

The guiding principles for the search for disappeared persons



UNITED NATIONS



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HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Let's dive in

Presentation of the guiding principles: questions and answers

About the guiding principles

- Issued by the Committee
- Not a new treaty or a protocol
- Soft law instrument
- Based on the Convention
- Guidance for all those involved in search processes
 - State authorities/institutions
 - Victims
- Draw from good practices and lessons learned
- Respond to existing gaps

The guiding principles in the work of the Committee

- Pertinent with respect to States parties' obligations under the Convention:
 - To search for disappeared persons and to cooperate for such purposes (arts. 15 and 24 (3))
 - To investigate (arts. 3, 12 and 24 (6))
- The Committee takes into account and refers to the guiding principles:
 - Examination of States parties' reports under article 29
 - Urgent actions under article 30

Promotion of the guiding principles

- Key for the application of the guiding principles by:
 - Public officials
 - Other actors
- Steps to be taken
 - Wide dissemination
 - Translation, where needed
- Cooperation with national human rights institutions, civil society organizations and international organizations

Let's look at the guiding principles

Please move into your breakout session

(30 minutes):

- Appoint a rapporteur who will present the main points.
- Discuss and identify the requirements (by answering the questions) for the following as set out in the guiding principles:

Group 1: Victims' participation in the search

Group 2: Authorities/institutions involved in the search

Group 3: Public policies concerning the search

Group 4: Collection and management of data and information in the search

Group 5: Start and end of the search, its effectiveness and other factors

Victims' participation in the search

The search should

- Respect human dignity (principle 2)
- Follow a differential approach (principle 4)
- Respect the right to participation (principle 5)
- Be carried out safely (principle 14)

Authorities and institutions involved in the search

The search should be

- Coordinated (principle 12)
- Linked to the criminal investigation (principle 13)
- Independent and impartial (principle 15)
- Governed by public protocols (principle 16)

Public policies concerning the search

The search should:

- Be conducted under the presumption that the disappeared person is alive (principle 1)
- Be governed by a public policy (principle 3)
- Be conducted on the basis of a comprehensive strategy (principle 8)
- Take into account the particular vulnerability of migrants (principle 9)

Collection and management of data and information in the search

- The search should:
 - Allow the authorities responsible for the search to have unrestricted access to all information and data (principle 10 (4))
 - Use information in an appropriate manner (principle 11)

Start and end of the search, its effectiveness and other factors

- The search should begin without delay (principle 6)
- The search is a continuing obligation (principle 7)
- The search should be organized efficiently (principle 10)

Let's wrap-up – key messages

- The nature and importance of the guiding principles
- The aim of the guiding principles
- The guiding principles in the work of the Committee
- Content of the guiding principles
- Promotion of the guiding principles