



International Convention for the Protection of All Persons from Enforced Disappearance

Distr.: General
6 October 2016

Original: English

Committee on Enforced Disappearances Eleventh session

Summary record (partial)* of the 177th meeting

Held at the Palais Wilson, Geneva, on Monday, 3 October 2016, at 10 a.m.

Temporary Chair: Ms. Gilmore (Representative of the Secretary-General)

Chair: Mr. Corcuera Cabezut

Contents

Opening of the session

Election of officers

Adoption of the agenda

Minute of silence in remembrance of victims of enforced disappearance

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

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 the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

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.

GE.16-17084 (E) 051016 061016



* 1 6 1 7 0 8 4 *

Please recycle A small recycling symbol consisting of three chasing arrows forming a triangle.



The meeting was called to order at 10.05 a.m.

Opening of the session

1. **The Temporary Chair** declared open the eleventh session of the Committee on Enforced Disappearances.
2. **The Temporary Chair**, speaking in her capacity as the United Nations Deputy High Commissioner for Human Rights and recalling that 2016 marked the anniversary of several international human rights instruments, including the tenth anniversary of the adoption of the Convention for the Protection of All Persons from Enforced Disappearance, said that the Committee played an essential role in tackling the issue of enforced disappearance and assisting the families of victims of that egregious human rights violation. Her recent visits to Iraq and Sri Lanka, two countries severely impacted by cases of enforced disappearance, had served to reaffirm her belief in the importance of the Committee's work.
3. Cooperation between the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Committee was of vital importance, and the High Commissioner was keen to learn from the Committee what contribution it felt OHCHR might make to their collective effort. Over the past year, the Committee and the Human Rights Council's Working Group on Enforced or Involuntary Disappearances had received more than 600 requests for urgent action related to cases of enforced disappearance; many other cases had gone unreported. There was an urgent need to design a clear strategy for encouraging States to become parties to the Convention and fulfil their reporting obligations under it.

Election of officers

4. **Mr. Decaux** nominated Mr. Corcuera Cabezut for election as Chair of the Committee on Enforced Disappearances.
5. *Mr. Corcuera Cabezut was elected Chair by acclamation.*
6. *Mr. Corcuera Cabezut took the Chair.*
7. **The Chair** invited Mr. Decaux, who had served over the past five years as the Committee's first Chair, to address the Committee.
8. **Mr. Decaux**, acknowledging the work of the secretariat, NGOs and States parties over the past 10 years since the adoption of the Convention, said that the number of States parties had risen to 52 from the original 20 in 2010, when the Convention had entered into force, and the Committee had received 29 reports from States parties. The Committee should attach priority to the preventive impact of its consideration of reports and should not necessarily wait for a report to be submitted before looking into the situation with regard to enforced disappearance in a given country. The Secretary-General's recent report on the status of the human rights treaty body system (A/71/118) had been extremely encouraging, and he hoped that the Fifth Committee would accept the proposal put forward by OHCHR to the effect that the Committee on Enforced Disappearances should be accorded an additional week of meetings in which to carry out its work. The planned broadcasting of the Committee's interactive dialogues with States parties constituted another positive development. Within the framework of the annual meeting of the Chairs of the human rights treaty bodies, he had recently discussed several matters with the Chair of the Human Rights Committee, in particular the San José guidelines against intimidation or reprisals, some misunderstandings that had arisen with certain States parties and the launching of a project to promote cooperation with national human rights bodies.

9. With reference to harmonization with the other treaty bodies, it was important to bear in mind the obligations of States parties with regard to visits under article 33 of the Convention, which had been a major innovation and specificity of the Convention. The Committee was cooperating actively with the other human rights treaty bodies and would soon be meeting with the Working Group of the Human Rights Committee to discuss working methods related to the follow-up of concluding observations and recommendations and with the Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances to plan future cooperation. The Committee would also be working with the International Law Commission's Special Rapporteur on crimes against humanity in the preparation of a draft international convention on the prevention of crimes against humanity; in that regard, from the point of view of prevention and punishment, it was vital that the definition of the term "enforced disappearance" contained in the Convention should not be diluted. In addition, the States parties were to hold a meeting on article 25 of the Convention in December 2016 in Geneva; and the General Assembly had called for a high-level meeting to be held, most likely in mid-February 2017 in New York, at which there would be an opportunity to promote ratification and awareness of the Convention and, importantly, further clarify the contents of its articles 2 and 3.

10. **The Chair**, expressing appreciation for the trust placed in him as the new Chair of the Committee, said that the families of victims of enforced disappearance had played a vital role in the adoption by the General Assembly of the Declaration on the Protection of All Persons from Enforced Disappearance and of a similar regional instrument by the countries of the Americas.

11. Acknowledging the many achievements secured by the Committee in particular through the work of its rapporteurs and the previous Chair, including the launch of the urgent action procedure, he said that many States signatory had not yet ratified the Convention and only a few had recognized the competence of the Committee to receive and consider communications from or on behalf of individuals. The Committee must do more to convince States, in particular in Asia, to become parties to the Convention and to recognize the competence of the Committee to receive individual complaints: although the Committee had thus far only considered one such complaint, that set an important precedent in terms of protection against enforced disappearance. States in which enforced disappearance was an issue should see in the Convention a means of eliminating the problem, while States not suffering from that scourge should become parties to the Convention because of the prevention mechanisms it offered.

12. **Mr. Huhle** said that, in the light of the disappointing outcome of the recent referendum on a peace agreement, Colombia required the assistance of OHCHR more than ever.

13. **Mr. Decaux** asked how OHCHR intended to follow up on the Secretary-General's report on the status of the human rights treaty body system.

14. **Ms. Gilmore** (United Nations Deputy High Commissioner for Human Rights) said that the human rights bodies of the United Nations must be relentless in their efforts to ensure that States met their obligations, including those that arose from membership of the United Nations and accession to the Universal Declaration of Human Rights. There was a deep moral duty to those courageous enough to point out violations of human rights and a need for human rights bodies to work across their specific mandates. With regard to the outcome of the referendum on the peace agreement in Colombia, it had been an unexpected setback but it was important to note that support had been strongest among those most affected by the conflict in that country. The moral strength of the victims, survivors and families of victims of enforced disappearance was sometimes to be found in the most unlikely of places, such as in the Argentine mothers whose weapon had been conscience

and who had defiantly stood before the Casa Rosada with unrelenting determination that the truth must out.

15. **Mr. Salama** (Director, Human Rights Treaties Division, Office of the United Nations High Commissioner for Human Rights) said that the United Nations human rights treaty bodies often found it relatively easy to persuade States to become parties to human rights instruments but it was much harder to get them to implement those instruments. The main achievement of the treaty body strengthening process had been the creation of a common human rights approach that was supported by the Member States through the adoption of General Assembly resolution 68/268. The corresponding biennial reporting process had been initiated and preliminary feedback on the performance of the treaty bodies and OHCHR had been extremely positive. Meetings were to be held with groups of States, and it was highly probable that additional resources would be allocated for expansion of the treaty body system, of which the Committee was a pillar.

16. **Ms. Janina**, stating that more needed to be done to promote ratification of the Convention by European States, said that OHCHR might wish to consider establishing direct contact with bodies such as the Council of Europe and the European Union.

17. **Ms. Gilmore** (United Nations Deputy High Commissioner for Human Rights), observing that States had no excuse for not ratifying the Convention, said that the Committee and OHCHR must make it increasingly difficult for States to justify their inaction in that regard, including through the universal periodic review process. Work was ongoing to ensure that United Nations Country Teams and Resident Coordinators were aware of what human rights treaty bodies and mechanisms offered a human-rights-based development agenda at the country level. In the light of the 2030 Agenda for Sustainable Development, it was vital to put in place strong normative reference points in all development frameworks. In addition, OHCHR was currently seeking to persuade the General Assembly to allow it to expand its operations outside of Geneva in order to increase dialogue with States on how to promote recognition of human rights standards. Cooperation with the European Union had been improved through a stronger OHCHR presence in Brussels, but the Office needed also to build effective partnerships with civil society organizations at the national and regional levels.

18. **The Chair**, agreeing with the statement that there was no justification for not ratifying the Convention, said that there was also no justification for States to refuse to recognize the competence of the Committee to hear individual cases.

Adoption of the agenda

19. *The provisional agenda was adopted (CED/C/11/1).*

Minute of silence in remembrance of victims of enforced disappearance

20. *At the invitation of the Chair, the members of the Committee observed a minute of silence in remembrance of victims of enforced disappearance.*

The discussion covered in the summary record ended at 10.55 a.m.