



# General Assembly

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## Human Rights Council

### Sixteenth session

Agenda item 3

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

## Resolution adopted by the Human Rights Council\*

### 16/16

### 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,

*Recalling* 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 disappearances, and also 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 Disappearance as a body of principles for States,

*Welcoming* the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance 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 ending impunity and to the promotion and the protection of all human rights for all,

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\* The resolutions and decisions adopted by the Human Rights Council will be contained in the report of the Council on its sixteenth session (A/HRC/16/2), chap. I.

*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 know the truth regarding the circumstances of the enforced disappearance, the progress and the result of the investigation and the fate of the disappeared person, and sets forth State party obligations to take appropriate measures in this regard,

*Taking note with interest* of the general comment of the Working Group on the right to the truth in relation to enforced disappearances,

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

*Taking note with interest* of the general comment of the Working Group on enforced disappearances as a crime of a 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* Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those 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 Disappearance 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, 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* of the report of the Working Group on Enforced or Involuntary Disappearances on best practices on enforced disappearances in domestic criminal legislation,<sup>1</sup> 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;

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<sup>1</sup> 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. *Encourages* the Working Group, in accordance with its working methods, to continue to provide concerned States with relevant and detailed information concerning allegations of enforced disappearances in order to facilitate a prompt and substantive response to these communications without prejudice to the need for concerned States to cooperate with the Working Group;

7. *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,<sup>2</sup> and requests the Secretary-General to provide the assistance necessary to the Working Group to fulfil its mandate, in particular by putting adequate human and material resources at its disposal;

8. *Decides* to continue consideration of the question of enforced disappearances in accordance with the programme of work of the Human Rights Council.

*46<sup>th</sup> meeting*  
*24 March 2011*  
[Adopted without a vote.]

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<sup>2</sup> A/HRC/16/48, para. 585.