



General Assembly

Distr.: Limited
14 June 2010

Original: English

Human Rights Council

Fourteenth session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Andorra*, **Argentina**, **Australia***, **Austria***, **Bolivia (Plurinational State of)**, **Brazil**, **Bulgaria***, **Colombia***, **Costa Rica***, **Croatia***, **Cuba**, **Czech Republic***, **Denmark***, **Ecuador***, **Estonia***, **France**, **Germany***, **Greece***, **Guatemala***, **Hungary**, **Italy**, **Japan**, **Latvia***, **Luxembourg***, **Malta***, **Mexico**, **Morocco***, **Netherlands**, **Norway**, **Panama***, **Paraguay***, **Portugal***, **Romania***, **Slovakia**, **Slovenia**, **Spain***, **Switzerland***,
Uruguay: draft resolution

14/...

Enforced or involuntary disappearances

The Human Rights Council,

Reaffirming the relevant articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which protect the right to life, liberty and security of person, the right not to be subjected to torture and the right to recognition as a person before the law,

Recalling Commission on Human Rights resolution 20 (XXXVI) of 29 February 1980, in which the Commission established a working group to examine questions relevant to enforced or involuntary disappearances,

Recalling also all previous resolutions on enforced or involuntary disappearances of the Council, the Commission on Human Rights and the General Assembly, the most recent being Council resolution 10/10 of 26 March 2009 and Assembly resolution 64/167 of 18 December 2009,

Recalling further General Assembly resolution 47/133 of 18 December 1992, in which the Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance,

Acknowledging the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance by the General Assembly in its resolution 61/177 of 20 December 2006, and recognizing that the entry into force of the Convention as soon

* Non-member State of the Human Rights Council.

as possible through its ratification by twenty States, and its implementation, will be a significant contribution to ending impunity and to the promotion and protection of all human rights for all,

Recalling Council resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, stressing that all mandate holders shall discharge their duties in accordance with these resolutions and the annexes thereto, and urging all States to cooperate with and assist the special procedures in the performance of their tasks,

Deeply concerned by the high number of cases of enforced or involuntary disappearance around the world, including arrest, detention and abduction, when these are part of or amount to enforced disappearances, and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Recalling the importance of the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person,

Recalling also that no one shall be held in secret detention,

Recognizing that enforced disappearance has special consequences for vulnerable groups, especially women and children, as they most often bear the serious economic hardships which usually accompany a disappearance and, when they are subjected to disappearance themselves, they may become particularly vulnerable to sexual and other forms of violence,

Acknowledging that acts of enforced disappearance may amount to crimes against humanity as defined in the Rome Statute of the International Criminal Court,

Recalling the Set of Principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/Sub.2/1997/20/Rev.1, annex II), and taking note with appreciation of the updated version of those principles (E/CN.4/2005/102/Add.1),

Commemorating the thirtieth anniversary of the establishment of the Working Group on Enforced or Involuntary Disappearances, and taking this opportunity to raise awareness about enforced disappearance and to call for the prevention and eradication of this crime,

1. *Takes note* of the most recent report submitted by the Working Group on Enforced or Involuntary Disappearances (A/HRC/13/31 and Corr.1) and of the comments and recommendations contained therein;

2. *Calls upon* the Governments that have not provided substantive replies concerning claims of enforced disappearances in their countries to do so and to give due consideration to relevant recommendations concerning this subject made by the Working Group in its reports;

3. *Calls upon* Governments to offer support to all victims of enforced disappearances, especially women and children affected by this crime;

4. *Also calls upon* Governments to prevent the occurrence of enforced disappearances, including by guaranteeing that any person deprived of liberty is held solely in officially recognized and supervised places of detention, guaranteeing access to all places of detention by authorities and institutions whose competence in this regard has been recognized by the concerned State, maintaining official, accessible, up-to-date registers and/or records of detainees, and ensuring that detainees are brought before a judicial authority promptly after detention;

5. *Urges* Governments to continue their efforts to elucidate the fate of disappeared persons and to ensure that competent authorities in charge of investigation and prosecution are provided with adequate means and resources to resolve cases and bring perpetrators to justice, including after considering the establishment, where appropriate, of specific judicial mechanisms or truth and reconciliation commissions that complement the justice system;

6. *Requests* the Secretary-General to ensure that the Working Group receives all the assistance and resources it requires to perform its mandate;

7. *Welcomes* the fact that eighty-three States have signed the International Convention for the Protection of All Persons from Enforced Disappearance and eighteen States have ratified or acceded to it, and calls upon States that have not yet done so to consider signing and ratifying the Convention as a matter of priority, as well as to consider the option provided for in articles 31 and 32 of the Convention regarding the Committee on Enforced Disappearances, with a view to its entry into force by September 2010;

8. *Invites* States to consider joining all efforts to share information on best practices and to work towards the early entry into force of the Convention with the aim of its universality;

9. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize, within existing resources, a one-day event to commemorate the thirtieth anniversary of the Working Group;

10. *Encourages* the General Assembly to proclaim 30 August the International Day of the Victims of Enforced Disappearances;

11. *Requests* the Working Group to prepare a report for submission to the Human Rights Council at its sixteenth session on best practices on enforced disappearances in domestic criminal legislation based on inputs solicited from member States;

12. *Also requests* the Working Group to pay particular attention to the situation of women victims of enforced or involuntary disappearances through its activities;

13. *Decides* to continue consideration of the matter in conformity with its programme of work.
