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Focal Point

International Coalition Against Enforced Disappearances

On behalf of the International Coalition Against Enforced Disappearances, I would like to thank the UN Committee on Enforced Disappearances, especially its Chairperson, Mr. Emmanuel Decaux for inviting me to this conference on the “ *International Convention for the Protection of All Persons from Enforced Disappearance: The Issues of a Universal and Effective Implementation.* ” I equally thank the governments of France and Argentina for co-organizing this event.

This conference brings me back to the three years of difficult negotiations in what is now the International Convention for the Protection of All Persons from Enforced Disappearances, during which associations of families of the disappeared and international non-government organizations played an indispensable role.

After three years of difficult drafting and negotiations, on that victorious day of 22 September 2005, the late French Ambassador Bernard Kessedjian, Chair of the UN Inter-Sessional Open-Ended Working Group to Elaborate a Draft Legally-Binding Normative Instrument for the Protection of All Persons from Enforced or Involuntary Disappearances offered the packaged consensus document to the delegation of more than 60 members of the then UN Commission on Human Rights. I remember very well that this very document was offered to Sra. Martha Ocampo de Vasquez of the *Madres de Plaza de Mayo (who is here with us today)*, who served and continues to be the symbol of the struggle of families of the disappeared in achieving the Convention. With unparalleled courage, Ambassador Kessedjian asked the body three times not to open the package and to accept the result of the difficult process. There was deafening silence – the first time ever in the three-year existence of the drafting body. Following it was the reverberating sound of the gavel which banged like music to the ears of the delegates of organizations of families of the disappeared. Ambassador Kessedjian announced the approval of the text of the International Convention on the Protection of All Persons from Enforced or Involuntary Disappearances with a strong independent monitoring body, followed by a thundering applause that echoed in Room X11 of *Palais des Nations*. “*We must decide that there must be a NO to SILENCE, a NO to FORGETTING and a NO to IMPUNITY. Our greatest reward is the fact that we have aroused in the NGOs some degree of joy and satisfaction...*” These words of the great ambassador deserved the standing ovation and the long, loud applause of the body. During the whole process, Ambassador Kessedjian consistently displayed his strong commitment, his heart for the disappeared and their families, his excellent diplomatic skills to convince the members of the former UN Commission on Human Rights to adopt the text of this treaty with an independent monitoring body.

This building of the French Ministry of Foreign Affairs witnessed the historic signing of the Convention by 57 States in the presence of Ambassador Kessedjian.

What is now the Committee on Enforced Disappearances is an integral part of the realization of the dreams of the families of the disappeared to attain an international treaty with an independent monitoring body. This conference is one of the first steps of the Committee on Enforced Disappearances to give justice in the difficult negotiations where the very imperative of establishing this body was fought for. During the Committee's first meeting in Geneva, Switzerland in November 2011, we brought up, among other concerns, the need for:

- A transparent and participatory drafting of the rules of procedure;
- The importance of the role that the Committee plays in relation to Article 30 on an urgent intervention procedure to ensure accessibility of the representatives of the disappeared and appropriate coordination with existing special procedures and other international monitoring bodies;
- The need for close cooperation with the UN Working Group on Enforced or Involuntary Disappearances;
- The importance of announcing country visits at the earliest possible time to ensure the widest civil society participation possible and prime consideration to territories of States Parties with continuing cases of enforced disappearances, e.g. Honduras, Iraq, Mexico, Nigeria, Tunisia;
- The importance of codifying the offense by States Parties at the soonest time possible, taking into consideration the Amnesty International's Checklist for Effective Implementation of the Convention.

We are pleased that in your first two meetings, the Committee has been in close coordination with the UN Working Group on Enforced or Involuntary Disappearances. In a conference organized in April 2011 by the Working Group in Addis Abbaba regarding the impact of enforced disappearances on women, the Committee was represented. Today, the very presence of the Chair of the Working Group, Mr. Olivier de Frouville, in this Conference manifests the continuing cooperation between the two bodies, distinct in their mandates but one in their direction to combat enforced disappearances and to fight against impunity.

More than five years since the adoption by the UN General Assembly of the Convention, there are only 32 States Parties and 91 signatories. Thus, universal and effective implementation, which is the theme of this conference, is far from being achieved. The number of ratifications pales in comparison with the more than 90 countries having

outstanding cases of disappearances as per 2011 report of the UN Working Group on Enforced or Involuntary Disappearances. Further, of the 32 States Parties, only 12 have recognized the competence of the Committee on Enforced Disappearances in terms of individual complaints and 13 have recognized the Committee's competence in terms of inter-state complaints. This is not to mention that many States Parties have still to codify the offense in their respective Penal Codes.

In Asia, where the Asian Federation Against Involuntary Disappearances (AFAD), our Coalition's Focal Point is based and where enforced disappearances are most rampant, only four countries have thus far, ratified.

Much as our Coalition continues to campaign for ratification and the imperative of States Parties to recognize the Committee's competence, an intensive and extensive lobbying by the Committee for more UN Member States to sign and ratify the Convention and recognize its competence is of utmost importance. We likewise need the Committee's support in campaigning for the enactment of domestic laws criminalizing enforced disappearances.

Much as we strive to eradicate enforced disappearance from the face of the earth, lamentably, cases continue to rise even in countries which claim to be democratic. Needless to say, victims continue to be deprived of their right to life and liberty; their families and relatives suffer from the horrible consequences of enforced disappearance. Moreover, cases of the past remain unresolved.

At no better time than now the Committee on Enforced Disappearances must build and strengthen its very foundation. In cooperation with families' associations and other civil society organizations, it must carry out its mandate with commitment and zeal, so that this hard-earned Convention will indeed, attain universal and effective implementation. In so doing, the vision of attaining a world without *desaparecidos* might be realized in the not too-distant future.