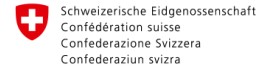




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REGIONAL CONSULTATIONS

REPORT

ASIA

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Our sincere thanks go to the survivors, victims, families of the disappeared, civil society representatives, international organisation representatives, experts, and national human rights institutions who participated in these consultations, as speakers and from the audience. Their invaluable insights and shared experiences are at the heart of the consultations, providing a unique understanding of the best practices, challenges, and recommendations in the fight against enforced disappearances.

CEDI would also like to thank everyone else who contributed to a successful event: Ms. Aileen Bacalso and Dr. Mandira Sharma, member of CEDI's Advisory Board, the Secretariats and Members of the United Nations Committee on Enforced Disappearances and of the Working Groups on Enforced or Involuntary Disappearances, and the International Commission of Jurists and International Federation for Human Rights, for facilitating contacts.

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1. Introduction

The first ever [World Congress on Enforced Disappearances](#), co-organised by [CEDI](#), the United Nations [Committee on Enforced Disappearances](#) (CED), the [Working Group on Enforced or Involuntary Dispareances](#) (WGEID), and the Office of the [High-Commissioner for Human Rights](#) (OHCHR), will take place on 15 and 16 January 2025 in Geneva, Switzerland. One of its objectives is to put families and CSOs back at the centre of the joint efforts for the ratification and implementation of the Convention.

To facilitate their contribution, CEDI organized a series of online regional consultations with victims, family members, civil society organisations, international organisations and national human rights institutions, in May and June 2024 to:

- Provide a space for stakeholders in the region to share experiences
- Gather their suggestions for the World Congress and the action plan that will be presented.

This report is based on the online regional consultation on Asia held on 3 May 2024, part of a series of exchanges conducted from May to June 2024. The report highlights best practices, challenges, and recommendations shared during these sessions, with the insights gathered aimed at informing the World Congress on Enforced Disappearances, drawing from experiences across multiple countries.

Programme.

- Introduction to the World Congress – *Speaker*: Barbara Lochbihler, Member of the United Nations Committee on Enforced Disappearances.
- Overview of the status of the Convention in the region – *Speaker*: Arnaud Chaltin, OHCHR Southeast Asia Regional Office.
- PANEL I – *Facilitator*: Angkhana Neelapajit, Member of the Working Group on Enforced or Involuntary Disappearances.
- Regional Federation – Joe Faustino, Secretary General of the Asian Federation Against Involuntary Disappearances (AFAD).
 - Sri Lanka – *Speaker*: Brito Fernando, President of the Families of the Disappeared Organization.
 - South Korea – *Speaker*: Pillkyu Hwang, Gonggam Human Rights Foundation.
 - Maldives – *Speakers*:
 - Rilwan Moosa, Brother of a Journalist who was Forcibly Disappeared.
 - Shahindha Ismail, Executive Director of the Maldivian Democracy Network.
 - Indonesia – *Speaker*: Dimas Bagus Arya, Coordinator of the Commission for the Disappeared and Victims of Violence (KontraS).
 - Thailand – *Speaker*: Phattranit Yaodam, Amnesty International Thailand.
- PANEL II – *Facilitator*: Mary Aileen Bacalso, Executive Director, Asian Forum for Human Rights and Development (FORUM-ASIA).
 - Nepal – *Speakers*:
 - Mandira Sharma, International Human Rights Lawyer, International Commission of Jurists.
 - Swastika Mali, Paralegal, Advocacy Forum Nepal.
 - Philippines – *Speakers*:

- Edita Tronqued-Burgos, Free Jonas Burgos Movement, Karapatan and International Coalition against Enforced Disappearances.
- Louie Crismo, Chairperson of Families of Victims of Involuntary Disappearances.
- Pakistan – *Speakers*:
 - Farhatullah Babar, Human Rights Commission of Pakistan.
 - Amina Masood Janjua, Chairperson, Defence of Human Rights Pakistan.
- Timor Leste – *Speaker*: Jhano Araujo, HAK Association.
- Conclusion – Claire Callejon, Project Manager, Convention Against Enforced Disappearances Initiative.

2. The World Congress on Enforced Disappearances

Barbara Lochbihler

Member

United Nations Committee on Enforced Disappearances

The World Congress on Enforced Disappearance will take place in Geneva from 14 to 16 January 2025. These regional consultations are designed to place families and civil society at the centre of efforts, along with national human rights institutions.

The primary objective of the World Congress is to achieve the universalisation of the Convention on Enforced Disappearance. The Congress aims to raise awareness about enforced disappearance, its extent, and its impact worldwide. It will foster intergovernmental dialogue and the exchange of experiences and good practices related to the ratification and implementation of the Convention. The goal is to develop a common strategy for the ratification and implementation of the Convention, which will include pledges from States and other actors, as well as a concrete action plan.

The expected outcomes of the World Congress are to mobilise the international community to end enforced disappearance and to define and adopt a common strategy and action plan that reflects the priorities and concerns of relatives and civil society organisations. This plan will include voluntary pledges and identified action points for all actors across all regions.

The hope is that all concerned actors will be better connected and enabled to share experiences and good practices even after the event. Preparing for this event through regional consultations is essential to developing a substantial action plan and strategy.

There will be a regional round table in autumn with experts and key actors to build on the inputs. Moreover, a draft strategy and action plan will be developed from these consultations and shared with all participants before the World Congress, where it will be discussed and adopted.

The Congress in Geneva will also include parallel consultations with State Parties and international entities. Nevertheless, it will heavily rely on input from the regional consultations with families of victims and civil society organisations. Their detailed knowledge is essential for shaping a common plan of action and strategy.

3. Overview of the status of the Convention in the region

Arnaud Chaltin
OHCHR Southeast Asia Regional Office

Enforced disappearances have been systematically employed as a strategy, permeating societies across various countries in Asia. As of August 2023, the UN Working Group on Enforced Disappearances reports 26,437 pending cases in 24 Asian countries. However, these figures only account for reported cases. Enforced disappearances occur in diverse contexts, including migration, detention, and deportation processes, and as a result of smuggling or trafficking. Some states utilise transnational transfers to enforce disappearances, with the participation or support of other states, in attempts to capture their nationals.

Recent studies from Special Procedures indicate that enforced disappearances manifest in multiple forms in the region, such as the unknown whereabouts of migrants forcibly returned. In 2023, Special Procedures raised concerns about the arbitrary detention of at least 2,000 individuals from the Democratic People's Republic of Korea in China, highlighting the risks of enforced disappearances if they were repatriated. Another alarming trend is the disappearance of human rights defenders, protesters, media workers, and journalists, such as in Pakistan in 2022, where disappearances occurred in connection to political party support during the arrest of the former Prime Minister.

There are also allegations of renditions involving human rights defenders. In 2023, Special Procedures brought attention to cases from Laos, including human rights defenders now in exile in Thailand. These individual cases underscore the need for robust standards in the region. For instance, efforts to establish a truth and reconciliation commission in Sri Lanka have been deemed at risk of hindering the transitional justice process. In Nepal, a bill raised concerns about the State's ability to handle enforced disappearances effectively. Additionally, the standards for exhumation and identification of mortal remains have been questioned following discoveries of mass graves in Sri Lanka. These examples emphasise the necessity for a clear legal framework and enhanced regional cooperation.

The Convention on Enforced Disappearance is the only universal treaty specifically dedicated to this issue, providing a universally legally binding framework. Yet, out of 43 Asian states, only nine—Cambodia, Iraq, Japan, Kazakhstan, Mongolia, Oman, the Republic of Korea, and Sri Lanka—have ratified the Convention. Some states, like Cyprus, India, Indonesia, Lebanon, and Thailand, have signed but not ratified it,¹ leaving their commitment at a political statement level rather than a legally binding one. While over 50% of UN Member States have ratified the convention worldwide, the ratification rate in Asia is just under 21%, and only 9% in Southeast Asia.

There is, however, a reason for cautious optimism. In the past year, the Maldives and the Republic of Korea have become State parties to the Convention. Prior to these, Oman ratified it in 2020, and Sri Lanka in 2016. These recent ratifications may signal a renewed interest in the Convention. Other states have also taken significant steps towards ratification. Thailand's Cabinet approved a motion from the Ministry of Justice to ratify the Convention, and in Indonesia, the ratification was discussed in Parliament last year. Continued efforts are essential to encourage more states to ratify the Convention. Some states have expressed interest, and the committee has facilitated briefings with officials from other regional states to promote the Convention's adoption.

¹ Thailand ratified the Convention after this consultation, on 14 May 2024.

PANEL I

Facilitator

Angkhana Neelapaijit
Member

Working Group on Enforced or Involuntary Disappearances

ASIA

Joey Faustino

Secretary General of the Asian Federation Against Involuntary Disappearances

The Asian Federation Against Involuntary Disappearances (AFAD) was organised in 1998. Along with representatives from Latin America, Africa and Europe, it became part of the inter-continental forum against involuntary disappearances in April 2000. The group presented the global phenomenon of involuntary disappearances at the halls of the United Nations during the 57th session of the United Nations Commission on Human Rights. In 2003, the first session of the former UN Working Group to Draft a Legally Binding Normative Instrument for the Protection of All Persons from Enforced Disappearance commenced. Alongside the Latin American Federation of Associations for Relatives of the Detained–Disappeared (FEDEFAM), AFAD was instrumental in proving that enforced disappearances were a regional phenomenon in Asia as well. By December 2006, the Convention for the Protection of All Persons from Enforced Disappearances was adopted by the UN General Assembly. This was the first universally binding treaty that categorised enforced disappearance as a human rights violation and a prohibited act. This convention entered into force in December 2010. The Victim-Families and CSOs Push for Ratification and Local Legislation. The direct contribution of AFAD representatives to the Convention is reflected in Article 24, Section 7: Each State Party shall guarantee the right to form and participate freely in organisations and associations concerned with attempting to establish the circumstances of enforced disappearances and the fate of disappeared persons and to assist victims of enforced disappearance.

It was in this spirit that AFAD programmed its actions since 2010. Member organisations of victim-families and their human rights networks lobbied for country-specific ratification of the International Convention. The premise is that ratification or accession to the International Convention would lead to a commitment by a state to enact a law criminalising enforced disappearance – the bottom line. AFAD focused its campaign on the ratification of the convention by the various Asian countries where it operates. Today, thirteen 13 Member Organisations of the Federation are present in 10 Asian countries. Of the ten countries, three were signatories (India, Indonesia and Thailand);² 2 have ratified the Convention (the Republic of Korea, Sri Lanka); and four had enacted their own anti-enforced disappearance law (the Philippines in 2012, Sri Lanka in 2018, Nepal in 2018, Thailand in 2023). In the entire Asian Region, 24 countries have yet to act on the Convention. AFAD monitors developments in countries where member organisations operate:

² Thailand ratified the Convention after this consultation, on 14 May 2024.

Signatories to CPED (presence of member organisation)	State Parties to CPED (presence of member organisation)	Domestic Law/s on Enforced Disappearances Within the country of operation	No Action Within the country of operation
<ol style="list-style-type: none"> 1. Azerbaijan 2. Cyprus 3. India 4. Indonesia 5. Leo People's Democratic Republic 6. Lebanon 7. Maldives 8. Thailand 	<ol style="list-style-type: none"> 1. Armenia 2. Cambodia 3. Iraq 4. Japan 5. Kazakhstan 6. Mongolia 7. Oman 8. Republic of Korea 9. Sri Lanka 10. Thailand³ 	<ol style="list-style-type: none"> 1. Philippines 2. Sri Lanka (Office of Missing Persons Act) 3. Nepal (National Penal Code) 4. Thailand 	<ol style="list-style-type: none"> 1. Bangladesh 2. Nepal 3. Pakistan 4. Philippines

The analysis reveals that there is no strict sequencing among signatories, State Parties, and domestic laws on enforced disappearances. Furthermore, the resulting domestic laws vary significantly in substance when compared to the Convention, particularly in addressing the right to truth, assurances of non-recurrence, penalising perpetrators, and providing reparations to victims' families.

The Philippines was the first country in Southeast Asia to enact such a measure in December 2012. This achievement was the result of sixteen years of lobbying by the Families of Victims of Involuntary Disappearance (FIND), even before the Convention for the Protection of All Persons from Enforced Disappearances. However, the Anti-Enforced Disappearance Act of 2012 has yet to be fully implemented, and incidents of enforced disappearances continue to occur. The Philippines is listed under "No Action" as the State argues that its domestic legislation is in sufficient compliance with the Convention.

Challenges:

- **Retaliation against human rights defenders:** AFAD has observed a troubling trend of states retaliating against human rights defenders and civil society organisations (CSOs). The rise of authoritarianism in the region has led to a significant reduction in civic spaces for participation and movement of non-government organisations in several countries.
- **Repression and restrictions:** In recent years, various government regulations and existing criminal laws have proven to be potent tools for states to curb dissent and criticism, creating a chilling effect on the rest of civil society. Negative labelling or red-baiting by governments often leads to arbitrary detention and arrest and, in many instances, extrajudicial killings. Populist leaders have demonised the concept of human rights publicly and justified violations through propaganda and hate

³ Thailand ratified the Convention after this consultation, on 14 May 2024.

campaigns, using government machinery and social media troll armies. Both the legislative and judicial branches of these countries support this mode of governance. This situation has significantly impacted how CSOs operate in their respective countries. For example, in Kashmir, India, no civil society organisation can operate without extreme harassment, as human rights defenders and journalists are arrested under the Unlawful Activities Prevention Act, which allows authorities to detain individuals for 180 days based on mere suspicion.

- **Regulatory challenges:** In other countries, anti-money laundering laws have categorised CSOs as medium to high risk, placing them on constant watchlists. Libel and violations of electronic information or social media codes are used to charge human rights defenders, journalists, lawyers, and activists who criticise and expose critical social issues.
- **Impact on civil society:** The net effect of these actions is a chilling effect on the civil society community. Tighter regulations and restrictions shrink civic space. The weaponisation of laws (anti-terror laws, anti-money laundering laws, libel, regulatory laws) and constant surveillance, coupled with misinformation, disinformation, and malinformation, effectively dissuade any open criticism of the State. This environment, which includes monitoring and reporting of human rights violations, makes truth and justice even more elusive and further perpetuates the practice of enforced disappearances.

Recommendations for the World Congress on Enforced Disappearances:

- **Approaches to transitional justice:** The pillars of transitional justice in the context of enforced disappearances can be tackled both partially and wholly, depending on prevailing circumstances. In challenging environments, it is imperative to explore innovative strategies that contribute to the overarching objective of eliminating enforced disappearances. This may involve integrating related and complementary policies, such as the Certificate of Absence Bill, into the broader strategy. Furthermore, a gender perspective on the enforced disappearances must be adopted and keep this approach to reparations.
- **Strengthening CSO resilience and protecting human rights defenders:** A comprehensive approach to ending enforced disappearances must also focus on strengthening the resilience of Civil Society Organizations (CSOs) and safeguarding human rights defenders. Legislative measures, such as the Human Rights Defenders Protection Bill, are crucial in this regard.
- **Guidance from Article 24 of the Convention:** Article 24 of the International Convention for the Protection of All Persons from Enforced Disappearance offers valuable guidance and direction. It underscores the necessity for a multifaceted approach, ensuring that efforts to address enforced disappearances are comprehensive and effective.

A. Sri Lanka

Brito Fernando
President

Families of the Disappeared Organization

Sri Lanka has experienced significant political and ethnic turmoil over the past several decades. The first major event was the 1971 uprising led by the Janatha Vimukthi Peramuna (JVP), a militant group composed mainly of Sinhala youth. This insurrection resulted in the deaths of approximately 10,000 people, with little attention given to disappearances. It was followed by another uprising from 1988 to 1991, again spearheaded by the JVP. During this period, it is estimated that about 60,000 individuals were killed or disappeared. A Presidential Commission appointed in 1996 to investigate these events received 27,536 complaints.

Parallel to the Sinhala uprisings was the protracted civil war involving the Liberation Tigers of Tamil Eelam (LTTE), which lasted from 1980 until 2009. This conflict, led by Tamil youth seeking an independent Tamil state, resulted in extensive casualties and disappearances. According to the Mannar Catholic Bishop, there was a discrepancy between about 167,666 individuals who entered and exited the No War Zone towards the end of the war. Additionally, many journalists and civil activists disappeared during this period. In 1983, an ethnic riot targeted against Tamils further exacerbated the ethnic tensions in the country.

The disappearances became particularly prominent during the 1989 uprising and the civil war. During the 1989 uprising, the use of burning tyres to dispose of bodies became a notorious symbol, while the white van became a symbol of abductions during the civil war. These issues contributed significantly to the political landscape of the time. The widespread disappearances during the 1989 uprising played a crucial role in the defeat of the then Government, which had been in power for 17 years, as the Sinhala community in the South was heavily affected.

In stark contrast, Gothabaya Rajapaksha, who was accused of orchestrating disappearances as the Defense Secretary during the war, won the 2019 presidential election with unprecedented support from the Sinhala community. His election indicated approval of the killings and disappearances against Tamils by the Sinhala majority in the South. In the 2015 presidential election, a coalition of civil society organisations from the North, East, and South campaigned against Mahinda Rajapaksha, leading to the election of Maithreepala Sirisena. Sirisena, along with Prime Minister Ranil Wickramasingha, supported the co-sponsorship of the 30/1 Geneva resolution aimed at addressing the issue of disappearances and establishing a mechanism for truth and accountability.

The 30/1 Geneva resolution led to several significant initiatives, including the establishment of the Office for Missing Persons (OMP) by Act 14 of 2016 to reveal the truth about disappearances. Additionally, the Office for Reparation (OR) was created under the Office for Reparation Act No. 34 of 2018 to provide reparations to victims.

Disappearances were criminalised under the International Convention for the Protection of All Persons from Enforced Disappearance Act No. 5 of 2018. However, the president said that he was not in a position to go ahead with the proposal on accountability because it may affect the war heroes (Tri forces). The law criminalising enforced disappearances is not retroactive, mainly to satisfy armed forces. Therefore, justice cannot be demanded for everything that happened before 21 March 2018. After such a law was introduced, no disappearances took place. Still, for the first time after the introduction of this law, a person forcibly disappeared on 27 March 2024 and reappeared after 25 days in a

police station about 250 kilometres away from where he disappeared, representing the first case under the new legal framework.

Promises were made to establish permanent offices for addressing disappearances and reparations, create a hybrid judiciary system for accountability, and ensure non-recurrence of such incidents.

Challenges:

- **Public trust:** The Government has not built trust for OMP from families, with only 14,000 civilian cases and 4,000 armed forces cases reported, despite estimates of a much higher number of disappearances (nearly about more than 100,000).
- **Investigation:** No inquiry has been conducted, and not a single case has come out revealing the truth. It has been operating for under seven years.
- **Budget:** The OR has also struggled with budget utilisation and distribution, with significant funds remaining unspent. In 2019, the budget allocated Rs 500 million, and from that, only 11 million was used to pay the families. Then, 300 million was allocated in 2022 to pay Rs 200,000 as an interim relief to about 1500 families, but only about 400 families were paid. Now Rs 1000 million is allocated for this year. Victim families, particularly from the Tamil community, have expressed a preference for truth over interim relief, while Sinhala families have been more receptive to immediate compensation.
- **Political dynamics:** Political leaders in Sri Lanka have historically used the issue of disappearances to gain power, only to act against it once in office. For instance:
 - *Mahinda Rajapaksa:* As an opposition leader, he campaigned against disappearances in 1989, but under his presidency, disappearances continued, and activists were harassed.
 - *Ranil Wickramasinghe:* Accused of maintaining a torture camp in 1989, he supported the 30/1 Geneva resolution as Prime Minister in 2015. However, as the current President, he remains silent on co-sponsorship withdrawal and votes against Geneva resolutions.

These actions demonstrate a pattern where political leaders use the issue of disappearances for political gain but fail to act when in power. The current Government's announcement of a "Truth and Reconciliation Commission" is viewed sceptically by victims' families, who have lost trust due to previous experiences with the Office on Missing Persons and the Office for Reparations.

- **No tangible results:** Despite the ratification of the UN Convention and UN Geneva Resolutions, victims of human rights violations in Sri Lanka express dissatisfaction with the outcomes. They report no significant progress: no missing persons have been found, no truths have been revealed, and no permanent compensation package has been introduced. This report explores the perspectives of victims, the role of international and local mechanisms, and the political dynamics affecting the resolution of these issues. Victims and their families feel disillusioned with the lack of tangible results from the UN resolutions. The international community's actions, such as travel bans on the accused under SLAP, are appreciated but seen as insufficient. The primary concern remains the lack of accountability and justice. Victims express scepticism about local mechanisms and call for an international inquiry, hoping it will thoroughly investigate each disappearance with international oversight.

Human rights activists have seen some progress since 2015, including the ratification of the UN Convention for the Protection of All Persons from Enforced Disappearances and the establishment of permanent offices for missing persons and reparations. However, the withdrawal by the Government from the Geneva Resolution co-sponsorship has caused setbacks. Continuous efforts are necessary to maintain trust in national mechanisms and leverage international mechanisms for justice and the prevention of future disappearances.

Recommendation:

National and international organisations must work to restore and maintain the trust of victim families in mechanisms like OMP and OR. Establishing a welfare fund to provide tangible benefits to families could encourage their continued engagement in the struggle for truth and justice. Advocacy for genuine political commitment to addressing disappearances, ensuring accountability, and implementing long-term solutions to prevent recurrence is crucial.

Victims' families seek truth and justice but have little faith in achieving these outcomes. The Government's strategy appears to be delaying action until the issue loses relevance with the passing of the current generation of victims' families. This approach risks the issue of meeting a natural death over time, but families are not in a position to wait for decades.

B. South Korea

Voices from South Korea: Legislative Advocacy of an Implementation Bill

What Lessons can be Learned?

Pillkyu Hwang
Gonggam Human Rights Foundation

South Korea ratified the Convention on the Protection of All Persons from Enforced Disappearances in 2023, and it is in the process of adopting the implementation bill. The official reason pushing for ratification is the so-called 'State integrity or "Global standard". However, these are void terms and show that the Government was not that serious about the Convention. The reason is that there is no burden for ratification. For instance, the Convention relating to the Status of Statelessness was ratified in the 1960s only because the Korean Government considered that there were no stateless persons in South Korea.

More precisely, the country-specific context, namely North Korea, was one decisive factor in pushing for the ratification of the Convention. Enforced disappearances were carried out during the Korean War in the 1950s, and a number of cases were reported afterwards. In Korea, there were cases of enforced disappearances until the 1980s, when there was a democratic movement during a military regime. Still, there are no apparent cases in South Korea right now.

Furthermore, the importance of several efforts of civil society and experts, notably one member of the UN Working Group on Enforced or Involuntary Disappearances, to push forward for the ratification must be considered, as well as those of the general movement for IHRL and human rights advocacy.

Challenges:

- **Different approaches:** There are different approaches and focuses of the ruling party and the opposition party.
- **Limitation to “Government officials”:** The implementation bill only considers “Government officials”, but enforced disappearances are also carried out by people who are approved or accepted by the State. These people must also be regarded as agents of the State.
- **Denial:** Acts of “denial” are not just about denying the effects of the deprivation of liberty but also about denying the status and character of the deprivation of liberty. For instance, the Central Joint Investigation Centre for North Korean escapees. Every North Korean who escapes from North Korea to South Korea goes into these facilities. Under the National Intelligence Services, they are detained for month two months and investigated, but no one knows who is inside. The National Intelligence Service says that this is not detention because they say that North Koreans come willingly to the centre, knowing that they will be investigated. So they are
- **Jurisdiction:** There is an issue of jurisdiction: Universal jurisdiction
- **Non-State actors:** the implementation bill regulates all the non-state actors at the same time, but the present implementation bill does not cover all State actors.
- **Victims:** The implementation bill limits the victims to only direct victims and family members. However, victims go beyond them. Any implementation bill should reflect and adopt the Convention’s provision on victims’ rights.
- **The North Korean context:** Some people want to make this Bill a special act. However, it is not a special human rights Act.
- **Interpretation:** It is essential to include an interpretation provision respecting the Convention for the Protection of All Persons from Enforced Disappearances and international human rights law, as well as the Vienna Convention on the Law of Treaties.

Way forward:

- A new bill was introduced after the General Election in April 2024, and the new National Assembly composition was created in June 2024. One of the topics that should be covered is related to the implementation bill. However, in relation to local legislation, it is relevant to also focus on the components we want to have in the national legislation.
- Need for support of the civil society in South Korea and the region since not many people are concerned or interested.
- Need for close collaboration of the civil society in the region on the ratification and implementation of the CPPED: South Korea just started its first step, the CPPED ratification; even though it has a powerful, long-lived human rights movement, further efforts are needed for its concrete implementation.

C. Maldives

Rilwan Moosa

Brother of a Journalist who was Forcibly Disappeared

It has been 3,556 days since the Maldivian journalist Ahmed Rilwan forcibly disappeared and 2,567 days since his friend, Jamie Rashid Abo, a blogger who fearlessly fought for his justice, was brutally murdered. We have been fighting for justice for ten long years. On 8 August 2014, Rilwan was last seen on CCTV entering a ferry terminal. Neighbours heard a scream and saw a man being dragged into a red car at knifepoint and reported it to the police. The police arrived and recovered a knife. On 15 August, friends and volunteers conducted an island-wide search on foot and using aerial surveillance. There was no sign of Ahmed Rilwan.

On 30 April 2015, the EU Parliament passed a resolution calling on the Maldivian Government to allow a proper investigation into Rilwan's abduction. Over 5,000 citizens signed a petition asking the Government to investigate the case. We conducted multiple rallies under the name Sual March, which means the march of questions, to get answers to the questions we have been asking the Government about Ahmed Rilwan's disappearance. However, these rallies were obstructed by the police, and we were pepper-sprayed.

In November 2018, a significant political shift occurred in the Maldives when President Yameen lost the presidential election. Subsequently, Ibrahim Mohamed Solih assumed office, pledging to deliver justice to the people. One of his notable actions was the establishment of the Commission on Deaths and Disappearances on 7 November 2018, aimed at investigating unresolved cases of deaths and disappearances in the country.

Such a Commission was created to address the growing concerns over unresolved cases of deaths and disappearances. Its formation was seen as a critical step towards delivering justice and ensuring accountability for these serious issues. It was expected to investigate these cases thoroughly and provide answers to the affected families, although, over the past five years, it has faced numerous challenges. Despite its mandate, the Commission has been unable to deliver justice for any of the families involved.

Challenges:

- **Prime suspects:** Many of the primary suspects in these cases have evaded justice.
- **System infiltration:** Alleged perpetrators have managed to infiltrate the system, complicating the investigation process.
- **Impunity:** A persistent shadow of impunity has loomed over investigations, particularly those involving religious extremism.
- **Impact on journalism:** The climate of impunity has also had a detrimental effect on journalism in the Maldives. Journalists have increasingly resorted to self-censorship as a means of self-protection when reporting on sensitive topics related to deaths and disappearances. This self-censorship undermines the role of the press in holding power accountable and informing the public.
- **Legal and institutional gaps:** A significant issue contributing to the Commission's ineffectiveness is the legal vacuum concerning enforced disappearances in the Maldives. There is a notable lack of legal frameworks

and institutional willingness to address and resolve these cases. This gap hinders the pursuit of justice and perpetuates a cycle of impunity.

- ***Impending dissolution of the Commission:*** As the current Government prepares to dissolve the Commission by the end of this month, there remains no justice for the families affected by unresolved deaths and disappearances. This impending dissolution highlights the urgent need for reforms and a renewed commitment to addressing these issues.

Shahindha Ismail
Executive Director
Maldivian Democracy Network

The Maldives Democracy Network started assisting the Rilwan family back in 2014.

- ***The need to protect human rights defenders.*** After consistently advocating for the family of Rilwan and other families who have had people forcibly disappeared and murdered, our organisation was arbitrarily deregistered in December 2019, shortly after President Solih came into power, and we have been forced into exile. As a result, our advocacy for these families has significantly reduced, and there is very little we can do compared to what we were doing on the ground.
- ***Formation of the Deaths and Disappearances Commission.*** The Commission was formed under two objectives.
 - One was the public outcry before the election of President Solih, stating that we did not trust the police to conduct a reliable and credible investigation into the disappearances and murders because the public generally believes there is complicity.
 - The second objective was based on the recommendation made by the Committee against Torture to the Maldives after their 2019 review that a transitional justice process be started by an institution that will look into these cases of disappearances and murders. This is how the Commission started.

Five years after its establishment, the Commission on Deaths and Disappearances is nearing the conclusion of its mandate. However, it has faced significant challenges and criticisms for its inability to achieve its objectives effectively.

- ***Failed indictments:*** Although three individuals were charged, the charges were eventually withdrawn.
- ***Lack of trials:*** Several arrests were made, but those detained were subsequently released without any trials.
- ***Witness protection:*** There has been no protection provided for witnesses or members of civil society working on disappearance cases, leaving them vulnerable to threats and intimidation.
- ***Lack of information:*** The Commission has refused to provide any information about its work or the findings of its investigations.
- ***Absence of communication:*** Families conflict with the Commission as they seek answers and transparency regarding the investigation process.

- **Loss of essence:** The fundamental goals of revealing the truth and delivering justice to the victims and their families are not being met.
- **No truth or information:** As the Commission prepares to dissolve, families are left with no information or truth about the fate of their loved ones.

The Convention was ratified in July 2023, in the middle of a heightened campaign for the presidential elections, without consultation with civil society. The ratification was not even announced. Since then, the political situation has been so volatile that nobody has really given attention to this Convention or the ratification. No laws have been changed, and there has been no discussion in Parliament. The three people charged by the Deaths and Disappearances Commission in 2022 were charged under the terrorism law, which is why the cases were dismissed easily, as there was insufficient evidence under such a terrorism law.

It is vital to persuade the Commission to provide information about their findings so that the families and civil society can continue our work. Otherwise, there is the risk of losing what we have fought for until now. This month, there were parliamentary elections, and the Parliament had changed entirely. The ruling party, which is politically more aligned with religiously extremist ideologies, now has a supermajority. It is improbable that implementation will take place in the form of proper amendments to the laws.

D. Indonesia

Dimas Bagus Arya

Coordinator of the Commission for the Disappeared and Victims of Violence (KontraS)

Indonesia is one of the States that signed the Convention (September 2010) but has not yet ratified it. During the new order, particularly the era of President Suharto from 1965 to 1998, there were numerous cases of enforced disappearances alongside other human rights violations. The Commission for the Disappeared and Victims of Violence (KontraS) recorded several cases of enforced disappearances during this period. Unfortunately, there has been no resolution of these past gross human rights violations due to political turmoil and a lack of political will from the Indonesian Government.

In the post-reformation era, from 1998 to the present, enforced disappearances have continued, especially in regions like Papua, where militarisation has led to several cases. Additionally, during major protests over problematic regulations and policies, we have observed short-term enforced disappearances conducted by security authorities. Some cases are related to the Martial Law in Aceh (2003-2004), the 2019 Reformasi Dikorupsi, and the 2020 protest against Omnibus Law.

Challenges:

- **Lack of legal framework:** There is no legal framework in Indonesia specifically addressing enforced disappearances. The only regulation is the Human Rights Court Law (No. 26/2000), which implies that some elements of crimes against humanity have to be met but does not cover short-term disappearances, which are common

during protests. Indonesia has not ratified the Rome Statute, which includes enforced disappearances as crimes against humanity, leaving a significant legal vacuum.

- **Political unwillingness:** The Government has shown no progress in addressing past human rights violations and has even included alleged perpetrators in its ranks.
- **Absence of a vetting mechanism:** there is no implementation of a vetting mechanism, and those accused of human rights abuses continue to hold power.
- **Alleged perpetrators running for presidential candidacy:** alleged perpetrators of human rights violations run for presidential candidacy (2014, 2019, 2024). The ratification can be used as a political tool against the upcoming president of Indonesia.

In terms of advocacy, KontraS has been actively involved in lobbying, campaigning, and working with victims' families alongside our counterparts in Indonesia. We have also pursued legal strategies, including lawsuits, regarding the delay in ratification. Despite these efforts, political unwillingness remains a significant barrier. The result of advocacy is not very substantial.

In 2009, the Indonesian Parliament released a decree with a Special Committee for the Ratification of the Convention. More recently, we have been working closely with the State President's Office to push for ratification before the transition of Government, as the political landscape is likely to become even more challenging. Looking ahead, the possibility of ratification under the upcoming Government is very uncertain, especially with alleged perpetrators of human rights abuses gaining power, such as Prabowo Subianto, an alleged perpetrator of the 1997-1998 Enforced Disappearances has been announced as the 2024 General Election as the upcoming President. Some opposition political parties announced that they would join his coalition. It is crucial to push for ratification before October 2024.

E. Thailand

The Prevention and Suppression of Torture and Enforced Disappearance Act: major provisions and challenges in its implementation

Phattranit Yaodam
Amnesty International Thailand

Thailand has not yet ratified the Convention for the Protection of All Persons from Enforced Disappearance (ICPPED).⁴ It is a State party to the Convention Against Torture (CAT) but not to the Optional Protocol to the Convention Against Torture (OP-CAT). It has adopted, however, an Act that criminalises torture.

Thailand has recently announced its decision to ratify the ICPPED with reservations on Article 42, which pertains to the jurisdiction of the International Court of Justice. It will not recognise the competence of the Committee under the ICPPED. This decision has raised concerns among civil society organisations and the families of victims who seek accountability through the ICC. The Government has indicated that this reservation follows

⁴ Thailand ratified the Convention after this consultation, on 14 May 2024.

a pattern seen in other human rights conventions, such as the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, and CAT.

Challenges related to the Anti-Torture Act, which was fully implemented on 22 February 2023:

- **Limited application:** According to the Rights and Liberty Protections Department of the Ministry of Justice, the law has seen limited application with only 13 registered cases (6 cases of torture and 7 cases of cruel, inhuman, or degrading treatment - CIDT) and 316 deaths in custody reported to public authorities.
- **Joint investigations:** The Attorney General's Office is jointly investigating one CIDT case with the Department of Special Investigation and the Royal Thai Police.
- **Lack of power and resources:** Lack of manpower, qualified investigators, equipment, and other resources due to budget delays.

On the one hand, the Anti-Torture Act lacks several key principles, including:

- Application of laws relating to amnesty for public officials who commit offences under the Act.
- Inclusion of injured persons and their representatives in the Committee under the Act.
- Admissibility of evidence obtained by torture, CIDT, or enforced disappearance.
- Regulation of the statute of limitations for these offences.

On the other hand, the Act does include important human rights principles, such as non-refoulement, non-derogable rights, and universal jurisdiction.

Nevertheless, concerns remain regarding cases prior to the enactment of the law and incidents involving political exiles allegedly killed or disappeared outside Thailand. Furthermore, the Government has managed to remove at least 12 cases from consideration by the UN Working Group on Enforced or Involuntary Disappearances, raising questions about due process and informed consent from victims' families.

Recommendations:

1. The Government must promptly initiate effective investigations into these cases and provide comprehensive remedies to the families of victims.
2. Efforts must be made to establish the truth and locate persons who have disappeared.
3. Accountability should be ensured by setting up sub-committees to review complaints, regulate remedy measures, and instruct officials to perform their duties according to the law.
4. The Government is encouraged to accept official invitations from the relevant Special Rapporteurs and the UN Working Group on Enforced or Involuntary Disappearances to visit Thailand, potentially by the end of this year or next year.

PANEL II

Facilitator

Mary Aileen Bacalso
Executive Director

Asian Forum for Human Rights and Development (FORUM-ASIA)

A. Nepal

Mandira Sharma
International human rights lawyer
International Commission of Jurists

Nepal's experience with enforced disappearances has a particular relation to the country's internal conflict from 1996 to 2006. Upon signing the Comprehensive Peace Agreement in 2006, all parties agreed to publicise the whereabouts of those who disappeared during the conflict within 60 days. This promise, however, remains unfulfilled.

Despite extensive efforts by family members, strategic litigations by various organisations, and interventions from the judiciary, progress has been limited. In 2014, Nepal's Parliament enacted a law to establish two commissions: the Truth and Reconciliation Commission (TRC) and the Commission of Inquiry on Enforced Disappearances (COID). However, the law contained problematic provisions, such as allowing for amnesty for perpetrators and facilitating mediation between victims and perpetrators, which sparked outrage.

Over 230 victims challenged these provisions in the Supreme Court of Nepal, which was supported by human rights organisations, including the ICJ. Despite calls to halt the nomination of commissioners pending the Supreme Court's decision, the Government proceeded, establishing the commissions, which have since registered numerous cases but failed to deliver on their mandates. The TRC recorded over 60,000 human rights violations, and COID registered more than 3,200 enforced disappearances, but little progress has been made.

In 2015, the Supreme Court of Nepal found several sections of the Act unconstitutional and in violation of Nepal's international obligations, ordering amendments. Unfortunately, the amendment process has been protracted, and the Bill currently under consideration criminalises enforced disappearances, prohibits amnesty for such crimes, and recognises reparations as victims' rights. However, its fate remains uncertain because it is unknown when it will pass.

In 2018, Nepal's new Penal Code criminalised enforced disappearances for the first time but imposed a six-month statute of limitations on reporting cases. This led to legal ambiguities and challenges, prompting the ICJ and partner organisations to support strategic litigations to address these issues, recognising the continuous nature of the crime. Furthermore, investigations are still pending.

Family members, organised since 2001 with support from organisations like the Advocacy Forum and the ICJ, remain at the forefront of the struggle for truth and justice. The Government has impeded justice by stating that conflict-related cases will be handled

by transitional justice mechanisms that are yet to be enacted, causing prolonged anguish for families.

Recommendations:

- Encouraging international support for countries that have yet to ratify the International Convention on Enforced Disappearances and supporting the adoption of legislation at the country level.
- Establishing technical support mechanisms for countries like Nepal, including forensic examinations and evidence archiving.
- Sustaining support for local organisations aiding victims, supporting the legal community and judiciary in pushing for reforms.
- Enhancing the engagement of the UN Working Group on Enforced Disappearances to ensure the implementation of its recommendations.
- Facilitating the sharing of comparative experiences and knowledge in addressing enforced disappearances.

Swastika Mali
Paralegal
Advocacy Forum Nepal

From the victims' perspective, marginalised communities, including Dalits, indigenous people, and other economically disadvantaged groups, have faced the most significant impacts from the conflict.

Challenges:

- **Financial and legal challenges:** among the different impacts, economic and legal difficulties play a significant role.
- **Difficulty in obtaining allowances:** In Nepal, social security allowances are provided to single women. In cases of enforced disappearance, the wives of the disappeared individuals struggle to get these allowances from the Government due to the unknown whereabouts of their husbands.
- **Educational challenges:** children of the disappeared face educational challenges as the primary breadwinner of their family is missing.

Lessons learned:

- **Offering opportunities:** Creating opportunities such as educational reservations, job reservations, and vocational training for the families of the disappeared would be very helpful in making them economically independent.
- **Counselling and therapy:** Many victim families also suffer from mental health issues, so providing counselling or introducing therapy would be beneficial support for these families.
- **Addressing stigma:** Another critical issue is the social stigma that increases mental health problems among families who have experienced the traumatic incident of

losing their loved ones. Addressing these stigmas is crucial to improving their mental health.

B. Philippines

Enforced Disappearances in the Philippines

Edita Tronqued-Burgos
Free Jonas Burgos Movement, Karapatan
International Coalition against Enforced Disappearances

For over 55 years, the Philippines has struggled with an ongoing armed conflict. The Government's response has predominantly involved a military confrontational approach, mainly through the "whole of nation approach". This strategy, which employs the full resources of the government bureaucracy, including civilian institutions, has significantly impacted human rights in the country. Instead of addressing the root causes of the conflict, such as poverty, injustice, social inequality, and political grievances, State forces have focused on intensified surveillance. This includes profiling suspect organisations and activists, subjecting them to red-tagging, harassment, forced surrenders, arrests on trumped-up charges, enforced disappearances, and extrajudicial killings.

Consequently, the social and economic problems of families, especially those affected by enforced disappearances, have worsened. Significant resources have been diverted to the military, police, and extensive intelligence networks. Civilian government agencies have also been co-opted, leading to an escalation in human rights violations, including extrajudicial killings, summary executions, enforced disappearances, abductions of activists, large-scale displacements of civilians, and the designation of human rights defenders and activists as terrorists. These actions have compromised the quality of life for low-income families and hindered development projects aimed at improving lives in marginalised communities, such as those involving indigenous peoples.

Under the current administration, the following violations have been documented by Karapatan, an alliance of over 40 organisations advocating for people's rights:

- 80 cases of extrajudicial killings;
- 14 documented enforced disappearances;
- 378,203 victims of bombings in 13 regions, leading to displacements and deaths;
- 108 bombing incidents;
- 780 political prisoners as of October 2023;
- Numerous designations of individuals as terrorists.

Enforced disappearances remain a significant issue, particularly in the context of counter-insurgency operations. Activists and suspected rebels, along with their civilian companions, have gone missing, with their fates unknown. There are currently 14 documented victims of enforced disappearance under the Marcos Jr. administration, already 70% of the total number of victims during Rodrigo Duterte's six-year term.

The Philippines has several laws relevant to human rights and counter-terrorism, which have been criticised for being weaponised against activists and NGOs:

1. **Anti-Enforced or Involuntary Disappearance Act of 2012 (RA 10353):** Despite being the only country in Asia with such a law, no successful cases have been seen to date.
2. **Writ of Amparo and Habeas Corpus:** Although available by law, the implementation is ineffective as state forces often ignore court orders, leading to impunity.
3. **Anti-Terrorism Act of 2020 (RA 11479):** This law allows for warrantless arrests, prolonged detention, and the categorisation of individuals as terrorists by the NTF-ELCAC, leading to significant human rights abuses.
4. **Anti-Money Laundering Law (RA 10365):** This law has been used to target NGOs and individuals accused of terrorist financing, affecting development aid to rural and indigenous communities.

The following numbers of enforced disappearances have been reported under various administrations:

Marcos Sr.: 759

Aquino: 821

Ramos: 39

Estrada: 26

Arroyo: 206

Aquino III: 29

Duterte: 20

Marcos Jr.: 14 (to date)

Other relevant laws are the “Writs of Habeas Corpus & Amparo” and the Anti-Terrorism Act 2020 (ATA), it is also about unnecessary and exaggerated powers. For instance, it authorises extended detention until 30 days; furthermore, it sweeps powers to designate persons as “terrorist individuals”. Lastly, the Anti-Money Laundering Council (AMLC) is intended to investigate, freeze and subject the assets and properties of designated individuals to civil forfeiture proceedings. However, because of this law, eleven organisations and institutions whose mandate was to help rural poor and indigenous people have terrorism charges.

- **Abduction and disappearances:**

- **Ariel Badiang:** On 6 February 2023, NDFP consultant Ariel Badiang was reportedly abducted by elements of the AFP’s Eastern Command in Manolo Fortich, Bukidnon. Both the police and the military have denied holding him in custody. Efforts by his family and concerned groups to locate him have been unsuccessful.
- **Renel delos Santos and Denald Mialen:** On 19 April 2023, habal-habal drivers Renel delos Santos and Denald Mialen went missing after being hired to transport two passengers, Lyngrace Martullinas and NDFP consultant Rogelio Posadas. They were last heard from in Barangay Bagroy, Binalbagan, Negros Occidental. The military later reported Posadas as an alleged casualty in a supposed encounter with the NPA on 20 April. Delos Santos, Mialen, and Martullinas remain missing.
- **Dexter Capuyan and Gene Roz Jamil “Bazoo” de Jesus:** On 28 April 2023, former Cordillera-based activist Dexter Capuyan and Gene Roz Jamil “Bazoo” de Jesus, a staff member of the Philippine Task Force on Indigenous Peoples Rights (TFIP) were seized from a tricycle in Barangay Dolores, Taytay, Rizal. Despite extensive searches

by family, friends, and human rights activists, their whereabouts remain unknown. A habeas corpus petition filed on 5 July 2023 to compel state authorities to disclose their location was denied by the Court.

- **Ma. Elena Pampoza and Elgene Mungcal:** On July 3, 2022, Anakpawis member Ma. Elena Pampoza and Gabriela Women's Party organiser Elgene Mungcal went missing and are presumed to have been abducted by state agents. They were last seen in Anao, Tarlac, on their way to a consultation with farmers. Witnesses reported they had been under surveillance prior to their disappearance.
- **Deah Lopez:** On 15 September 2023, peasant organiser Deah Lopez was apprehended at a checkpoint in Barangay San Jose while travelling to Barangay Gil Montilla, Sipalay, Negros Occidental. She and the driver of the tricycle she was riding were forcibly taken into a van. The driver was later found dead, while Lopez remains missing.
- **Norman Ortiz and Lee Sudario:** Farmers Norman Ortiz and Lee Sudario were abducted at around 1 a.m. on 29 September 2023 from a house in Barangay Bantug, Gabaldon, Nueva Ecija, by approximately ten men in military uniforms. Eyewitnesses reported seeing Ortiz and Sudario being forced into a van. One of the victims attempted to flee but was caught and dragged back. Ortiz and Sudario are the 10th and 11th victims of enforced disappearance under the current regime.

- **Cases of enforced disappearances and subsequent surfacing:**

- **Jhed Tamano and Jonila Castro:** On 2 September 2023, environmental activists Jhed Tamano and Jonila Castro were abducted in Orion, Bataan, and held for 17 days. They were coerced into signing affidavits claiming they were NPA members who voluntarily surrendered. On 19 September, during a press conference, they disclosed their abduction and the duress under which they signed the affidavits. The 70th IBPA filed perjury charges against them in retaliation.
- **Patricia Cierva and Michael Casano:** On 18 May 2023, Cagayan-based activists Patricia Cierva and Michael Casano were captured by elements of the 501st Brigade in Gonzaga town. They were held for 15 days at a secret detention facility and subjected to psychological pressure. On 2 June, they were presented as "rebel returnees" at a press conference. Despite their "surrender", Casano has been served warrants for illegal possession of firearms and explosives.
- **Dyan Gumanao and Armand Dayoha:** On 10 January 2023, Dyan Gumanao and Armand Dayoha were abducted by armed men at Pier 6 in Cebu City. They were detained, threatened, and interrogated for five days before being released on 15 January. Prior to their abduction, both had been victims of red-tagging and surveillance.
- **Cherilyn Rebita and Jackilyn Egtob:** On 26 August 2022, pregnant NPA members Cherilyn Rebita and Jackilyn Egtob were abducted and held for 69 days in a military-safe house. They were subjected to mental torture and coerced into participating in a "black operation". The 402nd Infantry Brigade held Rebita's infant daughter hostage to pressure them into compliance.
- **Stephen "Steve" Tauli:** On 20 August 2022, Stephen "Steve" Tauli was abducted outside the Cordillera Peoples Alliance office. He was interrogated about his work and coerced into signing a document stating his supposed position in the CPP-NPA. Tauli was found on 21 August 2022 by members of the CPA.

No	Name	Date of Abduction	Place of the Incident
1	Elgene Mungcal, 50, mother	3 July, 2022	Moncada, Tarlac
2	Ma.Elena Pomposado, 55, widow bread winner	3 July, 2022	Moncada, Tarlac
3	Ariel Badjiang	7 February, 2023	Manolo Fortich, Bukidnon
4	Renel de los Santos, 21, breadwinner, motorcycle for hire	13 April, 2023	Hinigaran, Negros Occidental
5	Denald Laloy Malen,19, bread winner, motorcycle for hire	13 April, 2023	Hinigaran, Negros Occidental
6	Lyn Grace Martullinas, 28, community organiser	13 April, 2023	Hinigaran, Negros Occidental
7	Dexter Capuyan, 56, volunteer IP Group	28 April, 2023	Taytay, Rizal
8	Gene Roz Jamil de Jesus, 27, volunteer, IP group	28 April, 2023	Taytay, Rizal
9	Deah Lopez, 26, peasant organiser	15 September, 2023	Sipalay, Negros Occidental

During Marcos Jr.'s regime, 14 have been forcibly disappeared. Of these 14, approximately 9 are breadwinners who contribute to family income; 42% are peasant organisers; 100% are key resource persons in their communities; and 78% belong to the rural poor. Nevertheless, there are unreported cases.

Impact of enforced disappearances:

- **Financial vulnerability of families and the community:** Of the 14 disappeared, 9 or 64% are breadwinners, heads of families, and two more contribute to the family's economy (78%). The cost of the search (search transportation, food), other corollary expenses and legal costs burden families and communities.
- **Loss to communities, society, and country:** All who forcibly disappeared were active in helping their communities in various functions; they were resource persons and experts. The degradation of the families' economic situation directly affected the communities' social marginalisation; society lost committed, selfless, intelligent and nationalistic/patriotic citizens with the potential to be leaders. Terror pressures the

community, and fear permeates particular communities, accompanied by the tyranny of silence.

- ***Psychosocial impact on individuals, families and communities:*** Prolonged mental anguish of the families is left behind by the disappeared. To hope or despair, to wait or to accept, to search or to give up, these are caused by the uncertainty of the fate of our missing- like a suspended pendulum that never ends, we all suffer this unending uncertainty. Families of victims develop a certain unhealthy wariness, a distrust against people in uniform. There is a constant fear for their life, afraid that they and their families would also be targeted and disappear. Instead of being dynamic citizens in their communities, they are paralysed into passivity and inaction for fear of being labelled. They feel threatened that they will suffer the same fate. An enforced disappeared victim who surfaced had to cope with mental issues after 18 months of torture while in detention.
 - ***Among adults,*** there is a feeling of unhealthy wariness and distrust in relation to authorities, as well as fear that paralyses into passivity and inaction in the community, as well as indifference. Some people develop mental issues.
 - ***Among children:*** Aside from the economic impact on children of victims of enforced disappearances, the added concern is the dangerous development of a lack of 'respect for authority' among children who understandably look at uniformed people as 'bad men'. Some 'left behind' children perceive people in uniform as the villains. Moreover, the present culture of impunity profoundly impacts children. Some wonder and ask how some people can escape punishment even after crimes are committed against their kin.

Recommendations:

1. Institutions such as the CEDI and NGOs should look at holistic training that would help families of victims cope with problems brought about by an enforced disappearance in the family.
2. Intensifying the campaign for signing and ratification of the Convention. International pressure is an excellent help to the campaigns of human rights defenders. In the Philippines, some successes in legal cases and campaigns can be attributed to the impact and support given by UN officials and international communities.
3. Encouraging fora for legal practitioners and personnel in uniform on the implementation of relevant laws.
4. Strengthening CEDI to capacitate it to help local organisations in its campaigns.
5. Hold training, orientation, and conferences on laws for legal practitioners, both in Government and outside, intended to protect citizens from being forcibly disappeared.
6. Supporting educational campaigns, which are critical in addressing the phenomenon of enforced disappearance.

The Long Journey to RA 10353 and the Continuing Fight for Justice for the Disappeared and their Families

Louie Crismo

Chairperson of Families of Victims of Involuntary Disappearances

The fight of the families of victims of enforced disappearance for justice began even before the founding of FIND on 23 November 1985, months before the ouster of the dictator Marcos. Today, that fight continues under the current administration of the son of the dictator, Ferdinand Marcos Jr.

The families of victims of enforced disappearance in the Philippines began their fight for justice well before the founding of FIND on 23 November 1985. This struggle persists today, even under the administration of Ferdinand Marcos Jr.

One of the significant hurdles for the families and FIND was the enactment of the law defining and penalising enforced disappearance. In 2013, then FIND Chairperson Nilda L. Sevilla detailed this journey in an article published in FIND's official publication, "The Search". She emphasised that the creation of RA 10353, the "Anti-Enforced or Involuntary Disappearance Act of 2012," was not just a legislative process but a prolonged campaign driven by dedicated advocates and legislative champions. The making of RA 10353 took 16 years of campaigning and lobbying. Several bills have been filed and refiled in six Congresses by seasoned legislators in both the Senate and House of Representatives in the Philippines.

Ms Sevilla highlighted that securing public support was crucial TO RA 10353. Following the adoption of the UN Declaration on the Protection of All Persons from Enforced Disappearances, FIND intensified its advocacy, urging the Government to adopt these international standards through domestic legislation. This campaign was integral to the victims' families in their struggle for justice and to end the practice of enforced disappearances targeting political activists and dissenters.

FIND utilised various events and platforms to raise awareness and push for the enactment of the anti-enforced disappearance law. These included commemorative events, public forums, media engagements, and social media campaigns. FIND also conducted advocacy training for its members and allies and convened the Coalition Against Involuntary Disappearance (CAID).

FIND's efforts extended beyond public campaigns to directly influencing policymakers. The organisation targeted key decision-makers in successive administrations post-Marcos to push for the recognition of enforced disappearance as a separate crime. This persistent advocacy finally bore fruit in the 15th Congress when the House of Representatives and the Senate passed HB 98 and SB 2817, respectively. These were harmonised and ratified on 16 October 2012 and signed into law by President Aquino on 21 December 2012. The Implementing Rules and Regulations were jointly promulgated on 12 February 2013 by the Department of Justice, the Department of Social Welfare and Development, the Commission on Human Rights, FIND and Desaparecidos as mandated by Section 28 of the law.

Following the law's passage, FIND advocated for its strict implementation and disseminated information about its provisions through various events and training workshops for families, human rights defenders, students, faculty members, lawyers, prosecutors, and the military. Despite these efforts, the Anti-Enforced Disappearance Act of 2012, the first such law in Asia, has seen minimal implementation. Since its enactment, there have been reported cases of enforced disappearances under successive administrations (10 under the Aquino administration, 150 under the Duterte administration, and 42 and counting under the current Ferdinand Marcos Jr. administration) with no convictions under this law and only one instance of government-issued reparation for victim families.

FIND continues to call for the full and strict implementation of RA 10353. This law, if properly enforced, would strengthen legal protection against enforced disappearances, hold perpetrators accountable, and ensure the State's responsibility in ending impunity and instituting reforms to prevent recurrence.

In the collective struggle for truth and justice, FIND emphasises the need for support from human rights defenders in civil society and committed legislators in the Government, who help mould public opinion and encourage the public to stand up and speak out on various human rights issues particularly the unabated Commission of enforced disappearances from the Marcos Sr regime to the current Marcos Jr administration.

As Representative Edcel C. Lagman stated in a 2013 forum workshop, the State's responsibility should include a strong stance against enforced disappearances and proactive investigations into such incidents, reinforcing command responsibility and public accountability.

Challenges:

- ***Ensuring Government compliance with Anti-Enforced Disappearance Law.*** Getting Government agencies involved in the implementation of the anti-enforced disappearance law means doing their duties and responsibilities as mandated by the law.
- ***Sustaining campaigns despite Aging membership.*** Internally, the campaign and lobbying for the effective implementation of the law must be sustained amidst the fact that more than 50% of the members of FIND are now in their senior years.
- ***Countering historical distortion on social media.*** Combating historical distortion that is being propagated by some quarters, especially in social media.
- ***Securing funding for advocacy and implementation activities.*** Acquiring funding to fund organisational and advocacy activities necessary to push for better implementation of the law.
- ***Advocating for ratification of International Convention.*** Getting the Philippines to become a State Party to the International Convention on the Protection of All Persons from Enforced Disappearance. While it is the perspective of some people in Government that the Philippines need not accede to the Convention, FIND's position is clear that the domestic law cannot be a substitute for the Convention as the Convention cannot stand for the domestic law. Their being complementary and mutually reinforcing, however, is reason enough for their simultaneous

implementation, even as this will accord people more robust human rights protection and best practices against enforced disappearance.

- ***Documenting enforced disappearances in the War on Drugs***: Documenting cases of enforced disappearances committed against persons during the war on drugs by then-President Rodrigo Duterte. The victims were mostly poor people from urban poor communities.
- ***Mainstreaming gender in addressing enforced disappearances***: Mainstreaming gender in the issue of enforced disappearance, considering that in FIND, 91% of the victims are male, and the ones left behind are women (mothers and wives) and their children.

Key Priorities to be addressed in the World Congress on Enforced Disappearances:

1. How will this Congress help the family organisations contribute to the attainment of the objectives of the World Congress?
2. How will the World Congress help the family organisations help themselves, considering that while these conversations are conducted, the majority of the family victims in the rural areas are not included and may not even understand what it has been doing in conferences, forums, and similar events? Some may have been limited in their participation in the continuing fight for justice as they struggle to live each day in poverty and deprivation.

C. Bangladesh⁵

Enforced Disappearances in Bangladesh: Challenges and Lessons Learned

Sazzad Hussain
Programme Coordinator, Odhikar

Acts of enforced disappearance occur with impunity in Bangladesh and have become an institutionalised practice of repression, violating Articles 9 and 16 of the International Covenant on Civil and Political Rights and Articles 31, 32 and 33 of the Constitution of Bangladesh.

Ever since the Awami League came to power in 2009, acts of enforced disappearance have become widespread. A total of 698 people reportedly disappeared from 2009 to 2023. Among the disappeared victims, some persons were released after being kept incommunicado at secret facilities. Many were handed over to the police or produced before a court after being implicated in trumped-up charges under different criminal laws such as the Anti-Terrorism Act, Special Powers Act, and Digital Security Act. Others have disappeared or were found dead.

In recent years, a large majority of the disappeared persons were victims of short-term disappearances and victims of enforced disappearance were reportedly tortured while in custody. Among them, most of the victims belonged to opposition political activists and dissidents.

⁵ The political regime has changed since this intervention and Bangladesh has become the 76th State party to the Convention.

Challenges:

1. Political challenges:

- ***A party in power without people's mandate:*** The ruling Awami League, for the third time, seized power through a farcical national election on 7 January 2024.
- ***Systematic patterns of enforced disappearance:*** Over the past decade, periods leading up to general elections in Bangladesh have witnessed an increase in the number of documented cases of enforced disappearance.
- ***A culture of impunity:*** Security forces and law enforcement agencies enjoy impunity for the perpetration of human rights violations such as torture and enforced disappearance.
- ***Denial of the existence of enforced disappearances and inability to access justice:*** The persistent denial of the Government that enforced disappearances occur, and its refusal to determine the fate and whereabouts of the disappeared persons clearly indicate the Government's unwillingness to address this serious violation of human rights.
- ***Lack of response and accountability:*** The continuous lack of response from the Government of Bangladesh to the repeated calls for investigations made by the families of the disappeared and UN human rights experts has made seeking justice more than an uphill task.
- ***The plight of the victims' families:*** Family members of the victims of enforced disappearances have been subjected to surveillance, intimidation, harassment and threats by members of law enforcement and intelligence agencies.
- ***Fear of reprisals:*** The resurfaced victims of enforced disappearance and their family members do not speak about their experience out of fear of further acts of disappearance and threats of harm.

2. Socio-cultural challenges:

- ***Deprivation of liberty:*** A significant number of disappeared people were detained in secret places, where they were subjected to torture and ill-treatment, resulting in violations of their physical and psychological integrity.
- ***Violations to essential rights:*** The impact of enforced disappearances on families is immense; these include violations of the rights to food, health, education, the right to take part in cultural life, social security, property, and the right to family life.
- ***Lack of psychosocial support:*** The families of the disappeared suffer from the devastating consequences. Families do not receive proper psychosocial counselling and treatment.
- ***Stigmatisation and smear campaigns:*** Due to the patriarchal nature of Bangladeshi society, family members of the disappeared victims are often stigmatised. Their sons and daughters have to face considerable problems in getting admission to schools, colleges and universities.

- **Considering half-widows:** Many women whose husbands have disappeared and whose whereabouts remain unknown consider them half-widows, similar to Kashmiri women, as they have no idea whether their husbands are dead or alive.

3. Economic challenges:

- **Economic hardship:** Since a large majority of the victims of enforced disappearance were known to be the breadwinners for their families, the families have been living in miserable conditions due to the economic crisis.
- **Detrimental impact:** Economic hardship has a damaging effect on the mental, social, and physical well-being of the families of the disappeared and on their ability to search for their loved ones. It also hampers the fulfilment of other rights, such as the rights to education, health and shelter.
- **Deprivation from access to bank accounts and right to inherit property:** In many instances of long-term disappearance, the victim had been the one who opened the bank account and took financial responsibility for the family. The cruel fact that there is no proof of demise also deprives victim families of accessing such bank accounts and the right to inherit property. Such deprivation pushes the victim's family members into depression, causing further damage to their mental and psychosocial well-being.

4. Technological challenges:

- **Victim-families under surveillance:** The Government is using surveillance technology and spyware against human rights defenders, critics and members of the victims' families to silence them and halt their activities. Cell phone tapping has been going on for years.
- **Violation of rights to freedom of expression and privacy:** The authorities are in the habit of blocking access to online news portals and social media that they deem are critical of the Government, in violation of the right to free speech and access to information.
- **Surveillance:** The Government has also adopted advanced methods to block or conduct surveillance on internet traffic and regulate social media content without a sufficient legal framework to protect rights to privacy, expression, and access to information.

5. Legal challenges:

- **No legal framework or national legislation:** The laws of Bangladesh do not have any terminology such as 'Enforced Disappearances'. Taking advantage of the lack of legal framework, the Government continues to deny such crimes are taking place.
- **Denial of access to justice:** Victims of enforced disappearances and their relatives, alike have consistently been denied access to justice.
- **Lack of willingness of law enforcement and the criminal justice system:** The courts have been unable or unwilling to provide remedies. None of the

writ petitions filed under Habeas Corpus in the High Court Division of the Supreme Court have progressed far beyond the filing.

Recommendations:

1. The Bangladeshi Government must ensure an enabling environment where victims' families and human rights defenders can carry out their legitimate activities in a safe and conducive environment without any threats, intimidation, or fear of reprisals.
2. Dysfunctional state institutions, including the judiciary and law enforcement, need to be reviewed and purged of elements that are hampering independent, just and functional provisions of service.
3. The UN Human Rights Council should use all tools at its disposal to pressure the Bangladeshi Government to end enforced disappearances, investigate the whereabouts of the disappeared and bring perpetrators to justice.
4. The HRC should also call on the authorities to conduct independent and impartial investigations into all allegations of enforced disappearances and ensure justice for victims and their families, as well as to respond positively to requests by the WGEID to visit Bangladesh.
5. Bangladesh must ratify the International Convention for the Protection of All Persons from Enforced Disappearance, recognise the competence of the UN Committee on Enforced Disappearances, and adopt national legislation criminalising enforced disappearances.

Specifically, for the World Congress on Enforced Disappearances:

1. UN Human Rights experts, including the WGEID, must be given access to the country to assess the situation of enforced disappearances to ensure justice for the victims.
2. CEDI must facilitate engagement with UN Human Rights mechanisms to urge Bangladeshi authorities to cease retaliation against the families of disappeared victims and human rights defenders.
3. CEDI can play a leading role by engaging the UN Human Rights Council and the Office of the High Commissioner for Human Rights (OHCHR) to adopt a new mandate on Bangladesh to collect evidence of gross human rights violations, including investigations on allegations of enforced disappearances.
4. Constructive initiatives must be taken to engage multi-stakeholders to cease enforced disappearances and hold perpetrators accountable by the Bangladesh Government.
5. International justice mechanisms must be persuaded to seek remedies for cases of enforced disappearance in Bangladesh, as the country's law enforcement and justice system has been dysfunctional and coercive.
6. There is a need for a collective effort to engage the Office of the Chief Prosecutor to adopt Bangladesh as a case under Article 7(1) of the Rome Statute of the ICC due to the widespread and systematic crime of enforced disappearances in Bangladesh.

D. Pakistan

Farhatullah Babar
Human Rights Commission of Pakistan

Enforced disappearances have been taking place in Pakistan for decades. Still, both in terms of incidents and impunity of the crime, it increased dramatically in the wake of 9/11 and the ensuing War on Terror. Pakistan was a war theatre due to the militants having fled from Afghanistan, and the Government kidnapped alleged terrorists and handed them over to the Central Intelligence Agency (CIA) without due process. Admitting it in his memoirs published in 2006, the then military ruler Gen Pervez Musharraf also boasted of handing them over for “millions of dollars”. In the absence of due process, no one knows precisely how many of the alleged terrorists were thus transferred to the CIA. It institutionalised enforced disappearances in Pakistan as no investigations were carried out into Musharraf’s confessions, and no one was held accountable.

In 2006, the UNGA adopted the Convention for the Protection of All Persons from Enforced Disappearances, which entered into force in December 2010. Pakistan did not sign it but enacted domestic legislation four years later in 2010 and created a Commission of Enforced Disappearances to trace the forcibly disappeared, investigate the persons behind the crime and prosecute them.

During proceedings in the Court as well as in the Parliament, it came out that uniformed personnel were involved in the crime. It is documented and a matter of public record.

Challenges:

- **Failures of the Commission:** During the last 14 years, the Commission has traced hundreds of missing persons but has miserably failed in some significant areas.
 - It has failed to prosecute those behind it even after the culprits were identified during proceedings in the Courts and parliamentary hearings, thus permitting the crime to continue with impunity.
 - It has also failed in rehabilitating the families of the victims, even when the Courts ordered payment of compensation in some cases.
- **Spread of the crime:** Enforced disappearances continue, and the phenomenon, which was previously confined to the province of Balochistan, has spread. There have been instances of disappearances of dissidents, social media activists and political workers.
- **Lack of political will:** The Pakistani Government lacks political will.
- **Rise of authoritarianism:** The shrinking of the space of CSOs, the increase in violence by militants and state and non-state actors and the absence of legislation for the protection of human rights defenders are some main reasons for enforced disappearances. The rise of an unaccountable security-driven State coupled with the weakening of the democratic institutions has contributed to the phenomenon of enforced disappearances with impunity. Furthermore, the faith of the people in local redressal mechanisms has eroded.

Recommendations:

1. Until the Convention is signed and ratified, the first thing is building on developments that have already taken place. For instance, the current Commission must be disbanded, and a new Commission must be set up that is conscious of its leader's responsibility to identify the culprits and prosecute them.
2. During discussions in the Parliament, the Chairman of the Disappearances Commission was summoned, and the Chairman admitted that uniformed personnel were involved.
3. Developing mechanisms for communication and coordination between regional and international communities to adopt a common strategy and identify action points.
4. Pressure must be built up for the implementation of court verdicts, identifying culprits and taking action against them, as well as court orders to compensate the families of the victims.
5. Nationwide advocacy campaigns involving academia, media, civil society, victims' families and national human rights institutes need to be launched to sensitise and educate the people to build strong public opinion and adopt a common strategy.
6. Parliamentarians need to be actively engaged and persuaded to raise their voice in the Parliament for the ratification of the UN Convention.
7. Creating a welfare fund for the rehabilitation of victims' families.
8. The international community should consider imposing travel bans and asset freezes against those involved in the crime.
9. Though not fully realised, the stigma attached to the family whose bread earner has vanished in thin air has ruined the lives of children, resulting in a diminishing of respect for authority and uniforms. There is a special need to address mental health issues of women and children of victim families.
10. Urging the civil society to raise awareness and push that the case of the internment centre in which people were forcibly disappeared, which was held at the Supreme Court of Pakistan for the last five years, will be decided as soon as possible.

From Loss to Leadership: Women's Resilience in DHR and the Impact on Families

Amina Masood Janjua
Chairperson
Defence of Human Rights Pakistan

Despite repeated commitments during the Universal Periodic Review (UPR) cycles, Pakistan has not signed or ratified the International Convention for the Protection of All Persons Against Enforced Disappearances.

Pakistan is a signatory to the Convention Against Torture (CAT) and the International Covenant on Civil and Political Rights (ICCPR), both ratified in 2010. Enforced disappearances constitute a violation of several rights guaranteed under these conventions, including the prohibition of torture and the right to life, liberty, and security of person.

The issue of enforced disappearances remains a severe problem in Pakistan. The Defence of Human Rights (DHR) reported 535 cases to the UN Working Group on Enforced and Involuntary Disappearances, with thousands more cases occurring nationwide. Despite

these alarming numbers, only 192 cases have been transmitted to the Government of Pakistan, and the majority remain unaddressed.

During the last four cycles of the UPR, Pakistan committed to addressing enforced disappearances but has yet to sign or ratify the ICPPED. DHR's lobbying efforts with various missions in Geneva led to 19 specific recommendations regarding the signing and ratifying of the ICPPED during the UPR. Pakistan's most recent UPR took place on 30 January 2023.

Still enforced disappeared: 1591

Released: 603

Traced: 895

Dead/Extrajudicially killed: 88

Grand Total: 3127

Impact on families:

- **Psychological impact:** Research conducted by DHR (2018) in Pakistan revealed that 100% of female relatives of disappeared individuals reported experiencing psychological stress. Families face severe psychological distress, including anxiety, depression, and grief, as they cope with uncertainty about their loved one's fate. Prolonged uncertainty leads to significant psychological turmoil, disrupting everyday life. This practice affects not only the victims but also their entire families, including children, female relatives, and male relatives equally.
- **Social and economic impact:**
 - Enforced disappearances in Pakistan primarily target males, leading to social disruption and strained family relationships.
 - Economic instability arises when disappeared individuals are the sole breadwinners, impacting the livelihoods of their families.
 - Women family members of the disappeared face legal challenges, particularly regarding inheritance rights due to lack of access to bank accounts and properties.
 - Pakistan's legal system lacks official recognition of disappeared individuals, preventing their wives and children from accessing or distributing their property.
 - Unresolved legal issues and inheritance disputes contribute to prolonged distress and uncertainty among family members.
 - The inability to provide for children due to the disappearance of the breadwinner leads to anxiety and depression among family members.
 - Some women are forced into unwanted remarriages to alleviate financial burdens, while others may desire to remarry but face opposition from extended family members.
- **Legal and institutional:** The absence of adequate legislation results in a lack of justice for victims of enforced disappearances. This impunity for perpetrators further exacerbates feelings of injustice and powerlessness. Pakistani laws inadvertently facilitate the continuation of this practice within the country. Additionally, police

stations often refuse to register First Information Reports (FIRs) for victims without orders from the Court or commission, perpetuating the cycle of impunity. Unfortunately, the Commission of Inquiry on Enforced Disappearances (ColoED) in Pakistan is widely criticised for its ineffectiveness and mistreatment of victim families, exacerbating the lack of cooperation and resolution in addressing this pressing issue.

Main challenge:

- ***Absence of a domestic law criminalising enforced disappearances:*** Pakistan does not have a domestic law for enforced disappearance. The Criminal Law (Amendment) Bill 2021 was introduced in the National Assembly by the interior minister in June 2021.
 - The National Assembly passed it on 8 November 2021. Better known as the “Missing Persons’ Bill”, it sought to criminalise the practice of “enforced disappearances” in the Pakistan Penal Code as a separate crime.
 - On 3 January 2022, Shireen Mazari said that the Bill pertaining to enforced disappearances, passed by the National Assembly (NA), had now gone “missing”. The relevant standing committees and the National Assembly passed it, but it went missing after it was sent to the Senate.
 - On 22 October 2022, the National Assembly passed the Bill. This followed the removal of a controversial section that prescribed penalties for individuals making false complaints.
 - Criminalise enforced disappearances through modifications to the Pakistan Penal Code 1860 and the Code of Criminal Procedure 1898. The Bill received unanimous approval from the House. Even after the second passage of the Bill on enforced disappearances, it fell into parliamentary limbo. According to Senator Raza Rabbani, it broke parliamentary tradition and rules by bypassing amendments in the Senate’s amended version to its original Bill.

Recommendations:

1. Criminalising enforced disappearance in Pakistan.
2. Activating pro bono legal services or assistance from legal aid organisations can help families understand their legal options and pursue legal recourse. Families require access to legal aid and expertise to navigate the complex legal system and assert their inheritance rights.
3. Adopting legislative reforms is needed to address gaps in the legal framework regarding inheritance rights for families of the disappeared. This may involve amending existing laws or introducing new legislation to ensure that families have clear and enforceable rights to inherit property in cases of enforced disappearance.
4. Resolving all the cases that are ongoing in the ColoED and High Courts requires a mighty effort and firm commitment from the family to continue their struggle.
5. Providing psychosocial assistance to families to cope with the emotional and psychological impact of their situation. Counselling, support groups, and mental health services can help families navigate the grief, trauma, and uncertainty they face.

6. Providing financial support to families to meet their immediate needs, especially if they are unable to access inherited property or assets. Financial aid programs or assistance from humanitarian organisations can help alleviate economic hardship and provide families with the resources they need to sustain themselves.
7. To the Government of Pakistan, signing and ratifying the International Convention on Protection of All Persons Against Enforced Disappearances.
8. To the Government of Pakistan, passing and implementing the Domestic law criminalising and penalising the enforced disappearances.
9. Building a supportive community network can provide families with practical assistance, emotional support, and solidarity. Community-based organisations, religious institutions, and grassroots networks can play a vital role in providing ongoing support and advocacy for families of the disappeared. Furthermore, victim-blaming laws will not be accepted.
10. Adopting a gender-based perspective to address enforced disappearances. As always, the women take the lead and struggle for their disappeared loved ones.
11. Emphasising the need for rehabilitation and reparations of the families through international forums. Since the Asian countries have an ineffective and flawed criminal justice system, it is expected that the Disappeared may not come back at all.
12. The families should be given professional, financial, psychological, and medical help through intervention programs introduced by the international community.
13. Envisaging a provision for the families to travel and meet other victims from other countries and communities to develop solidarity, sharing their grief and best practices in cases of success. It will also boost their morale and motivate them in their struggle.
14. Defining the “Disappeared Status” of the Disappeared and getting it accepted in the International law so that the families can get their inheritance matters resolved and get their rights even in the absence of the disappeared.

E. Timor Leste

Challenges and Lessons Learned to Support Victims’ Fight for Truth and Justice

Jhano Araujo
HAK Association

Enforced disappearances have been a significant issue in Timor Leste, particularly during the Indonesian occupation (1975-1999), together with other human rights violations such as torture and extrajudicial killings. There is a lack of comprehensive documentation; therefore, the number of enforced disappearances is challenging to ascertain. Since its independence, Timor-Leste has made efforts to address human rights abuses, including enforced disappearances. The Commission for Reception, Truth and Reconciliation was established.

Challenges:

- **Legal and institutional barriers:** Many legal systems lack adequate provisions to address enforced disappearances, making it difficult for victims to seek justice.
- **Impunity and corruption:** Perpetrators often enjoy impunity due to corruption within law enforcement and judicial systems, hindering accountability.
- **Lack of resources:** Victims often lack access to legal aid, mental health support, and other resources necessary to pursue justice effectively.
- **Intimidation and threats:** Victims and their families may face intimidation, threats, or violence, discouraging them from seeking truth and justice.
- **International cooperation:** Enforced disappearances often transcend national borders, requiring robust global cooperation, which can be challenging due to political tensions and differing legal frameworks.

Recommendations:

- **Ratification of the convention:** Timor Leste must ratify the Convention for the Protection of All Persons from Enforced Disappearances.
- **Victim protection:** It is fundamental to protect the victims of enforced disappearances.
- **Legal reforms:** Implementing comprehensive legal reforms to criminalise enforced disappearances, ensuring fair trials, and removing legal barriers to justice.
- **Capacity building:** Investing in training for law enforcement, judiciary, and civil society to effectively investigate and prosecute cases of enforced disappearances.
- **Victim support:** Providing comprehensive support services for victims, including legal aid, psychosocial support, and socioeconomic assistance.
- **Ending impunity:** Strengthening accountability mechanisms, including independent oversight bodies, to ensure perpetrators are held accountable for their actions.
- **International cooperation:** Fostering greater collaboration between countries through regional agreements, mutual legal assistance treaties, and extradition agreements.

Priority issues for the World Congress on Enforced Disappearances:

- **Legal frameworks:** Reviewing and strengthening international legal frameworks, such as the International Convention for the Protection of All Persons from Enforced Disappearance, to enhance protection for victims and facilitate cross-border cooperation.
- **Victim-centered approaches:** Prioritise the needs and rights of victims in all stages of the justice process, including access to truth, reparations, and guarantees of non-recurrence.
- **Transitional justice:** Explore transitional justice mechanisms, such as truth commissions and reparations programs, to address past human rights violations and promote reconciliation.

- **Civil society engagement:** Encourage active participation of civil society organisations in the design and implementation of policies and programs aimed at addressing enforced disappearances.
- **Prevention strategies:** Develop and implement prevention strategies, including early warning systems and human rights education, to mitigate the risk of enforced disappearances occurring in the future.

4. Conclusion

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The interventions presented during the Consultation on Asia have left a profound impact on all the participants. We are humbled by the experiences shared by victims and the dedicated support from those who assist them. We express our utmost respect for their courage and resilience.

ICPPED remains the cornerstone in the fight against enforced disappearances in Asia and beyond. Despite the ratification of the Convention being a significant milestone, it is clear that the journey is long and fraught with challenges. The implementation of the convention poses numerous obstacles that need to be addressed.

Key challenges:

- **Political challenges:** The pervasive culture of impunity and corruption.
- **Legal and institutional challenges:** Obstacles within the legal frameworks and institutions.
- **Protection of human rights defenders:** The necessity to safeguard those defending human rights and searching for their loved ones.
- **Support for victims:** There is a dire need for comprehensive support for victims, encompassing economic, psychological, and legal assistance.
- **Gender-based approaches:** Recognising that women disproportionately bear the burden and consequences of enforced disappearances.

The practice of enforced disappearances adversely affects entire communities and societies. Despite this grim reality, positive developments and suggestions emerged from the session:

- **Thailand's Progress:** Notable progress from Thailand, which is on the verge of joining the Club of States parties.
- **Civil society and victim-centered approaches:** The essential role of civil society and victim-centered approaches was underscored. Continued support for these entities is crucial for achieving even minor victories.

Key ideas and strategies proposed include:

- **Developing civil society resilience:** Strengthening the capacity and networks of organisations and leaders.

- ***Solidarity fund for families***: Establishing a fund to support families affected by enforced disappearances.
- ***Enhanced collaboration***: Promoting stronger cooperation between civil society organisations.
- ***Educational campaigns and conferences***: Implementing educational initiatives and organising international conferences to raise awareness and defend human rights defenders.

The upcoming World Congress on Enforced Disappearances presents an excellent opportunity to collaborate on a concrete plan for collective action, with every actor playing a pivotal role.