

Note for the facilitator

Module 7: The guiding principles for the search for disappeared persons

Session sequence	<ol style="list-style-type: none"> 1. Participatory presentation (15 minutes); 2. Work in groups – reflection and discussion (30 minutes); 3. Debriefing in plenary (25 minutes); 4. Participatory presentation continued (15 minutes); 5. Wrap-up (5 minutes).
Total duration	90 minutes
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"> • Projector and screen • Laptop or computer • Speaker, 2–3 microphones (ideally wireless) • Flip charts
Training materials	<ul style="list-style-type: none"> • PowerPoint presentation – overview of the guiding principles • Handout for the group exercise (online adaptation: incorporated in the PowerPoint presentation) • The guiding principles
Online adaptation	<p>The session can be adapted to be held online as follows:</p> <p>Step 1: Conduct the presentation and go through PowerPoint slides.</p> <p>Step 2: Divide participants into five breakout groups if the IT platforms allow for it or alternatively ask all participants with names starting from A–D (working group 1: victims’ participation); E–I (working group 2: authorities/institutions involved in the search); J–M (working group 3: public policies concerning the search); N–S (working group 4: collection and management of data and information in the search); and T–Z (working group 5: start and end of the search, its effectiveness and other factors) to discuss the above-mentioned requirements as spelled out in the guiding principles by answering sets of questions (provided in handouts). Ask them to designate a rapporteur who will present the answers in the plenary.</p>

	<p>Show the instructions, for example on a preprepared PowerPoint slide, and send the questions to the chat boxes of each breakout groups/deliver handouts.</p> <p>Step 3: Conduct the debrief in the plenary (each rapporteur is given 5 minutes to present).</p> <p>Step 4: Continue the presentation and go through PowerPoint slides (and refer to the points presented by the rapporteurs on behalf of their groups).</p> <p>Step 5: Wrap-up.</p> <ul style="list-style-type: none"> • Show key messages, for example on a preprepared PowerPoint slide
Background reading for facilitators	<ul style="list-style-type: none"> • Section V of part I of the training guide • Committee on Enforced Disappearances, guiding principles for the search for disappeared persons • Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (adopted by the General Assembly in its resolution 60/147 of 16 December 2005) • Updated set of principles for the protection and promotion of human rights through action to combat impunity (see also resolution 2005/81 of the Commission on Human Rights) • Minnesota Protocol on the Investigation of Potentially Unlawful Death • International Committee of the Red Cross and Swisspeace, The Search for Missing Persons, including Victims of Enforced Disappearance: Report of the International Expert Working Meeting, 3–4 September 2019, Jordan (Missing Persons Amman Report)

Learning objectives

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

- Describe the importance of the guiding principles and their relationship with the Convention
- Explain the contents of the guiding principles
- List the ways to promote the guiding principles

Session preparation

- Test the projector and the sound system

Session sequence

Step 1: Participatory presentation (introductory remarks)

Duration: 15 minutes

- Explain that the aim of the presentation is to:
 - Provide an overview of the guiding principles
 - Explain the key terms and concepts
 - Clarify questions participants may have with respect to the main features of the guiding principles
- Note that the presentation will be continued after the work in groups

Step 2: Work in groups – reflection and discussion

Duration: 30 minutes

- Divide participants into five groups
- Ask each group to select a rapporteur
- Ask participants to discuss the requirements of the search for disappeared persons under the guiding principles and to respond to the following questions (on a flip chart, one question for each sheet):
 - Who do we mean by “victims”? What is the role of victims in the search process? How can it be ensured? What is a differential approach to the search and what does it concretely entail?
 - Which are the main authorities/institutions involved in the search process? What are the challenges that they have to face to ensure cooperation among them? In your experience is there a particular tension between the search and criminal investigations? If so, how can this be addressed?
 - What are the key issues that public policies concerning the search should cover? How can this be ensured in practice?
 - What are the key data and information (including DNA) that must be collected to ensure the effectiveness of the search process? Who can have access to those data and information and under which conditions? How can the right to privacy be “balanced” with access to information?
 - When should the search start and end? How to ensure the effectiveness of the search and that adequate security measures are adopted for all those involved in the process?

Step 3: Debrief in plenary

Duration: 25 minutes

- Each rapporteur will present responses to one set of questions, others will complement

Step 4: Participatory presentation (continued)

Duration: 15 minutes

- Take your time to carefully explain the main features of the guiding principles during the presentation

Step 5: Wrap-up*Duration: 5 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 (refer to the last slide of the PowerPoint presentation).

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

- The Committee on Enforced Disappearances elaborated the guiding principles with the aim of addressing the practical challenges posed by the search for disappeared persons. It draws from lessons learned and good practices as identified in the Committee's work through the examination of States parties' reports and urgent actions under articles 29 and 30 of the Convention, respectively.
- There is no need to "ratify" the guiding principles as they are not a new/separate treaty. States that are not yet parties to the Convention, as well as the various stakeholders involved in the search process, can nevertheless refer to them and take them into account as a soft law instrument.
- The guiding principles are based on the Convention and the obligation to search enshrined therein. States parties have an obligation to search for disappeared persons and to coordinate for such purposes (articles 15 and 24 (3)), as well as an obligation to investigate (articles 3, 12 and 24 (6)).
- The guiding principles establish detailed requisites for setting up the legal and institutional framework for the search for disappeared persons and conducting the search. The guiding principles also affirm the key role of the victims in the search.
- It is important to promote the guiding principles. The Committee takes into account and refers to the guiding principles directly or indirectly in the examination of States parties' reports under article 29 of the Convention and in the context of urgent actions under article 30. States should disseminate the guiding principles widely, and to the extent possible, translate them into languages other than six official United Nations languages.

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 the participants have processed.