

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Belgium: a fundamental step forward on human rights, the ratification of the Enforced Disappearance Convention

Amnesty International welcomes Belgium's ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (Enforced Disappearance Convention), which took place on 2 June.

The Convention aims to establish the truth about enforced disappearances, bring perpetrators to justice and provide full reparations to victims and their families.

The treaty entered into force on 23 December 2010 and Belgium is the 27th state to become party to it.

Amnesty International also welcomes Belgium's statements that it will make declarations recognizing the competence of the Committee on Enforced Disappearances to receive complaints from or on behalf of victims or their relatives or other states.

An enforced disappearance takes place when a person is arrested, detained or abducted by a state or agents acting for the state while the authorities deny that the person is held or conceal their whereabouts. As a result, these persons are placed outside the protection of the law. It also constitutes enforced disappearance if such acts are conducted by persons or groups of persons acting without the authorization, support or acquiescence of the state.

In Amnesty International's view, the ratification of Belgium is a major contribution to make the treaty truly universal in the near future, as more states are now encouraged to follow Belgium's example.

Amnesty International urges Belgium promptly to make enforced disappearance a criminal offense under national law and to implement fully the Convention.

This includes to hold criminally responsible superiors who knew or disregarded information which indicated that subordinates under their effective authority and control were committing or about to commit a crime of enforced

disappearance. Furthermore, provisions on universal jurisdiction are key to avoid safe havens for perpetrators of this serious human rights violation.

Background information

Twenty-seven states have so far ratified or adhered to the Disappearances Convention: Albania, Argentina, Armenia, Belgium, Bolivia, Brazil, Burkina Faso, Chile, Cuba, Ecuador, France, Gabon, Germany, Honduras, Iraq, Japan, Kazakhstan, Mali, Mexico, Netherlands, Nigeria, Paraguay, Senegal, Serbia, Spain, Uruguay and Zambia.

The Enforced Disappearance Convention also established a Committee on Enforced Disappearance (the Committee), consisting of ten independent experts who are tasked to monitor the implementation of the Convention. They consider the reports which state parties are obliged to submit on a regular basis, and assess complaints received from individuals who claim that they have been victims of enforced disappearance.

The latter competence, however, is dependent on the state party's declaration, under Article 31, that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals claiming to be victims of a violation by this state party of provisions of the Convention. To date, ten states have made such a declaration: Albania, Argentina, Belgium, Chile, France, Mali, the Netherlands, Serbia, Spain and Uruguay.

Eleven states have made the declaration under Article 32, recognizing the competence of the Committee to receive and consider communications in which a state party claims that another state party is not fulfilling its obligations under this Convention: the above mentioned ten and Japan.

Declarations under Articles 31 and 32 are important because they allow the Committee, if it receives reliable information indicating that a state party is seriously violating the provisions of this Convention, to undertake a visit and report back to it without delay.

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