



International Convention for the Protection of All Persons from Enforced Disappearance

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Summary record (partial)* of the 185th meeting

Held at the Palais des Nations, Geneva, on Friday, 7 October 2016, at 10 a.m.

Chair: Mr. Corcuera Cabezut

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10 a.m.

Meeting with States Members of the United Nations

1. **The Chair**, noting that the Convention had been ratified by 52 States Members of the United Nations, said that he hoped that those States would encourage others to likewise ratify the Convention with a view to universal ratification. Only 20 States parties, however, had recognized the competency of the Committee to receive communications under articles 31 and 32 of the Convention; he urged all States parties to do so, as the communications procedure was a vital aspect of the work of all treaty bodies. He welcomed the opportunity to engage in a dialogue with Member States and looked forward to hearing their views on the work of the Committee.
2. **Mr. Tada** (Japan) said that Japan supported the work of the Committee and its outreach efforts to encourage ratification of the Convention. In the context of the universal periodic review process of the Human Rights Council, the Japanese delegation always recommended that States under review should ratify the Convention. He requested more information on the outreach and cooperation activities of the Committee and on how States could contribute to those efforts.
3. **Ms. Vázquez** (Argentina), expressing her Government's unwavering support for the implementation of the Convention and for the work of the Committee, said that Argentina, as Co-Chair with France of the Group of Friends of the Convention, looked forward to the meeting of States parties that would be held, pursuant to article 27 of the Convention, on 19 December to evaluate the functioning of the Committee. The dedication and professionalism of the Committee's members had increased awareness of the crime of enforced disappearance and had motivated more States to become parties to the Convention. She encouraged the Committee to continue its exemplary work.
4. **Ms. Petit** (France) said that the Committee had established itself as an internationally recognized authority on the provisions of the Convention as well as on the crime of enforced disappearance in general. It had proved to be highly effective and had integrated well into the human rights treaty body structure. She asked whether the members of the Committee had any views on its mandate and workload, for example the process for the consideration of State party reports. As Co-Chair with Argentina of the Group of Friends of the Convention, France looked forward to the meeting of States parties, at which the functioning of the Committee would be evaluated, and to the renewal of the Committee's mandate.
5. **Ms. Martínez** (Ecuador) said that Ecuador had been one of the first States to sign and ratify the Convention, and it was working with Argentina and France, as a member of the Group of Friends of the Convention, on the preparations for the upcoming meeting of States parties. Enforced disappearance was a sensitive issue but it was a fundamental one for the protection of basic human rights. She looked forward to the renewal of the Committee's mandate and encouraged the Committee to further strengthen its cooperation with the human rights treaty bodies system.
6. **The Chair** said that the Committee worked closely with other treaty bodies as well as with the international community as a whole in its efforts to promote implementation of the Convention and provide assistance to victims of enforced disappearance.
7. **Mr. Silva Muñoz** (Uruguay), recalling that Uruguay had been one of the first States parties to submit a report to the Committee and commending the Committee on its good work, said that he looked forward to the upcoming meeting of States parties to the Convention. The Committee's concluding observations and Views were an important contribution to the implementation and interpretation of the Convention at the national level and to international human rights law. He wondered if the Committee had any

recommendations as to the role that States parties could play in encouraging other States to ratify the Convention. He asked for more information on the Committee's cooperation with the treaty body system, in particular the Working Group on Enforced or Involuntary Disappearances, and on the issue of reprisals.

8. **Mr. Michel Blin** (Mexico) said that the upcoming meeting of States parties would provide States parties, including Mexico, an opportunity to reiterate their support for the implementation of the Convention and the important work of the Committee to eliminate enforced disappearances. He, too, would appreciate receiving more information on the Committee's mechanisms for cooperation with other treaty bodies, including the Working Group on Enforced and Involuntary Disappearances.

9. **The Chair** said that it was important for States parties to encourage other States to ratify the Convention and also to recognize the Committee's competence to receive communications under articles 31 and 32 of the Convention. Among other initiatives, the Committee pursued a collegial approach and worked closely with other treaty bodies. It did not duplicate the work of the Working Group on Enforced or Involuntary Disappearances; their roles were in fact complementary. The Committee had participated in the drafting of the Guidelines against Intimidation or Reprisals (San José Guidelines) endorsed at the twenty-seventh meeting of Chairs of the human rights treaty bodies.

10. **Ms. Tabori Dorović** (Bosnia and Herzegovina) thanked the Committee for the constructive and fruitful dialogue during its recent consideration of the initial report of Bosnia and Herzegovina. She reiterated her Government's support for the work of the Committee and the renewal of its mandate.

11. **Mr. Decaux** said that cooperation with other relevant bodies as called for under article 28 of the Convention was a priority. The Committee worked closely with the special procedures, in particular the Working Group on Enforced or Involuntary Disappearances; the members of the two bodies were often in contact in person in Geneva and New York and through the secretariat, and they usually held a joint meeting each year during a Committee session. The Committee cooperated with other treaty bodies and with the special rapporteurs of the Human Rights Council. In keeping with General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system and bearing in mind States parties' concerns about reporting fatigue, the Committee had adopted a flexible system that did not involve a periodic reporting cycle. States parties were encouraged to submit an initial report within two years of the respective entry into force of the Convention; the frequency of subsequent reporting would be determined by the Committee based on its assessment of the situation in each State party. The Committee participated in the meetings of the Chairs of the human rights treaty bodies and endorsed the decisions and recommendations adopted at those meetings. He noted that the report prepared by the secretariat on the work of the Committee included a request for a fifth week of meetings in order to reduce the backlog in the consideration of State party reports and ensure a rapid response to requests for urgent action.

12. The evaluation of the Committee's functioning pursuant to article 27 of the Convention would entail several aspects. From a legal point of view, which body or bodies were the most appropriate for dealing with the issue of enforced disappearance? Would it be the Working Group on Enforced or Involuntary Disappearances and the Committee, or would it be a unified standing treaty body as had been under discussion at the time of the Convention's adoption? The current preferences was for a more harmonized and simplified treaty body system as called for by the General Assembly in its resolution 68/268.

13. From a more technical point of view, the Committee was made up of 10 experts who in a relatively short time had adopted user-friendly and efficient working methods and tools to facilitate dialogue with States parties. The Committee was highly specialized and had

proved its worth; it was in fact irreplaceable. On the political level, it had taken some 30 years to draft and adopt a convention on enforced disappearance. Nearly 10 years after the adoption of the text by the General Assembly, 52 countries had ratified the Convention, which was a remarkable success. Rather than start over, it was important to build on the Committee's success and increase the number of ratifications. States parties could play a useful role in that regard, in particular in the regional groups that were underrepresented among States parties to the Convention.

14. **Mr. Yakushiji** said that the number of signatories to the Convention had increased to 96. A total of 52 States parties had ratified the Convention, 20 of which had accepted the competence of the Committee to receive and consider individual and inter-State communications under articles 31 and 32. Sri Lanka was to be congratulated on its recent ratification of the Convention, but the number of States parties in Asia continued to be extremely low. Signatories such as Japan could play a valuable role in encouraging neighbouring States to become parties to the Convention and to make the declarations under articles 31 and 32. Since 2013, the Committee had held interactive dialogues with 18 States parties, including Iraq and Kazakhstan, and would soon be adopting its concluding observations on Bosnia and Herzegovina and Colombia. Frank and open exchanges between the Committee and States parties had led to greater mutual understanding and improved implementation of the Convention. The Committee had begun the follow-up process related to concluding observations and had adopted its first Views, which were a tool designed to assist States parties in implementing the Convention.

15. **Mr. Hazan** said that, to date, the Committee had received over 340 requests for urgent action. It worked on those requests throughout the year and reported regularly to the States parties on their status. Decisions on requests for urgent action were issued within 24 to 48 hours. Greater awareness of the existence of the urgent action mechanism might explain the rise in the number of requests that had been received by the Committee. In many instances, urgent action requests had resulted in the person being found alive and well.

16. Drawing on its fruitful interactive dialogues with States parties, the Committee was establishing jurisprudence based on the Convention enriched the body of international human rights law with regard to enforced disappearance.

17. **Mr. Al-Obaidi** said that more should be done to encourage Arab States to become parties to the Convention, to engage in activities under that instrument and to accept the competence of the Committee to receive and consider individual and inter-State communications under articles 31 and 32.

18. **The Chair** said that the Committee's working methods were perfectly aligned with those of the other treaty bodies and enabled it to operate effectively. The first Views issued by the Committee represented an important precedent for the jurisprudence of the body, setting high standards for the protection of human dignity and elimination of the practice of enforced disappearance. The rapporteurs on urgent actions worked tirelessly to promptly deal with requests. Despite concerns expressed in the past with regard to possible duplication of effort by special procedures and treaty bodies with similar thematic mandates, the Working Group on Enforced or Involuntary Disappearances and the Committee actually complemented one another. In accordance with article 28 of the Convention, it was essential to continue to cooperate with special procedures, the other treaty bodies and human rights organizations at the international, regional and national levels. It was also important to seek out new ways of encouraging States to become parties to the Convention.

19. **Mr. Figallo Rivadeneyra** said that new, more horrendous forms of the scourge of enforced disappearance were emerging. The members of the Committee were more than ready to assist national authorities who sought support with regard to implementation of the

Convention, timely submission of reports, the declarations under articles 31 and 32 and encouraging ratification of the instrument at the regional level.

Meeting with national human rights institutions

20. **The Chair** invited the representative of the Global Alliance of National Human Rights Institutions to address the Committee.

21. **Ms. Rose** (Global Alliance of National Human Rights Institutions), noting that the organization that she represented had recently changed its name from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights to the Global Alliance of National Human Rights Institutions, said that the year 2016 marked the tenth anniversary of the Convention and provided an opportunity to reflect on progress made to date in promoting full implementation of that instrument by all States, as well as on future actions in that regard. The Committee's adoption in 2014 of a document on its relationship with national human rights institutions (CED/C/6) and the corresponding consultative process had been highly significant. National human rights institutions continued to work to promote ratification of the Convention in all regions and to encourage States parties to comply with their reporting obligations under article 29 (1): they made recommendations and offered advice related to ratification of the Convention in their annual reports and reports submitted under the universal periodic review process; they advised national authorities on the transposition of the provisions of the Convention into domestic legislation; they held workshops for stakeholders prior to interactive dialogues with the Committee; and they monitored compliance with reporting obligations arising from the Convention. The Global Alliance continued to assist national human rights institutions in engaging with the Committee, and it hosted annual training events for staff of those institutions on international human rights mechanisms, in particular the treaty bodies.

22. At their twenty-eighth meeting, the Chairs of the human rights treaty bodies had agreed to consider a common treaty body approach to engagement with national human rights institutions at their meeting to be held in 2017. The Global Alliance had presented to the Chairs a paper containing recommendations on ways to improve or harmonize interaction; the paper was available on the website of the Office of the United Nations High Commissioner for Human Rights. The Global Alliance looked forward to the holding of consultations between the treaty bodies and national human rights institutions prior to the 2017 meeting of the Chairs. The Human Rights Council had recently adopted a resolution in which it encouraged the treaty bodies to continue to consider a common treaty body approach to engaging with national human rights institutions to ensure effective and enhanced participation by institutions compliant with the Paris Principles at all relevant stages of the treaty bodies' work.

23. In the official declaration made following the twelfth International Conference of National Human Rights Institutions in 2015, the participants had reaffirmed their commitment to support the implementation of the 2030 Agenda for Sustainable Development, including by promoting engagement by rights holders and civil society at all stages of implementation of the Sustainable Development Goals and by contributing to the assessment of progress related to the Goals through reporting, including to the treaty bodies. With regard to Sustainable Development Goal 16, the United Nations Statistical Commission had adopted an indicator on the existence of independent national human rights institutions that were in compliance with the Paris Principles. The treaty bodies had, at the 2016 high-level political forum on sustainable development, acknowledged the important role that national human rights institutions had to play with regard to the 2030 Agenda for Sustainable Development. The Kyiv Declaration on the Role of National Human Rights Institutions in Conflict and Post-Conflict Situations of 2015 reaffirmed the important part played by national human rights institutions in preventing conflict and

protecting human rights in areas affected by conflict and set out their roles with regard to early warning, monitoring, documenting and tackling of human rights violations, engaging with rights holders and stakeholders, promoting human rights education, combating impunity and supporting transitional justice processes.

24. **Mr. Decaux** said that national human rights institutions performed a unique and valuable role that involved promoting the ratification of the Convention and the compliance of States parties with their reporting obligations under article 29 (1). The manner in which the Committee had developed its cooperation with such institutions was exemplary and could serve as a best practice for the other human rights treaty bodies to follow. In that connection, he hoped that a substantive paper on a common treaty body approach to engagement with national human rights institutions would be adopted at the annual meeting of Chairs of the human rights treaty bodies in 2017.

25. **The Chair** said that the Global Alliance of National Human Rights Institutions played a fundamental role in strengthening the independence of national human rights institutions, particularly with regard to budgetary matters, and that it could assist the Committee greatly by inviting institutions to lobby Governments for the ratification of the Convention. It was important, in that respect, to seek to persuade Governments rather than to blame them. The Global Alliance might also ensure that institutions and NGOs were aware of the dates of meetings at which their countries would be presenting reports before the human rights treaty bodies, as sometimes Governments did not want that information to be publicized. Alternative reports were invaluable: they facilitated constructive dialogue with State party delegations and enabled the treaty bodies to issue more pertinent concluding observations.

26. A challenge that warranted further reflection was that of giving more of a voice to subnational commissions within federal systems of government and to thematic institutions, which currently had no standing to come before the United Nations to express their views, even when they were more independent than the national human rights institution and played an important role in the State party whose report was being considered.

27. **Mr. Huhle** said that he shared the view that independent public bodies that had not been accredited by the Global Alliance should be given a greater platform to express their views before the Committee, which had, in the past, heard statements by a representative of the Tunisian Truth and Dignity Commission and by judges and prosecutors.

28. **The Chair** said that independent public bodies not accredited by the Global Alliance should nevertheless bear in mind the Paris Principles and that it would be useful to organize an international seminar on that topic.

29. **Mr. López Ortega** said that national human rights institutions were not comparable to other public bodies in that they were accredited on the strength of meeting specific standards and they fulfilled a specific function under the Convention. That distinction should be taken into account when making proposals.

30. Including judges, prosecutors, lawyers, doctors and university representatives, among others, in State party delegations enhanced the credibility of those delegations and should be encouraged. After all, the Committee was tasked with monitoring compliance not by governments but by States parties with the obligations stemming from the Convention.

31. **Mr. Decaux** said that the accreditation process for national human rights institutions was effective and transparent and that the Committee should not call into question the Paris Principles. The value of having strict accreditation criteria was demonstrated by the fact that, in the past, all public bodies had been able to claim that they were national human rights institutions and to demand the rights conferred thereon. The limit of only one national human rights institution per country was, indeed, problematic, but the Committee

had found an elegant solution by working directly with national human rights institutions but also listening to other stakeholders that could provide relevant information.

32. **Ms. Rose** (Global Alliance of National Human Rights Institutions), thanking the Committee members for their comments and Mr. Decaux, in particular, for highlighting the role played by national human rights institutions and the importance of the accreditation process, said that such institutions occupied a unique role in that they had a national mandate to protect and promote human rights. In that connection, it was essential for the treaty bodies to receive information from a variety of sources and, accordingly, for national human rights institutions to cooperate and coordinate with other public bodies, including thematic institutions.

The meeting was suspended at 11.40 a.m. and resumed at 11.55 a.m.

Meeting with non-governmental organizations and other stakeholders

33. **The Chair** invited the representative of Geneva for Human Rights to address the Committee.

34. **Mr. Zeller** (Geneva for Human Rights) said that Geneva for Human Rights had organized a series of three expert seminars on enforced disappearance, focusing on the procedures and methods of work of the Committee and the Working Group on Enforced or Involuntary Disappearances. Those seminars, which had been attended by most members of the Committee and of the Working Group, had shown that there was no overlap or duplication in the work of the two bodies but rather that they complemented and enhanced each other. He welcomed the work done by the Committee in the five years since its establishment, not only in its dialogue with States parties but also with regard to the establishment of the mechanism for urgent action. The work engaged in by the Committee had proved that the matter of enforced disappearance required a specific treaty and monitoring mechanism; States that had not yet done so should ratify the Convention.

35. **Mr. Hazan** said that support from NGOs was particularly important to the Committee, especially in the context of the forthcoming meeting of States parties. Not only would a decision be made there on extending the Committee's mandate as the monitoring mechanism for the Convention, but the meeting would also afford an opportunity to plan the Committee's future workload, encourage further ratifications of the Convention and consider how to strengthen coordination between the Committee's work and that of NGOs and organizations representing the family members of victims of enforced disappearance.

36. **Mr. Huhle** said that, although the requests for urgent action were an important aspect of the Committee's work, the urgent action mechanism had not been taken up in all States parties, owing perhaps to a lack of understanding or knowledge of how the mechanism operated. While the Committee had a responsibility to raise awareness about the mechanism, NGOs could also play a significant role in that regard by reaching out to victims' organizations and human rights defenders in the countries to inform them of the mechanism. Given the already significant growth in the uptake of the urgent action mechanism, NGOs could also raise awareness in other forums concerning the increased burden that greater use of the mechanism would entail for the Committee.

37. **The Chair**, thanking the representative of Geneva for Human Rights for his comments, said that he recalled the fundamental role played by that NGO and others in advocating for the Convention to stand alone as a treaty, rather than be an optional protocol to the International Covenant on Civil and Political Rights, and for the establishment of the Committee to monitor its implementation, rather than assigning monitoring to the Human Rights Council. The meeting of States parties to be held in December 2016 would be an important milestone, given the unique nature of article 27 of the Convention. Geneva for Human Rights had also played a significant role in drawing attention to the importance of

the requests for urgent action, which were an effective mechanism that required a tremendous effort from the secretariat and rapporteurs. That effort was greatly appreciated by victims, who felt that their voices were being heard. The urgent action mechanism was unique to the Committee and constituted a very significant aspect of its work.

38. **Mr. Zeller** (Geneva for Human Rights) said that the urgent action mechanism had stemmed from an idea expressed by NGOs regarding the need to consider victims of human rights violations as experts. The Convention was the only international human rights instrument that applied a broad definition of victims in that it included not only the individuals subjected to enforced disappearance but also members of their families. The urgent action mechanism was unique among the treaty bodies: the Committee on the Elimination of Racial Discrimination had a procedure for early warning and urgent action, but that mechanism addressed potential large-scale situations rather than individual cases. An expert seminar was being organized for March 2017 to discuss means of giving impetus to ratification of the Convention once the Committee's mandate had been extended.

Meeting with United Nations agencies and mechanisms and intergovernmental organizations

39. **The Chair** invited the representative of the United Nations Development Programme to address the Committee.

40. **Ms. Sekenes** (United Nations Development Programme) said that while the United Nations Development Programme (UNDP) did not have a normative or monitoring mandate for human rights, it provided support to Member States in their efforts to meet their human rights obligations, operationalize a human rights-based approach to development and ensure the involvement of all of society in decision-making processes. UNDP worked jointly with the Office of the United Nations High Commissioner for Human Rights (OHCHR) to support national human rights institutions in more than 30 countries as a cornerstone of human rights promotion and protection at the national level. At the global level, UNDP and OHCHR had been involved in strategic tripartite cooperation with the Global Alliance of National Human Rights Institutions for some six years. At the regional level, UNDP had played a coordinating role in convening national human rights institutions, human rights leaders and civic activists from around Europe and Central Asia to adopt the Kyiv Declaration, which reaffirmed the role of those institutions in conflict prevention and the promotion of human rights in conflict-affected areas. National human rights institutions had a key role to play in making the 2030 Agenda for Sustainable Development a reality, in particular by bringing their unique expertise to bear in the attainment of Sustainable Development Goal 16.

41. **The Chair** said that he had particularly appreciated the support and assistance provided by UNDP country offices when he had participated in field missions as a member of the Working Group on Enforced or Involuntary Disappearances.

42. **Mr. Huhle** asked whether such support was provided to treaty bodies and human rights special procedures by UNDP country offices as a matter of course in countries where OHCHR did not have a permanent presence.

43. **Ms. Sekenes** (United Nations Development Programme) said that the local UNDP representative often held the position of United Nations Resident Coordinator as well and, as such, worked closely with other United Nations bodies and representatives to assist them on the ground at their request. While UNDP had its own mandate, which did not include human rights issues explicitly, every effort was made to provide any assistance requested by OHCHR. UNDP cooperated with national human rights institutions and had a broad knowledge of the situation in the countries in which it was present, and it was well-positioned to perform an advisory role whenever requested to do so.

The discussion covered in the summary record ended at 12.35 p.m.