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Human Rights Council Adopts Convention Against Enforced Disappearances: A Vital Step Against This Crime

Today, in the framework of its first session, the recently established UN Human Rights Council adopted, by consensus, the *International Convention for the Protection of All Persons from Enforced Disappearances* and decided to send it to the UN General Assembly for adoption this year. "The adoption of the Convention is a fundamental step in the fight against the crime of enforced disappearance and for the protection of victims and their relatives. It also constitutes a significant political message that this heinous practice cannot be tolerated and must be eradicated", said Nicholas Howen, Secretary-General of the International Commission of Jurists. It now falls upon States to ensure that, during its December 2006 session, the General Assembly adopt the Convention.

"The Convention is the result of immense and sustained efforts by associations of relatives of disappeared persons and non-governmental organisations since 1981, when the first international conference on a treaty against enforced disappearances took place and in which the ICJ participated", recalled Mr Howen. The Convention establishes the right not to be subjected to enforced disappearance and imposes upon States the obligation to prohibit and criminalise this practice in their domestic legislation. "The Convention fills an immense and intolerable gap: the absence of an international treaty to fight against this international crime and serious human rights violation", highlighted Mr Howen.

In addition to establishing that enforced disappearance is an international crime, the Convention sets out several obligations in terms of prevention, such as: a prohibition on secret detentions; that deprivation of liberty shall only take place in officially recognised and supervised facilities that maintain records of all detainees; and the non-derogable right of *habeas corpus* and to obtain information on detainees. The Convention also recognises the right to truth and to reparation for victims and their relatives, as well as the right to form associations and organisations to fight against enforced disappearances. The treaty also deals with wrongful removal of children whose parents were victims of enforced disappearance, the falsification of children's identities and their adoption.

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The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

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