

**01-July-2021, Thursday**



**Joint Statement by Asian Federation Against Involuntary Disappearances, Defence of Human Rights, International Coalition Against Enforced Disappearances ICAED, FORUM-ASIA, FIDH, CAGE and World Sindhi Congress regarding the approval of the Criminal Law (Amendment) Act, 2021 for Enforced Disappearances in Pakistan**

Asian Federation Against Involuntary Disappearances, Defence of Human Rights Pakistan, International Coalition Against Enforced Disappearances, Asian Forum for Human Rights and Development (FORUM-ASIA), FIDH, CAGE and World Sindhi Congress welcome the Criminal Law (Amendment) Act, 2021 proposed by Human Rights Minister Madam Shireen Mazari in Pakistan to criminalize the Act of enforced disappearance in the country.

On 7 June 2021, the proposed Act was presented in the National Assembly to amend the Penal Code and the Code of Criminal Procedure to establish the disappearance of a person as a non-bailable and punishable offence. This is the first time in the history of Pakistan that an effort has been made to criminalize the crime.

According to this proposed Amendment, an act of “enforced or involuntary disappearance” would be defined as comprising of the three following elements:

- a. An unlawful or illegal deprivation of liberty or a deprivation of liberty that was legal but no longer is,
- b. An act allegedly carried out by agents of the State or by person or group of persons acting with the support, authorization, or acquiescence of the State, and
- c. Refusal to acknowledge the deprivation of liberty or concealment of the fate or whereabouts of the disappeared person.

The crime of enforced disappearance is an immensely serious one and is of a continuing nature that leads to the violation of the right to liberty and life of the disappeared person. The crime is also agonizing for the families of the disappeared who are denied their right to truth and justice. It is a form of continued torture. The families of the disappeared suffer psychologically, socially, and financially, and the legal system often fails to ensure justice to the victims.

Despite a record of more than 5000 cases of enforced disappearances recorded by NGOs in Pakistan, successive governments have failed to criminalize this crime. Given the scale of the problem in Pakistan, there is a dire need for strong legislation to comprehensively address the crime of enforced disappearance in the country. The introduction of this Act is thus a crucial and pioneering step to criminalize the heinous crime of enforced disappearance and to bring the perpetrators to justice. If fully implemented, this Act will allow the families to know the truth about their loved ones and get a sense of closure.

However, the Act has only been introduced in the National Assembly and has not been approved yet. Therefore, we strongly urge each member of the Standing Committee on Interior, headed by PTI Member of Parliament Raja Khurram, to support this Act and to ensure that it is passed in a timely manner.

The right to truth for the victims who have struggled to access justice, while going through the constant trauma of not knowing where their loved ones are and the economic devastation brought about by enforced disappearances, must be ensured.

We, the signatories of this statement, appreciate the government's stance to present the said amendment to criminalize enforced disappearances and are keenly following the debate until the passage of this bill and its implementation. We also call upon the government to take the following steps:

1. Pass, implement & execute the Criminal Law (Amendment) Act in Pakistan as a matter of priority. The intersection of new section 52B, XLV of 1860.
2. Dissolve the existing Commission of Inquiry on Enforced Disappearances CoIoED, due to its inefficiency & failure to combat impunity.
3. Rehabilitate and compensate the victims of Enforced Disappearances and their families.
4. Trace, release & inform the whereabouts of all the existing cases of enforced disappearance in Pakistan.
5. Ratify & sign the United Nation International Convention for the Protection of all Persons from Enforced Disappearance (ICPPED) and to recognize the competence of the UN Committee on Enforced Disappearances.
6. The Committee should invite the stakeholders in its session, to include the voice and recommendations of the victims and their representatives in the Bill.

***We, the signatories, will be looking forward to a response by the Government of Pakistan on this statement.***