



Enforced and Involuntary Disappearances in Asia: Building solidarity, breaking barriers

Islamabad Resolution 3 February 2015

Deeply alarmed that enforced and involuntary disappearances are continuing unabated in many Asian countries and new excuses are being offered to gloss over these incidents;

Concerened by the prevalence of attacks, harassment, surveillance, intimidation and reprisals against lawyers, journalists, political workers and human rights defenders who work on enforced disappearances;

Noting with regret that in many Asian countries a culture of legal, moral and political impunity exists for the crime of enforced disappearance and emphasizing that impunity dangerously corrodes the rule of law;

Convinced that enforced disappearances undermine the deepest values of any society committed to respect the rule of law and human rights, and that the systematic practice of enforced disappearances is recognized as a crime against humanity under international law;

Reiterating that any act of enforced disappearance is an offence to human dignity and a grave and flagrant violation of multiple human rights guarantees, including the right to recognition as a person before the law, the right to liberty and security of the person and the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment;

Acknowledging that many Asian countries are facing serious law and order and security related issues, and even terrorist threats, but emphasizing that no circumstances whatsoever, whether a threat of terrorism or war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances;

Acknowledging the individual and collective struggle of the family members of the disappeared and the significance of their participation in national, regional and international activism against enforced disappearances;

Commending the efforts being made by civil society organizations in Asia struggle against the practice of enforced and involuntary disappearances despite all odds and threats to their security.

We, the participants of the "International Conference on enforced and involuntary disappearances: building solidarity, breaking barriers", jointly organized by the International Commission of Jurists (ICJ) and the Human Rights Commission of Pakistan (HRCP), held at Islamabad on 2-3 February 2015, resolve to:

Remind the state of its obligations under international human rights law to:

- **Take all necessary measures including through the enactment, implementation and enforcement of specific laws, policies and institutions to end the practice of enforced disappearances;**
- **Review, amend or repeal laws and policies that facilitate enforced disappearance and provide immunity from prosecution and/or amnesty to perpetrators of human rights violations;**
- **Investigate and, if there is sufficient evidence, prosecute alleged perpetrators of enforced disappearances, and if found guilty, ensure they punished;**
- **Ensure that law enforcement agencies comply with the UN Declaration on Human Rights Defenders, including through the enactment, implementation and enforcement of specific laws, policies and institutions to protect and support the work of human rights defenders, including those working on issues of enforced disappearances.**

Support human rights defenders in the region by all possible means, including by providing technical and legal assistance in addressing the common challenges and hurdles they encounter in their work on enforced disappearances;

Increase consolidated efforts to urge for ratification of International Convention for the Protection of all Persons from Enforced Disappearance by all Asian countries, and recognition the competence of the Committee on Enforced Disappearances to consider individual and inter-state complaints;

Amplify the need for enforced disappearances to be recognized as a distinct criminal offence in the penal laws of all Asian countries in line with the definition given in the International Convention for the Protection of all Persons from Enforced Disappearance;

Strengthen our campaign to raise awareness of the general public and members of state institutions, including law enforcement and security agencies as well as members of the judiciary, that enforced disappearances are impermissible in all circumstances, and no threat or circumstances, no matter how serious, can justify the practice;

Strongly urge Asian states to swiftly operationalize National Human Rights Institutions in conformity with the Paris Principles with jurisdiction over all state institutions, including security and intelligence agencies, and further strengthen NHRIs where they already exist;

Continue to call on our respective States to ensure that all persons held in secret or arbitrary detention are immediately released or charged with a recognizable criminal offence and brought promptly before a competent, independent and impartial tribunal for a trial that meets international standards of fairness;

Strive to ensure that suspected perpetrators of human rights violations, including members of the armed forces and other law enforcement personnel, are tried only by competent ordinary courts, and not by other special tribunals, in particular military courts;

Strengthen our efforts to reform national legislation that facilitates enforced disappearance and provides immunity from prosecution and/or amnesty to perpetrators of human rights violations;

Comprehensively address the lack of effective reparation and remedy for victims of enforced disappearance, including

compensation and psychosocial assistance to victims, including families of those who are forcibly disappeared; Formulate the strategy of the struggle against enforced disappearances with the perspectives of the family members of the disappeared;

Raise the level of compliance with human rights mechanisms of the United Nations; work towards implementing recommendations made by the Working Group on Enforced and Involuntary Disappearances (WGEID), and encourage states to extend invitations to and fully cooperate with the WGEID where requests for country visits are pending; and

Collectively advocate with our respective States to establish a robust Asian human rights mechanism with a mandate for the protection and promotion of human rights.