
**CALL FOR COMMENTS ON A DRAFT DOCUMENT BY THE
COMMITTEE ON ENFORCED DISAPPEARANCES ON
RELATIONSHIP WITH CIVIL SOCIETY ACTORS**

CONTRIBUTIONS MUST BE SENT BY 15 JULY 2013 TO:

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

1. The Committee on Enforced Disappearances (hereinafter “the Committee”), recalling article 24, paragraph 7, of the Convention, 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 International Convention for the Protection of All Persons from Enforced Disappearance (hereinafter “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. 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 in the implementation of the Convention at the domestic level.

A. Role of civil society actors in the reporting process under article 29 of the Convention

4. The Committee opens 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 is based on information received not only from States parties, intergovernmental 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 have therefore a key role to play in informing 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 well in advance of the deadlines provided by the Secretariat and that they are submitted in accordance with the guidelines set forth to that effect.¹

1. Consultations and inputs 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.² 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.

2. Submission of civil society reports for the list of issues

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

3. 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. 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 the members. There are additional opportunities for civil society actors to provide the Committee with detailed information during informal briefings.

4. 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 were selected by the Committee for the follow-up procedure. This information should be submitted at the time the follow-up report of the State party is due to submit its comments 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.

5. 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

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

² See paragraph 4 of the Guidelines on the form and content of reports under article 29 to be submitted by States parties to the Convention (CED/C/2).

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.

B. 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 been reportedly 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 timely receives updated information for as long as the fate of the person sought remains unresolved.

C. 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 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.

D. 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 in 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 disappearances, 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. Civil society actors are strongly encouraged to also 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 said country visit.

E. Role of civil society actors in bringing to the attention of the Committee information related to widespread or systematic practices of enforced disappearances in the terms of article 34 of the Convention

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

F. Role of civil society actors in bringing to the attention of the Committee reports on reprisals

22. Civil society actors, in particular non-governmental organizations, also play a very important role in providing to the Committee reports on any 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 having met the Committee during its country visits.

G. Input to the drafting and use of the Committee's general comments and to days of general discussion

23. The Committee encourages civil society actors to provide inputs on general comments under consideration and on days of general discussion it may hold. Due to the importance assigned by the Committee to the inputs 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.

H. Enhancing global outreach

24. The Committee welcomes the cooperation and inputs 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.

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

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

27. Finally, the Committee welcomes and encourages the efforts of civil society to enhance outreach and awareness, including through trainings, of the Convention and the tools it bestows to the Committee as well as of its concluding observations, 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 of and increasing publicity of the Committees' activities is the webcasting of the Committees' public sessions by civil society actors. 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.