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**Committee on Enforced Disappearances
Seventh Session**



Opening Address by

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Chairperson.

Distinguished Members of the Committee,

Ladies and Gentlemen,

I am honoured to welcome you, on behalf of the High Commissioner for Human Rights, to the seventh session of the Committee on Enforced Disappearances and to engage with you briefly this morning.

I am particularly pleased as it provides me with an opportunity to further strengthen the interaction between your Committee, your secretariat within the Human Rights Treaties Division, and the Research and Right to Development Division in which I work as Chief of the Rule of Law and Democracy Section, within the Rule of Law, Equality and Non-Discrimination Branch (ROLENDB).

Let me briefly **introduce the work of the Branch**, which is composed of four Sections dealing respectively with the four following issues: Rule of Law and Democracy; Women's Human Rights and Gender; Anti-Discrimination; and Indigenous Peoples and Minorities. Overall, ROLENDB assists in filling the knowledge and capacity gaps in these areas through the provision of substantive and legal expertise and support to the High Commissioner and colleagues in Geneva, New York and in the field, through, inter alia, carrying out policy analysis, documenting good practices and elaborating guidance and tools. The Branch also supports several intergovernmental and expert mechanisms.

The International Convention for the Protection of All Persons from Enforced Disappearance, and the work of your Committee, inform our work in many areas and many ways. Conversely, our work also contributes to supporting and promoting the standards, principles and goals of the Convention. Let me highlight briefly some of these areas and aspects of our work.

The right of victims to know the truth about the circumstances of an enforced disappearance and the fate of the disappeared person, and the right to freedom to seek, receive and impart information to this end, are central to the Convention. This is an articulation of the

right to the truth about gross human rights violations, which is the right to know about events that have transpired, including who participated in human rights violations, and the reasons why they took place. In turn, the right to the truth is closely linked to the right to justice and the right to reparations and guarantees of non-recurrence of violations.

OHCHR has actively supported the development of the normative framework regarding the right to the truth, for example through its study on the Right to the Truth (E/CN.4/2006/91) which was submitted to the Commission on Human Rights at its request in 2006. OHCHR has also been supporting transitional justice processes in more than 25 countries worldwide. We assist in the design and implementation of: national consultations and truth commissions; frameworks for prosecution and reparations; and institutional reforms. The Office has also developed a series of Rule of Law Tools for Post-Conflict States to provide operational guidance to UN field presences, practitioners and civil society, including with regard to truth commissions. The next rule of law tool currently under preparation will concern the important issue of archives, also closely connected with the right to the truth. This tool will aim to provide guidance on the management, reform, use and preservation of archives as a tool to help guarantee and enforce human rights, particularly the right to the truth about the past.

One of the fundamental lessons that we have learnt through our work has been that victims must occupy a central place in any search for truth and justice. Transitional justice processes that take into account the needs, perspectives and rights of victims do not only contribute to restoring their dignity. They also help to rebuild a sense of community by acknowledging the truth about the experiences that victims have endured, both as individuals and often as groups. I am aware that you share this experience when it comes to dealing with enforced disappearances.

The right to justice is explicitly articulated in the Preamble of the Convention, but also through its stated aim to **combat impunity for the crime of enforced disappearance**. The Convention requires State Parties to ensure that enforced disappearance constitutes an autonomous offence under their criminal law, and recalls that the widespread or systematic practice of enforced disappearance constitutes a crime against humanity. **Combating impunity and strengthening accountability**, in particular for international crimes, is one of the six

Office-wide priorities set out in our Office Management Plan for 2014-2017. It also constitutes a strong focus of the work of ROLENDB, and in particular for its Rule of Law and Democracy Section. We support and advise national justice mechanisms and promote international justice where necessary. It is hoped that this work will also contribute to reducing impunity for the crime of enforced disappearance.

A third and final point that I wanted to highlight is the importance of **prevention**. International crimes and other gross human rights violations, including enforced disappearances, do not just happen. They are often the result of existing social divisions, institutional failures, and clearly identifiable patterns of human rights violations that have been left unnoticed and have not been acted upon for many years. Prevention requires an adequate normative framework. It also requires addressing root causes such as marginalization and discrimination, a lack of institutions that respect human rights and rule of law principles, and the absence of effective accountability mechanisms compliant with international norms and standards. All these issues are central to the work carried out by the four sections in ROLENDB.

Chairperson, distinguished members of the Committee,

I would also like to provide an update on the status of **ratification of the Convention** since your last session.

On 21 July, Togo ratified the Convention, thus bringing the number of States parties to 43. The slow but steady increase in the number of States parties is of course a matter of satisfaction. However, more efforts should be made to **encourage ratification**, and to emphasise the contemporary value of the goals and objectives of the Convention.

In this regard, I am pleased to note that the Convention will be highlighted during the treaty-related event that starts next week in New York in parallel with the opening of the General Assembly. I hope that this will provide some impetus and lead to more ratifications.

The Secretary-General has also promoted the ratification of the Convention in his recent **report on the Convention** (A/69/214) and in his **report on missing persons**

(A/69/293). He strongly encouraged States that had not yet become parties to the Convention to take the measures necessary to do so, to incorporate its provisions into domestic law and to ensure full implementation by relevant authorities. The Secretary General also called upon ratifying States to recognize and to accept the competence of the Committee on Enforced Disappearances, under articles 31 and 32 of the Convention.

The Secretary-General and the President of the General Assembly also urged all Members States to ratify the Convention without delay on the occasion of the fourth International Day for the Victims of Enforced Disappearances. They stressed that the Convention “provides a sound foundation for fighting impunity, protecting disappeared persons and their families and strengthening the guarantees provided by the rule of law -- including investigation, justice and redress.”

These messages were echoed by the Deputy-High Commissioner, Ms Flavia Pansieri, on the occasion of the signing of the “Declaration on the role of the State in addressing the issue of persons missing as a consequence of armed conflict and human rights abuses” which took place last month in Mostar. Ms Pansieri encouraged all States that have not yet become parties to the Convention to take the necessary measures to do so, to incorporate its provisions into domestic law – including criminal codes - and to ensure its full implementation by relevant authorities.

OHCHR is also contributing its technical expertise to the effort to increase ratification of the Convention. Over the next three years, we will be actively promoting ratification in Burundi, the Central African Republic and Libya and also encouraging Mexico to accept the individual communications procedure. We look forward to reporting to you on future progress.

Chairperson, distinguished members of the Committee,

You are all aware of the successful adoption last April of General Assembly resolution 68/268 on **Strengthening and Enhancing the Effective Functioning of the Human Rights Treaty Body System**. The discussions on implementing the resolution have already begun within the forum of the Chairpersons’ meeting at the end of June. Your Chairperson will debrief you on the outcome, but I am pleased to provide an outline of some of the main issues under discussion.

The Chairpersons' meeting was the first meeting since the adoption of GA resolution 68/268. The Chairpersons welcomed this resolution, which opens a new chapter in the history of treaty bodies and "expresse[s] the commitment of human rights treaty bodies to further develop their work as a system."

The recommendations and decisions of the Chairpersons' meeting demonstrate that progress has been achieved, but also that much follow-up is now required by each of the nine treaty bodies with a communication and reporting process. In particular, as endorsed by the Chairs, Committees should consider making the Simplified Reporting Procedure (SPR) available after 1 January 2015. The Chairs also encouraged the treaty bodies to consider aligning the constructive dialogue and the concluding observations, as endorsed by the Chairpersons and clearly identified in paragraphs 5 and 6 of General Assembly Resolution 68/268.

I encourage you to build on the momentum created by the resolution and the Chairpersons' meeting. I understand that this Committee has in many ways been in the avant-garde in strengthening the treaty body system, in particular through harmonizing its working methods with those of other treaty bodies. This is of course important, for the system as well as for the General Assembly. As you know, the Secretary General was tasked in Resolution 68/268 to report back every two years to the General assembly on "progress achieved by the treaty bodies in achieving greater efficiency and effectiveness in their work" (paragraph 40). The first report will be submitted in 2016 and our major aim will be to demonstrate results.

Chairperson,

Distinguished members of the Committee,

Rest assured that OHCHR will continue to support you fully in all these endeavors. I wish you a very successful and productive session. Thank you.