KEYNOTE SPEECH FOR THE ICAED MEETING

by Emmanuel DECAUX,

*President of the Committee on Enforced Disappearances*

I’m very honored and pleased to be with you today. As you know we have also a meeting of the CED, in the same time, and my colleagues asked me to represent them this morning. Luciano Hazan was very happy to have met Mary Aileen Bacalso in Buenos Aires, last December, when she received the prestigious Emilio Mignone Prize and I have read her very inspirational speech. I already sent a message of congratulation to her for this recognition of her dedication and “accomplissement”, but I want to share you my the hope that this recognition will help the work of the ICAED as a whole.

I would like to listen your debate but unfortunately I’ve to come back to Palais Wilson, after this opening presentation and I wish to apologize to leave you so soon. I hope we shall have other contact during this week, as we had last week, during our interactive dialogue with NGOs, when we meet privately and publicly, several NGOs from Mexico.

The annual meeting of the ICAED is a very important opportunity to liaise with you, as well as with others stakeholders. Unfortunately, I know that a lot of members of the coalition were not able to come to Geneva, due to financial restraints or other commitments. I will ask to your chairperson, Ms Mary Aileen Bacalso, to send to them all my best wishes, on behalf of the Committee on enforced disappearances, and to hope that next year they could have the same opportunity to liaise directly with UN bodies and State parties, here, in Geneva.

I used to say that the convention is “victim-oriented”, it is not a formula, it a strong commitment for each member of the Committee, in exercising our duties and or responsibilities. The courageous and perilous work of grass-root organizations, in difficult situations is the frontline for the defense of human rights and specially the fight against enforced disappearance. It is an “anonymous crime” and to break the wall of silence and fear, is the first step to trigger international protection. We need the information from the family and the relative, from the grass-root organizations working on the turf as well as front the strong network of international NGOs, with your regional groups and the ICAED.

As you know, after formal consultations, the Committee adopted a strong position about the cooperation with civil society. The openness of reporting process, under article 29, depend of the contribution of all stakeholders, as well as the appeal for urgent actions, according to article 30, or the files of article 33 about country visit after credible allegations of gross violations of the CED. We are working in the same way to draft a paper on the cooperation with Human Rights National institutions which will be put on the website of the Committee for comments.

As other treaty bodies, we are very aware of the need of protection for human rights defenders and for persons dealing with UN mechanisms, specially the relatives of a missing person. The chairs of treaty bodies during their last meeting in New York make of this issue a priority and encourage the OHCHR to create a focal point against reprisals and any form of intimidation. We were eager that this point would be a part of the resolution on the strengthening of the system of treaty-bodies, after the draft of the co-facilitators of the UNGA. For us this resolution is not only a procedural resolution, dealing with technical issues, it ought to be a substantial resolution, addressing to the core element of effectiveness. The Committee has designated a rapporteur in charge with provisory measures and protection of the relatives of a missing person.

I would like to share with you more precisely some comments and thoughts about recent activities of the Committee, dealing with ratification and monitoring.

I – First of all, the strategy of ratification, as your meeting is entitled “*Towards common goal for universal ratification of the CED”*. The annual resolution adopted by consensus underline this objective and during the UPR, several States used to urge other States to sign and ratify the Convention. I have a look on some UPR of the on-going session of the HRC, and the recommendations don’t come only from the so-called ‘friends of the CED”, like France and Argentina or other latin-american countries, but from States from all the continents - as Switzerland, Ireland, Turquie, Iran, Ouzbekistan, during the UPR of Mexico, for example - which is very encouraging to develop a true universality.

At this stage we need a reset of the dynamics of ratification. The membership of the CED doubled in three years, after the entry in force in December 2010 with twenty State parties. We have actually 42 states Parties, with the entry in force of the CED for Lesotho and Portugal, since the beginning of 2014. I hope a trend of new ratifications, with the annual appeal for the day of treaties of the Secretary General for 2014 and - frankly speaking - I was quite surprised that the CED was not a priority in the last appeal for 2013. But the efforts ought to be made also at the regional level and at the domestic level, with awareness, training and information. The coalition of NGOs and the friends of the Convention” ought to better liaise between them and with the Committee, if it could be useful, to adopt a coordinate strategy, in full respect of the independence of each other.

The Committee is determined to work with transparency and efficiency, in an open and participatory way, with all stakeholders. The web-site of the Committee is user-friendly, and our secretariat is always available for practical information. I hope that very soon the web-cast of our public meetings can be assured by the UN itself, as this publicity is the best way to outreach civil society but also to inform State agents of the functioning of the “constructive dialogue” on country reports under article 29. The Committee would consider the usefulness of drafting a sort of “*model-law*”, in line with the good practices on legislation adopted by the WGEID, in order to help future State parties for the definition and sanction of the crime of enforced disappearance.

II – The current work of the Committee with the country reports illustrated the commitment and the professionalism of the Committee, if I can say that myself. I wanted a quick start - even if it was not understood by all NGOs - taking in account the need for review of the reports due “*within two years*”, without new delays or pretext for new delays. Actually we have received 12 reports, and some other reports are promised for the next weeks, like from Burkina Faso. It is a good beginning, but we need to remember that 20 states are late…

Since the fourth session, we have two constructive dialogue with States and we adopt two LOI for the States in consideration during the next session. For example, this time, we have the dialogue with Germany and Netherlands, during the first week, and we shall adopt the concluding observations on these two countries. We shall also draft this week the LOI for Belgium and Paraguay. All the relevant documents are on the website of the CED, in order to have information and alternative reports of NGOs. As you know, we devoted time for private meetings with the NGOs of the country, with the benefice of interpretation for all members of the Committee and we can manage video-conference with NGOs which are not in Geneva, like it was the case for Urugay.

We have adopted our program of work for the next sessions, with a “montée en puissance” of the Committee which would be able very soon to deal with three reports and three LOI during one session. For example, during our next session, the Committee will draft the LOI concerning Armenia, Serbia and Mexico. The reports of these countries are on line and the input of NGOs is welcome. Following our annual cycle, the constructive dialogues with these three countries will occur in one year, in March 2015. In other words, the Committee has examined 4 reports each year since 2013, but it will monitor 6 reports in 2015 in the same time-limit of two sessions of two weeks. It is a very promising development in the general context of the streamline of treaty-bodies activities.

As several country reports were eagerly waited, it is important to take in account the need to have priorities in the future. The Committee is in order to deal with next reports but would have to find a way to deal with a country situation *in abstentia*, according to its own guidelines on reporting. In this case, the participation of NGOs would be ever more important. But we hope that the seriousness of our methodology will encourage States parties to fulfill their commitments. The country report is a legal obligation, the mean to have a sort of technical ”*check up*” two years after the entry in force of the CED. It is the first step for a full domestic implementation and a need for the consistency of the CED at the international level. The Convention don’t institute a system of periodical reports, taking in account the reporting “fatigue” of States, but as a modern instrument allow the Committee to have a more interactive follow-up, with article 29 §.4. The Committee is very keen to promote the specific and “souplesse” of the CED in this field. As we said to the other chairs, the master calendar has no meaning for us, with a program of work which looks like a staircase, and not like a Russian mountain. In the same way our LOI as based on this only report, as there is no periodical review to have a simplified process of LOI in place of report…

There are other means of implementation, as urgent appeals, communications or country visit, and on each of these new grounds, the Committee has made it first steps. More details will be made public in the annual report of the Committee to the UNGA.

I would like to end in stressing the importance of coordination, both with the special procedures, as the WGEID, our “natural partner” or thematic rapporteurs on independence of lawyers, on the right to justice, to truth and to reparation, and with the other treaty bodies. This session illustrated this practical cooperation with our public debate about military justice, with the participation of Ms Gabrielle Knaul, who launched the issue, and with the president-rapporteur of the WGEID, Ariel Zulitsky or the president of the Humn Rights Committee, Sir Nigel Rodley.

In the same way, we work together with the other treaty bodies to contribute to the strengthening of the whole “system” of Human Rights. After an informal meeting in Washington in January, our official meeting is schedule in June in Geneva. On each occasion we reaffirm the necessity of a strong, independent and impartial, effective and efficient system to protect human rights around the world. The need for universal ratification and full compliance, with domestic remedies and international monitoring.

The CED is a key element to eliminate an horrendous crime, with its preventive tools of early warning and protection but also its repressivel dispositions, according international criminal law. The fulfillment of our mandate is not for ourselves, but for the sake of the victims of enforced disappearance, to make the different on the ground for true peoples…

On behalf of the Committee, I want to assure you of our eagerness, our dedication and our commitment in this noble cause. With your help and support we can make true the dream of the pioneers of the CED !