

Check against delivery

Committee on Enforced Disappearances
Sixth Session



Opening Address by
Ibrahim Salama
Director
Human Rights Treaties Division

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Distinguished Members of the Committee,

Ladies and Gentlemen,

On behalf of the High Commissioner for Human Rights, I would like to welcome you to the sixth session of the Committee on Enforced Disappearances. While the establishment of the Committee is still recent, it is good to see that you are keeping pace of your work and have avoided any backlog of reports, urgent actions or individual communications. I am also aware of your efforts to harmonize your working methods with other Committees echoing the call of the High Commission only two years ago when she released her report on strengthening the treaty body system.

Allow me therefore to provide you with an update of the **treaty body strengthening**, in particular the inter-governmental process which is drawing to a successful close.

In early February, I was in New York during the last week of the final negotiations. The mandate of the Co-facilitators and the inter-governmental process expired on 15 February and they submitted the final draft resolution, as adopted by the General Assembly. This draft resolution has already been considered by the Advisory Committee on Administrative and Budgetary Questions (ACABQ) and the resumed session of the Fifth Committee will consider it later this month prior to consideration and final adoption by the General Assembly plenary.

Throughout the consultations in New York, the High Commissioner has made it clear to the Member States that the treaty body system is facing the triple challenge of a significant backlog, chronic under-resourcing and insufficient compliance with reporting obligations. If no prompt action is taken to rectify these problems, the treaty body system is threatened with collapse.

I do not want to anticipate the final outcome of the process but at this stage it includes additional resourced meeting time and resources for capacity building amongst other innovations and improvements. The first hurdle has been passed successfully and we will keep you closely informed on next developments. During the session one of your meetings is devoted to the consideration of the draft resolution in order to start reflecting on its implementation.

Let me emphasize how much the High Commissioner values the constructive contribution of the treaty bodies and their Chairs to the treaty body strengthening process. Your Chairperson, Emmanuel Decaux, participated at the very timely informal consultation of Chairpersons in Washington, D.C. a few days before the informals in New York. As you are aware, at this meeting, the Chairpersons met with the Co-facilitators and prepared a substantive joint statement which was shared with all Member States. I witnessed myself in New York how this joint statement influenced the consultations: it was quoted by the Co-facilitators and by a number of delegations. The High Commissioner herself has also quoted it in her own interactions.

There is a very important lesson here which should be emphasized. Treaty bodies should act as a system; your strength lies in your unity and your impact

depends on the degree to which treaty body members trust and empower the Chairpersons. I know this is a delicate issue and there is a balance you need to strike between, on the one hand, the due respect for the views of all experts and, on the other hand, the need for the treaty body system to speak with one voice, particularly in times of decision-making and engagement with member States.

This is why the High Commissioner has recently mentioned how much she truly values what she called “the Poznan formula” which was accepted by all treaty body Chairpersons in their respective annual reports to the General Assembly since 2011. As you know, the Dublin II consultations were the basis of my report on treaty body strengthening to the General Assembly and established the parameters for the current inter-governmental negotiations. The Poznan formula captures the right balance between autonomy and unity within the treaty body system. The Poznan formula as contained in the Dublin II Chairs’ statement reads as follows:

“Treaty bodies should ensure that Committee Chairpersons are mandated to take decisions in respect of working methods and procedures, which are common across the treaty body system and have previously been discussed and agreed to within each of the Committees, with particular reference to reporting and individual communications procedures. Such a measure would be implemented by all treaty bodies, unless a Committee subsequently dissociates itself from it”.

The fact that the treaty body Chairpersons collectively took the lead in Addis Ababa in 2011 to self-regulate their own standards of conduct has been an

historical initiative in showing that the treaty bodies are moving increasingly as a unified system and have the ability - as a system - to improve their work and reinforce their independence. Thanks to this proactive and forward looking action, the Chairs have successfully prevented the adoption of a Code of Conduct for treaty body members by the General Assembly.

Another example of the impact the treaty bodies can have when they speak with one voice is that the five principles, proclaimed by the Chairpersons in May to guide the treaty body strengthening process, are now reflected in the outcome resolution. I have repeatedly quoted these principles, namely:

1. The treaty body strengthening process must reinforce the human rights protection that the treaty body system offers;
2. the treaty body strengthening process must offer a comprehensive and sustainable solution to the challenges faced by the treaty bodies;
3. any cost-savings resulting from efficiency measures should be reinvested in the ten treaty bodies;
4. the treaty bodies must be made accessible to all; and
5. the independence of the treaty bodies and the treaty body members must be preserved.

I understand that your Chairperson will brief you in detail on the Washington consultation and my colleagues will keep you updated on further developments.

Chairperson, members of the Committee,

Since your last session in November 2013, OHCHR has continued supporting your work in many ways. In November, we organized, together with the Organisation internationale de la Francophonie, a **three-day workshop in Tunis**, from 18 to 20 November 2013, **on the reporting procedures to the Committee on Enforced Disappearances**. Participants included 17 representatives from Burkina Faso, Gabon, Mauritania, Morocco, Senegal and Tunisia. These are six African Francophone countries that have ratified the Convention and that will soon have to present their initial reports to you. I would like to thank you, Chair, as well as the Vice-Chairperson, Mr. Camara, for your much appreciated participation in the workshop.

I was pleased to learn that the interaction among the participants was truly remarkable. At the end of the training, 15 out of 17 participants filled anonymously the evaluation forms rating the substantive part of the training between very good and excellent. Also Burkina Faso committed to present the report to CED by end June 2014, while Gabon and Mauritania expressed the intention to start drafting the report during the course of 2014. The Secretariat is following up on these commitments with the Permanent Missions of the concerned States parties.

The Secretariat also worked with the Communications Section **to increase awareness of your work, in particular of the concluding observations that you adopted**. I was pleased to learn of a very successful press conference organized at the end of your last session which brought your work to the country-level through the national press in the concerned countries. The addition of a

press officer in the OHCHR communications section working substantially on treaty bodies has seen an important increase in the visibility of your work – which I believe is a key step in ensuring that the treaty body outputs have material impact at national practices and the lives of individuals.

I am encouraged by your continuing commitment to fostering **cooperation with relevant mechanisms and instruments**. Your decision to invite relevant special procedures and representatives of other committees, academics, NGOs and the general public to your discussion this session on enforced disappearance and military justice is an example of such commitment. In addition to enriching your discussions, such exchanges help to integrate your work in the existing human rights system.

Members of the Committee,

To conclude, rest assured that my Division is ready to continue to support you fully, in spite of all the limitations we are also facing, and in particular throughout this challenging month ahead. As to the means at your disposal to carry on this task, I remain hopeful that at your next session in September, we will already be able to work within the context of a comprehensive outcome adopted by General Assembly.

Without further delay, I would like to wish you successful deliberations and a productive 6th session.

Thank you.