



International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances Twenty-fifth session

Summary record (partial)* of the 442nd meeting

Held at the Palais Wilson, Geneva, on Monday, 11 September 2023, at 10 a.m.

Chair: Ms. Villa Quintana

Contents

Opening of the session

Solemn declaration by the newly elected members of the Committee

Adoption of the agenda

Tribute to victims of enforced disappearance

* 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.

Opening of the session

1. **The Chair** declared open the twenty-fifth session of the Committee on Enforced Disappearances.

2. **Ms. Wan-Hea Lee** (Office of the United Nations High Commissioner for Human Rights) said that the present meeting coincided with the opening of the fifty-fourth session of the Human Rights Council, which would consider the annual report of the Working Group on Enforced or Involuntary Disappearances and the reports on the Working Group's visits to Honduras and Uruguay. The Council's consideration of the annual report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the reports on his visits to the Republic of Korea and Serbia would also be highly relevant to the Committee's work.

3. In recent months, the Committee had strengthened its coordination with other human rights mechanisms, civil society organizations, national human rights institutions and various United Nations agencies. On 30 August 2023, the International Day of the Victims of Enforced Disappearances, it had published a joint statement with the Working Group on Enforced or Involuntary Disappearances, the Inter-American Commission on Human Rights, the Chair of the Working Group on the Death Penalty, Extrajudicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa and representatives of Indonesia and Malaysia to the Intergovernmental Commission on Human Rights of the Association of Southeast Asian Nations (ASEAN) calling on all States to urgently provide effective access to justice for victims of enforced disappearance. The statement on non-State actors in the context of the Convention, adopted at the preceding session, had been the outcome of three years of discussions with various international and regional bodies and victims of enforced disappearance. That statement was already serving as an important source of guidance for all stakeholders. At its twenty-fourth session, held in March 2023, the Committee had adopted a first draft of its general comment No. 1 on enforced disappearances in the context of migration following consultations with more than 240 stakeholders. At the current session, it was expected that the Committee would discuss and adopt that general comment after further consultations, which were of key importance in developing a strong text.

4. The Committee's reports on Iraq and Mexico had shed light on the extent of the challenges related to enforced disappearance in those countries and had provided welcome guidance concerning preventive measures. Ensuring the implementation of the Committee's recommendations by those countries was now a priority. During his visit to Iraq in August 2023, the United Nations High Commissioner for Human Rights had urged the Government to implement the Committee's recommendations and had stressed the importance of passing a law in line with international human rights standards to combat enforced disappearance. The Committee had already taken steps to support that legislative process, but follow-up and further dialogue with the country's authorities were required.

5. The procedure for considering additional information submitted by States parties was designed to facilitate such follow-up and dialogue by enabling the Committee and State parties to discuss measures needed to implement the Committee's recommendations and publicly share information on lessons learned and on the positive outcomes of such measures. The variable frequency and duration of reviews allowed the Committee to focus its attention and resources on the most pressing situations. All stakeholders, especially States parties, should welcome and support the procedure.

6. Since the last session, 54 new requests for urgent action had been registered and, to date, the Committee had called upon States parties to search for 1,630 disappeared persons. Thanks to the urgent action procedure, 484 disappeared persons had been located, and 438 of those persons had been found alive. Even though the procedure was underresourced, it nonetheless saved lives.

7. The treaty body system's increasing quantitative and substantive workload was exacerbating the situation caused by its shortage of resources. The staffing shortage, in particular, had a significant impact on the Committee's work and the work-life balance of every staff member. It was important to ensure that Member States were aware of the limited

capacity of the treaty body system, which they themselves had created to serve a specific purpose.

8. **The Chair** said that, to date, 72 States had become parties to the Convention, 30 had recognized the Committee's competence to receive and consider individual communications and 28 had recognized its competence to receive and consider inter-State communications. She welcomed the recent ratification of the Convention by Maldives on 31 July 2023.

9. Many groups of people were being subjected to enforced disappearance, and criminal organizations were playing a growing role in that respect. In order to eradicate enforced disappearance, States must first recognize that the problem existed, hold the perpetrators accountable and address its structural causes. In the Committee's joint statement of 30 August 2023, it had noted that the process of delivering justice for victims of enforced disappearance often took far too long, owing in part to the passive attitude and lack of capacity of judicial institutions. In order to guarantee access to justice, States must ensure the independence and impartiality of judges and prosecutors, offer protection to justice officials involved in investigations and the search for disappeared persons, provide justice institutions with the necessary resources and combat corruption.

10. During the current session, the Committee would consider the initial reports of Mauritania and Nigeria and additional information from the Kingdom of the Netherlands and Mexico. It would also adopt lists of issues for Samoa, Sri Lanka and the Central African Republic. In addition, it would elect a new Bureau, adopt its first general comment, which would deal with enforced disappearances in the context of migration, and host a public event on 28 September 2023 to raise awareness about the general comment. Representatives of States parties, national human rights institutions, United Nations agencies and civil society organizations would all participate in that event.

11. The Committee would also hold its annual meeting with the Working Group on Enforced or Involuntary Disappearances to assess more than 50 stakeholder contributions on the notion of short-term enforced disappearance. On 20 September, an event would be organized to publicize the joint statement on illegal intercountry adoptions issued in September 2022 by the Committee on the Rights of the Child, the Committee on Enforced Disappearances, several thematic special procedures mandate holders and the Working Group on Enforced or Involuntary Disappearances. Victims of enforced disappearance, United Nations experts and representatives of civil society and States were expected to attend. The Committee would adopt its report on urgent action, hold its annual meetings with Member States, national human rights institutions and civil society organizations, and review its methods of work and rules of procedure with a view to increasing their efficiency. At the end of the session, the Committee would present its guide on ratification to encourage more States to become party to the Convention.

12. The seventy-fifth anniversary of the Universal Declaration of Human Rights and the thirtieth anniversary of the Vienna Declaration and Programme of Action provided a fitting opportunity to bring the process of strengthening the human rights treaty body system to its culmination by implementing the three pillars of the conclusions of the Chairs of the human rights treaty bodies, namely the establishment of a predictable eight-year cycle for State party reviews, the harmonization of working methods and the digital uplift. At the thirty-fifth meeting of the Chairs of the human rights treaty bodies, held in May 2023, the United Nations High Commissioner for Human Rights had presented a working paper containing a series of options for increasing predictability, ensuring accessibility and enhancing coordination on substantive issues and working methods. The paper would guide consultations with States Members with a view to drafting a resolution for adoption by the General Assembly in December 2024. At the thirty-fourth meeting of the Chairs of the human rights treaty bodies, the Committee had presented two documents outlining the additional information procedure under article 29 (4) and the urgent action procedure under article 30 of the Convention, both of which had been mentioned in the report of the Secretary-General to the General Assembly on the status of the human rights treaty body system.

13. Clearly, resources were needed to enable the Committee to discharge its mandate. At their thirty-fifth meeting, the Chairs of the human rights treaty bodies had concluded that a coordination mechanism was needed in order to support harmonization of working methods,

substantive coordination on common and intersectional issues and the preparation of concrete proposals for conclusive action, and the Committee would be expected to contribute to that coordination mechanism.

14. Eight States parties had agreed to work directly with the Committee on the review of their additional information reports under article 29 (4) of the Convention. The constructive dialogues conducted with those States parties would help them to implement the Convention, and she hoped that States parties would continue to respond positively to the Committee's invitations to participate in such dialogues.

15. The urgent action mechanism was of critical importance to the victims of disappearance and their families. Urgent actions saved lives. Their success depended crucially, however, on the support of the secretariat, as delays in responding to requests for urgent action and in following up on information provided by a State party or authors could undermine the effectiveness of such action and the legitimacy of the Committee's work. Prompt action ensured that disappeared persons had a real chance of being found quickly.

16. It was therefore essential to secure more human resources. The secretariat was overwhelmed and was stretched to the limit. She wished, on behalf of the Committee, to express her deep concern at the recent decision to transfer responsibility for the implementation of urgent action procedures from the Petitions Unit to the Committee secretariat, which was already struggling to cope with its existing workload. The situation was not sustainable; the support of the Office of the United Nations High Commissioner was crucial, and, if any progress was to be made, the necessary human resources must be made available without delay. In addition, the Committee would have appreciated receiving advance notice of the decision. Members of the Committee should be involved in the formulation of plans and proposals affecting its work and that of the secretariat.

17. The Committee's meetings and human resources entitlements had not changed in the 12 years since its establishment. The forthcoming presentation to the Third Committee of the General Assembly and the implementation plan for the conclusions of the treaty body Chairs could provide an opportunity to draw attention to the Committee's work and the challenges it faced daily. She hoped that the Member States would make the necessary adjustments to the current resource allocation under General Assembly resolution 68/268 (paras. 26 and 27) in order to support the Committee's work and thereby enable victims to assert their rights.

Solemn declaration by the newly elected members of the Committee

18. In accordance with rule 11 of the Committee's rules of procedure, **Mr. Kanyongolo** made the following solemn declaration:

"I solemnly declare that I shall perform my duties and exercise my powers as a member of the Committee on Enforced Disappearances independently, objectively, honourably, faithfully, impartially and conscientiously. "

Adoption of the agenda (CED/C/25/1)

19. *The provisional agenda was adopted.*

Tribute to victims of enforced disappearance

20. **The Chair**, introducing a short video in which a Sudanese national, Ms. Asma Abdelraheem Mohamed Osman, gave an account of the disappearance of her brother, said that it illustrated the situation of the thousands of individuals who daily confronted the intolerable fact of the disappearance of one or more of their family members. Their strength and courage were the source of the Committee's inspiration and commitment. She wished to thank Ms. Osman for agreeing to share her experience.

21. **Mr. Diop** said that Ms. Osman had clearly exhausted all the administrative channels available to her in her own country yet had been unable, in the chaotic environment of the war, to find any authority that might help her locate her brother. She was now turning to the Committee as a last resort. As a State party to the Convention, the Sudan had an obligation to protect its citizens from enforced disappearance and to search for and locate anyone who had disappeared.

22. The Committee could make use of diplomatic channels to encourage the State to fulfil its obligations under the Convention. Among other options, it could launch an urgent action procedure. In order to do so, it would require further details of the situation, notably whether Ms. Osman suspected any person or persons in particular of causing the disappearance of her brother; whether her brother had been in contact with persons or associations involved in political activity; which authorities she had contacted; and where and by whom her brother had last been seen. Armed with such information, the Committee could request the State to take immediate steps to locate her brother and could follow up on the progress of the case. He was thankful to Ms. Osman for having shared her experience with the Committee. The Committee would stand by her in her search.

23. **Mr. Mohamed Ali** (African Centre for Justice and Peace Studies), speaking on behalf of Ms. Osman, said that he was grateful for the opportunity to address the Committee. The situation described by Ms. Osman illustrated the current state of affairs in the Sudan. Her brother had probably been arrested at one of the numerous checkpoints while travelling to the capital. The two sides in the conflict ran, between them, around 18 illegal detention centres holding hundreds of persons. There was currently no police presence in the Sudan, which meant that it was impossible to know to whom to turn for information. Young people, in particular, were being targeted, especially if they were suspected of being involved in political activity of any kind.

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