of an alleged enforced disappearance, even in the absence of an official complaint. To have any chance of locating disappeared persons alive, time is of the essence. In the very few cases where justice is achieved, this too often occurs years after the enforced disappearance began, when some relatives have already passed away, after a life of anguish. 'Justice delayed is justice denied', even more so in the case of enforced disappearances.

Likewise, access to justice must include both efforts to determine the truth and hold those responsible for the enforced disappearance accountable, as well as addressing the harm suffered by the victims. We urge States to guarantee victims' effective access to justice and ensure that their right to redress is adequately upheld.

Many relatives experience diverse and intersecting vulnerabilities which are intensified by the disappearance of their loved one, making it harder to claim their rights. Given that in cases of enforced disappearance most of those left behind are women, it is particularly important to incorporate a gender perspective into any measure aimed at providing search, truth, justice, reparation and redress to victims.

Regarding the obstacles experienced by different actors, often victims face threats, intimidation, reprisals and stigmatisation in their struggle for truth and justice. The same applies to organizations and lawyers acting on their behalf. This must end, and victims must be given access to free legal aid to ensure that one's finances are not a barrier to accessing justice. Given that in many cases enforced disappearance may be a transnational crime, cooperation and mutual legal assistance between States must be strengthened and systematized, as are measures to assist victims in ensuring their access to justice in other States.

We renew our solidarity with victims of enforced disappearances, organisations that support them, human rights defenders and lawyers who, despite the often hostile and dangerous environment in which they operate, continue their struggle for truth, justice, memory and non-repetition. We call on all States to mark the 75th anniversary of the Universal Declaration of Human Rights to [make pledges to promote justice without delay for all victims of enforced disappearances](#). Particularly, we call on States that have not yet done so to ratify the international and regional instruments on enforced disappearances."

ENDS

**UN experts: Ms. Aua Baldé (Chair-Rapporteur), Ms. Gabriella Citroni (Vice-Chair); Ms. Grażyna Baranowska (Poland), Ms. Ana-Lorena Delgadillo Pérez (México) and Ms. Angkhana Neelapaijit (Thailand) [Working Group on Enforced or Involuntary Disappearances](#); Mr. Juan Pablo Albán Alencastro (Rapporteur), Mr. Mohammed Ayat (Vice President), Mr. Matar Diop, Mr. Olivier de Frouville, Ms. Suela Janina, Mr. Fidelis Kanyongolo, Ms. Milica Kolakovic-Bojovic (Vice President), Ms. Barbara Lochbihler (Vice President), Mr. Horacio Ravenna, and Ms. Carmen Rosa Villa Quintana (Chair), of the [UN Committee on Enforced Disappearances](#)*

***Regional Human Rights Experts: Hon. Idrissa Sow (Chairperson), Working Group on Death Penalty, Extrajudicial, Summary or Arbitrary Killings, [African Commission on Human and Peoples' Rights](#); Ms. Yuyun Wahyuningrum, Representative of Indonesia, and Professor Dato' Dr Aishah Bidin FASc, Representative of Malaysia to the [ASEAN Intergovernmental Commission on Human Rights](#) (AICHR).*

The Committee on Enforced Disappearances is one of the [United Nations Treaty Bodies](#). It gathers 10 independent experts in charge of monitoring the implementation of the Convention for the Protection of all Persons against enforced disappearances by States parties. These experts are persons of high moral character and recognized competence in the field of human rights, nominated by States parties to the Convention. They serve in their personal capacity and are independent and impartial. To date, the Convention has been ratified by 72 member States.

The Working Groups are part of what is known as the [Special Procedures](#) of the Human Rights Council. Special Procedures, the largest body of independent experts in the UN Human Rights system, is the general name of the Council's independent fact-finding and monitoring mechanisms that address either specific country situations or thematic issues in all parts of the world. Special Procedures' experts work on a voluntary basis; they are not UN staff and do not receive a salary for their work. They are independent from any government or organization and serve in their individual capacity.

*** Other human rights bodies:*

The Inter-American Commission on Human Rights (IACHR)

IACHR is a principal, autonomous body of the Organization of American States (OAS) deriving its mandate from the OAS Charter and the American Convention on Human Rights. The Inter-American Commission has a mandate to promote respect for and to defend human rights in the region and acts as a consultative body to the OAS in this area. The Commission is composed of seven independent members who are elected in an individual capacity by the OAS General Assembly and who do not represent their countries of origin or residence.

The African Commission on Human and Peoples' Rights (ACHPR)

The African Charter established the African Commission on Human and Peoples' Rights. The Commission was inaugurated on 2 November 1987 in Addis Ababa, Ethiopia. The Commission's Secretariat has subsequently been located in Banjul, The Gambia. In addition to performing any other tasks, which may be entrusted to it by the Assembly of Heads of State and Government, the Commission is officially charged with three major functions: the protection of human and peoples' rights; the promotion of human and peoples' rights; the interpretation of the African Charter on Human and Peoples' Rights.

ASEAN Intergovernmental Commission on Human Rights (AICHR)

AICHR was inaugurated by the ASEAN leaders on 23 October 2009, and was enhanced with the adoption of the ASEAN Human Rights Declaration (AHRD) in November 2012. The AICHR is designed as an overarching institution with overall responsibility for the promotion and protection of human rights in ASEAN. The AICHR members are called Representatives, who are nominated by their respective Governments. Decision-making of the AICHR is based on consultation and consensus.

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