



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

Distr.: General  
4 December 2013  
English  
Original: French

---

## Committee on Enforced Disappearances

### Fifth session

#### Summary record of the first part (public)\* of the 75th meeting

Held at the Palais des Nations, Geneva, on Thursday, 14 November 2013, at 10 a.m.

*Chairperson:* Mr. Decaux

## Contents

Meeting with national human rights institutions

*Dialogue on the means of cooperation between national human rights institutions  
and the Committee on Enforced Disappearances*

---

\* No summary record was prepared for the rest of the meeting.

---

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.13-48608 (E) 021213 041213



\* 1 3 4 8 6 0 8 \*

Please recycle The recycling symbol, a triangle of three chasing arrows.



*The meeting was called to order at 10.05 a.m.*

### **Meeting with national human rights institutions**

*Dialogue on the means of cooperation between national human rights institutions and the Committee on Enforced Disappearances*

1. **The Chairperson** invited the representatives of national human rights institutions to engage in a dialogue with the Committee.
2. **Mr. Mushwana** (Chairperson, International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC)) said that ICC welcomed the fact that the Committee referred to the national human rights institutions in its Rules of Procedure (CED/C/1) and that it was preparing a document on cooperation with those institutions. ICC encouraged the Committee to take into account the special and complementary role that the national human rights institutions played, both within the treaty-bodies system and in national structures. He urged the Committee to include in the Rules of Procedure provisions to enable national human rights institutions to participate as effectively as possible at all stages of the Committee's work and procedures. The Committee should also take into account the best practices already established by other treaty bodies, and in particular those in the Paper on the relationship of the Human Rights Committee with national human rights institutions, adopted by the Committee at its 106th session (CCPR/C/106/3). ICC encouraged the Committee and all the treaty bodies to pursue their efforts to improve access for national actors to the human rights treaty bodies. He hoped that the Committee would provide training for the staff of national human rights institutions to enable them fully to appreciate the importance of the Convention and its value for the global human rights situation, and inform them of the possibilities of dialogue with the Committee.
3. Speaking in his capacity as Chairperson of the South African Human Rights Commission, he said that on account of its history, South Africa was well placed to play an active role in the promotion of the Convention and in the work of the Committee. It was vital for national human rights institutions to adopt, within the framework of their mandate, the measures necessary to ensure that States parties fulfilled their obligations.
4. **The Chairperson** noted with interest the proposal to set in motion a regional dynamic for the ratification of the Convention. He emphasized that while the Committee had hitherto addressed the matter of the position of national human rights institutions on a case-by-case basis, it was nonetheless necessary to harmonize methods of cooperation between the treaty bodies and the national human rights institutions which, as they were neither part of the authorities nor of civil society, had a unique role to play. It was not possible for the Committee to follow the practice of the Human Rights Committee, which engaged in a dialogue mainly with general interest national human rights institutions. As was the case of the Committee against Torture and the Sub-Committee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Committee also had potential partners among the specialized agencies, which were a valuable source of information, in particular with regard to the situation in places of detention. Moreover, the Committee could also find important partners at the provincial level, especially in federal States, where there could be pronounced differences between the federal and provincial institutions, because human rights violations were sometimes concentrated in certain provinces. Whatever their status in terms of accreditation, the national human rights institutions could act dynamically and be a source of valuable information. In addition, they played a very important role in protecting the victims of enforced disappearances against threats of reprisals and intimidation. The Committee was prepared to take part in a meeting with ICC on the Convention as well as in training activities, which should be for all national human rights institutions in categories A and B. The Committee needed the

national human rights institutions at all stages of the presentation of reports under article 29 of the Convention. It was important for the Committee to define the place of the institutions during the presentation of national reports, especially the time allocated to them to speak. The Committee also needed them in connection with the implementation of articles 33 and 34. In respect of the *amicus curiae* procedure, he asked for details of how an outside participant such as an NGO or a national human rights institution could participate.

5. **Ms. Rose** (International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC)) welcomed the determination of the Committee to collaborate with victims' associations and with civil society. ICC believed that the preparation of a document describing the nature of collaboration between the national human rights institutions and the Committee would make it possible to lay down firm foundations for strengthening the implementation of the Convention, because those institutions could provide the Committee with information from an independent source on the situation in a country and help to monitor the implementation of the concluding observations. However, they could perform that role correctly only if they complied with the Paris Principles, and if their compliance was ascertained by ICC by means of its periodic review of accreditations. For that reason, it would be valuable for the Committee to underscore in the document, as well as in its concluding observations, the importance of national institutions complying with the Principles and requesting accreditation from ICC. ICC welcomed the measures taken by the Committee to facilitate access to its work for national actors, especially victims' organizations and civil-society, through the use of videoconferencing and broadcasting meetings on the Internet. It also welcomed the fact that the Committee provided national institutions in advance, through the office of the ICC representative in Geneva, with information on the programme for its meetings to enable them to participate or contribute to its work. In turn, ICC kept the national institutions abreast of the Committee's work. ICC noted with satisfaction that the Rules of Procedure (CED/C/1) dealt with the question of reprisals and acts of intimidation against national institutions which cooperated with United Nations bodies, and suggested that it would be worthwhile to designate among the members of the Committee a coordinator responsible for matters relating to reprisals. In his view it was desirable for national institutions to have the possibility of participating in drawing up the list of issues to be addressed and to discuss in private with the members of the Committee during preparations for the consideration of a report. Moreover, if the situation in a country was to be considered in the absence of a report from the State party, the national institutions could provide a parallel report and, if necessary, remind the State party in question of its reporting obligations. They could also inform the Committee of the follow-up given by the State party to the concluding observations adopted after the consideration of the report, as provided for by article 64 of the Rules of Procedure. The possibility for national institutions to participate in the general debate and in preparing the concluding observations was also commendable. Moreover, if a visit was made to the State under article 33 of the Convention, the Committee could request the national institution to provide it with information and could even meet with some of its representatives during the visit. Lastly, the institutions could support victims who wished to submit communications and provide the Committee with information as *amici curiae*.

6. **Mr. Garcé García y Santos** noted that in some countries the legitimacy of the national human rights institutions, whose value was recognized, had gradually been undermined by their attitude towards the executive branch, and recognized that it was difficult to strike a balance between the demands made by those who exercised political power and those of the beneficiaries of assistance. Besides, the national human rights institutions had to be effective and to provide proof of their legitimacy, even though their recommendations and views were not always binding.

7. **Mr. Corcuera Cabezut** said that the independence of the national institutions, including those with category A status, was sometimes questionable, in particular when the

delegation representing it was in part composed of members of the Government. ICC could consider amending the provisions of the Paris Principles concerning the composition and means of guaranteeing the independence of national institutions, which provided for the possibility for governments to sit, in a consultative capacity, on a national institution.

8. **Mr. Huhle** referred to the contribution by the German national human rights institution, as *amicus curiae*, to the Committee on the Elimination of Racial Discrimination (CERD) as an example of the value of allowing national institutions to act as *amici curiae* in respect of communications.

9. **Ms. Rose** said that in the view of ICC national institutions should clearly not be government structures: they occupied reserved places in the meeting rooms where the discussions of the human rights bodies, such as the Human Rights Council or the Universal Periodic Review took place. The ICC Sub-Committee on Accreditation was increasingly concerned about the independence of national institutions, especially when the treaty bodies expressed misgivings. The Sub-Committee had prepared a general comment for national institutions and States on compliance with the Paris Principles, which emphasized the independence of the process used to select members. Collaboration between those institutions and the treaty bodies, whose concluding observations carried considerable weight, was intended above all to strengthen the implementation of the international human rights instruments, in conjunction with other mechanisms, such as the special procedures mandate holders.

10. **The Chairperson** noted with satisfaction that the discussion had made it possible to confirm the substantial agreement between the Committee and ICC and said that at the next session it was planned to designate from among the members of the Committee a coordinator for collaboration with ICC.

*The first part (public) of the meeting rose at 11.10 a.m.*