



International Convention for the Protection of All Persons from Enforced Disappearance

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Summary record of the first part (public)* of the 371st meeting

Held at the Palais des Nations, Geneva, on Monday, 20 September 2021, at 10 a.m.

Chair: Ms. Villa Quintana

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* The summary record of the second part (closed) of the meeting appears as document [CED/C/SR.371/Add.1](#).

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The meeting was called to order at 10 a.m.

Meeting with States Members of the United Nations

1. **The Chair** said that the previous year had marked the tenth anniversary of the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance. Since its first session in 2011, the Committee on Enforced Disappearances had worked tirelessly in pursuit of the Convention's aim of eradicating and preventing enforced disappearance by providing support to victims and guidance to States parties, non-governmental organizations (NGOs), national human rights institutions and other stakeholders. To date, it had reviewed 38 initial reports submitted by States parties under article 29 (1) of the Convention and 5 reports containing additional information under article 29 (4), having issued concluding observations and recommendations on each occasion. It had also decided two individual communications filed under article 31. As at September 2021, the Committee had received 1,410 requests for urgent action and had issued requests for information on the situation of the persons sought to the States parties concerned in each case. A total of 107 disappeared persons named in those requests had been successfully located, while 1,207 cases remained open.

2. Since its establishment, the Committee had progressively developed a body of jurisprudence that had recently been the subject of a report entitled *The work of the Committee on Enforced Disappearances: Achievements and jurisprudence ten years after the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance*. The Committee had planned a series of activities to disseminate the report, which it hoped would serve as a useful tool for States parties, victims, NGOs and national human rights institutions.

3. To assist the Committee in its efforts to eradicate and prevent enforced disappearance, it was critical that more States ratified the Convention. The Committee welcomed the recent accession to the Convention by the Sudan and the statements by the Republic of Korea and Luxembourg to the effect that they would soon ratify the treaty. Argentina and France had launched a third ratification campaign and the Committee had set itself the target of securing 100 ratifications by the year 2025.

4. In addition to stepping up the pace of ratifications, she wished to urge all Member States to join forces to provide the Committee with the resources that it required to fulfil its mandate. The meeting time and human resources currently allocated to the Committee were simply not sufficient for it to review the reports submitted by States parties in a timely manner. The considerable amount of time that it was currently taking to respond to those submissions meant that States parties could not act quickly and that victims were denied the support they so urgently required.

5. The Committee would continue to provide guidance and support to all stakeholders in its work. In that regard, it would soon begin drafting a general comment on the subject of enforced disappearance in the context of migration. In the meantime, she wished to thank the delegations present for having agreed to participate in meetings held fully or partially online and to reiterate the Committee's desire for a return to more traditional meeting formats in the near future.

6. **Ms. Martínez Liévano** (Mexico) said that the issue of enforced disappearance was a key priority for the Government of President López Obrador. Mexico was grateful for the Committee's ongoing support in implementing the Convention and acknowledged the importance of the Committee's recommendations and technical assistance in developing a stronger legal framework to prevent enforced disappearance. Following a long consultation process, the Government had decided to recognize the Committee's competence to receive and consider individual communications under article 31 of the Convention, and had officially agreed to receive a visit by the Committee, which would be the first of its kind.

7. However, there was a lack of clarity as to the criteria used by the Committee to determine whether urgent action cases could be closed. There were cases where the person in question had been found and, even before it had become clear whether legal proceedings would be initiated or a punishment handed down, the Committee had proceeded to close the urgent action case. However, in other similar cases, the urgent action case had remained open.

Further clarification on the procedure followed by the Committee in such cases would be appreciated. Certain cases remained unresolved owing to a lack of information from either the individuals who had submitted the requests for urgent action or from the relevant authorities in Mexico. That situation was, to a certain extent, understandable, since Mexico was a vast country with a large population and a complicated legal system involving federal, state and municipal authorities. The Government would nonetheless welcome further guidance from the Committee on how it could improve the way in which it addressed urgent action requests.

8. **Mr. Machuca** (Argentina), speaking via video link, said that the Government of Argentina wished to reiterate its commitment to preventing enforced disappearance and to supporting victims and their families in the search for truth, justice and reparation. It wished to congratulate the Committee for having continued to fulfil its mandate during the coronavirus disease (COVID-19) pandemic, and welcomed the key guidelines on COVID-19 and enforced disappearance issued jointly by the Committee and the Working Group on Enforced or Involuntary Disappearances.

9. In addition to the ratification campaign that it was conducting with France, Argentina had also recently launched a campaign on the right to identity. The aim of the campaign was to support people around the world who had doubts as to their real identity. Led by the country's consulates and embassies, it was primarily aimed at helping people who, as children, had been stripped of their identities during the most recent military dictatorship in Argentina and who were, under the terms of the Convention, victims of enforced disappearance.

10. **Mr. Abdullatteef** (Iraq) said that the Government of Iraq wished to reiterate its commitment to cooperating with the Committee in its efforts to put an end to the phenomenon of enforced disappearance. Iraq was in need of the Committee's support, since a number of allegations had been made concerning the enforced disappearance of persons in its territory.

11. The Government was committed to investigating all allegations of enforced disappearance in a comprehensive manner and a new bill on enforced disappearance would soon be submitted to the parliament for approval. Theoretically, it was easy to identify the individuals in question by searching the records held by the country's judicial authorities. However, in practice, some of the alleged victims appeared to be members of Da'esh and it was unclear whether they were Iraqi or foreign nationals. The Government was of the view that many of the missing individuals had chosen to flee the country voluntarily and were not victims of enforced disappearance. It stood to reason that the Government would only respond to the Committee's requests for urgent action once it had proved the credibility of the allegations.

12. The Government had accepted the Committee's request to visit Iraq; however, it appeared that the proposed date in February 2022 clashed with a visit by another treaty body. A formal invitation would be extended as soon as a suitable date had been found.

13. **Mr. Boutadghart** (Morocco), speaking via video link, said that Morocco welcomed the work carried out by the Committee during the COVID-19 pandemic. The Committee had been the first treaty body to conduct online dialogues with States parties and, in spite of the challenging circumstances, had continued to adopt decisions that both strengthened its working methods and developed its jurisprudence. In particular, the Government of Morocco welcomed the progress made in implementing the procedure for considering additional information submitted by States parties under article 29 (4) of the Convention, the efforts undertaken to make the Committee's work more visible, and the steps taken to maximize the participation of victims and NGOs in its work and to strengthen its ties with regional human rights mechanisms. Morocco was committed to working constructively with the Committee and urged all States that had not yet done so to ratify the Convention.

14. **Mr. Laghdaf** (Mauritania), speaking via video link, said that the submission of the initial report of Mauritania bore testament to the country's commitment to fulfilling the obligations that it had assumed upon ratifying the Convention. He wished to take the opportunity to reiterate the full willingness of the Government of Mauritania to engage in a constructive dialogue with the Committee. Thanks to its comprehensive domestic legal framework and the presence of independent human rights institutions in the country,

Mauritania was able to ensure that all human rights and, in particular, the right to protection from enforced disappearance, were respected, promoted and protected.

15. **Ms. Stepanyan** (Armenia), speaking via video link, said that offences of enforced disappearance risked leading to a chain of aggravated human rights violations, a risk that increased significantly during wars, armed conflicts and humanitarian emergencies. Moreover, there were cases where international human rights instruments could not be relied upon to attribute responsibility accurately or to bring perpetrators to justice. During recent hostilities, countries in her region had been confronted by a situation in which an aggressor State had denied – against all evidence to the contrary – allegations relating to thousands of cases of abduction, hostage-taking, deprivation of liberty and enforced disappearance. In that context, Armenia wished to highlight the importance of the work carried out by the Committee and the Working Group on Enforced or Involuntary Disappearances. It urged more States to ratify the Convention in order to step up the fight against impunity and injustice.

16. **Mr. Makonnen** (Ethiopia) said that, although Ethiopia was not a signatory to the Convention, enforced disappearance was criminalized in its domestic legislation. Ethiopia had also ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, under which it was obliged to protect the rights of internally displaced persons, regardless of the cause of displacement. The country wished to take the opportunity to reaffirm its commitment to cooperating with the Working Group on Enforced or Involuntary Disappearances and to reassure the Committee that Ethiopia was making every effort to ascertain the whereabouts of the victims of the alleged cases of enforced disappearance that had been reported to the Working Group between 1980 and 2021.

17. **Mr. Ayat**, thanking the delegations for their participation, said that the Committee remained committed to pursuing its work in spite of the exceptional circumstances. Indeed, if anything, it had stepped up its efforts to protect victims of enforced disappearance during the COVID-19 pandemic. In order to continue to fulfil its mandate, however, the Committee required a greater show of support from all Member States of the United Nations. While the Committee's workload had steadily increased in recent years, the human and financial resources allocated to it had remained the same. As a result, the Committee simply did not have enough time to do all the work required to fulfil its mandate. The slow pace of new ratifications was also a cause for concern. He was grateful to those States parties that were trying to encourage other States to ratify the Convention and called on all the other delegations present to join those efforts.

18. **Mr. de Frouville** said that it was very important for the Committee to have the opportunity to engage in a direct dialogue with States parties to the Convention. He wished to reassure the delegations present that the members of the Committee and the secretariat were always happy to answer their questions on the procedures for submitting reports and receiving a visit from the Committee and those relating to individual communications and requests for urgent action, and on any other subject related to the implementation of the Convention. It was particularly encouraging to see the participation of delegations from States that were not yet parties to the Convention. He hoped that they would ratify the Convention without further delay, since leading the fight against enforced disappearance was a task that required the support of all Member States.

19. **The Chair** said that the Committee had taken note of the concerns raised by certain delegations about the urgent action procedure. Every year, the Committee produced a report on the requests for urgent action that it had received, which included information on the number and nature of the cases that had been submitted, any difficulties that had arisen and any progress that had been made. The Committee understood that it was not always straightforward for States parties to respond to its urgent action requests. However, such requests were one of the means by which the Committee offered protection to victims of enforced disappearance and it was important for Committee members and States parties to work together to address them.

20. In response to the specific question from the Mexican delegation on the criteria used to determine whether cases could be closed, clear information on all urgent action cases would be included in the forthcoming annual report. The visit to Mexico would provide an

excellent opportunity for the Committee to share good practices and to make recommendations designed to help the country overcome any difficulties that it was experiencing in responding to urgent action requests.

21. It was also heartening to hear that the Committee might have the opportunity to visit Iraq in 2022. She wished to thank both the Iraqi delegation for its openness and the Ethiopian delegation for having participated in the dialogue despite not being a signatory to the Convention. Lastly, she wished to reiterate her congratulations to the Sudan for having acceded to the Convention. It was to be hoped that more Member States would follow consider ratifying the treaty over the coming months.

The public part of the meeting rose at 10.50 a.m.