

**Note for the facilitator**

**Module 2: Ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the possibility of making reservations and declarations**

Session sequence	<ol style="list-style-type: none"> <li>1. <a href="#">Video message of the former United Nations High Commissioner for Human Rights</a> (duration: 1:59 minutes);</li> <li>2. Group exercise: preparation (15 minutes);</li> <li>3. Group exercise: presentations (25 minutes);</li> <li>4. Wrap-up (10 minutes).</li> </ol>
Total duration	<b>50 minutes</b>
Venue requirements	Spacious training hall arranged in such a way as to promote peer-to-peer atmosphere; preferably round tables with 4 to 5 persons at each table (maximum of 25 participants).
Equipment	<ul style="list-style-type: none"> <li>• Video projector and screen;</li> <li>• Laptop or computer with DVD drive or good Internet connection;</li> <li>• Speakers with 2–3 microphones (ideally wireless);</li> <li>• Five flip charts;</li> <li>• Markers;</li> <li>• Large sticky notes.</li> </ul>
Training materials	<ul style="list-style-type: none"> <li>• PowerPoint presentation (for online adaptation only);</li> <li>• Handout for the group exercise (online adaptation: incorporated in the PowerPoint presentation);</li> <li>• Facilitator’s copy of the group exercise (online adaptation: incorporated as notes in the PowerPoint presentation).</li> </ul>
Online adaptation	<p>The session can be adapted to be held online as follows:</p> <p><b>Step 1:</b> Show the video online</p> <p><b>Step 2:</b> Prepare five flip charts to write down the importance and advantages of becoming a State party to the Convention from the perspective of five different stakeholders:</p> <ol style="list-style-type: none"> <li>(a) An association of victims of enforced disappearance;</li> <li>(b) A human rights NGO;</li> <li>(c) A national human rights institution;</li> <li>(d) OHCHR;</li> <li>(e) A State</li> </ol>

	<p>Participants are randomly divided into five groups and asked to go around all flip charts and write down their inputs.</p> <p>Show the instructions, for example on a preprepared PowerPoint slide.</p> <p><b>Step 3: Presentations</b></p> <p>Ask the rapporteur from each breakout group to present, if IT platforms allow for it, or alternatively have one or two chat monitors, summarize the arguments made for each of the five roles.</p> <p><b>Step 4: Wrap-up</b></p> <p>Show key messages, for example on a preprepared PowerPoint slide.</p>
Background reading for facilitators	<ul style="list-style-type: none"> <li>• Section II of part I of the training guide</li> <li>• OHCHR, <a href="#">Enforced or Involuntary Disappearances</a>, Fact Sheet No. 6/Rev. 3</li> <li>• OHCHR, <a href="#">10th anniversary of the Convention</a></li> <li>• CED, <a href="#">statement on the <i>ratione temporis</i> element in the review of reports submitted by States parties under the international convention for the protection of all persons from enforced disappearance</a></li> </ul> <p><b>Note:</b> Before the session, please make sure to check the updated list of States parties to the Convention and the acceptance of the competence Committee under articles 31 and 32, <a href="#">here</a>.</p>

### Learning objectives

By the end of this session, participants will be able to:

- Explain the importance of the universal ratification of the Convention.

### Session preparations

- In advance of the session:
  - ✓ Test the video and the sound system. In case of connectivity problems, prepare a USB key with the video.
  - ✓ Prepare copies of the group exercise for participants (the group exercise for participants and the facilitator's copy of the group exercise are available as separate documents).
  - ✓ Write the key messages on the large sticky notes.

### Session sequence

#### **Step 1: Video**

*Duration 5 minutes*

- Explain to participants that you are going to show them a video message of the former United Nations High Commissioner for Human Rights and ask them to listen carefully to it and take note of the main information relayed in it.

### **Step 2: Group exercise: preparation**

*Duration: 15 minutes*

Prepare five flip charts to write down the importance and advantages of becoming a State party to the Convention from the perspective of five different stakeholders: an association of victims of enforced disappearance; a human rights NGO; a national human rights institution; OHCHR; and a State. Participants are randomly divided into five groups and asked to go around all flip charts and write down their inputs. You can write the role and task prior to the session on a flip chart, which is placed next to the respective working group table or print it on an A4 sheet of paper and place it on the table, see “Handout for the group exercise for participants”. Each group should select a rapporteur who will present the arguments on the importance and advantages of becoming a State party to the Convention from the legal and policy standpoint written on the flip charts.

### **Step 3: Group exercise: presentations**

*Duration: 25 minutes*

- Ask each group to designate a rapporteur
- Ask each rapporteur to present the arguments of the team on the importance and advantages of ratifying the Convention from the legal and policy standpoint
- Give the other members of the team a chance to complement
- Give feedback on the work of the groups

### **Step 4: Wrap-up**

*Duration: 10 minutes*

Prepare a large sticky note for each key message and place each one on the wall or board as you explain the key message. This (very simple) visual aid could help participants to better retain the key messages. For example, the notes could say:

- Ratification/accession to the Convention
- Declarations and reservations
- Country focus where relevant (optional)

Alternatively, you could simply ask participants to share what their main takeaways of this session are, and then supplement with additional information, if necessary. This would also give the facilitator a sense of how much they have processed.

**Key messages** for the wrap-up can include the following:

- By ratifying the Convention, the State party automatically accepts most of the functions of the Committee on Enforced Disappearances (i.e. examination of States parties’ reports, urgent actions, country visits, referral to the General Assembly), but to recognize the competence of the Committee to receive and examine individual and inter-State communications (arts. 31–32), the State must additionally deposit with the Secretary General a separate declaration.
- Upon ratifying/acceding to the Convention, States can enter reservations with respect to specific provisions of the Convention. However, international law envisages certain conditions

for the validity of the reservations, in particular with respect to human rights treaties. If a State wishes to make a reservation, it will have to be compatible with the object and purpose of the Convention, bearing in mind the non-derogable right of every person not to be subjected to enforced disappearance and the *jus cogens* status of the prohibition of enforced disappearance and of the corresponding obligation to investigate and punish those responsible. The Committee is competent to assess the compatibility of States parties' reservations with the Convention when reviewing reports under article 29 and, where appropriate, recommend their withdrawal.

- The distinction between reservations and interpretative declarations is not always clear-cut and it has often happened that an alleged interpretative declaration actually amounted to a reservation. If the interpretative declaration excludes or modifies a provision of the treaty, it must be considered as a *de facto* reservation.
- Recap the situation of the country(ies) of focus in the training vis-à-vis the Convention (e.g. ratification, including declarations and reservations and recognition of the Committee's competence to receive and examine individual or inter-State communications, reporting status, urgent actions, as relevant).