

Opening comments

by Stephanos Stavros, Senior Legal Adviser to the DG, DGI, CoE

at the international seminar on enforced disappearance, Strasbourg 27/2/18

On behalf of the Secretary General of the Council of Europe, I would like to greet HE Ambassador Sato, Permanent Observer of Japan, HE Ambassador Janina, who is here in her capacity as Chair of the UN Committee on Enforced Disappearances, Mr Jean-Paul Costa, President of the René Cassin Foundation, and all participants in today's seminar. It is a great pleasure for the Council of Europe and its Human Rights and Rule of Law Directorate General to support today's event – organised, on our premises with funding from Japan, by the Institute of Human Rights.

Our aim for doing so is to contribute to the process of looking for responses, at the universal and regional level, to a serious human rights issue, that of enforced disappearance. As you will hear today, no continent is spared of this form of abuse. Two colleagues from the Registry of our Human Rights Court, Olga Chernishova and Cedo Radnic, will describe to you the European experience as narrated in a graphic manner in numerous judgments. They will refer to the challenging legal questions that arise in this connection: how far back into the past can the Court look when dealing with people whose fate remains unknown and what is the relation between litigation in Strasbourg and other international procedures?

Today we are lucky to be sharing the platform with representatives and eminent experts/former members of two UN bodies, one treaty-based, the Committee on Enforced Disappearances, and one non-treaty-based, the Working Group on Enforced or Involuntary Disappearances. We stand to learn a lot from them, especially on two crucial issues: reparation and immediate action. How does the process of execution of our Court's judgments, which will be explained to us by Fredrik Sundberg, seek to ensure that all consequences of enforced disappearances are wiped out? Have we used all case-law tools at your disposal, in particular that of pilot judgments, to make sure that individual complaints are addressed in their general context? And are the interim measures that the Court can order an appropriate response to cases of persons who have just gone missing if no adequate action is taken at the domestic level?

As it will be pointed out, the issue of enforced disappearance has many dimensions: acute suffering by multiple victims and secondary victimisation of all sorts and, in addition to legal, forensic and political aspects. The Commissioner of Human Rights, whose Office is represented by Bojana Urumova, is uniquely placed to address all of them. In his recent issue paper, to which some of the experts present here have contributed, the Commissioner reminds us of the relevance of several Council of Europe instruments, such as the CPT, with its preventive role, the Convention on Access to Official Documents (which has not yet entered into force) and the Guidelines on Eradicating Impunity. He also promotes ratification of the UN Convention on Enforced Disappearances. Of our 47 Member States, only 20 have ratified it; and 9 countries have not signed it.

Of course, there are the key provisions of the European Convention on Human Rights that we can always fall back on and this is perhaps the strength of our system. Many years ago when in the Secretariat of the European Commission of Human Rights I had the chance to deal with the admissibility of a frequently cited case, that of Varnava and others v. Turkey. I also had the opportunity to meet some of the relatives of the missing persons (agnooumeni) in Cyprus. I was amazed to see how much faith people have in our procedures. Let us hope that today's seminar will contribute towards improving them. One fire-sure way of achieving this is through increased dialogue between the universal and the regional level. And this is what we should invite participants to engage in without further ado.