

Check against delivery

Committee on Enforced Disappearances



Opening remarks by

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United Nations High Commissioner for Human Rights

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Members of the Committee,
Colleagues and friends,

As this is our first meeting, I want to begin by expressing my admiration and support for the work you have achieved since the Committee was established four years ago. The issue of enforced disappearance is vital to human rights, and I assure you of the continued support and assistance of the Office.

The International Convention for the Protection of All Persons from Enforced Disappearance has its roots in the horrific practices of dictatorships in Latin America in the 1970s and 80s. But clearly this Convention is still of urgent relevance today. As your annual report, and the report of the Working Group on Enforced or Involuntary Disappearances, both demonstrate, people are disappeared in many countries, in every region, with the direct or indirect involvement of the State.

However, in today's complex landscape of brutal internal conflicts, transnational organised crime and humanitarian crises, we are seeing new patterns of enforced disappearance – with new types of perpetrators targeting a much broader range of victims. Previously, as I have said, enforced disappearance was characteristic of authoritarian rulers who sought to repress and eliminate political opponents. But today we see massive numbers of disappearances in States that are experiencing internal conflict, such as Syria and Iraq. In other States, enforced disappearances are perpetrated in the name of fighting terrorism, via practices such as secret detention or extraordinary renditions.

This flouts the fundamental commitments made by States. Article 1 of the Convention is clear that no-one may be subject to enforced disappearance, and that no exceptional circumstances whatsoever can be invoked to justify this practice. The Convention also states, in Article 17, that no one may be held in secret detention.

We are also seeing a pattern of people being disappeared, on a massive scale, by non-state actors. In some cases these actors, which include paramilitary groups, militias and organized criminal gangs, are operating with the connivance or tolerance of the State. But in several of the world's most brutal and chaotic conflicts, abuses that are perpetrated by armed or terrorist groups, or criminal organisations, *without* the connivance of the State are so grave that they must be considered tantamount to enforced disappearances.

These non-state actors may be motivated by the goal of wiping out religious or social diversity, or by the urge to seize lands and goods from their victims. The so-called ISIL group is just one example of this trend; there are others. The drafters of the Convention were prescient in including Article 3, which holds States Parties responsible for investigating acts that are tantamount to enforced disappearances.

To these new patterns of enforced disappearances and new offenders, I must unfortunately add new victims. In addition to the political opponents who in the past were the targets of enforced disappearance, today victims include vulnerable people of every kind. Civilians are seized and detained or kept hostage by various fighting forces. Migrants, too, are extremely vulnerable to enforced disappearance.

I have repeatedly spoken of my growing alarm at the international community's failure to protect the rights of migrants. While our attention is drawn to the situation in the Mediterranean and the Balkans, we should not forget that similar situations occur all over the world, including South-East Asia, Australia, Latin America and the Caribbean, the Mexico-US border, the Gulf region and Africa.

Migrants are too often met with exploitation, discrimination and violence, as well as harshly enforced refusals to permit entry. They endure unbelievable suffering and are at high risk of severe human rights violations by the authorities of the countries they try to enter. These include enforced disappearances, arbitrary arrests, torture and sexual violence. In many cases, they fall into the hands of trafficking networks – with high risk of violence, kidnapping and extortion.

I exhort you to continue to make active use of Article 16 of the Convention, which forbids to States Parties the expulsion, refoulement, surrender or extradition of persons, including migrants, who could be in danger of enforced disappearances.

Members of the Committee,

These new challenges demand new strategies for fighting impunity, protecting disappeared persons and their families, and strengthening the guarantees provided by the rule of law – including investigation, justice and redress. I am convinced that the Convention provides a sound foundation for this. The Committee's work towards its implementation is vital.

As the newest treaty body of one of the most recent human rights instruments, you have shown a remarkable ability to innovate, making the best use of such tools as the Convention's urgent actions procedure under Article 30.

I am encouraged by your contemporary reading of the Convention, and heartened by the fact that you have devoted two thematic discussions to non-state actors, one to enforced disappearance and trafficking, and another to the impact of enforced disappearance on women and children. I encourage you to maintain full focus on these issues in your future proceedings, including through the reporting process.

Victims increasingly count on the support of the Committee in their search for their loved ones, for fair prosecution and punishment of perpetrators, and to pierce the veil of impunity and obtain reparation. You have received a growing number of requests by relatives to help find people

who have disappeared. They are a tiny fraction of the real victims; many family members are too afraid to seek your help, or lack the knowledge to refer to international mechanisms. But thanks to your action, five persons were located in 2015. Two, sadly, were found dead, but three others were discovered in detention – and one was actually released. At least for five families, the unspeakable anguish of not knowing the fate of their loved ones has come to an end.

Your mandate can be literally life-saving, and it is also extremely sensitive. I cannot stress enough how important it is for your members to meet the highest standards of ethics, competence, independence and impartiality, as required by Article 26. This Committee was exemplary in swiftly adopting the Addis Ababa guidelines in 2012, and we will be reporting soon to the Secretary-General regarding our progress in implementation. I believe this is a timely opportunity to reflect again on their relevance.

I wish you well for the challenging work ahead, and I look forward to receiving updates on your discussions.