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Agenda item 3

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

Albania^{*}, Argentina, Austria^{*}, Belgium, Bolivia (Plurinational State of)^{*}, Bosnia and Herzegovina^{*}, Brazil, Bulgaria^{*}, Chile, Colombia^{*}, Costa Rica^{*}, Croatia^{*}, Cuba, Cyprus^{*}, Czech Republic^{*}, Denmark^{*}, Finland^{*}, France, Germany^{*}, Greece^{*}, Guatemala, Hungary, Japan, Liechtenstein^{*}, Lithuania^{*}, Mexico, Monaco^{*}, Morocco^{*}, Netherlands^{*}, New Zealand^{*}, Norway, Palestine^{*}, Panama^{*}, Paraguay^{*}, Poland, Portugal^{*}, Romania^{*}, Slovenia^{*}, Spain, Sweden^{*}, Switzerland, Uruguay, Venezuela (Bolivarian Republic of)^{*}: draft resolution

16/... 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 that protect the right of life, the right of liberty and security of the person, the right not to be subjected to torture and the right to recognition as a person before the law,

Reaffirming also Commission on Human Rights resolution 20 (XXXVI) of 29 February 1980, in which the Commission decided to establish a working group of five members to serve as experts in their individual capacity and to examine questions relevant to enforced or involuntary disappearance, and reaffirming all previous resolutions on this subject, in particular Human Rights Council resolution 7/12 of 27 March 2008, in which the Council renewed by consensus the mandate of the Working Group on Enforced or Involuntary Disappearances,

Recalling General Assembly resolution 47/133 of 18 December 1992, by which the Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearances as a body of principles for States,

Welcoming the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearances on 23 December 2010 and the fact that eighty eight States have signed it and twenty three States have ratified or acceded to it, and recognizing that its implementation will be a significant contribution to end impunity and to the promotion and the protection of all human rights for all,

Deeply concerned in particular by the increase in enforced or involuntary disappearances in various regions of 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 that the Convention sets out the right of victims to truth regarding the circumstances of the enforced disappearance, the progress and the result of the investigation and the fate of disappeared person, and sets forth State party obligations to take appropriate measures in this regard,

Taking note with appreciation of the general comment of the Working Group on the right to the truth with regard to enforced disappearances,

Acknowledging the fact that acts of enforced disappearance are crimes against humanity, as defined by the Rome Statute of the International Criminal Court,

Taking note with appreciation of the general comment of the Working Group on enforced disappearances as a crime of continuous nature and, in this regard, recalling the relevant provisions of the Convention and the Declaration,

Welcoming the decision of the General Assembly to declare 30 August International Day of the Victims of Enforced Disappearances and its call upon Member States, the United Nations system and other international and regional organizations, as well as civil society, to observe this day,

Acknowledging that many Governments have cooperated with the Working Group,

Recalling its resolutions 5/1, entitled “Institution-building of the United Nations Human Rights Council”, and 5/2, entitled “Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council”, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

1. *Calls upon* all States that have not yet signed, ratified or acceded to the International Convention for the Protection of All Persons from Enforced Disappearances to consider doing so as a matter of priority, and to consider as well the option provided for in articles 31 and 32 of the Convention regarding the Committee on Enforced Disappearances;

2. *Notes* that 2012 will mark the twentieth anniversary of the adoption by the General Assembly of the Declaration on the Protection of All Persons from Enforced Disappearance,¹ and encourages all States to translate the Declaration into their languages in order to assist its global dissemination and the ultimate goal of prevention of enforced disappearances;

3. *Takes note with satisfaction* of the report of the Working Group on Enforced or Involuntary Disappearances on best practices on enforced disappearances in domestic criminal legislation,² and encourages States to give due consideration to the good practices identified in the report;

4. *Decides* to extend the mandate of the Working Group for a further period of three years, in conformity with the terms set forth in the Human Rights Council resolution 7/12;

¹ General Assembly resolution 47/133.

² A/HRC/16/48/Add.3 and Corr.1.

5. *Calls upon* States that have not provided for a long period of time substantive replies concerning claims of enforced disappearances in their countries to do so, and to give due consideration to relevant recommendations concerning this issue made by the Working Group in its reports;

6. *Notes with concern* that, according to the Working Group, it has insufficient resources to effectively exercise its mandate, particularly in relation to human resources, where there is an acute need,³ and requests the Secretary-General to ensure that the Working Group receives all the assistance and resources it requires to fulfil its mandate;

7. *Decides* to continue consideration of the question of enforced disappearances in accordance with its programme of work.

³ A/HRC/16/48, para. 585.