



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

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## Conference of the States Parties

### First session

Geneva, 19 December 2016

### Summary record of the first meeting

Held at the Palais des Nations, Geneva, on Monday, 19 December 2016, at 10 a.m.

*Temporary Chair:* Mr. Al Hussein (United Nations High Commissioner for Human Rights)  
*later:* Mr. Walker (Representative of the Secretary-General)

*Chair:* Ms. Laurin (Co-Chair) (France)  
*later:* Mr. Despouy (Co-Chair) (Argentina)

## Contents

- Opening of the session
- Election of the Chair
- Adoption of the agenda
- Adoption of the rules of procedure for the Conference
- Election of other officers
- Implementation of article 27 of the Convention
- Closure of the session

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*The meeting was called to order at 10.10 a.m.*

### **Opening of the session**

1. **The Temporary Chair**, speaking on behalf of the Secretary-General, declared open the first session of the Conference of the States Parties to the International Convention for the Protection of All Persons from Enforced Disappearance.
2. He said that enforced disappearance continued to represent a serious human rights challenge of concern to all. In contexts marked by internal conflict, transnational organized crime, humanitarian crises and extremist violence, the phenomenon of enforced disappearance had reappeared and new patterns were emerging. In addition, the range of perpetrators of enforced disappearance had grown to include paramilitary groups, militias, organized criminal gangs and other non-State actors, all of whom targeted a much broader range of victims than had previously been the case. The victims of enforced disappearance were no longer only political dissenters but now also vulnerable people of all kinds, including civilians and migrants. The conflict in the Syrian Arab Republic, for instance, had led to an increase in the number of reported cases of enforced disappearance, and the recent capture of besieged areas of eastern Aleppo had raised fears that many residents had been forcibly disappeared.
3. Although originally conceived in the wake of the horrific practices of Latin American dictatorships in the 1970s and 1980s, the Convention remained extremely relevant and continued to serve as an innovative and versatile tool for combating enforced disappearance. The Committee on Enforced Disappearances, in turn, had developed a solid practice of guiding States and protecting victims during its first five years of existence. However, the Convention had not yet attracted ratification on the scale that it clearly warranted. With only 54 States parties, the Convention lacked the broad-based support necessary to prevent and eliminate the phenomenon of enforced disappearance and to meet the hopes and expectations of the families who had fought so hard for its adoption. On the occasion of the tenth anniversary of the adoption of the Convention, he called upon States parties to step up their efforts, including within regional groups and in bilateral and international forums, to achieve universal ratification.
4. The Conference of the States Parties had been convened to evaluate the Committee's work and to decide whether its monitoring functions should be transferred to another body. In the current troubled international context, the United Nations human rights treaty body system was needed more than ever as it permitted monitoring on a global scale as well as the sharing of expert advice in furtherance of justice, development and the rule of law. The guidance provided by the treaty bodies allowed States to review their performance, improve coordination across governmental entities, build dialogue with national institutions and civil society and effect change at the national level. The treaty body system also gave a voice to individuals in search of justice for perceived wrongs, which was essential for building resilient societies based on the rule of law.
5. The treaty body system needed to have the capacity to fulfil its functions and to respond to contemporary challenges. In 2014, the General Assembly had adopted resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system; and in 2016, the Secretary-General had submitted his initial report on the status of that system (A/71/118), in which he had set out key recommendations. While the strengthening process had helped the treaty bodies to improve their responsiveness and visibility, the system remained substantially under-resourced and required deeper reform. Inasmuch as the General Assembly was to review the implementation of resolution 68/268 in 2020, he hoped that States parties, as the creators and owners of the treaty body system, would seize the opportunity to act upon the Secretary-General's recommendations and give consideration to how the system could be strengthened further.

6. *Mr. Walker (Representative of the Secretary-General) took the Chair.*

#### **Election of the Chair**

7. **Ms. Shino** (Japan) nominated Ms. Laurin (France) and Mr. Despouy (Argentina) for the office of Co-Chair.

8. **Ms. Muñoz** (Chile) seconded the nomination.

9. *Ms. Laurin (France) and Mr. Despouy (Argentina) were elected Co-Chairs by acclamation.*

10. *Ms. Laurin (France) took the Chair.*

11. **The Co-Chair** said that she was grateful to the representatives of the States parties present for having nominated Mr. Despouy of Argentina and herself as Co-Chairs of the Conference of the States Parties to the International Convention for the Protection of All Persons from Enforced Disappearance.

12. The current gathering of States parties 10 years after the adoption of the Convention bore witness to their ongoing commitment to combating enforced disappearance. In paying tribute to the victims of enforced disappearance and to all those who had never given up hope and who had pressed the United Nations to take up the issue, she said that the aim of the movement launched by civil society almost 40 years previously was to gain recognition for the rights of the victims of enforced disappearance. The adoption of the Declaration on the Protection of All Persons from Enforced Disappearance in 1992 had been a significant milestone in transforming collective awareness into political reality, and the adoption of the Convention in 2006 had translated political commitment into a binding legal instrument.

13. The Convention was a pioneering instrument, as it defined what constituted enforced disappearance, it afforded absolute protection against enforced disappearance without the possibility of derogation and it enshrined the right of all victims to know the truth about the circumstances of an enforced disappearance and the fate of the disappeared person. In addition, the Convention established that enforced disappearance was a crime, defining it as a crime against humanity when committed in a widespread or systematic manner, in which case it would not be subject to any statute of limitations. The text of the Convention was particularly innovative in terms of the measures that it set out to prevent enforced disappearance and to recognize the right of victims to reparation and to have their dignity restored. In doing so, it embodied a new concept that was essential to the duty of remembrance and the process of reconciliation: the right to know the truth.

14. As enforced disappearance continued to be a scourge in many parts of the world, especially in conflict zones, she hoped that the Conference would give fresh impetus to efforts to promote the universalization of the Convention.

15. Recalling that, in accordance with rule 2 of the provisional rules of procedure for the Conference of the States Parties (CED/CSP/2016/3/Rev.1), the credentials of representatives and the names of members of delegations were to be submitted to the Secretary-General, if possible, not later than one week prior to the date set for the opening of the session, she said that she had been informed that the Secretary-General had yet to receive proper credentials from some of the States parties represented at the Conference. Therefore, she suggested, in accordance with rule 3, that the representatives in question should be permitted to participate in the Conference provisionally and urged them to submit their credentials to the Secretary-General as soon as possible.

16. *It was so decided.*

**Adoption of the agenda**

17. *The agenda was adopted (CED/CSP/2016/1).*

**Adoption of the rules of procedure for the Conference**

18. *The rules of procedure for the Conference of the States Parties were adopted (CED/CSP/2016/3/Rev.1).*

**Election of other officers**

19. **The Co-Chair** said that she took it that the States parties wished to elect three Vice-Chairs of the Conference of the States Parties, one of whom would also serve as Rapporteur.

20. *It was so decided.*

21. **The Co-Chair** nominated Ms. Kodra (Albania), Ms. Shino (Japan) and Mr. Auajjar (Morocco) for the office of Vice-Chair, with Mr. Auajjar to serve as Rapporteur.

22. *Ms. Kodra (Albania), Ms. Shino (Japan) and Mr. Auajjar (Morocco) were elected Vice-Chairs by acclamation, with Mr. Auajjar to serve as Rapporteur.*

**Implementation of article 27 of the Convention**

23. **Mr. Walker** (Representative of the Secretary-General), introducing the note by the Secretary-General on the functioning of the Committee on Enforced Disappearances (CED/CSP/2016/2), said that the first meeting of the States parties to the Convention had been held in New York on 31 May 2011 and that the Committee had held its first session in Geneva in November 2011. In accordance with article 28 of the Convention, the Committee had held formal meetings with the Human Rights Committee, the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the Committee on the Rights of the Child. The Committee had held yearly meetings with the Working Group on Enforced or Involuntary Disappearances and had met informally with the Committee against Torture and the International Committee of the Red Cross. It had also organized a number of thematic discussions that had included participation by members of other treaty bodies, special procedures mandate holders, experts and representatives of United Nations agencies, intergovernmental organizations and civil society.

24. Since its establishment, the Committee had considered 18 reports under article 29 (1) of the Convention and had adopted lists of issues in respect of three additional States parties, which were scheduled to appear before it in March 2017. The Committee had also adopted three reports on follow-up to concluding observations (CED/C/7/2, CED/C/9/2 and CED/C/11/2).

25. Under article 30 of the Convention, the Committee had received 435 requests for urgent action, of which 348 had been registered. It had discontinued two requests for urgent action relating to disappeared persons who had been located but who remained in detention, and it had closed four requests for urgent action relating to disappeared persons who either had been located alive and released or had been located deceased. The Committee had received, considered and adopted Views relating to one individual communication under article 31 of the Convention (CED/C/10/D/1/2013), and it had requested to visit two States parties under article 33. To date, the Committee had not brought any situation to the attention of the General Assembly under article 34 of the Convention.

26. At its second session, held in March 2012, the Committee had adopted its rules of procedure (CED/C/1), as well as guidelines on the form and content of reports to be submitted by States parties under article 29 of the Convention (CED/C/2). At its fifth

session, held in November 2013, the Committee had adopted a document outlining its relationship with civil society actors (CED/C/3), and at its seventh session, in September 2014, it had adopted a document on its relationship with national human rights institutions (CED/C/6). At its sixth session, held in March 2014, the Committee had adopted a document providing guidance for the submission of requests for urgent action to the Committee (CED/C/4) and a document providing guidance for the submission of individual communications or complaints (CED/C/5).

27. The Committee had adopted two substantive statements: one, at its fifth session, on the *ratione temporis* element in the review of reports submitted by States parties under the Convention, and the other, at its eighth session, on enforced disappearance and military jurisdiction.

28. On 11 March 2016, the Committee and other stakeholders had organized an event on the theme “Contemporary challenges” to commemorate the tenth anniversary of the adoption of the Convention.

29. In compliance with article 36 of the Convention, the Committee had submitted five reports to the General Assembly (A/67/56, A/68/56, A/69/56, A/70/56 and A/71/56).

30. *Mr. Despouy (Argentina) took the Chair.*

#### *Statements by States parties*

31. **Mr. Wagner** (France) said that France had been involved in the fight against enforced disappearance from the outset, having supported the first ever General Assembly resolution on that subject in 1978 and having chaired the negotiations that had preceded the drafting of the Convention. The adoption of the Convention had been a crucial step in combating the scourge of enforced disappearance as it defined that phenomenon as a crime, it enshrined the right of victims and their relatives to know the truth and to receive reparation and it addressed enforced disappearance both as a widespread and systematic practice and, through the urgent action procedure, as an individual offence. The Committee also played an important role in helping the families of disappeared persons to obtain reparation, and it had undeniably contributed to the achievements made since the Convention’s entry into force by raising awareness of the prevention and protection mechanisms provided for therein.

32. Experience had shown that it was essential to have a separate body dedicated to the implementation of the Convention in order to deal with the specific nature of the crime of enforced disappearance. The Committee played a vital role in ensuring that the fight against enforced disappearance remained a priority, and its work had been recognized by the General Assembly in resolution 70/160. The fight against enforced disappearance must continue and there remained an undeniable need for a specialized body in order to guarantee the effective application of the Convention. France therefore wished for the Committee to continue discharging the functions assigned to it under articles 28 to 36 of the Convention.

33. **Mr. Cima** (Argentina) said that Argentina wished to draw attention to the key role that civil society organizations comprised of victims of enforced disappearance and members of their families, such as those represented by the Latin American Federation of Associations of Relatives of Disappeared Detainees, had played in the process of drafting, negotiating and adopting the Convention. From the outset, Latin American civil society had sought the support of international organizations in order to raise awareness of the practice of enforced disappearance and help put an end to it, and, once institutional order had been restored, to help civil society meet the abiding need for remembrance, truth and justice.

34. In its first five years of existence, the Committee had developed sound practices and had provided immediate and effective responses to cases of enforced disappearance. Argentina was strongly in favour of the Committee continuing to monitor the implementation of the Convention and urged the States that had not yet ratified the instrument to do so.

35. **Mr. Chávez Basagoitia** (Peru) said that Peru had played an active role in the process of drafting the Convention and was continuing to adopt administrative, legislative and judicial measures, as well as public policies, to provide a comprehensive, coherent and holistic response to enforced disappearance. Most recently, legislation had been promulgated on the search for persons who had been disappeared between 1980 and 2000. The work accomplished by the Committee over its first 10 sessions attested to the effectiveness of the current system for monitoring the Convention, which should be maintained.

36. **Mr. Pin Godos** (Spain) said that Spain had participated actively in the campaign to obtain the necessary number of ratifications for the Convention to enter into force. It had itself been one of the first 20 States to ratify and it had recognized the competence of the Committee to receive and consider communications, both from individuals and from States parties. Spain remained firmly committed to the multilateral protection of human rights. The fact that each of the principal human rights treaties was monitored by a similar body improved the effectiveness and efficiency of the human rights system as a whole and served to underscore the indivisible, interdependent and interrelated nature of such rights.

37. Spain was therefore of the view that the Committee should continue to exercise its mandate, although that should not preclude an evaluation of the work it had undertaken in its six years of existence. In order to ensure that its activities did not duplicate or overlap with those of other treaty bodies and to promote universal ratification of the Convention, the Committee needed to exercise its mandate within the framework of the Convention and solely in respect of enforced disappearances which commenced after the entry into force of the Convention.

38. **Ms. Korka** (Greece) said that, following its ratification of the Convention in 2015, Greece had amended its domestic legislation accordingly. The procedural guarantees, the ban on secret detention and the other provisions contained in the Convention were an important part of international human rights law, and it was to be hoped that more countries would come forward to sign and ratify the instrument, which was not intended only for States that had direct experience of instances of enforced disappearance.

39. Enforced disappearance constituted a grave affront to all human rights, including the right to life. It was therefore vital that the implementation of the Convention should be duly monitored and Greece was satisfied with the high quality of the Committee's work in that regard. The Committee had earned and consolidated its place among the other treaty bodies. In particular, its consideration of individual communications would provide a quasi-jurisprudence that could help States in their own interpretation and implementation of the Convention. The Committee could also draw inspiration from the work of regional human rights protection systems, including the jurisprudence of the European Court of Human Rights. The Convention needed a specialized body to monitor its implementation and Greece was of the firm belief that only the Committee could fulfil that function.

40. **Ms. Londoño Soto** (Colombia) said that the Committee played a vital role and should continue to carry out its functions as set forth in the Convention. Colombia remained deeply committed to the fulfilment of its own obligations under that instrument. The consideration of reports and the interactive dialogue provided valuable interpretative guidance to States parties, but it was important to bear in mind the fact that the Committee's views were not binding and did not have the force of the pronouncements of

an international court. Once it considered the report of a State party, the Committee should take steps to ensure that its concluding observations were issued promptly so that they could be distributed to the competent national authorities for action.

41. Colombia had some concerns about the Committee's use of the urgent action mechanism under article 30 of the Convention for situations in which it did not seem applicable, such as cases involving the protection of family members, events that had taken place on the territory of another State or the return of the mortal remains of victims. In that regard, the Committee should seek to coordinate its efforts with those of other international bodies, including in the Inter-American human rights system.

42. **Mr. Daerr** (Germany) said that Germany had ratified the Convention in 2009 and submitted its report to the Committee in 2014. The Committee, acting in collaboration with the Working Group on Enforced or Involuntary Disappearances, added real value to joint efforts to combat the phenomenon of enforced disappearance. In fact, it had not only conducted constructive interactive dialogues with a number of States parties and issued the respective concluding observations, but it had also addressed an individual complaint and a growing number of requests for urgent action. In the latter, in particular, it had acquired an in-depth competence. The Committee should, therefore, be given the resources it needed to continue its excellent work. States that had not ratified the Convention should consider doing so at the earliest opportunity. They should also recognize the Committee's competence under articles 31 and 32 of the Convention.

43. **Ms. González González** (Uruguay) said that enforced disappearances had left a profound mark in Uruguay, just as they had in many other South American countries. Uruguay, which had begun combating the phenomenon of enforced disappearance since before the Convention existed, had participated in the genesis of the Convention and remained a staunch advocate of both the Convention and its monitoring body, the Committee. As a supporter of all the treaty bodies, which were vital to ensuring the effectiveness of the human rights system, Uruguay had been the first State party to submit its report to the Committee. The Committee was part of the logic of the Convention and her delegation did not see how its work could be undertaken by any other body. The Committee was functioning adequately and there was no reason to interfere in its operations.

44. **Ms. Dunlop** (Brazil) said that enforced disappearance was one of the cruellest forms of human rights abuse and constituted a grave threat to democracy and the rule of law. The effectiveness of the Convention depended not only on the commitment of States parties but also on the Committee's mandate to monitor violations, promote accountability and provide redress. The Committee faced challenges in terms of its excessive workload and its capacity to give timely consideration to urgent matters; Brazil believed that all States parties should continue to help it to discharge its mandate. Brazil fully supported the continuation of the Committee as established under the Convention. Any proposals to change its structure or mandate should be considered in the wider context of the comprehensive review of the treaty body system.

45. **Mr. Van Schreven** (Netherlands), speaking on behalf of Belgium and the Netherlands, said that the Convention was a crucial tool in the fight against enforced disappearance. Both Belgium and the Netherlands were strong proponents of the work of the United Nations treaty body system, which played a fundamental role in promoting and protecting human rights at the national level. However, they believed that the system would benefit from greater streamlining of its working methods. In that connection, the current treaty body strengthening exercise launched pursuant to General Assembly resolution 68/268 presented a timely opportunity to optimize the existing human rights architecture.

46. As the functioning of the treaty body system would be reviewed in 2020, it would have been logical to postpone until then any decision on the Committee's future. However,

under the Convention the States parties were obliged to take a decision at the current meeting. Belgium and the Netherlands would not oppose a consensus in that regard. But they would welcome an explicit reference to the treaty body review in the summary of the meeting so as to underline the fact that any decision taken was not meant to pre-empt the outcome of that process.

47. Unlike other human rights treaties, the Convention included provision for a single reporting obligation rather than a periodic reporting procedure. Belgium and the Netherlands had always been in favour of that provision, which reflected the fact that the subject matter of the Convention was much narrower than that of other treaties and was highly dependent on the specific country situation. In order to persuade more countries to ratify the Convention, the Committee should guard itself from moving towards the gradual introduction of a periodic reporting procedure.

48. **Mr. Seck** (Senegal) said that the lack of an international instrument on enforced disappearance had long favoured impunity. Now, thanks to the Convention, enforced disappearance had become a core concern of international human rights mechanisms. Senegal had ratified the Convention in 2008, just two years after its adoption, and had introduced domestic legislation to combat enforced disappearance. It would continue to work for the universalization of the Convention and to call on States that had not yet signed or ratified to do so as soon as possible. By addressing both individual cases and systematic abuses and by including special provisions for disappeared children, the Convention brought hope to victims and their families. His delegation believed that the Committee was monitoring the implementation of the Convention to great effect. States parties should agree to allow the Committee to continue in its role and provide it with the support it needed to do so.

49. **Mr. Torrejón Alcoba** (Plurinational State of Bolivia) said that protection against enforced disappearance, which was clearly defined in international law as a crime against humanity, was enshrined as a fundamental right in the 2009 Constitution of the Plurinational State of Bolivia. His Government was taking measures, such as the recent establishment of a truth and justice commission, to address the historical memory of the period of dictatorship from 1966 to 1979. The Plurinational State of Bolivia believed that the Committee should continue to fulfil its mandate as set forth in the Convention.

50. **Ms. Shino** (Vice-Chair), speaking as the representative of Japan, said that enforced disappearance was a serious violation of human rights, one to which Japanese citizens had also been subjected, notably at the hands of agents of the Democratic People's Republic of Korea. In order to prevent such tragedies, it was crucial to monitor the implementation of the Convention and Japan highly appreciated the Committee's work in that regard, which included considering reports of States parties and taking urgent action in response to requests. That work should continue. Japan hoped that more States would ratify the Convention and, to that end, it had been conducting outreach activities, including in the context of the universal periodic review.

51. **Ms. Muñoz** (Chile) said that enforced disappearance remained a universal phenomenon that continued to be practised systematically in many countries. More States should consider ratifying the Convention, which helped to prevent enforced disappearance, bring perpetrators to justice and protect victims and their families. Chile, which had also suffered from instances of enforced disappearance perpetrated by agents of the State, was firmly resolved to ensuring that the crime would never again be committed at home and to eradicating it abroad.

52. The Committee played an essential role in helping States parties to implement the Convention. The urgent action mechanism, recourse to which had grown exponentially between 2013 and 2016, was particularly important and had to be preserved as time was a



crucial factor when seeking to protect victims of enforced disappearance. Chile believed that the Committee was working effectively and efficiently in its monitoring role and that it should continue to do so in accordance with article 26 of the Convention and with the functions defined in articles 28 to 36.

53. **Ms. Thiam Diallo** (Mali) said that the Convention had filled a legal gap left by the Geneva Conventions, which only addressed enforced disappearance in time of war. The fact that Mali had signed the Convention in 2007 and ratified it in 2009 was an indication of its own firm commitment to the eradication of the phenomenon of enforced disappearance. Since its creation in 2011, the Committee had made some remarkable accomplishments, including the registration of 293 requests for urgent action. That success more than justified its continuance, particularly under current international circumstances where enforced disappearances were also being perpetrated by non-State actors, such as paramilitary groups, militias and gangs. She appealed to donor States to provide the Committee with the resources it needed to carry out its activities, particularly vis-à-vis requests for urgent action.

54. **Ms. D'Orlandi** (Italy) said that the Government of Italy, which was currently discussing the possibility of introducing a formal definition of the crime of enforced disappearance into the Criminal Code, strongly encouraged other States to consider signing or ratifying the Convention. Italy was satisfied with the work carried out by the Committee, in particular its effective monitoring of the Convention and its outreach activities. The Committee should, therefore, continue to carry out its functions in accordance with articles 28 to 36 of the Convention.

55. **Mr. Auajjar** (Vice-Chair), speaking as the representative of Morocco, said that Morocco had taken a number of legislative measures towards implementing the Convention, including the definition of enforced disappearance as a criminal offence in the 2011 Constitution. It had ratified the Convention in 2013 and was active within the United Nations human rights system to promote efforts to prevent and eliminate the phenomenon of enforced disappearance. The current meeting provided a good opportunity to underline the importance of the Convention, particularly in the light of the extremely worrying and unprecedented escalation in cases of enforced disappearance in many regions of the world, with the practice increasingly being used by terrorists and illegal armed groups. The international community had to do more to combat and eradicate the phenomenon and all States should be encouraged to sign and ratify the Convention. He recognized the important role played by the Committee in monitoring the implementation of the Convention. It was clear from the note by the Secretary-General that the Committee was carrying out its functions efficiently. States parties should take a decision that would enable the Committee to continue its work while, at the same time, providing it with all the support it needed in order to do so efficiently.

56. **Mr. Cabrera Hidalgo** (Ecuador) said that Ecuador welcomed the note by the Secretary-General on the functioning of the Committee and congratulated the members of the Committee on the achievements made to date. Despite the limited human and financial resources at its disposal, the Committee had diligently monitored the implementation of the Convention. Ecuador considered the Committee to play an essential role in protecting all persons against enforced disappearance and therefore supported the extension of its mandate in order for it to continue discharging the functions assigned to it under articles 28 to 36 of the Convention, in close cooperation with all other bodies and specialized agencies called to provide protection against enforced disappearance.

57. **Ms. Tolmajyan** (Armenia) said that the adoption of the Convention had opened a new path towards the effective enjoyment of human rights and reflected the international community's commitment to tackling the crime of enforced disappearance by means of a legally binding instrument. Armenia had ratified the Convention in 2011 and had taken the legislative measures necessary to give effect to its provisions. The tenth anniversary of the

adoption of the Convention provided an opportunity to evaluate the work undertaken and the progress achieved by the Committee to date and to intensify efforts to promote the universalization of the Convention. Armenia supported the extension of the Committee's mandate to combat the ongoing scourge of enforced disappearance.

58. **Ms. Kodra** (Vice-Chair), speaking as the representative of Albania, said that the Committee was to be commended on its role in assisting States parties to combat enforced disappearance. Albania had ratified the Convention in 2007 and had recognized the competence of the Committee to receive and consider communications under articles 31 and 32. Furthermore, it had established enforced disappearance as a specific crime in its Criminal Code and had introduced penalties that were commensurate with the seriousness of the crime. Albania remained committed to investigating and punishing the human rights violations committed under the communist regime and to locating and identifying the remains of persons executed during that period. An authority tasked with reopening case files for the purpose of providing victims of enforced disappearance and members of their family with access to truth and justice had recently been established. The Government was aware of the need to adopt a comprehensive policy to address the human rights violations of the past and to uphold victims' rights in the process. It also recognized the need to step up efforts to search for the persons who had gone missing during the ethnic conflicts that had taken place in the Western Balkans region in the 1990s. Albania valued the Committee's work and supported the extension of its mandate. She invited States to join forces to achieve the universal ratification of the Convention.

59. **Ms. Ponce Aguilera** (Honduras) said that Honduras had ratified the Convention in 2008 and had incorporated the crime of enforced disappearance into its Criminal Code in 2012. Under the Constitution, the crime of enforced disappearance was not subject to a statute of limitations. In keeping with its responsibility to protect all persons from enforced disappearance, Honduras had taken a number of legislative and policy measures aimed at ending impunity. Honduras recognized the contribution that the Committee had made to protecting persons against enforced disappearance, including through its concluding observations and recommendations, and therefore supported the extension of its mandate and the strengthening of its capacity.

60. **Ms. Brajović** (Montenegro) said that Montenegro had ratified the Convention in 2011 and had taken appropriate measures to prevent and punish the crime of enforced disappearance. It had also recognized the competence of the Committee to receive and consider communications under articles 31 and 32 of the Convention. The Committee was to be commended on the work that it had undertaken and on the results that it had achieved, in cooperation with States parties and other relevant bodies, since its establishment in 2011. Montenegro therefore supported the extension of the Committee's mandate and wished for it to continue discharging the functions assigned to it under articles 28 to 36 of the Convention. Montenegro also echoed the call for the universalization of the Convention.

61. **Ms. Bibalou Bounda** (Gabon) said that Gabon was grateful to the Committee for the work that it had undertaken over the previous five years and wished to reaffirm its commitment to implementing the Convention, which it had ratified in 2011. Gabon supported the extension of the Committee's mandate and urged the States that had not yet ratified the Convention to do so without delay.

62. **The Co-Chair** said that he understood the general consensus among States parties to be that the Committee's mandate should be extended and that it should continue to discharge the functions assigned to it under articles 28 to 36 of the Convention. He took it that the Conference of the States Parties wished to adopt the following decision, which would be included in the report of the session, and that the Conference wished to request the Secretary-General to transmit its report to all States parties:

“The Conference of the States Parties to the International Convention for the Protection of All Persons from Enforced Disappearance decides that the Committee on Enforced Disappearances should continue to monitor the International Convention for the Protection of All Persons from Enforced Disappearance in accordance with the functions defined in articles 28 to 36.”

63. *The decision was adopted by consensus.*

*Statements by human rights mechanisms, intergovernmental organizations, national human rights institutions and nongovernmental organizations*

64. **Mr. Peschoux** (Office of the United Nations High Commissioner for Human Rights), speaking on behalf of the Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances said that, since the establishment of the Committee, the two bodies had coexisted side by side and had coordinated their activities with a view to strengthening their joint efforts to prevent and eradicate the practice of enforced disappearance in accordance with their respective mandates. Since 2011, the Committee and the Working Group had held yearly meetings pursuant to article 28 of the Convention for the purpose of sharing information on country visits, thematic priorities and working methods. Such fruitful exchanges and the growing cooperation between the Working Group and the Committee had demonstrated that their respective mandates were complementary and mutually reinforcing. Although the road to eradicating the atrocious practice of enforced disappearance was long and winding, there were a number of steps that States could take to reaffirm their commitment to that aim, such as by supporting the implementation of the Convention and the work of the Committee tasked with monitoring it. In its short existence, the Committee had made a valuable contribution to the response of the United Nations to the phenomenon of enforced disappearance and had helped States to improve their public policies to address that heinous crime. The Working Group considered the work of the Committee to be essential in the effort to prevent, combat and eradicate enforced disappearance and welcomed the decision to extend the Committee’s mandate.

65. **Mr. Slim** (International Committee of the Red Cross) said that the adoption of the Convention 10 years previously had marked an important milestone in the fight to prevent and eradicate the practice of enforced disappearance and a turning point for victims and their families. The States parties to the Convention played an essential role in that fight, as did the Committee responsible for monitoring its implementation. He therefore welcomed the Conference’s decision to extend the Committee’s mandate. The International Committee of the Red Cross had seized every opportunity to encourage States to ratify and implement the Convention and to recognize the competence of the Committee to receive and consider communications under articles 31 and 32. Furthermore, the International Committee of the Red Cross strongly believed in and valued the complementarity of its work with that of the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances. Despite having distinct mandates, all three entities shared the goal of preventing enforced disappearance from occurring and upholding the right of family members to know the fate and whereabouts of their missing relatives. The International Committee of the Red Cross stood ready to continue assisting States in their efforts to implement the Convention and, in that connection, drew their attention to its document entitled “Guiding Principles and Model Law on the Missing”.

66. **Ms. Bello** (Global Alliance of National Human Rights Institutions) said that the tenth anniversary of the adoption of the Convention provided an opportunity to reflect both on the progress made to date and on the work that remained to be done to achieve the universal ratification of the Convention. The Global Alliance of National Human Rights Institutions welcomed the productive cooperation between the Committee and national human rights institutions in promoting and protecting human rights worldwide. National

human rights institutions played an important role as bridges between the international and national human rights protection systems. The Global Alliance would continue to support the work of the Committee by, *inter alia*, encouraging States to ratify the Convention; advising States on how to domesticate the Convention; monitoring the implementation of the Convention and reporting on the progress made and challenges remaining in that connection; and encouraging States to act upon the Committee's recommendations.

67. **Ms. Yazaniok** (Geneva for Human Rights), reading out a statement from Madres de Plaza de Mayo-Línea Fundadora, said that that association had played a key role in the establishment of the Latin American Federation of Associations of Relatives of Disappeared Detainees, which had worked with other groups of relatives of disappeared persons to secure the adoption of the Convention. It was important for such groups to work in partnership with national and international organizations to meet their objectives. The association viewed the Committee on Enforced Disappearances as a key partner in its work and had conducted campaigns to promote the universal ratification of the Convention. The low number of ratifications obtained to date underscored the need for the association to continue its campaigns in an attempt to persuade more States to commit to ending what was a crime against humanity. The association remained convinced of the need for a specific United Nations body to monitor the implementation of the Convention and therefore welcomed the decision to extend the Committee's mandate.

68. **Mr. Zoller** (Geneva for Human Rights) said that he and Ms. Catanzaro were speaking in the name of eight international NGOs that had been actively involved in establishing the Working Group on Enforced or Involuntary Disappearances and in drafting the Declaration on the Protection of All Persons from Enforced Disappearance and the Convention. Those NGOs were: the International Commission of Jurists, the Commission of the Churches on International Affairs of the World Council of Churches, the International Federation for Human Rights Leagues, the International Service for Human Rights, the World Organization Against Torture, the International Federation of Action by Christians for the Abolition of Torture, TRIAL International and Geneva for Human Rights.

69. **Ms. Catanzaro** (Geneva for Human Rights) said that the organizations in whose name she was speaking fully shared the positive evaluation of the Committee that had emerged from the meeting. In fact, the Committee had achieved a great deal — of particular significance, it had registered 348 of the 435 requests for urgent action that it had received — and it was clear that no other body could better monitor the implementation of the Convention. Enforced disappearance was a complex phenomenon that remained widespread, and the decision of the States parties to continue entrusting the Committee with the monitoring of the Convention would doubtless encourage many victims in their search for truth and justice.

70. The eight NGOs called upon all Member States and observer States of the United Nations to ratify the Convention, in particular those that had already signed it, and called upon all States parties to the Convention to recognize the competence of the Committee to receive and consider individual communications. States that had received a request for a visit from the Committee should respond swiftly and positively, and the Secretary-General of the United Nations and the United Nations High Commissioner for Human Rights should seek to allocate more human and financial resources to the Committee.

71. **Mr. Lugon Arantes** (Centre for Legal and Social Studies) said that, thanks to the development of international human rights law and institutions, it had become possible to provide increasingly effective protection against the deplorable crime of enforced disappearance, thereby combating impunity and improving victims' expectations of justice. That commitment on the part of the international community had also inspired truth-seeking processes in societies struggling to transition from authoritarian regimes to more democratic forms of governance.

72. Despite such progress, the problem of enforced disappearance persisted in every region of the world. Thousands of people continued to be forcibly disappeared and many more remained at risk, with many families still seeking justice. Therefore, protection against enforced disappearance had to remain a core objective of international human rights law and mechanisms. A joint statement of over 270 human rights organizations had emphasized the fact that the States parties to the Convention, if they wished to fulfil their obligations responsibly, needed to maintain and consolidate the mandate of the Committee as the body that monitored the implementation of the Convention.

73. **Ms. Gaspar** (Geneva for Human Rights), reading out a statement from the Irish Centre for Human Rights, said that the pernicious phenomenon of enforced disappearance had been on the agenda of the international community since 1974. The institutional evolution of the United Nations in that field had been impressive but instances of enforced disappearance continued to take place, perpetrators remained unpunished and much remained to be done. The Committee, which had begun its work in 2010, had contributed to the elaboration and clarification of international human rights law. It owed a great deal to the older treaty bodies but it was also a unique body in its own right. It monitored the implementation of what was one of the strongest human rights treaties ever adopted under the auspices of the United Nations and could serve as an innovative role model for extant and future committees.

74. **Ms. Squadrini** (Geneva for Human Rights), reading out a statement from the North-East Dialogue Forum, said that the Forum welcomed the decision taken by the States parties, which would enable the Committee to continue to tackle what was an extremely complex and multifaceted crime that hindered the most basic of human rights: the right to life and liberty. Enforced disappearance continued to be used by dictatorships and terrorist groups to spread fear and instability in society, meaning that it was more vital than ever that the Committee should continue to monitor an international instrument which, in the words of a former Special Rapporteur on the question of torture, Professor Theo van Boven, enshrined the right to know, the right to justice and the right to reparation.

75. All States should take the necessary steps to ratify the Convention and to recognize the competence of the Committee to receive and consider individual communications. For its part, the Committee should strengthen its country visit mechanism, further develop its ability to deal with requests for urgent action and submit concrete recommendations to States on how to rehabilitate, compensate and support the families of victims of enforced disappearance.

#### *Presentation of the draft report*

76. **The Co-Chair** invited the Rapporteur to present the draft report of the first session of the Conference of the States Parties.

77. **Mr. Auajjar** (Vice-Chair), speaking as the Rapporteur, said that he was honoured to be presenting the draft report on the proceedings of the first session of the Conference of the States Parties to the International Convention for the Protection of All Persons from Enforced Disappearance. The Conference had been opened by the United Nations High Commissioner for Human Rights, who had underscored the importance of the Convention and the vital role played by the Committee. Two Co-Chairs and three Vice-Chairs had then been duly elected by acclamation.

78. The Conference had been convened under article 27 of the Convention to evaluate the functioning of the Committee and to decide whether it was appropriate to transfer the monitoring of the Convention to another body. The Conference had considered the note of the Secretary-General on the functioning of the Committee. It had heard statements by the following States parties: Albania, Argentina, Armenia, Belgium, Bolivia (Plurinational

State of), Brazil, Chile, Colombia, Ecuador, France, Gabon, Germany, Greece, Honduras, Italy, Japan, Mali, Montenegro, Morocco, Netherlands, Peru, Senegal, Spain and Uruguay. Statements had also been delivered by representatives of human rights mechanisms, intergovernmental organizations, national human rights institutions and NGOs. The Conference had agreed by consensus to adopt a decision extending the Committee's mandate and to request the Secretary-General to transmit the report of the Conference to all States parties. The representative of the delegations of Belgium and the Netherlands had requested it should be placed on record that the decision was not to pre-empt the outcome of the treaty body review, which was to be conducted in 2020.

79. He proposed that the Conference should adopt the report *ad referendum* as presented. The Secretary-General would then circulate the report and States parties would have a period of two weeks in which to submit their comments thereon.

80. **The Co-Chair** said that he took it that the Conference wished to adopt the draft report as presented by the Rapporteur.

81. *The report was adopted.*

#### **Closure of the session**

82. **The Co-Chair** said that he wished to express his gratitude to all participants for their harmonious and constructive contributions, which had helped to make the session a success. The sweeping consensus that had emerged could be attributed in part to the subject matter but also, in great part, to the significance of the Convention, which had been reconfirmed by the establishment of a permanent monitoring mechanism. The consensus had also been the result of tireless efforts by the French Co-Chair; France had played an historic role in the drafting of the Convention and, now again, in the approval of the extension of the Committee's mandate.

83. The session had been innovative in its inclusion of participants other than States parties. In addition to intergovernmental organizations and other United Nations human rights bodies, some 270 NGOs had been represented and had endorsed without reservation the decision for the Committee to continue as the Convention's monitoring body. Such broad support provided a strong starting point towards the universal ratification of the Convention.

84. Much work remained to be done in ensuring that the Convention was implemented at the national level and duly integrated into the domestic legislation of States, including through specific criminal provisions and, especially, exemption from any statute of limitations. Further work was also needed in the area of prevention, and the Convention had a special role to play in that regard. His experience in a country that had not only systematically practised enforced disappearance but had also exported that practice and, within its own borders, had subjected citizens of another country to the practice was evidence that borders were not respected; as a result, incalculable damage had been inflicted on the emerging democracies of Latin America. The cruelty of kidnapping people and keeping them out of the reach of justice had been compounded by the methods used to extract confessions and then deciding on the person's fate totally outside the realm of the law. Those acts had long-lasting, perverse sequelae, which made the work of organizations such as the Grandmothers of Plaza de Mayo all the more important inasmuch as the search to find grandchildren who had been victims of State-practised kidnappings continued.

85. Such efforts to address, prevent and eliminate the scourge of enforced disappearance had become possible only because of legislation that had been promulgated along the same lines as the Convention. The Convention, in turn, had originated and had been adopted thanks largely to the efforts of victims of enforced disappearance and of NGOs. Its ratification by States was itself a form of reparation. It was a kind of reparation as well for

countries that had exported the practice and for their neighbours that had suffered from that practice. Many more Uruguayans had been forcibly disappeared in Argentina, for instance, than in their own country. The cruelty and brutality of enforced disappearance should not be exported or allowed to proliferate elsewhere. Whenever detected, it was essential to redouble efforts to ratify the Convention and to ensure that the Committee continued to fulfil its mandate. In paying tribute to the victims who had suffered from the cruellest of treatment, he said that in the name of justice, reparation and memory, a decisive step had been taken.

*The meeting rose at 12.40 p.m.*