Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1995 (2012)[1]
Final version

The International Convention for the Protection of all Persons from Enforced Disappearance

Parliamentary Assembly

1. The Parliamentary Assembly refers to its Resolution 1868 (2012) on the International Convention for the Protection of all Persons from Enforced Disappearance and, in particular, congratulates the Committee of Ministers on its adoption of the Guidelines on eradicating impunity for serious human rights violations.

2. The Assembly reiterates its support for the United Nations International Convention for the Protection of all Persons from Enforced Disappearance ("UN Convention") and invites the Committee of Ministers to urge all the Council of Europe member States which have not yet done so to sign, ratify and implement this convention.

3. The Assembly nevertheless recalls that the UN Convention notably:

3.1. fails to fully include in the definition of enforced disappearances the responsibility of non-State actors;

3.2. remains silent on the need to establish a subjective element (intent) as part of the crime of enforced disappearance;

3.3. refrains from placing limits on amnesties or jurisdictional and other immunities;

3.4. severely limits the temporal jurisdiction of the Committee on Enforced Disappearances.

4. The Assembly therefore invites the Committee of Ministers to consider launching the process of preparing the negotiation, in the framework of the Council of Europe, of a European convention for the protection of all persons from enforced disappearance.

1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 9 March 2012 (see Doc. 12880, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Pourgourides).