

## **CED and WGEID Joint Webinar on Search and Investigation of enforced disappearances**

### ***Marking 40 years of the Working Group and 10 years of the entry into force of the Convention for the Protection of all Persons from Enforced Disappearance***

#### **Concept Note**

The Working Group on Enforced and Involuntary Disappearances (WGEID) and the UN Committee on Enforced Disappearances (CED) are the two UN human rights bodies in charge of addressing the issue of enforced disappearances. Through their daily work, they join forces to advocate in favour of access to truth, remedy and justice for the many victims of enforced and involuntary disappearances across the world.

The WGEID is marking its 40<sup>th</sup> anniversary in 2020, making it the oldest Human Rights Council mandated mechanism to address the issue of enforced disappearances globally. In its 2020 annual report, the Working Group reports that since 1980 a total of 58,606 cases were transmitted to 109 States. Of which 46,271 remained outstanding in 92 countries.

The WGEID was first established in 1980<sup>1</sup> by the Commission on Human Rights to examine questions relevant to enforced or involuntary disappearances of persons. The latest resolution (36/6) that further extended the mandate of the WGEID was adopted in September 2017 by the Human Rights Council. The resolution highlights that the international legal framework on enforced disappearances sets out the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and the result of the investigation and the fate of the disappeared person; provides for the guarantee of access to information concerning the whereabouts of any person deprived of liberty to anyone with a legitimate interest in such information, and sets out obligations for the States to take appropriate measures in this regard.

The primary mandate of the WGEID is to assist relatives in determining the fate or whereabouts of their family members who are reportedly disappeared. In that humanitarian capacity, the Working Group serves as a channel of communication between family members of victims and other sources reporting cases of enforced disappearances, and the Governments concerned. With the adoption of the 1992 Declaration on the Protection of all Persons from Enforced Disappearances, the Working Group was also entrusted with monitoring the progress of States in fulfilling their obligations deriving from the Declaration and to provide assistance to Governments in implementing its provisions. In this capacity, the Working Group has drawn the attention of Governments and non-governmental organizations to different aspects of the Declaration and recommended ways of overcoming obstacles to the realization of its provisions.

The year 2020 also marks the tenth anniversary of the entry into force, on 23 December 2010, of the UN International Convention for the Protection of All Persons from Enforced Disappearance (the Convention). As a result, the Committee on Enforced Disappearances was established to monitor the implementation of the Convention by the States parties. In this regard, the Committee examines States parties' reports and addresses its concerns and recommendations to the State party in the form of "concluding observations". In accordance with article 31, a State party may, at the time of ratification of this Convention or at any time afterwards, declare that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation by this State party of provisions of this Convention. The Committee also has the competence to take action through its Urgent Action procedure, requesting the State party concerned take immediate action to search for a disappeared person and to investigate his or her disappearance. At the date of the present note, the Committee had registered a total of 923 Urgent Actions, out of which 76 were closed or discontinued following the location of the disappeared person. There are currently [63 States parties](#) to the Convention.

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<sup>1</sup> [Resolution 20 \(XXXVI\)](#)

The phenomena of enforced or involuntary disappearances is a persistent grave human rights violation occurring in many regions of the world, with new manifestations of the phenomena on the rise, especially in the context of generalised counter-terrorism policies. UN human rights mechanisms have noted that too often insufficient efforts have been deployed by states to conduct effective search and investigations into cases of enforced or involuntary disappearances and provide victims with adequate remedies and reparation.

The WGEID and the CED would like to take this opportunity to mark 40 years of UN Human Rights action in the fight against the practice of enforced or involuntary disappearances and to strengthen advocacy in favour of all those who are seeking the truth about the fate and whereabouts of a disappeared person: family members, relatives, civil society organisations, State institutions and other stakeholders supporting them. Over the past two years, the UN human rights mechanisms have deployed substantial efforts to draw up guidelines and recommendations addressed to states with a view to promoting effective search and investigation of cases of enforced or involuntary disappearance at domestic levels as well as through international cooperation. On 8 May 2019, the CED issued [Guiding Principles for the Search for Disappeared Persons](#) while in September 2020 the Working Group is presenting its thematic study on Standards and Public Policies For an Effective Investigation Of Enforced Disappearances. The commitment of states to protect against the practice of enforced or involuntary disappearance also needs to translate into an accelerated ratification rate of the Convention by all member-states of the United Nations.

It is within this context that the WGEID and the CED are convening a joint online-event with a view to re-mobilising states to fulfil their obligation to conduct effective investigations into cases of enforced or involuntary disappearance as well as undertaking uninterrupted searches for victims.

### **WGEID-CED Webinar on search and investigations of enforced or involuntary disappearances**

#### **Objectives**

The objectives of the joint workshop would include:

- 1) Lay out states obligations to conduct effective search and investigations in cases of enforced disappearances;
- 2) Promote the adoption of comprehensive domestic legal and policy frameworks for effective search and investigation. In this regard promote the universal ratification of the International Convention for the Protection of All Persons from Enforced Disappearance;
- 3) Underline the central importance of the complementarity of the investigation and search for victims of enforced disappearances;
- 4) Identify recurring obstacles in law, policy and practice related to search and investigation;
- 5) Promote and illustrate the central role of enabling the effective participation of relatives and civil society organisations in the search and investigation processes;
- 6) Promote the implementation of the CED Guiding Principles for the Search for Disappeared Persons and the WGEID recommendations on effective investigations;
- 7) Strengthen stakeholders' commitment and mobilisation to tackle impunity as relates to cases of enforced or involuntary disappearances.

### Modality

The proposed event will take place at the margin of the 122<sup>nd</sup> session of the Working Group on Enforced and Involuntary Disappearances and the 19<sup>th</sup> session of the Committee on Enforced Disappearances.

A series of two webinars will be convened on 23 September (14h00 to 15h30) and 25 September (12h00 to 13h30) to accommodate the COVID-related suspension of face-to-face meetings. The two webinars will be convened jointly by the WGEID and CED in partnership with Member States and civil society including victims, relatives and organisations supporting them.

The Webinars will be organised as interactive discussions as follows:

	Topics	Speakers/Speaking time	Objectives
Webinar session I: 1h30	<p>1) Legal Obligations to conduct search and investigations. Ratification of the CED</p> <p>❖ <a href="#">Guiding Principles for the Search for Disappeared Persons</a></p> <p>❖ <a href="#">WGEID Thematic Report on standards and public policies for an effective investigation of enforced disappearances.</a></p> <p>2) Stock taking exercise in progress made in tackling enforced or involuntary disappearances globally and recurring obstacles encountered by stakeholders in conducting search and investigations.</p>	<ul style="list-style-type: none"> <li>➤ UN Experts</li> <li>➤ State Representatives</li> <li>➤ Victims, relatives and stakeholder supporting them</li> <li>➤ Specialised mechanisms in search and/or investigations</li> </ul>	<p>1) Lay out states obligations to conduct effective search and investigations in cases of enforced disappearances;</p> <p>2) Promote the adoption of comprehensive domestic legal and policy frameworks for effective search and investigation. In this regard promote the universal ratification of the International Convention for the Protection of All Persons from Enforced Disappearance;</p> <p>3) Underline the central importance of the complementarity of the investigation and search for victims of enforced disappearances;</p> <p>4) Identify recurring obstacles in law, policy and practice related to search and investigation</p> <p>5) Promote and illustrate the importance of enabling the effective participation of relatives and civil society organisations in search and investigation processes;</p>
Webinar session II: 1h30	Ways forward in the current global context: How to tackle	➤ UN Experts	6) Promote the implementation of the

	<p>impunity for cases of enforced disappearance? Promoting Victim centred approaches.</p>	<ul style="list-style-type: none"> <li>➤ Civil society organisations</li> <li>➤ Victims' relatives</li> <li>➤ Representatives of relevant governmental bodies</li> </ul>	<p>CED Guiding Principles for the Search for Disappeared Persons and the WGEID recommendations on effective investigations;</p> <p>7)Strengthen stakeholders' commitment and mobilisation to tackle impunity as relates to cases of enforced or involuntary disappearances.</p>
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Online conference services and interpretation will be provided to enable an inclusive dialogue and effective interactions.