



# International Convention for the Protection of All Persons from Enforced Disappearance

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## Committee on Enforced Disappearances

### Sixth session

#### Summary record of the first part (public)\* of the 79th meeting

Held at the Palais Wilson, Geneva, on Monday, 17 March 2014, at 10 a.m.

*Chairperson:* Mr. Decaux

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\* The summary record of the second part (closed) of the meeting appears as document CED/C/SR.79/Add.1.

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

**Opening of the session**

1. **The Chairperson** declared open the sixth session of the Committee on Enforced Disappearances.

**Statement by the representative of the United Nations High Commissioner for Human Rights**

2. **Mr. Salama** (Director, Human Rights Treaties Division, Office of the United Nations High Commissioner for Human Rights (OHCHR)), speaking on behalf of the United Nations High Commissioner for Human Rights, congratulated the Committee on its successful efforts to avoid any backlog in its work and to harmonize its working methods with those of the other treaty bodies.

3. With regard to the intergovernmental process on the strengthening of the treaty body system, he noted that the Chairperson of the Committee had played an important part in the informal meeting of chairpersons and co-facilitators held a few days before the final consultations on the process with the States Members of the United Nations in New York. A substantive joint statement had been prepared at that meeting which had influenced those consultations. After two years of intense negotiations, the outcome of the process had thus far been successful, and the High Commissioner highly valued the direct role that the treaty body chairpersons had played in the process. Such active involvement on the part of independent experts in intergovernmental negotiations was unprecedented and had initially been met with resistance from a number of Member States, who had eventually come to understand and appreciate the invaluable insights that the chairpersons could provide into the real challenges faced by the treaty body system. The consultations had also highlighted the need to devote more time to interaction with States, and that aspect of the process had been duly reflected in the resulting draft resolution on strengthening and enhancing the effective functioning of the human rights treaty body system (A/66/L.37).

4. The High Commissioner attached special importance to the “Poznan formula”, which empowered chairpersons to take decisions in respect of working methods and procedures that were common across the treaty body system, and had been previously discussed and agreed to within each committee. It struck a balance between autonomy and unity within the treaty body system and would be implemented by all treaty bodies unless a particular committee subsequently dissociated itself from it. Moreover, the committee chairpersons had taken the lead, in an effective and timely way, in establishing standards of conduct in Addis Ababa in 2011, which had prevented the adoption by the General Assembly of a code of conduct that would have subsequently been imposed on the treaty bodies.

5. The draft resolution also included the five key principles identified at the meeting of chairpersons of the human rights treaty bodies held in May 2013 and alluded to the idea of a comprehensive calendar of reporting obligations for States parties. It was currently being considered by the Advisory Committee on Administrative and Budgetary Questions (ACABQ) and would subsequently be submitted to the Fifth Committee of the General Assembly. A decision should be taken on the resolution in the near future, and a positive outcome would result in additional working weeks and posts, acceptance by Member States of simplified working methods and recognition of the central role of the chairpersons.

6. Since the previous session of the Committee, OHCHR had organized a workshop in Tunis in November 2013 on the Committee’s reporting procedures, in cooperation with the International Organization of La Francophonie. The secretariat had also worked with the

OHCHR Communications Section to increase awareness of the Committee's work, and he welcomed the addition of a press officer to the Section's staff.

7. He commended the Committee for its commitment to fostering cooperation with other mechanisms and instruments, and pledged the continued support of the Human Rights Treaties Division for the Committee in its future work.

8. **The Chairperson** said that it was essential to urge all States Member of the United Nations that had not yet signed and ratified the Convention to do so. With the recent ratifications by Lesotho and Portugal, the Convention currently had 42 States parties. He hoped that that number would increase in the coming months and that the Secretary-General would again call on Member States to ratify the Convention at the next session of the General Assembly. In that connection, he noted that the Group of Friends of the Convention and the International Coalition against Enforced Disappearances actively promoted its universal ratification. Non-governmental organizations (NGOs) played a unique role in raising awareness in the field, often in very difficult conditions, of the issue of enforced disappearances.

9. As the Committee prepared to consider the reports of Germany and the Netherlands, he wished to note that only 12 out of the 30 State party reports due under article 29, paragraph 1, of the Convention had been received thus far. That was of particular concern in the case of States parties facing serious allegations of enforced disappearance. Also of concern was the time States parties took to reply to requests for urgent action submitted to the Committee under article 30.

10. Particular emphasis would be placed at the current session on the issue of enforced disappearances and military justice, and a public debate would be held to consider, inter alia, the principles governing the administration of justice through military tribunals adopted by the former Sub-Commission on the Promotion and Protection of Human Rights.

11. While the draft resolution on strengthening of the treaty body system had yet to be considered by the Fifth Committee, the recent consultations held in New York suggested the likelihood of a positive outcome. The Committee had already incorporated the Addis Ababa guidelines into its rules of procedure and applied them strictly, particularly where the independence and impartiality of its expert members was concerned. Nevertheless, the Committee should at all times be guided first and foremost by its basic law, the Convention. In order to ensure that it continued to operate with maximum effectiveness and to prevent any backlog in its work, the Committee required longer sessions, and he stressed that streamlining and cost savings should not be undertaken at the expense of human rights and, in particular, the rights of victims.

#### **Adoption of the agenda (CED/C/6/1)**

12. *The agenda (CED/C/6/1) was adopted.*

#### **Minute of silence in remembrance of victims of enforced disappearances**

13. *At the invitation of the Chairperson, the members of the Committee observed a minute of silence in remembrance of victims of enforced disappearances.*

*The first part (public) of the meeting rose at 10.35 a.m.*