

Working Group on Enforced or Involuntary Disappearances (WGEID)

“in a nutshell”

Committee on Enforced Disappearances (CED)

“in a nutshell”

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CED NEWSLETTER

Working Group on Enforced or Involuntary Disappearances (WGEID)

WHAT IS THE WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES (WGEID)?

The WGEID was established in 1980 by the Commission on Human Rights. It is one of the more than forty thematic Special Procedures of the Human Rights Council.

The WGEID is composed of five independent experts of balanced geographic representation appointed by the Human Rights Council.

The Secretariat of the WGEID is based in Geneva.

ON WHICH COUNTRIES CAN THE WGEID ACT, AND ON WHAT BASIS?

The WGEID is competent with regard to all Member States of the United Nations.

It carries out its monitoring mandate on the basis of the Declaration on the Protection of All Persons from Enforced Disappearance, which was adopted by the General Assembly in 1992. Such declaration is part of what is referred to as “soft law”. As such, it provides guidance to all States, without the need for ratification or accession.

The WGEID performs its mandate mainly through the following procedures:

Committee on Enforced Disappearances (CED)

WHAT IS THE COMMITTEE ON ENFORCED DISAPPEARANCES (CED)?

The CED was established in December 2010 following the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance (“the Convention”). It initiated its activities in 2011. It is one of the 10 UN Human Rights Treaty Bodies.

The CED is composed of 10 independent experts nominated by States that have ratified the Convention (so called “States parties”).

The Secretariat of the CED is based in Geneva.

ON WHICH COUNTRIES CAN THE CED ACT, AND ON WHAT BASIS?

The CED can intervene with regard to the States that have ratified – or acceded to – the Convention (so called ‘States parties’). The Convention is international human rights treaty law, which becomes legally binding upon States that ratify – or accede to – it.

The procedures that apply to States parties include:

- Examination of States’ reports (art. 29)
- Urgent actions (art. 30)
- Individual complaints (art. 31)
- Interstate complaints (art. 32)
- Country visits (art. 33)

- Cases (dealt with under either the ‘urgent’ or ‘standard’ procedure);
- Urgent appeals and other communications;
- Prompt intervention letters;
- General allegations;
- Country visits; and
- Referral.

HOW DOES THE WGEID CARRY OUT ITS WORK?

- The WGEID works all year through.
- It meets in sessions three times per year, during which it reviews and transmits individual cases; meets with relatives of the disappeared persons, States and other stakeholders; and discusses other issues related to its mandate. When not in session, the WGEID works remotely.
- The WGEID undertakes two country visits per year and submits annual and thematic reports to the Human Rights Council.

WHAT DOES THE WGEID DO?

The WGEID has a twofold mandate: a humanitarian mandate to assist families in determining the fate and whereabouts of disappeared relatives, and a monitoring mandate

1. Humanitarian mandate:

The WGEID receives, examines and transmits to Governments reports of enforced disappearances submitted by relatives of disappeared persons or human rights organizations acting on their behalf to assist families

- Referral of systematic enforced disappearances to the General Assembly (art. 34)

For individual and inter-State complaints (arts. 31 and 32), the CED can only deal with complaints against States parties that have made a specific declaration recognizing the competence of the CED to deal with complaints against them. State parties under this procedure are expected to give effect to the conclusions and recommendations made under it.

HOW DOES THE CED CARRY OUT ITS WORK?

- The CED works all year through.
- The CED meets in session twice a year, during which it examines States parties reports; adopts and transmits recommendations to States parties; follows up on the implementation of recommendations: addresses individual cases through urgent actions and individual complaints; and addresses issues of concern. When not in session, the CED works remotely on a daily basis.
- When it receives allegations of serious violations of the Convention the Committee may, after consultation with the State party concerned, carry out country visits.

WHAT DOES CED DO?

The functions of the CED are defined in articles 26 to 36 of the Convention.

The CED accordingly conducts its work through the following procedures:

- Examination of States parties' reports (art. 29) to assess the measures taken by States parties to give effect to the Convention. Under this procedure, the State submits a report, and civil society actors provide information on the

in determining the fate or whereabouts of their family members who are reportedly disappeared. This is done through two main procedures:

- Urgent cases: the WGEID transmits urgently to the country concerned alleged cases of enforced disappearance that occurred within the three months preceding receipt of the report.
- Standard cases: the WGEID transmits after each session cases that happened more than three months prior to the receipt of the report.

Since 2019, the WGEID documents cases tantamount to enforced or involuntary disappearances allegedly perpetrated by non-State actors exercising Government-like functions or de facto control over territory and population.

2. Monitoring mandate, carried out through the following procedures:

- Urgent appeals: the WGEID may send an urgent appeal (i) whenever it receives credible allegations that a person has been arrested, detained, abducted or otherwise deprived of liberty and has been forcibly disappeared or is at risk of being disappeared; (ii) whenever it deems it necessary in view of the situation. In such cases, together with other Special Procedure mandates concerned, the WGEID transmits the allegations to the Minister for Foreign Affairs of the State concerned by the most direct and rapid means, and requests that State to investigate the matter and inform the WGEID
- Prompt intervention letters: cases of intimidation, persecution or reprisal against relatives of disappeared persons, witnesses to disappearances or their families, members of organizations of relatives and other non-governmental organizations, human rights defenders or individuals concerned with disappearances are transmitted to the pertinent States, with

situation of the State party as regards the Convention. On this basis, the CED adopts a list of questions and then conducts a dialogue or has exchanges with the State party and with civil society actors. Following these exchanges, the CED issues concluding observations with recommendations to the State. It then follows up on their implementation to assess the measures taken by the State and provides guidance in that regard.

- Urgent actions (art. 30), to request a State party to take immediate measures to locate a disappeared person. Where necessary, the CED can request to the State party concerned to adopt interim measures of protection:
 - (I) To protect the disappeared person, his/her family or relatives, or any persons linked with the case,
 - (II) To protect pieces of evidence that may be of relevance for the case.
- Individual communications (art. 31): under this procedure, an individual or individuals can claim to have suffered a violation of the Convention by a State party, or are likely to suffer such violation (see for example cases of forced return to a country where the person would be at risk to suffer enforced disappearance). In such cases, the CED determines whether the State party has committed violations. The adopted decision is reflected in a document called “views” in which the CED requests the State party concerned to provide reparation to the victims and prevent similar violations in the future. Under this procedure, the authors of the complaint can also request the CED to grant interim measures to protect them or any persons related to the case or pieces of evidence that may be of relevance for the case from an irreparable harm.
- Inter-state communications (art. 32): under this procedure, the CED examines the claim submitted by a State party

the appeal that they take steps to protect all the fundamental rights of the persons affected. Cases of that nature requiring prompt intervention are transmitted directly to the Minister for Foreign Affairs by the most direct and rapid means.

- General allegations: the WGEID regularly transmits to the Governments concerned a summary of allegations received from relatives of disappeared persons and non-governmental organizations with regard to obstacles encountered in the implementation of the Declaration in their respective countries, inviting them to comment thereon if they so wish.
- Country visits: upon previous consent by the relevant Government, the WGEID can visit a country to assess the overall situation of enforced disappearances. It will then release a report on such visit and subsequently follow-up on the implementation of the recommendations contained therein.
- Technical assistance, cooperation and advisory services: the WGEID can assist States in overcoming obstacles to the realization of the Declaration. This is done both while carrying out country visits and upon specific request.
- Referral: if the WGEID receives claims of practices of enforced disappearance that may amount to crimes against humanity (i.e. perpetrated in the context of a widespread or systematic attack against any civilian population), it will evaluate these claims and, if appropriate, refer them to the competent authorities, be they national, international, regional, or sub-regional.

- according to which another State party is not fulfilling its obligations under the Convention.
- Country visits (art. 33): when it receives reliable information that a State party is seriously violating the Convention, the CED may carry out a visit to that State party. The CED can only carry out such visit upon receipt of the consent of the State concerned. After the visit, the CED issues a report to reflect its findings and recommendations. It then gives a follow-up to the measures taken by the State party to implement these recommendations.
 - Referral to the General Assembly of information about systematic enforced disappearances (art. 34): if the CED receives well-founded information that enforced disappearance is being practised on a widespread or systematic basis in a State party, it may bring the matter to the attention of the General Assembly, through the Secretary-General, after seeking information from the State concerned.

WHAT INFORMATION TO INCLUDE IN A COMMUNICATION TO THE WGEID?

A report of a case of enforced disappearance shall be submitted in English, Spanish or French. They must include, as a minimum, the following information:

- 1 Full name of the disappeared person and, if possible, age, gender, nationality and occupation or profession;
- 2 Date of disappearance, i.e. day, month and year of arrest or abduction or day, month and year when the disappeared person was last sent;
- 3 Place of arrest or abduction or where the disappeared person was last seen;
- 4 Parties presumed to have carried out the arrest or abduction or to hold the disappeared person in unacknowledged detention; and,
- 5 Steps taken to determine the fate or whereabouts of the disappeared person, or at least an indication that efforts to use domestic remedies were frustrated or otherwise inconclusive.

HOW LONG DOES THE WGEID MAINTAIN A CASE OPEN?

A case remains on the file of the WGEID until it is clarified, i.e. when the fate and whereabouts of the disappeared person are established.

WHAT INFORMATION TO INCLUDE IN AN URGENT ACTION REQUEST TO THE CED?

Requests for urgent action to the CED must be submitted in writing in English, French, Spanish or Russian.

They must include as a minimum, the following information:

- 1 The identity of the disappeared person;
- 2 The date, place and circumstances of the disappearance, and, if available, information on the alleged perpetrators and their link to the State party;
- 3 A detailed description of the facts;
- 4 The steps that have been taken to report the disappearance to (at least one of) the competent authorities of the State and the reply they have provided;
- 5 In case interim measures of protection are necessary, the persons or pieces of evidence for which they are requested and the reasons why they are needed.

HOW LONG DOES THE CED MAINTAIN A CASE OPEN?

The CED maintains the Urgent Action open until the disappeared person is located. However, different modalities apply depending on the situation:

- If the disappeared person has been found at liberty or found and released, or has been found dead: the Urgent Action is closed.
- If the disappeared person has been located but is still detained, the Urgent action is discontinued.
- If the disappeared person has been located but the persons for whom interim measures have been granted in the context of the urgent action are still under threat, the Committee follow-up on the implementation of the Interim Measures.

COMPETENCE RATIONE TEMPORIS OF THE WGEID

There is no time limit with respect to the competence of the Working Group to review cases of enforced disappearances. So far, however, the Working Group has followed the practice to register only cases of enforced disappearances which commenced after 1945, the founding date of the United Nations.

WHAT IS THE COMPETENCE OF THE CED WITH REGARD TO DISAPPEARANCES COMMITTED BEFORE THE ENTRY INTO FORCE OF THE CONVENTION?

Article 35 of the Convention establishes that the CED is competent in respect of enforced disappearances that commenced after the entry into force of the Convention.

The CED has adopted a statement to clarify this provision in which it held that:

1. In the context of the reporting process (article 29), the CED can take information related to enforced disappearances that commenced prior to the entry into force of the Convention as a means to understand the challenges of the present.
2. The CED has no competence to examine individual cases concerning enforced disappearances as such which commenced before the entry into force of the Convention. This means that:
 - For urgent actions (art. 30): the CED cannot activate the procedure for a disappearance that initiated before the entry into force in the State party concerned.
 - For individual communications (art. 31): the CED cannot address the disappearance that occurred before the entry into force of the Convention as such, but still can consider that it has jurisdiction to examine facts related to such disappearance that have occurred after the entry into force of the Convention (for example as relates to the corresponding processes of search or investigation).
 - If the author of the request for urgent action can no longer provide follow-up information, the urgent action is suspended as long as no information is made available.

THE WGEID CANNOT DO:

In compliance with its mandate, the WGEID:

- Does not directly investigate individual cases;
- Does not directly intervene in the field to protect individuals from reprisals (rather, the WGEID can send prompt intervention letters to the States concerned);
- Does not establish individual or State responsibility in cases of enforced disappearance;
- Does not judge and sanction;
- Does not carry out exhumations;
- Does not grant satisfaction or reparation;
- Does not provide financial, medical or psycho-social support to individuals.

DO I HAVE TO PAY TO GET SUPPORT FROM THE WGEID?

Never. All procedures of the WGEID are free of charge.

IS THERE ANY DANGER IN SUBMITTING A CASE TO THE WGEID?

Sources are always kept confidential and names are not made public to ensure individuals are protected. In case of reprisals, a prompt intervention letter can be sent by the WGEID to the concerned Government. However, it is important that sources are aware that the WGEID is not able to provide physical protection measures.

If you consider that you, your organization or other actors have suffered reprisals, attacks, intimidations, or threats for your cooperation with the WGEID please contact the Secretariat immediately through the following email: ohchr-wgeid@un.org

WHAT THE CED CANNOT DO:

In compliance with its mandate, the CED

- Does not directly investigate individual cases;
- Does not directly protect individuals from reprisals (rather, the CED can request the State party concerned to adopt interim and protection measures, and follow up on the implementation of such measures);
- Does not establish individual responsibility in cases of enforced disappearance (the Committee's mandate focuses on the responsibility of the State);
- Does not carry out exhumations;
- Does not provide financial, medical or psycho-social support to individuals.

DO I HAVE TO PAY TO GET SUPPORT FROM THE CED?

Never. All procedures of the CED are free of charge.

IS THERE ANY DANGER IN ENGAGING WITH THE CED?

The CED is very concerned about the safety of individuals and organisations that engage with it and contribute to its work. Attacks, threats, and acts of intimidation against individuals or organizations who seek to cooperate, cooperate or have cooperated with CED are absolutely prohibited. In cases of reprisals, CED applies its "Guidelines to prevent and address intimidation and reprisals against individuals and groups cooperating with the Committee". This includes the transmittal of a written communication to the State concerned requesting these acts to cease and the adoption of immediate protective measures.

To prevent such acts:

- The CED never reveals the source of the information

WHAT CAN THE WGEID DO IN CASE OF REPRISALS?

In case of reprisals, the WGEID can send prompt intervention letters to the pertinent Governments, with the appeal that they take steps to protect all the fundamental rights of the persons affected. Cases of that nature, which require prompt intervention, are transmitted directly to the Ministers for Foreign Affairs.

The WGEID may also refer cases of intimidation or harassment to the dedicated focal point of Special Procedures.

submitted with regard to Urgent Action requests.

- All persons contributing to the work of the Committee can request that their inputs, parallel reports or any other form of interaction be kept confidential.

If you consider that you, your organization or other actors have suffered acts of intimidation or reprisal, please inform CED immediately through an email sent to ohchr-ced@un.org and to ohchr-petitions@un.org

In this message, please explain:

- What happened? To whom, when and how?
- Why you consider that the reprisals/attacks/intimidations/threats are linked to your interaction with the CED?
- Do you request any interim measures of protection? If so, what measures do you consider necessary?

WHAT CAN THE CED DO IN CASE OF REPRISALS?

In the context of urgent actions and individual complaints: the CED can request the adoption of interim measures. In such cases, you can also inform CED rapporteur on reprisals.

For all other procedures, CED rapporteur on reprisals can bring the case to the attention of the State party concerned. In such situation, the rapporteur requests the State to cease immediately all acts of reprisal or intimidation and can request the State party to adopt interim measures of protection. For more information about the Rapporteur's intervention, see Guidelines to prevent and address intimidation and reprisals against individuals and groups cooperating with the Committee.

WHO ARE THE PARTNERS OF THE WGEID TO CARRY OUT ITS WORK?

To discharge its mandate, the WGEID engages with victims (persons who suffered enforced disappearances, family and relatives of disappeared persons), civil society organisations, member States, National Human Rights Institutions, academic institutions, Agencies and Programmes of the United Nations, both at headquarters and in the field.

WHAT CAN VICTIMS, CIVIL SOCIETY ORGANIZATIONS AND NATIONAL HUMAN RIGHTS INSTITUTIONS DO BEFORE THE WGEID?

Victims, civil society organizations and National Human Rights Institutions can

- Assist relatives of disappeared persons in submitting cases to the WGEID or in sending prompt intervention letters;
- Present general allegations;
- During country visits, organize meetings with the WGEID and submit relevant information.

WHO DOES THE WORKING GROUP REPORT TO?

Every year, the WGEID reports to the Human Rights Council, and makes an oral address to the General Assembly of the United Nations.

HOW TO COMMUNICATE WITH THE WGEID?

Information to the WGEID
shall be submitted in writing, preferably by e-mail

WHO ARE THE PARTNERS OF THE CED TO CARRY OUT ITS WORK?

To discharge its mandate, the CED engages with States parties, victims (the disappeared person and any individual who has suffered harm as the direct result of an enforced disappearance, such as family and relatives of the disappeared person), civil society organisations, National Human Rights Institutions, academic institutions, Agencies and Programmes of the United Nations, both at headquarters and in the field.

WHAT CAN VICTIMS, CIVIL SOCIETY ORGANIZATIONS AND NATIONAL HUMAN RIGHTS INSTITUTIONS DO BEFORE THE CED?

Victims, civil society organizations and National Human Rights Institutions can:

- Submit an urgent action request, as long as they have a legitimate interest to do so;
- Submit an individual complaint on behalf of a victim;
- Submit alternative reports for the review of States parties' reports;
- During country visits, submit written inputs and meeting with the Delegation of the CED.

WHO DOES THE CED REPORT TO?

Every year, , the CED presents a written report and makes an oral presentation to the UN General Assembly.

HOW TO COMMUNICATE WITH THE CED?

For the examination of States parties:
Information to the CED shall be submitted in writing,

in English, Spanish or French.

E-mail address: hrc-wg-eid@un.org

In case you do not have access to internet, you can also submit information at the following postal address:

Working Group on Enforced or Involuntary Disappearances
OHCHR-UNOG
8-14 Avenue de la Paix,
1211 Geneva 10 - Switzerland

WGEID NEWSLETTER

Since May 2022, the WGEID periodically publishes a newsletter informing about its activities, sessions, decisions and recommendations, and about relevant developments related to the Working Group's work.

All WGEID newsletters can be accessed at the following link:
<https://www.ohchr.org/en/node/102736>

You can subscribe to the WGEID Newsletter by sending an email to hrc-wg-eid@un.org

preferably by e-mail in English, French, or Spanish.

Email address: ohchr-ced@un.org

In case you do not have access to internet, you can also submit information at the following postal address:

Committee on Enforced Disappearances
OHCHR-UNOG
8-14 Avenue de la Paix,
1211 Geneva 10 – Switzerland

For individual complaints and urgent actions:

Email address: ohchr-petitions@un.org

Postal address:

Petitions and Urgent Actions Section/Committee on Enforced
Disappearances
OHCHR-UNOG
8-14 Avenue de la Paix,
1211 Geneva 10 - Switzerland

CED NEWSLETTER:

Since October 2020, the CED periodically releases a Newsletter publishes a newsletter informing about its activities, sessions, decisions and recommendations, and about relevant developments related to the Committee's work and the way to contribute to it.

All CED newsletters can be accessed at the following link:
<https://www.ohchr.org/en/treaty-bodies/ced/newsletters>

To subscribe to the CED Newsletter,
please send an email to ohchr-ced@un.org

