



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

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## Committee on Enforced Disappearances

### The relationship of the Committee on Enforced Disappearances with civil society actors\*

1. The Committee on Enforced Disappearances, recalling article 24, paragraph 7, of the International Convention for the Protection of All Persons from Enforced Disappearance, considers that the cooperation of local, national and international civil society actors, especially associations of relatives of disappeared persons, working on the promotion and protection of human rights in general, and on the fight against enforced disappearances in particular, is essential for the promotion and implementation of the Convention.
2. The Committee considers that civil society has a key role to play in assisting it in discharging its mandate effectively by, inter alia, providing at any time genuine, factual and focused information in relation to the different activities that the Committee may carry out in accordance with the Convention. Non-governmental organizations in particular play a key role in assisting victims of enforced disappearances to access the Committee.
3. For this reason, at its third session, the Committee decided to draft a document on the methodology of interaction with civil society actors. At its fourth session, the Committee discussed the first draft and decided to seek comments from all stakeholders before the document's adoption at its fifth session. The present document takes into account the comments received. The purpose of the present document is to clarify and further develop the Committee's relationship with civil society actors and to enhance their contribution to the implementation of the Convention at the domestic level.

#### I. The role of civil society actors in the reporting process under article 29 of the Convention

4. The Committee provides a space for civil society actors to play a constructive role in relation to the reporting process under article 29 of the Convention, as well as in the review by the Committee of States parties' compliance with their obligations under the Convention.
5. Taking note of the fact that consideration of State parties' reports by the Committee is based on a constructive dialogue with States parties, the Committee considers necessary that it be based on information received not only from States parties, intergovernmental

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\* Adopted by the Committee at its fifth session (4-15 November 2013).



organizations and national human rights institutions, but also from civil society actors, in particular associations of relatives of disappeared persons when they exist, to ensure a well-informed and constructive discussion.

6. Civil society actors therefore have a key role to play in providing information during the reporting process, at all stages, including for the preparation of the list of issues and for the follow-up to the concluding observations of the Committee.

7. Civil society actors are encouraged to provide alternative reports that contain information on the implementation of some or all of the provisions of the Convention; comments on the reports of State parties and their written replies to the lists of issues; and information on the implementation by the State party concerned of the concluding observations of the Committee. Civil society actors are requested to ensure that their reports are provided within the deadlines provided by the Secretariat and that they are submitted in accordance with the guidelines set forth to that effect.<sup>1</sup>

#### **A. Consultations and input to the State party report**

8. The Committee acknowledges that civil society actors may provide useful input to State party reports and encourages States parties to involve civil society in the preparation of their reports. However, the role played by civil society in providing information for the State party's report should not exclude the possibility of submitting an alternative report to the Committee.

#### **B. Submission of civil society reports for the list of issues**

9. The Committee emphasizes that it is highly desirable to receive input from civil society at an early stage of the reporting process. For this purpose, the Committee shall give advance notice of its reporting schedules.

#### **C. Civil society reports and presentation of oral information**

10. The Committee welcomes the submission of alternative reports, oral presentations by civil society actors during the session, and the presence of civil society actors as observers during the examination of the State party's report under article 29. Time is given to civil society actors to engage with the Committee members during a formal closed meeting preceding the examination of the State party's report. This allows civil society actors to present their main issues of concern orally with interpretation and to reply to questions from members. There are additional opportunities for civil society actors to provide the Committee with detailed information during informal private briefings. The privacy of the meeting aims at ensuring that civil society actors can engage freely and effectively with the Committee without fear of intimidation or reprisal.

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<sup>1</sup> See section III of the Committee's note on civil society engagement: <http://www.ohchr.org/EN/HRBodies/CED/Pages/CivilSociety.aspx>.

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**D. Civil society reports under the Committee's follow-up procedure to concluding observations**

11. The Committee encourages civil society to contribute to the follow-up procedure to concluding observations provided for in its rules of procedure. Civil society actors can provide the Committee with written information, including an evaluation of the measures taken by the State party to implement the concluding observations that are selected by the Committee for the follow-up procedure. This information should be submitted at the time the State party is due to submit follow-up information on the selected concluding observations (namely one year after their adoption), or once the State party's follow-up information is made public. Such information should concern only the implementation of recommendations highlighted in the concluding observations for consideration under the follow-up procedure.

**E. Civil society reports under the review procedure (examination in the absence of a State report)**

12. The Committee encourages civil society to submit alternative reports in cases in which the Committee decides to examine a State party in the absence of a State report. Civil society will have the same opportunity to brief the Committee orally as under the regular reporting procedure. The examination of a State party in the absence of a report is conducted in public session and the concluding observations are released publicly after adoption, in line with the procedure set forth with regard to the regular reporting procedure under article 29.

**II. The role of civil society actors in relation to the urgent action procedure under article 30 of the Convention**

13. In accordance with article 30 of the Convention, either the relatives of a person who has reportedly been enforcedly disappeared, their legal representatives, their counsel or any other person authorized by them, as well as any other person having a legitimate interest, may submit to the Committee a request that a person be sought and found as a matter of urgency.

14. In this regard, civil society organizations have a particular role to play in assisting the persons mentioned in the previous paragraph to submit these requests, as well as in liaising with the Committee for as long as the fate of the person sought remains unresolved.

15. Authors of urgent action requests shall ensure that the Committee receives updated information timely for as long as the fate of the person sought remains unresolved.

**III. The role of civil society actors in relation to the individual communications procedure under article 31 of the Convention**

16. In accordance with article 31 of the Convention, any individual subject to the jurisdiction of a State party claiming to be a victim of a violation of the provisions of the Convention by such State party, or others acting on their behalf, may submit individual communications to the Committee for its consideration.

17. In this regard, civil society organizations play an important role in providing assistance to the alleged victims of these violations in submitting individual communications to the Committee. Authors of individual communications are strongly encouraged to submit follow-up information on the implementation of the Committee's views and interim measures, when appropriate.

18. Once the views are made public, it is important that authors verify that implementation has indeed taken place.

#### **IV. The role of civil society actors in relation to country visits by the Committee under article 33 of the Convention**

19. Civil society actors play an important role in providing to the Committee reliable information indicating that a State party is seriously violating the provisions of the Convention, which may trigger a visit by the Committee to the State party concerned under the terms of article 33 of the Convention.

20. Civil society actors may also play an important role before and during the country visit of the Committee by providing updated information and participating, or facilitating the participation of victims of enforced disappearance, in the meetings or hearings that the Committee may undertake to determine facts or issues relevant to the assessments of the situation in the State party concerned. The Committee will hold closed meetings with civil society actors and treat information received with the utmost confidentiality to ensure that they can engage freely and effectively with the Committee without fear of intimidation or reprisal. Civil society actors are also strongly encouraged to transmit to the Committee information on the status of implementation of the recommendations made by the Committee to the State party concerned in relation to the country visit, as well as relevant reliable information on any developments that may have taken place after the country visit.

#### **V. The role of civil society actors in bringing to the attention of the Committee information related to widespread or systematic practices of enforced disappearances under the terms of article 34 of the Convention**

21. Civil society actors also play a very important role in providing to the Committee information containing well-founded indications that enforced disappearance is being practised on a widespread or systematic basis in the territory under the jurisdiction of a State party, which may trigger the Committee to bring such information to the attention of the General Assembly in accordance with article 34 of the Convention.

#### **VI. The role of civil society actors in addressing women's and children's rights and in integrating a gender perspective**

22. The impact of enforced disappearance on women and children is of particular concern to the Committee. Civil society actors can play a very important role in providing the Committee with specific information on violations of women's and children's rights and, when available, statistical data on cases of enforced disappearance disaggregated by, inter alia, sex and age, when submitting information in the context of articles 29, 30, 31, 33 and 34 of the Convention.

23. Civil society actors are encouraged to integrate a gender perspective in their submissions, highlighting in particular the existing obstacles to the equal enjoyment of rights by women and men victims of enforced disappearance.

24. Civil society actors are also encouraged to ensure that, on the basis of equality with men, women's organizations and women human rights defenders are duly consulted and participate in the process of gathering, elaborating and submitting information to the Committee.

## **VII. The role of civil society actors in bringing to the attention of the Committee reports on reprisals**

25. In order to protect civil society actors who have sought to address and/or cooperate or have addressed and/or cooperated with the Committee, from intimidation, persecution or reprisal, the Committee may consider, at its discretion or at the request of the author, that the information, documentation and statements received be kept confidential and decide not to make them public. In these cases, the Committee will decide on how to use such information.

26. Civil society actors, in particular non-governmental organizations, also play a very important role in providing to the Committee reports on cases of intimidation, persecution or reprisal against any individual who has sought to address and/or cooperate or has addressed and/or cooperated with the Committee by submitting information in relation to the State parties' reporting procedure under article 29, urgent actions, individual communications, information relevant to violations of the Convention or by having met the Committee during its country visits. In this regard, the Committee has decided to appoint a Rapporteur on reprisals.

## **VIII. Input to the drafting and use of the Committee's general comments and to days of general discussion**

27. The Committee encourages civil society actors to provide input on general comments under consideration and on days of general discussion it may hold. Due to the importance assigned by the Committee to the input from civil society actors in these processes, the Committee shall announce as soon as possible the general comments it would consider or the days of general discussion it intends to organize. Civil society actors are also encouraged to make use of the Committee's general comments in their advocacy efforts.

## **IX. Enhancing global outreach**

28. The Committee welcomes the cooperation and input of local, national and international civil society actors and notes that logistical and financial constraints sometimes limit their possibility to attend its sessions. The Committee therefore welcomes and encourages the use of technology to enhance contributions from all regions during its sessions, such as video or telephone conference links and webcasting.

29. The Committee, within its power, will ensure that its sessions are accessible by persons with disabilities so that they can fully and effectively participate in its work and that reasonable accommodation will be provided to them.

30. The Committee further encourages civil society actors to make independent efforts to translate the Committee's documents into local languages.

31. The Committee also encourages civil society actors to continue and further strengthen their efforts in advocating ratification of the Convention and acceptance by States parties of the competence of the Committee under articles 31 and 32 of the Convention.

32. Finally, the Committee welcomes and encourages the efforts of civil society to enhance outreach and awareness, including through training, of the Convention and the tools it provides to the Committee, as well as of its concluding observations, in particular those stemming from the review procedure of a State party in the absence of a report, views, recommendations made in the context of country visits and general comments. Committee members are ready to consider participating in these activities. A good practice example of raising awareness and increasing publicity of the Committee's activities is webcasting of the Committee's public sessions by civil society actors.<sup>2</sup> The Committee particularly encourages civil society actors to draw upon the International Day of the Victims of Enforced Disappearances, observed on 30 August, to carry out their outreach and awareness activities.

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<sup>2</sup> The sessions of the Committee can be followed through the following link:  
<http://www.treatybodywebcast.org/>.