



International Convention for the Protection of All Persons from Enforced Disappearance

Distr.: General
25 June 2012
English
Original: French

Committee on Enforced Disappearances

Second session

Summary record of the 18th meeting*

Held at the Palais des Nations, Geneva, on Friday, 30 March 2012, at 4 p.m.

Chairperson: Mr. Decaux

Contents

Programme of work of the third session

Adoption of the report on the second session and adoption of the annual report to the General Assembly

Draft reporting guidelines for reports to be submitted by States parties

Adoption of the rules of procedure

Closure of the session

* No summary records were issued for the 16th and 17th meetings.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 4.25 p.m.

Programme of work of the third session

1. **The Chairperson** said that the third session would run for two weeks from 29 October to 9 November 2012. The Committee would have to deal with communications, information and requests received and, hopefully, it would begin its consideration of the reports of States parties. Following on from the thematic discussions during the current session with intergovernmental bodies on the role of non-State actors and the issue of women and children as a vulnerable group, the subject of non-State actors would be taken up again as a theme for a day of general discussion to be entitled “State responsibilities and the role of non-State actors”. The Committee would also consider, in closed meetings, the role of human trafficking in enforced disappearances and the problem of non-refoulement and the implications under article 16 of the Convention. The Committee would receive the Working Group on Enforced or Involuntary Disappearances and intended to hold meetings with other mechanisms, such as the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Having concluded the procedural part of its work, the Committee should now be able to concentrate on monitoring the implementation of the Convention.

Adoption of the report on the second session and adoption of the annual report to the General Assembly

2. **Mr. Hazan** (Rapporteur) said that the report on the second session would contain a number of ratifications and declarations under article 32. The report would include a summary of the opening of the second session, a description of the working methods of the Committee, reporting guidelines and methods of work relating to articles 30, 31 and 33 of the Convention, the ratification strategy and the development of model laws. A chapter would also be devoted to meetings with States parties and third States, intergovernmental and national human rights institutions and non-governmental organizations (NGOs).

3. *The draft report on the second session was adopted ad referendum.*

4. **Mr. Hazan** (Rapporteur) said that the draft annual report to be submitted to the General Assembly would contain the reports of the first and second session of the Committee as well as the agenda of the third session.

5. *The draft annual report of the Committee to the General Assembly was adopted ad referendum.*

Draft reporting guidelines for reports to be submitted by States parties

6. **Mr. Al-Obaidi** (Rapporteur) said that the guidelines provided useful information on how to present information in a harmonized way. In submitting reports under article 29 of the Convention, States parties would play a fundamental role in monitoring the implementation of the instrument. Some States parties had announced that they would submit their report at the third session, however, the Convention stipulated that States must submit their initial report in the two years following ratification.

7. *The draft reporting guidelines were adopted.*

Adoption of the rules of procedure

8. The Chairperson said that the provisional rules of procedure had been revised and recommended that the Committee should adopt them with a view to their publication in the six official languages.

9. *The provisional rules of procedure were adopted.*

10. **The Chairperson** said that at the opening of the current session the Committee had been honoured by the presence of the United Nations High Commissioner for Human Rights, who had given a powerful speech on the role of the Committee and the importance of the treaty body strengthening process. With the work carried out prior to the session, the Committee had demonstrated its efficiency and, in view of its ongoing responsibilities, would continue its work between sessions, in cooperation with the secretariat.

11. The Committee had an obligation in terms of means, which called for the establishment of a legal framework, methodology and the necessary practical tools, and it had fulfilled that obligation in three ways. Firstly, it had adopted its rules of procedure. Secondly, it had translated those procedures into methodological tools, which functioned as the reporting guidelines for reports to be submitted by States under the Convention, the form for urgent action and the form for communications from or on behalf of individuals under article 31. Thirdly, it had discussed the best ways to raise awareness of the Committee, the Convention and the protection it offered to the public at large, in particular to victims, their relatives and the associations that provided victim support. The Committee already had a fact sheet, which required updating, and it planned to draft fact sheets to be distributed in all States, even those that were not party to the Convention. It had added a map to its website indicating which States had signed or ratified the Convention and it planned to add other useful features, such as educational tools. It would also have to provide information on its role in relation to other well-established bodies with similar functions.

12. The Committee also had an obligation in terms of results and had set itself three priorities in that area. The first was to put in place a strategy to encourage the ratification of the Convention, which, for the States parties, represented a prevention measure, a “risk” insurance and a guarantee for the future. To succeed in its task, the Committee would need to rely on: the Office of the United Nations High Commissioner for Human Rights (OHCHR) to promote the Convention among permanent missions and special rapporteurs; national human rights institutions to raise awareness of the Convention within the framework of their mandate; NGOs, key partners in publicizing and ensuring ratification and observance of the Convention. In addition, the Committee planned to consider best practices in legislation and to look at the types of laws that existed in different legal systems, before receiving the reports of the States parties, in order to develop best-practice models that would help States take the next step of accession. The Committee would also attend the conference to be held in Berlin in April 2012 and would participate in the International Day of the Victims of Enforced Disappearance in August, events which would demonstrate its engagement and draw the attention of States to the role the Convention played in matters of prevention and protection. The second priority was to prepare the effective implementation of the Convention, which would initially require States parties to systematically submit an initial report, but which could subsequently become more flexible through the use of questionnaires or thematic approaches. The Committee wished to involve all the parties concerned and therefore welcomed with interest any alternative reports or additional contributions. It had already adopted reporting guidelines for reports to be submitted by States parties, but the task of drafting guidelines for the consideration of the reports by the Committee remained. It would also have to devise different conceptual tools, since although the relevant procedures under articles 31 and 32 of the Convention were clearly defined, the situation was different for the implementation of other provisions, such as articles 33 and 34, which required the establishment of criteria or benchmarks, and, in particular, warning thresholds. The Committee must also tackle the question of the interpretation of the Convention. It was still too early to start drafting general comments; nevertheless, a whole series of very precise concepts which were seminal to the Convention must be progressively identified, interpreted and clarified. The third priority was cooperation with other actors. Links with the academic world had already been established

thanks to a conference organized in partnership with the Geneva Academy of International Humanitarian Law and Human Rights and the Committee had held a meeting with the Member States of the United Nations attended by States that had not yet signed the Convention. It had also held talks with representatives of the United Nations system, notably with a member of the Working Group on Enforced or Involuntary Disappearances. In addition, a member of the Committee, Ms. Janina, had taken part in a seminar in Addis Ababa at the invitation of the former President of the Working Group and organized by OHCHR and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women). The Committee should have further contact with those two bodies during its next session. Furthermore, the Chairperson-Rapporteur of the Working Group and the Chairperson of the Committee had been invited to present a joint report to the General Assembly. Cooperation between the two bodies must include the development of a methodology to avoid duplicating each other's work, particularly with regard to urgent action and country visits. Cooperation was also required in the interpretation of both those instruments. The working group in charge of interpreting the Declaration on the Protection of all Persons from Enforced Disappearance was currently preparing two draft general comments, one on the subject of women and the other on children, which it wished to transmit to the Committee. The Committee was responsible for interpreting the Convention, which, on certain points, went further than the Declaration owing to its legally binding nature. It was therefore imperative that the two bodies agreed on the definition of certain concepts and on the interpretation of certain standards as they had joint responsibility for ensuring the readability and effectiveness of the reference instruments.

13. After an exchange of courtesies, **the Chairperson** declared closed the second session of the Committee on Enforced Disappearances.

The meeting rose at 5.05 p.m.