



Human Rights Institute



Organization: Lawyers' Rights Watch Canada
Item 3: Interactive dialogue, Working Group on Enforced or Involuntary Disappearances
Date: 19 September 2023
Speaker: Rebekah Smith

Oral Statement to the 54th Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC), the International Bar Association's Human Rights Institute, and the Law Society of England and Wales, NGOs in special consultative status, endorsed by Peacemakers Trust, Memorial Human Rights Defence Centre, The 29 Principles, and the Network of Chinese Human Rights Defenders, NGOs without consultative status

Global impunity for enforced disappearances: Call for universal ratification of the *Convention for the Protection of all Persons against Enforced Disappearances*

Mr. President,

Lawyers' Rights Watch Canada, the International Bar Association's Human Rights Institute, the Law Society of England and Wales, with endorsing NGOs, appreciate the efforts¹ of the Working Group.

Impunity² for enforced disappearances affects hundreds of thousands of persons in at least 85 countries.³ Lawyers and defenders exposing human rights abuses are at particular risk of enforced disappearance⁴ or obstruction of their advocacy for disappeared persons.⁵

Enforced disappearances place victims outside all protection of the law.⁶ Temporary enforced disappearances are no exception⁷ and include:

- China's systematic enforced disappearances of lawyers and defenders through Residential Surveillance in a Designated Location;⁸
- Russia's systematic enforced disappearances of defenders, including in Ukraine.⁹

Despite General Assembly resolutions and the Secretary General's¹⁰ calls for universal ratification, just 72 States have ratified the Convention on enforced disappearances.¹¹

We urge all Council members and observer States to:

- Ratify the Convention;
- Criminalize enforced disappearance;
- Investigate every disappearance using the Working Group's standards;¹²
- Protect advocates and families of the disappeared from reprisals and obstruction; and
- Ensure incorporation of the Convention's definition of enforced disappearance into the draft treaty on crimes against humanity.

Thank you.

¹ OHCHR, Enforced or involuntary disappearance - Report of the Working Group on Enforced or Involuntary Disappearances, A/HRC/54/22, 8 August 2023, <https://undocs.org/en/A/HRC/54/22>

² WGEID, A/HRC/51/31, para. 82, <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/51/31&Lang=E>.

³ UN, <https://www.un.org/en/observances/victims-enforced-disappearance>.

⁴ Secretary General, 30 August 2021, <https://www.un.org/en/observances/victims-enforced-disappearance/message>.

⁵ e.g. **Colombia** ratified the ICPED in 2012, including Article 31. In addition to 121,768 enforced disappearances dating from the 1970s and 1980s (Truth Commission of Colombia, 2022, <https://www.comisiondelaverdad.co/hallazgos-y-recomendaciones-1>, ICPED violations continued after the 2016 Final Peace Agreement (International Commission of Jurists (ICJ), 2021, <https://www.icj.org/colombia-icj-report-identifies-necessary-measures-to-ensure-victims-of-enforced-disappearance-and-extrajudicial-killings-can-access-justice/>), among them hundreds of reported short-term and prolonged enforced disappearances since 2016, including during 2021 protests (Amnesty International, 2021, <https://www.amnesty.org/en/documents/amr23/4405/2021/en/>, citing <https://defenderlalibertad.com/boletin-informativo-20-paronacional>). Police have reportedly obstructed defenders and lawyers seeking their clients' whereabouts (Colombian Caravana, 2022, pp. 49, 52-53, 99, 115, <https://www.lrwc.org/wp-content/uploads/2023/05/Colombian-Caravan-Report-Final-EN.pdf>).

⁶ WGEID, A/HRC/16/48/Add.3, 28 December 2010, <https://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=A/HRC/16/48/Add.3&Lang=E>.

⁷ CED, WGEID, 30 August 2016, <https://www.ohchr.org/en/press-releases/2016/08/every-minute-counts-un-experts-raise-alarm-over-short-term-enforced>; Peacemakers Trust, LRWC, et al, 14 August 2023, https://www.lrwc.org/wp-content/uploads/2023/08/PeacemakersTrust.Input_CED_WGEID_Short-Term.EID_15Aug2023.pdf, <https://www.lrwc.org/enforced-disappearances-every-minute-counts-joint-submission-to-two-un-bodies/>.

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- ⁸ LRWC et al, 20 September 2022, https://www.lrwc.org/wp-content/uploads/2022/10/LRWC.HRC51.Item3_ID_WGEID_F.pdf; Amnesty International et al, 30 August 2022, https://lawyersforlawyers.org/wp-content/uploads/2022/08/Civil-Society-Call-to-End-Enforced-Disappearances-in-China_EN.pdf; OHCHR, 23 March 2020, <https://www.ohchr.org/en/press-releases/2020/03/china-un-experts-gravely-concerned-enforced-disappearance-three-human-rights>; <https://safeguarddefenders.com/en/file/852/download?token=5zxBv50-> and 2021, <http://safeguarddefenders.com/sites/default/files/pdf/Follow-up%20Submission%20on%20China%E2%80%99s%20mass%20use%20of%20RSDL.pdf> ; WGEID, 23 April–2 May 2018, https://www.ohchr.org/sites/default/files/Documents/Issues/Disappearances/Allegations/115_China.pdf. We also note **Lao PDR**'s refusal to disclose the fate and whereabouts of detained Chinese human rights lawyer **Lu Siwei** amid fear of refoulement and arbitrary detention in China, Safeguard Defenders, 11 September 2023, <https://safeguarddefenders.com/en/blog/chinese-lawyer-laos-facing-imminent-deportation>.
- ⁹ In 2022, the Human Rights Committee expressed grave concern about ongoing enforced disappearances in areas of **Ukraine** occupied by **Russia**, including Crimea (WGEID, 2018, <https://www.ohchr.org/en/statements/2018/06/preliminary-observations-working-group-enforced-or-involuntary-disappearances?LangID=E&NewsID=23227>; <https://ukraine.un.org/en/184833-comment-matilda-bogner-head-un-human-rights-monitoring-mission-ukraine-hrmu-occasion-100>; <https://ukraine.un.org/sites/default/files/2021-03/BN%20Enforced%20dis%20Crimea%20ENG.pdf>). Defenders in Ukraine are among those who continue to be forcibly disappeared after being detained and taken to unknown locations where they are held for days, weeks or months without access to families or lawyers (ABA, 2022, https://www.americanbar.org/content/dam/aba/administrative/human_rights/justice-defenders/chr-hrd-disappearances-ukraine.pdf). The practice of short-term abductions and enforced disappearances is prevalent throughout Russia with authorities abducting persons and arbitrarily detaining them in unknown locations, often for less than a day, including torture or ill-treatment, and followed by administrative or criminal charges. Persons suspected of sympathizing with Ukraine are at particular risk (Memorial Human Rights Defence Centre and Stichting Justice Initiative, “Short-term enforced disappearances in Russia”: Submissions in Reply to the Call for Inputs Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances on the Notion of Short-Term Enforced Disappearance, August, https://memorialcenter.org/uploads/Input_on_short_term_enforced_disappearances_in_Russia_submitted_6d6dd6ddfa.pdf).
- ¹⁰ UN News, <https://press.un.org/en/2021/sgsm20869.doc.htm>
- ¹¹ UNTC, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-16&chapter=4&clang=en.
- ¹² A/HRC/45/13/Add.3, 2020, <https://daccess-ods.un.org/tmp/1378473.04344177.html>.