



International Convention for the Protection of All Persons from Enforced Disappearance

Distr.: General
11 May 2020

Original: English

Committee on Enforced Disappearances Eighteenth session

Summary record (partial)* of the 314th meeting

Held via videoconference on Monday, 4 May 2020, at 2 p.m. Central European Time

Chair: Mr. Ayat

later: Mr. de Frouville (Vice-Chair)

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

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The meeting was called to order at 2 p.m.

Opening of the session

1. **The Chair** declared open the eighteenth session of the Committee on Enforced Disappearances.
2. **Mr. Salama** (Office of the United Nations High Commissioner for Human Rights (OHCHR)) said that the opening of the Committee's eighteenth session was a significant event, since it marked the first time in the history of the treaty bodies that a session was being held online. However, what was important was not the format of the meeting, but the message that the Committee was sending by taking such a step. Despite the huge efforts, concessions and difficulties entailed by holding the session online, in doing so, the Committee was demonstrating that the Convention remained a reality for all States and for all victims of the heinous crime of enforced disappearance, whatever the circumstances.
3. The principles enshrined in the Convention continued to apply in the context of the coronavirus disease 2019 (COVID-19) pandemic. For example, no exceptional circumstances could be invoked as a justification for enforced disappearance. The occurrences of enforced disappearance that had taken place in some parts of the world in recent weeks were of particular concern. COVID-19 could not, by any means, serve as an excuse for disappearing people. The Convention established that the competent authorities should investigate alleged acts of enforced disappearance and begin searching for disappeared persons without delay, whatever the circumstances and even when no formal complaint or request had been made. Irrespective of the challenges posed by the pandemic, States must take immediate measures to enable their competent authorities to comply with that obligation, since every day that passed put victims at further risk of mistreatment or death. States likewise had an obligation to ensure that the recovery and identification of remains of disappeared persons, and the return of remains to their families, were carried out in a scientifically rigorous, dignified and respectful manner.
4. There was no doubt that, in the COVID-19 context, the Committee would continue to play a crucial role in providing guidance to States and to victims and the organizations supporting them, and in ensuring constant respect for the principles enshrined in the Convention.
5. In the prevailing circumstances, treaty bodies would need to devise creative, innovative and flexible ways to maximize the resources at their disposal. He wished to recognize the efforts, particularly the long hours of preparatory work via email, that had enabled the Committee to hold its eighteenth session via videoconference, albeit without interpretation.
6. He was pleased to note that other treaty bodies were also taking innovative steps to adapt to the COVID-19 context. For example, the Committee on the Rights of Persons with Disabilities had convened closed meetings of its pre-sessional working group virtually to enable the latter to adopt lists of issues. The Human Rights Committee had completed the work scheduled for the final two weeks of its 128th session online, using a no-objection procedure for the adoption of decisions; recently, it had remotely adopted a statement on derogations from the Covenant in connection with the COVID-19 pandemic. In addition, the Subcommittee on Prevention of Torture had adopted a document providing advice to States parties and national preventive mechanisms in relation to the management of the pandemic in places of detention.
7. The treaty bodies, together with the United Nations Secretariat, were taking steps to prevent the spread of the pandemic from creating a spreading protection gap. The United Nations was seeking solutions to the challenges associated with working remotely, in particular that of providing simultaneous interpretation. Various options were being tested and it was hoped that a secure and tailored solution could be found in the near future.
8. The 2020 review of the progress made in implementing General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system remained a priority. In the COVID-19 context, OHCHR was working virtually with the co-facilitators appointed by the President of the General Assembly to oversee the

treaty body system review process. It was to be hoped that the process would lead to adjustments in the measures taken pursuant to resolution 68/268, including the necessary resources, to enable the treaty body system to respond to the challenges it faced.

9. The third report of the Secretary-General on the status of the human rights treaty body system (A/74/643) provided ample information on the progress achieved in implementing resolution 68/268 and identified remaining challenges, including those related to the urgent need to provide regular budget funding for all the mandated activities of the treaty bodies, in particular the required meeting time and staff resources. It also provided a description of emerging ideas and proposals, including the vision of the Chairs of the human rights treaty bodies for the 2020 review and suggestions submitted by States, civil society representatives and academics. He hoped that the contributions of all stakeholders would be taken into account in a transparent manner as part of the 2020 review process.

10. In that connection, the annual meeting of the Chairs of the human rights treaty bodies, which was scheduled to take place from 1 to 5 June 2020, was essential. On 15 and 16 April 2020, the Chairs had held a highly successful preparatory meeting online, which had been focused on how to realize the vision they had agreed upon at their June 2019 meeting. The aim of the forthcoming annual meeting was to identify additional proposals and recommendations and to provide the Chairs, Member States and co-facilitators with an opportunity to engage in dialogue on the optimal outcomes of the 2020 review.

11. The Permanent Representatives of Morocco and Switzerland to the United Nations, who had been appointed as the co-facilitators, would undertake informal consultations and report back to the President of the General Assembly by September 2020. OHCHR was already supporting their work, including by facilitating interaction between the human rights treaty bodies in Geneva and the delegations and decision-making bodies in New York.

12. As the Secretary-General had noted in introducing his April 2020 report on COVID-19 and human rights, by respecting human rights during the current time of crisis, the international community could “build more effective and inclusive solutions for the emergency of today and the recovery for tomorrow”. The Committee’s determination to continue its work would play a role in ensuring that, despite the current challenges, human rights were indeed respected.

13. **The Chair** said that the Committee looked forward to discussing the issues that the representative of the High Commissioner had raised, including the 2020 review, in the course of the current session.

14. Owing to connection problems that were affecting the video and audio quality, he invited Mr. de Frouville, Vice-Chair, to chair the remainder of the public part of the meeting.

15. *Mr. de Frouville, Vice-Chair, took the Chair.*

16. **The Chair** said that, as a result of the COVID-19 situation, it had been necessary to postpone the opening of the current session by several weeks. The Committee had decided to proceed with virtual meetings in order to ensure that pending documents were adopted without delay. It thereby reaffirmed its unwavering commitment to supporting victims of enforced disappearance and assisting States parties in the implementation of the Convention.

17. The organization of the current session had posed a major challenge, and concerted efforts had been necessary in order to overcome various technical hurdles while ensuring compliance with the Committee’s rules of procedure. The circumstances in which the Committee was operating were nevertheless far from ideal: the pandemic had severely restricted its interactions with States, civil society organizations, national human rights institutions, victims and other stakeholders. The new situation also demanded additional efforts on the part of the Committee members. He was grateful for their understanding and flexibility, in particular their willingness, as an exceptional measure, to work without interpretation. The lack of interpretation, which was contrary to the principle of multilingualism, had made it necessary to postpone the dialogues with States parties that had been planned for the current session. It had also imposed additional work on Committee members and the secretariat. Despite those obstacles, the Committee had been working since the previous session to prepare for the current and subsequent ones and to respond to requests for urgent action under article 30 of the Convention.

18. Since its establishment, the Committee had conducted 33 dialogues with States parties; it would soon adopt its thirty-sixth list of issues. Regrettably, 19 States parties had yet to submit an initial report on the measures taken to give effect to their obligations under the Convention. The Committee had decided that, if no such report was received within five years of the entry into force of the Convention for a particular State party, it would consider the situation in that State party in the absence of a report. In addition, the Committee was gradually developing a procedure, which had already been used once, whereby it could request States parties to provide additional information on the implementation of the Convention, pursuant to article 29 (4). All such measures were essential for ensuring the effective implementation of the Convention over the long term and in all States parties.

19. Requests for urgent action occupied a large part of the Committee's time. Nearly 900 such requests had been received since the Committee's establishment, with an increase of 79 per cent between 2018 and 2019. However, despite that increase, the resources made available to the Committee continued to fall short. The Committee had been allocated an additional week of meeting time under General Assembly resolution 68/268, but had not been allocated the human resources it needed in order to use that time. That situation was objectively unacceptable. He hoped that the 2020 review process would result in the Committee's receiving the resources it needed in order to fulfil its mandate effectively.

20. Ratification of the Convention was another important challenge. A further 3 States had ratified or acceded to the Convention in 2019, bringing the total number of States parties to 62. While that development was welcome, the Committee's strategy for encouraging all States to become parties to the Convention should be consolidated as a matter of urgency.

21. The COVID-19 pandemic had highlighted the great relevance of international human rights treaties, including the Convention, which were intended to guide States in the drafting and implementation of policies and plans, help victims assert their rights and prevent the recurrence of human rights violations. In response to the pandemic, which posed a danger to all States, borders had been closed and emergency measures had been taken to suspend fundamental rights, including drastic limitations on the right to freedom of movement. Yet despite the physical distancing measures that had been imposed, people were realizing the extent to which their fates were intertwined. While some observers believed that in the post-pandemic era, the world would focus more on human values than on unrestrained material growth, it was unclear whether the conditions for that change existed. Vigilance was needed in order to ensure that human rights were respected, both during and after the crisis. The United Nations and its treaty bodies had a primary role to play in that regard. Access to health care for all was a priority, and States must ensure the safety, security and well-being of all persons under their jurisdiction. Respect for all fundamental human rights, particularly those from which no derogation was permitted, was of paramount importance.

22. In the context of the pandemic, he wished to express his solidarity with the victims of enforced disappearance and the members of their families, whose suffering had been exacerbated by the crisis. While the many challenges arising from the pandemic were still difficult to measure, it was clear that States must remain mindful of their obligations under international human rights treaties and must ensure that their actions continued to be guided by those instruments.

Adoption of the agenda (CED/C/18/1/Rev.1)

23. *The agenda was adopted.*

Tribute to victims of enforced disappearance

24. *At the invitation of the Chair, Ms. Barbosa González, the mother of a victim of enforced disappearance in Colombia, joined the meeting.*

25. **Ms. Barbosa González** said that her son, John Alexander Rincón Barbosa, had become a victim of enforced disappearance at the age of 32, during a trip to the island of San Andrés to celebrate her birthday. On 7 June 2014, he had failed to return to the hotel where they had been staying. The only item in his possession at the time of his disappearance had been his hotel room key.

26. In the almost six years that had passed since that day, she had made ceaseless efforts to find out what had happened to her son, but his fate remained unknown. The Government of Colombia had not provided her with the sort of cooperation that any relative of a disappeared person might expect to receive. In 2015, she had submitted a request for urgent action to the Committee, which had responded immediately and had urged the Government to search for her son. The Committee had remained in close contact with her, answering her questions and providing her with the necessary information and support. The Government had responded to the Committee's requests and had sometimes provided new information about the case. The Committee's support was extremely important in helping her to feel that action was being taken to determine her son's whereabouts.

27. Although the Committee could not solve every problem, its actions ensured that the Government would be held accountable, before the Committee and the international community, for any failure to live up to the relevant obligations. She requested the Committee's continued support to ensure that the government authorities, including the Attorney General's Office, would take effective action to clarify the whereabouts of her son and other victims of enforced disappearance in Colombia.

28. **Ms. Villa Quintana** said that the Committee was grateful to Ms. Barbosa González for her courageous testimony. Enforced disappearance was an egregious violation of human dignity. Many Governments had failed in their duty to victims – and to humanity in general – to search for disappeared persons and to investigate the circumstances of their disappearance. Ms. Barbosa González, like other victims of enforced disappearance, was a model of courage, perseverance and love. In line with its mandate, the Committee had responded to Ms. Barbosa González's request for urgent action by requesting information from the State party on the actions taken to search for her son. The Committee remained concerned about the situation, as his fate and whereabouts had still not been clarified.

29. Relatives had a right, as victims themselves, to know the truth about the circumstances of any enforced disappearance, the whereabouts of their loved ones, the progress and results of the investigation, and ultimately the fate of the disappeared person. The Committee reaffirmed its unswerving commitment to continuing to support Ms. Barbosa González and all victims of enforced disappearance and to urge States parties to fulfil their obligations under the Convention.

30. *Ms. Barbosa González withdrew.*

31. **The Chair** said that the Committee's eighteenth session would be suspended from the end of the current meeting until the opening of the nineteenth session on 7 September 2020. In the interim, pending documents for the eighteenth session would be adopted remotely.

The discussion covered in the summary record ended at 3 p.m.