



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

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## Committee on Enforced Disappearances

### Fourth session

#### Summary record of the second part (public)\* of the 54th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 17 April 2013, at 5 p.m.

*Chairperson:* Mr. Decaux

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Meeting with national human rights institutions to discuss methodology of engagement

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\* The summary record of the first part (closed) of the meeting appears as document CED/C/SR.54.

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*The public part of the meeting was called to order at 5 p.m.*

**Meeting with national human rights institutions to discuss methodology of engagement**

1. **The Chairperson** invited the representative of the International Coordinating Committee of National Human Rights Institutions (ICC) to explain the relevance of national human rights institutions to the Committee's work.
2. **Mr. Adamson** (ICC) said that national human rights institutions (NHRIs) were the fundamental bridge between State bodies and NGOs and needed to have a separate voice in the treaty body system. The accreditation process had been greatly improved over the previous 20 years and all NHRIs which received A-accreditation were now guaranteed to be independent and to have considerable expertise in the field of human rights. The work of the ICC had been recognized by the Human Rights Committee and in various General Assembly resolutions. He hoped that such recognition would be forthcoming from the other treaty bodies in the future.
3. **Mr. Mulembe** said that he valued NHRIs highly as they provided a comprehensive view of the human rights situation at the national level and had a thorough understanding of their country's laws. A network of NHRIs across a continent such as Africa could provide a regional perspective that would be useful to the Committee.
4. **Mr. Hazan** said that dialogue with States parties would be less effective without the information supplied by NHRIs and NGOs. He encouraged NHRIs to provide information specifically related to each of the themes covered by the Committee.
5. **The Chairperson** said that the Committee's rules of procedure had been drafted to allow a privileged role for NHRIs between that of States parties and NGOs. He encouraged the institutions to campaign for the ratification of the Convention, raise awareness of the Convention, encourage timely reporting by States parties, raise any general concerns with the Committee and provide the Committee with both official and unofficial information.
6. **Mr. Huhle** said that the French delegation's decision to allow the French human rights institution to take the floor during the presentation of its report exemplified the current high regard in which NHRIs were held. He wondered whether in the future it would be better to approach each institution individually or through their representative bodies. A single approach to all NHRIs would be difficult since they varied greatly in nature and purpose; some were involved in research, others had ombudsman's functions and others were engaged in the promotion of human rights.
7. **Mr. Garcé García y Santos** said that the intervention of the French human rights institution had demonstrated the usefulness of receiving information from a body that was independent of the State structure.
8. **Mr. Adamson** (ICC) said that NHRIs underwent a rigorous accreditation process to prove their expertise and independence. They had to have a broad mandate to promote and protect human rights and a reliable budget, and must not be accountable to funders or donors. The main differences between them and civil society organizations were that the latter had no mandate to offer opinions on legislation, had less secure funding and were accountable to their funders. Although both types of organization were involved in human rights situations on the ground, NHRIs could make an immediate impact with their expertise and legal independence. While civil society could perhaps better represent individual victims, NHRIs could encapsulate all their voices and campaign for them in a way that was legitimized by the State.
9. **The Chairperson** said that the Committee had recently drafted a document to formalize its methods of working with civil society, and it would be sensible to work

closely with the ICC to prepare a similar document on the Committee's relationship with NHRIs. If there were no objections, the Committee would base the document on the one prepared by the Human Rights Committee.

10. **Mr. Adamson** (ICC) welcomed the suggestion that the status accorded to NHRIs by the Human Rights Committee should be replicated by the other treaty bodies.

11. **Mr. Huhle**, while acknowledging that NHRIs had a unique role, asked whether the Committee should accept all information from NHRIs as inherently reliable.

12. **Mr. Adamson** (ICC) replied that the constitutional and legal status of NHRIs guaranteed that the information they supplied was independent.

13. **Mr. Yakushiji** observed that many victims of human rights violations applied to the courts for redress, but the courts' ability to invoke the Convention varied from country to country. He asked whether NHRIs offered more flexible solutions than judicial proceedings and were thus in a better position to invoke the Convention.

14. **Mr. Adamson** (ICC) said that NHRIs usually provided remedies through mediation and negotiation. A system was needed that would give NGOs and local people the possibility of linking in with NHRIs so that they would have the sort of access to the State that they would otherwise be denied.

15. **Mr. Garcé García y Santos** said that the opinions of NHRIs had no legal force; their strength lay in the moral force of their arguments, but such moral authority was only possible if the institutions had absolute independence.

16. **The Chairperson** said that the Committee was open to enhanced cooperation with NHRIs in all areas and suggested that rapporteurs could be appointed to review the documents on NHRIs issued by other human rights committees. The Committee's own document on NHRIs should reflect the fact that they were complementary to victims' organizations and civil society, not a substitute for them.

*The meeting rose at 6 p.m.*