



International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances

Second session

Summary record (partial)* of the 15th meeting**

Held at the Palais Wilson, Geneva, on Thursday, 29 March 2012, at 10 a.m.

Chairperson: Mr. Decaux

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* No summary record was prepared for the rest of the meeting.
** No summary records were issued for the 10th to 14th meetings.

This record is subject to correction. Participants wishing to submit corrections during the session of the Committee are asked to hand them, in typewritten form, to the Secretary of the Committee. A consolidated corrigendum to the summary records covering the closed meetings of the Committee will be issued shortly after the end of the session.

The discussion covered in the summary record began at 10.05 a.m.

Meeting with United Nations Member States

1. **The Chairperson** welcomed all present. He emphasized the importance to the Committee of devoting a meeting to discussion with all United Nations Member States, the organizations and institutions described in article 28 of the Convention, as well as the NGOs and families' associations that were essential to its work.

2. During the first session, a technical framework had been introduced with the adoption of the provisional rules of procedure. They had subsequently been reviewed and would be published on the Committee's website, initially in English and later in all the official languages. Three practical tools had also been established. Exhaustive guidelines had been devised to help States draft the reports they were required to submit within two years of the entry into force of the Convention and which were due by December 2012 at the latest. The Committee therefore hoped to begin the process of considering reports in 2013 and would try to avoid falling behind schedule. A form for the submission of individual communications under article 31 of the Convention had been designed to assist with consideration of the admissibility and merits of communications concerning States that had already made the declaration provided in article 31. A form to request urgent action under article 30 had also been designed to help States parties submit requests to the Committee. The Committee would then address the inter-State communications set out in article 32 and had already considered a general conceptual framework for the implementation of articles 33 and 34. Simpler information and communication tools aimed at the general public needed to be introduced and awareness-raising and information campaigns on the Convention should be carried out in all countries, the Convention being relatively unknown.

3. **Mr. Trapp** (France) thanked the Committee for having invited all United Nations Member States to the meeting, not only States parties. Such forums for discussion were very important and allowed, in particular, States that had not yet ratified the Convention to understand how the Committee went about its duties and also helped to convince them of the need to ratify or at least accede to the Convention as soon as possible. Congratulations were due for the speedy establishment of the Committee. Meeting regularly throughout one week would enable the Committee to address all issues linked to the Convention, which was a particularly comprehensive instrument. The Committee's initial work was most encouraging and promising.

4. It was important to distinguish between the Committee and the Working Group on Enforced or Involuntary Disappearances, which had been created by an initiative submitted to the Human Rights Council by Argentina, France and Morocco. While the Working Group played a humanitarian role linking States and victims, the Committee ensured that States parties complied with the Convention. France encouraged both bodies to work in concert and in a complementary fashion. The campaign for universal ratification of the Convention, initiated in 2010 by France with support from civil society, would be relaunched in the coming months.

5. France was working on incorporating the Convention into French law, and the bill that would complete the process would soon be adopted. France was committed to submitting its report within the specified time. In an effort to raise awareness, France was participating, together with the Université Panthéon-Assas, in the organization of an international conference on the Convention, to be held in Paris on 15 May 2012.

6. **Mr. Achgalou** (Morocco) thanked the Committee for providing all Member States with information on its first year's work, including those who were not party to the Convention. The meeting held a special significance for Morocco, which was due to accede

to the Convention in 2012. That accession was the notable result of cooperation between the Working Group and Morocco, which had been marked in 2009 by the Working Group's visit, during which Morocco had committed to putting an end to enforced disappearances.

7. There were those who feared that the two bodies' mandates might overlap; in order to dispel any doubt on the matter, it would be useful to have clarification on how each body would tackle its mandate in order to avoid duplication.

8. **The Chairperson** said that the Committee had met with the Working Group during its first session. The two bodies had then published a joint press release and had decided to strengthen their formal and informal links. A member of the Working Group would participate in the second part of the discussion and Ms. Janina, Vice-Chairperson of the Committee, would attend a key meeting on women in relation to enforced disappearance to be organized in Addis Ababa by the Working Group. Furthermore, in conformity with the provisions of the General Assembly resolution on enforced or involuntary disappearances, the Chairpersons of the Committee and the Working Group would submit their reports to the General Assembly simultaneously during the second half of 2012.

9. Aside from the institutional aspects, the protection of persons against enforced disappearance was a common goal for both the Committee and the Working Group. In pursuit of that goal, both bodies must ensure consistency of concepts and definitions and work together closely, particularly with regard to general comments and the interpretation of legal texts. At the same time, there could be procedural competition, not least because the two bodies' spheres of activity were clearly delineated: the Working Group had a fairly broad humanitarian mandate with a historical dimension, whereas the Committee had a quasi-judicial mandate that took effect only upon ratification. The Committee did not defend the interests of States parties and considered only enforced disappearances that had occurred after ratification. The procedures might need to be reviewed in some 20 years' time, but there was currently sufficient work for both bodies, which intended to carry out their activities with legal consistency and in a spirit of cooperation.

10. **Mr. Huhle** said that the Committee was fortunate to have the former secretary of the Working Group as its secretary, a situation that would provide valuable assistance and enable direct collaboration between the two bodies. The Committee would therefore be able to avail itself of the Working Group's knowledge.

11. **Mr. Alukaili Haidar** (Iraq) said that Iraq awaited with interest the Committee's guidelines on the submission of reports and the implementation of articles 2, 3 and 4 on criminalizing enforced disappearance. Since the collapse of the dictatorship in 2003, Iraq had attached great importance to the issue of human rights. The Government had taken significant steps to guarantee the protection and promotion of those rights with the support of the United Nations and friendly States. The Constitution therefore guaranteed all fundamental rights and freedoms, laws had been adopted and amended, and human rights institutions had been founded, including the Ministry of Human Rights and the Independent Committee on Human Rights.

12. Convinced of the need to tackle the scourge of enforced disappearance, which had long been inflicted on the population, and aware that thousands were still unaccounted for, Iraq had acceded to the Convention, which was an integral part of domestic law. Following the collapse of the dictatorship, several laws on enforced disappearance had been adopted, notably an Act on Protection of Mass Graves, which established cooperation mechanisms and methods for dealing with cases affecting over 500,000 victims of the deposed regime and had facilitated DNA testing. Iraq was also endeavouring to offer compensation to the families of disappeared persons and to help them relocate their relatives by facilitating inspection teams' access to prisons, in an effort to remedy problems in the handling of

cases and reinforcing collaboration between the Ministry of the Interior, the Ministry of Justice and the Ministry of Defence.

13. Iraq recognized the work the Committee had done and had no doubt that it would serve to complement the body already in place to deal with enforced disappearances and offer it the expertise required to address pending cases.

14. **Mr. Silva** (Uruguay) assured the Committee of the unreserved support of Uruguay, which was proud to count a Uruguayan among the Committee members. Like France, Uruguay would find it particularly useful if a meeting were to be organized to promote awareness of the Committee's work. His country intended to table a motion to that effect at the next session of the Human Rights Council, when Uruguay would assume the presidency of the Council. Nonetheless, since the Committee was not overburdened with reports, it should cooperate with other committees and, in the interests of both States parties and its own activities, should reflect on the best possible organization of its work.

15. **The Chairperson** said that it would be useful at that stage to go round the table so that Committee members could introduce themselves, stating what position they held in their respective countries.

16. **Mr. Al-Obaidi** said that he had worked in the sphere of human rights since 2003 and had experience in legislation and legal documents. The Committee had begun to develop a database and would receive its first reports in the current year.

17. **Mr. Camara** said that he was a judge of the Supreme Court of Senegal. He highlighted the importance of the attendance by representatives of States parties and States not yet parties at Committee meetings, since the work of the Committee would be greatly helped if States parties fulfilled their obligations under the Convention. Those obligations included, in particular, amending domestic legislation to conform to the Convention, pursuing and prosecuting perpetrators of enforced disappearances and ensuring fair compensation for the damages suffered by victims.

18. **Mr. Garcé García y Santos** noted the two-way relations between the Committee and the States and emphasized the three primary concepts on which the Committee was founded: independence, autonomy and cooperation. States could use the established guidelines not only to submit their reports within the established deadline, but also to ensure that they included substantive and relevant information. For the Committee, it was not just a question of legislating, but also of ensuring that the laws were coherent, well drafted and took into account the provisions of the Convention. In addition, cooperation between States and civil society was crucial. Uruguay had cooperated with Argentina in the Gelman case concerning the disappearance in 1976 of a young Argentine woman, in which both Uruguayans and Argentinians had been involved. It was a good example of mutual assistance, since the case would never have been solved without the cooperation of the Argentine State and the participation of civil society. Lastly, it was essential for States to ratify the Convention and recognize the competence of the Committee to receive communications under articles 31 and 32.

19. **Mr. Hazan** said that during the previous nine years he had defended the cause of disappeared children in Argentina as a lawyer for the Association of Abuelas de Plaza de Mayo (Grandmothers of Plaza de Mayo). It was vital for the Committee to maintain the atmosphere of cooperation in which it had begun; discussions with States and other stakeholders allowed the Committee to refine its working methods thanks to the proposals made. Regarding the reports due from States parties, it was desirable for the Committee to receive reports as soon as possible, in order to begin that aspect of its activities at the following session.

20. **Mr. Huhle** said that he was currently a member of the German Institute for Human Rights. He drew attention to the procedure for considering requests for urgent action as established in article 30 of the Convention: it was an entirely new procedure that could save lives, and both States and individuals were deeply committed to its use in cases where it appeared to be warranted.

21. **Ms. Janina** said that she was a lawyer for the Albanian Ministry of Foreign Affairs. She wished to focus attention on the issue of women and children, who were especially affected by enforced disappearances, and requested that States parties should pay particular attention to those vulnerable groups. In their reports to the Committee, States parties should describe the measures they would take to that end, and explain whether they had established, as they were required to do under article 7 (b) of the Convention, aggravating circumstances for those found guilty of the enforced disappearance of pregnant women or minors.

22. **Mr. López Ortega** said that he was a judge at the Madrid Criminal Court. From its first session, the Committee had attached great importance to developing working methods and rules of procedure that would enable it to effectively discharge its mandate. Cooperation with States parties would be essential in assisting the Committee to consider individual communications and respond to requests for urgent action.

23. **Mr. Mulembe** noted with satisfaction that a significant number of States parties were present and emphasized that the effectiveness of the Committee's work was directly dependent on increasing accessions, which should, ideally, reach 100 per cent, given the universal nature of the phenomenon of disappearances.

24. **Mr. Yakushiji** said that he was a professor of international law. During the current session, the Committee had adopted its rules of procedure and the guidelines for drafting reports submitted under article 29. He hoped the States that had led the way by ratifying the Convention would also lead by example in its implementation. He urged the representatives of States parties to encourage their Governments to submit their initial reports under article 29 within the established deadline.

25. **The Chairperson** said that he was a professor of international law at the Université Panthéon-Assas. The membership of the Committee, which comprised 10 experts, gave it geographical and intellectual diversity, while maintaining a collegial atmosphere conducive to working effectively as a group. He had personally signed the outcome document of the Dublin II process on treaty body strengthening during the first session, and the Committee had decided during its second session to collectively endorse the document. The Committee had established its rules of procedure in an effort to strengthen coordination, taking into account best practice in other treaty bodies while remaining mindful of the specific nature of the Convention.

The meeting was suspended at 11 a.m. and resumed at 11.10 a.m.

Meeting with United Nations bodies, specialized agencies, intergovernmental organizations and national human rights institutions

26. **Mr. El Haggé** (Working Group on Enforced or Involuntary Disappearances) said that the mandate of the Committee on Enforced Disappearances duly completed the human rights protection structure in the area of enforced disappearance. There was every indication that the International Convention for the Protection of All Persons from Enforced Disappearance responded to a need of the international community. The Working Group, established by resolution 20 (XXXVI) of the Commission on Human Rights, had a universal mission. Firstly, it had a humanitarian mandate to serve as an intermediary between victims' families, sources of information, and the States concerned in order to determine the fate of the victim and his or her whereabouts. Moreover, prior to the adoption

of the Convention, it had also been responsible for monitoring States' implementation of the Declaration on the Protection of All Persons from Enforced Disappearance.

27. Enforced disappearance, which was clearly defined in the preamble to the Declaration, did not include acts of deprivation of liberty committed by persons who had no direct or indirect links to the State or its agencies and who had not secured its explicit or implicit consent.

28. The Working Group applied a well-defined method consisting in determining whether the six conditions of admissibility of communications were met. Once a communication was declared admissible, either urgent procedures could be initiated, if the crime had taken place in the three months preceding receipt of the request, or the standard procedures could be set in motion and were applied to cases dating back more than three months prior to receipt of the communication. The Working Group was particularly attentive to cases concerning vulnerable persons, especially women, children and the elderly.

29. There were cases pending before the Working Group until they had been clarified, closed or discontinued. A case was considered to have been clarified once the fate or whereabouts of the victim had been clearly established, and there was detailed information as to whether the individual concerned was alive or dead, as a result of research by all parties, particularly as part of international organizations' investigations on the ground. A case was closed when the relevant authorities issued a declaration of absence as a result of enforced disappearance or a declaration of presumption of death and the relatives or other interested parties had expressed, freely and indisputably, their wish not to pursue the case. The right to integral reparation must be respected in all cases. The Working Group could exceptionally decide to discontinue the consideration of a case if the victim's family expressed, freely and indisputably, their wish to suspend inquiries, or if the source could no longer act or had disappeared and the Working Group had been unable to find another. When the source furnished information clearly demonstrating that a case had been closed with no further action or that it had been closed due to an error during its consideration, the Working Group reopened the case and reported it in its annual report to the Human Rights Council.

30. The Working Group had other protection mechanisms at its disposal: urgent appeals, which were initiated, for example, when there were allegations of a person's arrest and enforced disappearance or risk of disappearance; prompt interventions, applied particularly in cases where the relatives of a victim of enforced disappearance were persecuted; and general allegations, which the Working Group regularly brought to the attention of the governments concerned and inviting their comments. It also cooperated with other human rights mechanisms.

31. The Working Group visited countries to strengthen dialogue between the authorities concerned and the families of victims, clarify cases of enforced disappearance that had been reported to it, and study government practices for investigating cases, implementing the Declaration and protecting victims' rights.

32. Every year the Working Group presented a report of activities under its mandate, including country visits and any other relevant information, to the Human Rights Council. It also published press releases and general comments, which expressed its view of the global situation regarding enforced disappearances and its interpretation of the articles of the Declaration. It also issued recommendations on the implementation of the Declaration, the obstacles encountered and the measures taken by States to prevent enforced disappearances or remedy the situation in which a disappearance had occurred. To the Working Group, enforced disappearance was a distinct and continuous crime that violated almost all fundamental human rights and freedoms, including those of the victim's close

friends and family. It was axiomatic that the Working Group and the Committee on Enforced Disappearances would combine their efforts to promptly and effectively fulfil their mandates, the key aims of which were to rescue the victims of enforced disappearances, assist their families and friends, and remind States of their obligations to defend human rights.

33. **Ms. Moodie** (United Nations Children's Fund (UNICEF)) said that her organization welcomed collaboration with the Committee on Enforced Disappearances. Under its mandate, it already regularly collaborated with the Committee on the Rights of the Child, particularly regarding the drafting of general comments, and actively contributed to the drafting of reports that States parties were required to submit to that committee. UNICEF had also decided to collaborate with all international treaty bodies with which it had not yet cooperated. Although, generally speaking, UNICEF activities did not specifically touch on enforced disappearance, its offices in some countries had been addressing the issue. As the Committee commenced the consideration of country reports, UNICEF intended to focus on the issue of enforced disappearance in the work of its country offices. Her organization would offer the Committee any necessary support.

34. **Mr. Ojeda** (International Committee of the Red Cross (ICRC)) said that ICRC had supported the Convention from its inception by calling on States to ratify and implement it, as illustrated by the 2006 statement of the Vice-President of ICRC to the Human Rights Council. His organization also promoted the instrument through multilateral institutions, such as the Council of Europe. The Convention played a key role in preventing enforced disappearances and ICRC used it in dialogue with the relevant authorities. ICRC welcomed the chance to collaborate with the Committee and share with it its knowledge, particularly with regard to the disappeared, so as best to respond to the needs of the families of disappeared persons.

35. **Mr. Forst** (International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC)) said that, as constitutional or legislative bodies, national human rights institutions had statutory functions that included investigating human rights violations, reporting and monitoring, and providing legal and policy advice to States to ensure compliance with international human rights instruments. Their domestic mandates and international links made them ideally placed to support the work of treaty bodies. They could provide independent and expert information on domestic situations to treaty bodies and call for ratification of international instruments, including the Convention. They played a key role in following up recommendations at the national treaty body level and were currently harmonizing their working methods in that area. ICC and its members welcomed the opportunity to meet with the Committee on Enforced Disappearances to study the possibilities and discuss ways and opportunities of cooperation between the Committee and national human rights institutions.

37. His organization warmly welcomed the inclusion of national human rights institutions in the Committee's rules of procedure, which provided for them to submit written documents and make written and oral statements at Committee meetings, including, where possible, through videoconferencing. To further enhance cooperation between the two bodies, ICC encouraged the Committee to welcome national human rights institutions' contribution to its work at all stages, including the urgent action procedure under article 30, follow-up procedures, communications procedures, and country visits. Recognizing the Committee's key role in developing guidelines, including general comments, for States and other stakeholders for effective domestic implementation of the Convention, he called on the Committee to ensure that its working methods would allow for effective consultation with and participation of all stakeholders. ICC and national institutions were committed to supporting the Committee's important work and looked forward to fruitful cooperation that contributed to strengthening human rights protection on the ground.

38. **The Chairperson**, having noted the proposals made by the national human rights institutions regarding their participation at the various stages of the procedure, said that in drafting its rules of procedure, the Committee had wondered about the feasibility of employing the practice of *amici curiae*, given the confidentiality required for urgent action requests under article 30 of the Convention. He would like to know whether the working methods of the Working Group on Enforced or Involuntary Disappearances provided for the use of that type of special consultation procedure and whether national human rights institutions had any expertise in that area.

39. **Mr. El Hajjé** (Working Group on Enforced or Involuntary Disappearances) said that the working methods of the Working Group did not include the practice of consulting national human rights institutions as *amici curiae*, which was not surprising given that those institutions had not been in existence when the Working Group had been established. The practice was used, however, with NGOs or sources reporting enforced disappearances. He would raise the matter at the Working Group's next meeting.

40. **Mr. Garcé García y Santos** said that from its first session the Committee had established fruitful collaboration with the Working Group, which should enable the two bodies to work together to reach their common goal, while maintaining their independence. He welcomed the reference to the preventive role of the Convention, which was indeed a key factor in encouraging States to ratify the Convention and recognize the Committee's competence as provided for in articles 31 (consideration of individual communications) and 32 (consideration of communications from States parties).

41. **The Chairperson** said that it would be useful to hear NGO views on the role of *amici curiae*, emphasizing that the problem was finding the right balance between transparency and confidentiality.

42. **Mr. Forst** (International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC)) said that several national human rights institutions already acted as *amici curiae*, either individually or collectively. The European Group of national human rights institutions had been serving in that capacity for several years before the European Court of Human Rights, the court's practices making it possible to maintain confidentiality. ICC was currently studying on the matter with the Committee on the Elimination of Racial Discrimination. It could be useful for both committees to examine the issue together.

43. **Mr. Relva** (Amnesty International) said that the *amici curiae* practice was a positive one. Amnesty International had already submitted *amicus curiae* briefs to the Inter-American Court of Human Rights, the European Court of Human Rights and the International Criminal Court, and it hoped that in the future the International Court of Justice would be open to *amicus curiae* briefs.

44. **The Chairperson** said that the Committee should study the possibility of publishing a summary of communications on its website, providing enough information for *amicus curiae* to be useful, but without excessive detail about the victim or others concerned.

45. **Mr. Huhle** said that it would be interesting for the Committee, as a recently established body, to hear comments on strengthening the treaty body system.

46. **Ms. Moodie** (United Nations Children's Fund (UNICEF)) said that her organization supported the strengthening of the treaty body system and that the outcome document of the Dublin II meeting provided useful solutions.

47. **Mr. Forst** (International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC)) said that the national human rights institutions had considerable experience in that area and had made relevant recommendations, for instance in the Marrakesh Declaration on strengthening the treaty

body system, and on possibilities for cooperation with civil society and national institutions. That document could prove useful to the Committee.

48. **The Chairperson** thanked the speakers for their contributions on both organizational and thematic issues. The Committee would not hesitate to reach out to the institutions they represented, which had extensive experience in the areas falling within the Committee's mandate.

The meeting was suspended at 11.55 a.m. and resumed at 12.05 p.m.

Meeting with non-governmental organizations and other stakeholders

49. **The Chairperson** said that the Committee was pleased to be able to meet with all stakeholders, including NGOs, family associations and civil society representatives. NGOs working in the field played an important role as they could provide the Committee with information under articles 30 or 31 that could trigger the initiation of a quasi-judicial procedure. The powers vested in the Committee under articles 30 (urgent action procedure), 31 (the competence of the Committee to consider individual communications), 33 (country visits) and 34 (referral to the General Assembly) should be exercised selectively when circumstances required. The Committee was not yet in a position to draft general comments, but it had begun a general reflection on various themes, including the responsibility of non-State actors and the primary responsibility of the State in cases of enforced disappearances attributed to non-State actors. The Committee hoped to engage in fruitful collaboration with stakeholders, all of whom had a particular role to play.

50. **Mr. Relva** (Amnesty International) said it was worrying that, five years after its adoption by the General Assembly, the Convention had been ratified by only 31 States. The Committee should call on States that had not yet done so to ratify or accede to the Convention. It should also remind States that interpretative declarations that might amount to prohibited reservations, such as the one made by Germany regarding article 24, should not be made, or, if already made, should be promptly withdrawn. The Committee should not interpret the lack of objections by States parties to a unilateral declaration intended to defeat the object and purpose of the Convention as acceptance of the declaration. The Committee should never be limited in the exercise of its competence by States parties' declarations, and it should provide its own interpretation of the Convention and do so with total independence. Amnesty International was also concerned that only 12 States had recognized the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation of the Convention. The Committee might consider raising that concern with States parties that had not made the declarations under articles 31 and 32. The failure of the vast majority of States parties to implement the Convention was also of concern. Amnesty International had prepared a checklist for effective implementation of the Convention, indicating both what States parties were required to do under the Convention and what Amnesty International recommended that they should do to comply with the highest standards of international law. The checklist was designed to help States determine quickly whether their courts or other authorities could implement particular statutory requirements or whether they needed to draft new laws or amend existing legislation.

51. With regard to issuing recommendations (article 60 of the rules of procedure), it might be useful for the Committee to submit cases of reprisals against relatives of missing persons not only to the pertinent State party authorities, but also to other stakeholders, such as the special procedure mandate holders, the Secretary-General of the United Nations or the High Commissioner for Human Rights. It was important for concluding observations to be published immediately after their transmission to the State party; the Committee might wish to include that objective in rule 52 of its rules of procedure, which dealt with follow-up to concluding observations. While the Convention stipulated that the consideration of

individual communications submitted under article 31 must take place in closed session, it did not impose blanket confidentiality on all aspects of the procedure. It would be useful for the Committee to consider which elements of the procedure could be made more open and transparent than currently provided for in articles 63 to 78 of the rules of procedure. It might be possible, for example, for the Committee to prepare a list of pending communications with summary information on the subject matter, the articles of the Convention invoked and the State party concerned, while respecting the confidentiality inherent in the consideration of communications, and the author's anonymity if so requested. Such a practice would enable third parties to intervene more effectively.

52. With regard to country visits conducted under article 33, special procedure mandate holders had in the past received numerous allegations of serious human rights violations but had been prevented by the State from visiting the country to examine the situation. But, that had not prevented them from publishing well-founded allegations. Amnesty International encouraged the Committee to consider what action it might take in similar situations. His organization planned to conduct a two-year campaign to promote ratification of the Convention in 10 countries across five different regions and encourage States to make the declarations provided for in articles 31 and 32 of the Convention.

53. **The Chairperson** said that the Committee shared Mr. Relva's concerns about ratification. There was need of a genuine momentum and States should be encouraged to declare, at the moment of ratification, that they recognized the competence of the Committee as provided for in articles 31 and 32 of the Convention. A letter had been sent to all Member States drawing their attention to that point. The Committee would avail itself of every opportunity to reiterate the appeal. Targeted campaigns organized by NGOs and national institutions would further that aim.

54. As for article 33 of the Convention, the Committee had provided for situations in which the State concerned would not allow visits from Committee members. In such cases it could proceed with examinations outside the country. Prevention of a visit would not stop the Committee from doing its job and drafting a report. Furthermore, article 34 referred to more serious situations than those addressed in article 33. He supported the idea of issuing a summary of communications.

55. **Mr. Huhle** asked Mr. Relva to provide more details about his organization's objections to the declaration made by Germany and to explain how that declaration might constitute a reservation. The Committee would take that information into account when considering Germany's report.

56. **Mr. Hazan**, welcoming with interest the proposal for the Committee to provide a list of pending communications including a summary and the name of the State party concerned, asked to what type of intervention Mr. Relva had been referring when he had said that the practice would allow third parties to make more effective interventions before the Committee. The practice of consulting amici curiae could also facilitate discussions prior to the consideration of a report, and the Chairperson's questions to other stakeholders.

57. **Mr. Relva** (Amnesty International) said he agreed that the practice of consulting amici curiae would make the process more transparent and allow NGOs to inform the Committee of their views on the reported cases and on how the Convention should be interpreted.

58. **Ms. Jeannin** (International Federation of Action by Christians for the Abolition of Torture (FIACAT)), welcoming the Committee's decision to devote its first thematic debate to the issue of women and child victims of enforced disappearance, asked whether the debate scheduled for the Committee's 16th meeting would be open to the public, and whether there were plans to consult civil society at some stage of the proceedings. FIACAT was convinced that civil society's involvement in choosing the themes of the debates and

its participation in the discussions themselves could not but enrich the Committee's deliberations. She urged the Committee to initiate a participatory process in the coming months and to welcome civil society's views and submission of proposals.

59. Her organization wished to emphasize the crucial importance of the Committee's country visits. As far as possible, scheduled visits should be announced well in advance to enable significant participation by civil society. The Committee was deeply committed to promoting the effective implementation of the Convention through States parties' domestic laws and the development of guidelines and tools to assist States parties in that area.

60. **The Chairperson** said that the thematic debate would not be held in public because the Committee members had deemed it preferable to reflect among themselves on the organization and methods of work, including consideration of other procedures. As things stood, it would indeed be premature for the Committee to draft general comments. It should instead issue simpler and more conceptual statements to shed light on certain issues relating to the Convention, in particular the concept of victim and the issue of non-State actors. Once the Committee had prepared working documents, it would submit them to civil society and to all stakeholders.

61. In the highly legal *amicus curiae* procedure, there were other ways in which NGOs and stakeholders could assist the Committee by sharing information. National institutions and NGOs alike would play a vital role at all stages of consideration of reports, including preparation, discussion and follow-up. Similarly, the Committee could receive information through avenues other than those provided for in article 31, which established a quasi-judicial procedure. Articles 33 and 34 also referred to information from NGOs. A whole series of communication channels was available to NGOs whereby which they could send information to the Committee, whether they worked on general or specialized issues or in the field.

62. **Ms. Hearn** (Association for the Prevention of Torture (APT)) asked about the outcome of the Committee's private meeting on a ratification strategy and the development of model laws (agenda item 6 (c)). Did the Committee plan to develop model laws on enforced disappearances? If so, what role would NGOs play in the process?

63. **The Chairperson** said that the Committee had outlined an entire array of practical measures for raising awareness of the Convention. In addition to the provisional rules of procedure and methodological tools, there was also a third level involving communication and information targeting the general public. The Committee needed to update the fact sheet on enforced disappearances and prepare booklets with very simple guidelines for use of the Convention. The ratification strategy also included awareness-raising among States themselves, not only through regional workshops, but also through universities' academic initiatives. The Committee would avail itself of every opportunity to publicize the Convention and explain its usefulness and the best use to which it could be put, it being a very complex tool. The Amnesty International checklist was very useful in that regard.

64. States sometimes considered the obligations under the Convention too difficult to incorporate into national law. Model laws might therefore prove useful, but the Committee had never intended to adopt a single model. The Working Group on Enforced or Involuntary Disappearances had prepared a compendium of good practices that provided various alternatives for legal models. Once it began to consider periodic reports, the Committee would also need to identify good practices. Similarly, regional workshops would help to identify any existing laws that could serve as models. It would not suffice, however, to adopt a model criminal law, since many aspects of the Convention were concerned with civil law.

65. **Mr. Garcé García y Santos** said that he wished to focus on the elements of the Convention pertaining to prevention, particularly articles 16 to 18. As to a work strategy,

the Committee stressed the need to promote regional dialogue and national preventive mechanisms. In Latin America, priority should, for obvious reasons, be given to Central America and Mexico.

66. **Mr. Hazan** said that many of the documents supplied by civil society organizations as part of the treaty body strengthening process referred to the *amici curiae* approach. Participants might say whether they thought the Committee should include out-of-court settlement mechanisms in its practices.

67. **Mr. Relva** (Amnesty International) said that his organization considered out-of-court settlement mechanisms to be very positive but, in principle, neutral. It was not enough for the State concerned to simply acknowledge that an enforced disappearance had occurred. At the same time, out-of-court settlement was acceptable if the State recognized its responsibility in the enforced disappearance and took the necessary steps to ensure restitution and compensation, find the bodies of the victims, guarantee that such acts would not be repeated, make compensation, and amend its legislation. It would depend on the Committee's own interpretation.

68. **The Chairperson** asked the NGOs to state their positions on the strengthening of the treaty body system and the process initiated with the General Assembly's establishment of a working group. Were those coordination efforts welcomed, or were they perceived as a threat to the specialized and independent committees?

69. **Ms. Jeannin** (International Federation of Action by Christians for the Abolition of Torture (FIACAT)) said that one of the main concerns raised by the process launched in New York was the role of NGOs within the mechanism established. An NGO communication on the subject had been published in March and contained four recommendations for facilitating NGO participation in the process.

70. **Mr. Huhle** said that during the half year since the Committee's first session, and despite the reported cases of enforced disappearance, the Committee had received no communications under articles 30 or 31 of the Convention. That was certainly due in part to the fact that the Committee was yet to publish its procedures for receiving communications from individuals under those two articles, which it would do by the close of the session. In addition, the Convention and the Committee's role were not yet well known to victims and NGOs. The Committee nevertheless relied heavily on NGOs, they being the usual source of communications from individuals.

71. **Ms. Meraz** (World Organisation Against Torture (OMCT)) said that as of 2012 her organization would be promoting the submission of communications to the Committee under articles 30 and 31. She welcomed the drafting of guidelines on submission of cases of enforced disappearance.

72. **The Chairperson** said that the Committee would publish information on its website right after the close of the current session. Changes were occurring very rapidly; there had recently been a coup d'état in one of the first States to have signed the Convention. The situation on the ground must of course be monitored to discover whether the coup had resulted in enforced disappearances.

The discussion covered in the summary record ended at 12.50 p.m.