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Agenda item 71 (b)

**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

## **International Convention for the Protection of All Persons from Enforced Disappearance**

### **Report of the Secretary-General\***

#### *Summary*

In its resolution [76/158](#), the General Assembly requested the Secretary-General to submit, at its seventy-eighth session, a report on the status of the International Convention for the Protection of All Persons from Enforced Disappearance and the implementation of the resolution. The present report is submitted in accordance with that request and covers the period from 1 July 2021 to 27 June 2023.

The present report also includes information on the activities carried out in relation to the implementation of the resolution by the Secretary-General, the United Nations High Commissioner for Human Rights and his Office, the Committee on Enforced Disappearances, the Working Group on Enforced or Involuntary Disappearances and intergovernmental and non-governmental organizations.

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\* The present document was submitted for processing after the deadline for technical reasons beyond the control of the submitting office.



## I. Introduction

1. In its resolution [76/158](#), the General Assembly requested the Secretary-General to submit, at its seventy-eighth session, a report on the status of the International Convention for the Protection of All Persons from Enforced Disappearance and the implementation of the resolution. The present report is submitted in accordance with that request and covers the period from 1 July 2021 to 27 June 2023. The previous report is available in document [A/76/315](#).

2. On 27 January 2023, the Secretary-General invited Member States, specialized agencies, funds and programmes of the United Nations system and civil society organizations to transmit relevant information pertaining to the implementation of the resolution.<sup>1</sup>

## II. Status of ratification of the International Convention for the Protection of All Persons from Enforced Disappearance

3. As at 27 June 2023, 98 States had signed and 71 had ratified or acceded to the Convention; 30 States had recognized the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation by the State party of provisions of the Convention (art. 31); and 28 States had recognized the competence of the Committee to receive and consider communications in which a State party claimed that another State party was not fulfilling its obligations under the Convention (art. 32). Updated information on the status of ratification of the Convention may be found in the annex to the present report.

## III. Status of reporting

4. As at 27 June 2023, 52 States parties had submitted their reports under article 29 (1) of the Convention and 19 States parties had submitted additional information under article 29 (4) of the Convention.

5. As at the twenty-fourth session of the Committee, held from 20 to 31 March 2023, 41 State party reports submitted under article 29 (1) had been considered and eight State party reports submitted as additional information under article 29 (4) had been considered.

6. During the reporting period, the Committee, through its secretariat, continued to send reminders to States parties whose reports were overdue to encourage prompt submission. As at 12 May 2023, 10 States parties' reports under article 29 (1) and 3 under article 29 (4) were overdue.

7. Moreover, the backlog of State party reports to be reviewed as at 2 June 2023 was 10 reports under article 29 (1) and 11 reports under article 29 (4). The backlog had increased over the course of the reporting period, in particular as a result of the lack of sufficient meeting time and human resources, which negatively affected the Committee's capacity to consider State party reports.

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<sup>1</sup> As at 27 June 2023, submissions had been received from Armenia, Croatia, Italy, Lebanon, Lithuania, Mexico, Paraguay, Serbia, the Convention against Enforced Disappearances Initiative, the Euro-Mediterranean Federation against Enforced Disappearances and the International Coalition against Enforced Disappearances. Their responses are summarized in the present report.

8. In relation to urgent actions, as at 27 June 2023, the Committee had registered and transmitted 1,607 urgent action requests to the States parties concerned. Of those, 469 disappeared persons had been located, including 442 persons who had been found alive. A total of 1,034 urgent actions remained open and 573 had been closed or discontinued (because the persons had been located) or suspended (because the authors had lost contact with the relatives of the disappeared person).

#### **IV. Submissions received from States**

9. Summaries of the submissions of States relating to the implementation of resolution 76/158 are provided below.

##### **Armenia**

10. Armenia reported that the Ministry of Justice had adopted a new Criminal Code on 5 May 2021. Article 451 of the new Criminal Code criminalized enforced disappearances.

11. Armenia further reported that there had been no cases in relation to that article in the records of the Armenian police.

##### **Croatia**

12. Croatia reported that, since the War of Independence (1991–1995), it had been committed to resolving the large number of disappearances that had occurred during that period. At the time of reporting, it had successfully located the remains of 5,224 people through exhumations, 4,370 of which had been successfully identified. It was continuing, however, to search for 1,816 people, given that disappearances were the most important humanitarian issue in the country since the war.

13. Croatia further reported that it conducted the search using its own model for searching for disappeared persons, which complemented the International Convention for the Protection of All Persons from Enforced Disappearance and the Guiding Principles for the Search for Disappeared Persons adopted by the Committee on Enforced Disappearances in 2019. It aimed to continue the search with the cooperation of Serbia.

##### **Italy**

14. Italy stated that its constitutional law upheld democracy, the full and effective respect for human rights and the rule of law (arts. 1, 2 and 5). As such, its legal system was aimed at ensuring an effective framework to protect the fundamental rights of the individual.

15. Italy added that its Constitutional Court was the highest guardian of the Constitution and dealt with infringements of human rights at the constitutional level. It was taking all the appropriate steps to accept the competence of the Committee to receive individual and inter-State communications under articles 31 and 32 of the Convention.

##### **Lebanon**

16. Lebanon reported that it was not a State party to the Convention but that it had adopted resolution No. 10/2000 on 21 January 2000 to create a commission of inquiry to investigate and determine the fate of those kidnapped and lost during the war. That commission had submitted its report to the Government on 25 July 2000 and concluded that there were mass graves in three cemeteries in the country.

17. The findings of the report had, however, been strongly contested by the relatives of the disappeared persons, who were convinced that their loved ones were still alive. In response, the Government had set up a body for complaints for relatives of disappeared persons, in accordance with resolution No. 1/2001, on 5 January 2001, to receive complaints from citizens wishing to have their case re-examined. The body had completed its mission on 7 June 2002 and had presented its report to the Council of Ministers.

18. Lebanon further reported that on 5 June 2005, the Government had set up a joint Lebanese-Syrian commission to deal with cases of missing persons and detainees in Syrian prisons, following the exit of the Syrian Arab Army from Lebanon on 24 April 2005, which had been part of increased efforts to bring to light the violations committed by Syrian Arab Army.

19. Those efforts had increased the demand to know the fate of missing persons or victims of enforced disappearance, which had prompted the Lebanese Parliament to adopt Law No. 105 on 12 November 2018, under which family members and relatives were granted the right to know the fate and whereabouts of their loved ones.

20. As part of that law, an independent national body for disappeared persons and victims of enforced disappearance had been created. It was made up of 10 members elected by decree of the Council of Ministers for five non-renewable terms.

21. The members exercised their functions independently of any other power, within the framework of the provisions of Law No. 105, and the independent body had legal capacity and administrative and financial autonomy. Procedures were in place to guarantee the independence and neutrality of its members and President. Confidentiality was offered to reassure and protect those who provided information.

22. Article 26 of the law allowed the independent body to carry out any type of investigation to locate missing persons or victims of enforced disappearance, in order for them to be released or their remains to be recovered.

23. Lebanon further reported that when evidence was found at a place of burial, article 28 of that law stated that the independent body must inform the prosecutor thereof. It was then the responsibility of the prosecutor to take the measures necessary to protect that evidence. Simultaneously, pursuant to that law, the independent body could also create a multidisciplinary commission made up of forensic experts, whose mission was to search for remains and bodies and to identify them.

24. Pursuant to article 7 of Law No. 105, national bodies and institutions involved in the search for missing persons or victims of enforced disappearances must, in accordance with their mandate and prerogatives, provide the information at their disposal to the independent body upon its request. They must also take all measures necessary to prevent acts that could hinder investigations and punish them. It was essential to verify that no pressure or influence had been exerted during the operations mentioned in the law.

25. Article 22 of the law provided that Lebanese authorities, foreign authorities and State apparatuses must respond, without delay, to requests by the independent body for documents and information that it considered useful for the proper execution of its mandate.

26. Lebanon stated that in the law, there was a specific chapter on penalties. In addition to their right to seek compensation under common law, victims were also entitled to adequate moral and pecuniary compensation, which would be fixed by a decree adopted by the Council of Ministers in line with a proposal from the Minister of Finance and Justice that was based on the recommendation of the independent body.

27. Lebanon further reported that the Lebanese Army Command worked hard to implement human rights standards, including those related to the protection of persons from enforced disappearances. Its work included the following: ensuring compliance with international standards during the detention of individuals; providing judicial guarantees to persons deprived of their liberty; allowing International Committee of the Red Cross (ICRC) delegates to visit military prisons to check the conditions; instructing the competent bodies to follow up cases of missing soldiers; setting up a collection and processing mechanism for all information relating to missing soldiers; cooperating with local and international organizations to identify bodies found during armed conflicts and natural disasters and return them to their relatives; insisting on the strict control of smuggling and trafficking at borders and recording the identities of those arrested; and coordinating security work with other security and law enforcement apparatuses to combat the crime of kidnapping, in particular of women and children, and arresting and prosecuting perpetrators.

28. Lebanon expressed that it was in favour of acceding to the Convention. It had, however, reservations regarding the competences of the Committee under articles 31 and 32.

### **Lithuania**

29. The State party thanked the Committee for its constructive dialogue held in September 2017. The ensuing recommendations had been thoroughly analysed and discussed by different ministries and institutions to identify how they could be implemented. After an agreement had been reached, the competent ministries and institutions had begun the coordinated implementation of the Committee's recommendations.

### **Mexico**

30. The State party had taken on the Committee's recommendations by ensuring that enforced disappearance remained a crime against humanity and by allowing the Executive Commission for Victim Support to support legal actions to promote the prosecution of cases, in accordance with the litigation strategy established for each one.

31. With regard to the Committee's Guiding Principles for the Search for Disappeared Persons, the Supreme Court of Justice had not had the opportunity to rule on them, but recognized their importance and usefulness. In compliance with the Guiding Principles, the Executive Commission for Victim Support had facilitated the inclusion of victims in search activities where doing so was clearly relevant to the criminal investigation corresponding to their case. To achieve that goal, the Executive Commission had created mechanisms for collaboration and the exchange of information between various institutions involved in the search and investigation. The National Search Commission was in charge of conducting a comprehensive search process that involved the relatives and federal authorities and entities and followed an impartial and differentiated approach.

32. Regarding experience and good practices in the implementation of the Committee on Enforced Disappearances and Working Group on Enforced or Involuntary Disappearances key guidelines on enforced disappearances in the context of the coronavirus disease (COVID-19), the proposals of an "online trial" and an "automated judicial mailbox" had been implemented to guarantee access to justice for all persons in the context of the pandemic. The Executive Commission for Victim Support had implemented organizational and operational adjustments to continue its operation and protect people from the virus. Through the Ministry of Health, the National Search Commission had also published guidelines for developing field

search activities in the context of the pandemic, which had been addressed to all stakeholders involved in field searches.

33. Regarding the implementation of the provisions of the Convention, including addressing the particular risks faced by women and vulnerable groups, the manual on disappeared persons, developed by the Supreme Court of Justice, highlighted the importance of a differential approach in the search process. In addition, the National Search Commission and the National Commission for the Prevention and Eradication of Violence against Women had launched the collective construction of the minimum criteria for the application and/or harmonization of the Alba Protocol. The additional protocol for searching for children and adolescents was also applied and the National Search Commission developed a contextual analysis both for searches and investigations, with a differential approach and gender perspective.

34. The State party highlighted its compliance with article 33 of the Convention following a visit in November 2021, during which the Committee had met with State authorities, civil society organizations and victims and had taken part in field search activities. The recommendations that had been made by the Committee following the visit had been taken on and various actions developed in that regard.

35. Regarding assistance received in understanding and implementing the Convention, through international cooperation and assistance, the National Search Commission carried out several capacity-building activities. Good practices and common challenges had been shared in various regional forums, including a thematic hearing held before the Inter-American Commission on Human Rights. The National Search Commission had also worked in coordination with the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Mexico and other international organizations to enable their participation and contributions as experts.

### **Paraguay**

36. Paraguay reported that it had adopted Law No. 3977/2010, in compliance with article 5 of the Convention, and had approved Law No. 4614/12, which modifies articles 236 and 309 of the Criminal Code to bring the definition of enforced disappearance in line with the Convention. It was also in a consultation process with State authorities on recognizing the competence of the Committee under articles 31 and 32 of the Convention.

37. Paraguay further reported that it had a permanent inter-institutional mechanism, known as SIMORE Plus, for systematizing and coordinating the follow-up of the implementation of human rights recommendations it had received. It was also in the advanced stage of its second report to the Committee. That process had involved the use of SIMORE Plus to include the constructive participation of civil society, as well as State entities.

38. Regarding the implementation of the Committee's Guiding Principles for the Search for Disappeared Persons, the Ministry of the Interior followed the protocol that established "the procedure to follow for police intervention in cases of searches for disappeared persons", approved by resolution No. 666/17. Similarly, the Office of the Public Prosecutor worked with the Specialized Human Rights Unit, which was in charge of investigating alleged enforced disappearances, torture and bodily harm, as part of the exercise of its functions, as well as other acts that violated human rights. The Unit applied both the Convention and the related Guiding Principles.

39. Paraguay also reported that draft law D-2060858 on the protection, prevention and sanction of persons against enforced disappearances was being studied by the National Congress. The law was aimed at improving adherence to international principles and guidelines regarding enforced disappearances.

40. The State party further reported that it had not been visited by the Committee, nor had it received any requests for a State visit under article 33 of the Convention.

41. There were no records that Paraguay had received support or assistance in implementing the obligations deriving from the Convention from United Nations entities, intergovernmental or non-governmental organizations (NGOs) or from the Working Group on Enforced or Involuntary Disappearances.

## **Serbia**

42. Serbia reported that it had ratified the Convention in 2011, submitted the initial report on the implementation of the Convention in 2013 and submitted two reports containing follow-up and additional information to the Committee in 2015 and 2021. In order to ensure the monitoring and implementation of the recommendations of United Nations entities, Serbia had established a council to monitor the implementation of the recommendations of the United Nations human rights mechanisms in 2014. Serbia also ensured that various key institutions attended meetings of that body. The body had been recognized by the United Nation as an example of good practices.

43. Serbia further reported that it had established the Commission for Disappeared Persons in 2006 to ensure the right of the families of disappeared persons to know the fate of their loved ones. The Commission for Disappeared Persons had dealt with cases of disappeared persons in the context of the armed conflicts in the former Socialist Federal Republic of Yugoslavia and in the Autonomous Province of Kosovo and Metohija. While Serbia had resolved a large number of cases, many remained unresolved. The Commission for Disappeared Persons had also allocated financial support to families of disappeared persons.

44. Serbia had fully integrated the Convention into domestic legislation and had established an Office of the Prosecutor for War Crimes in Belgrade.

45. In addition, a witness protection programme had been created and provided support to witnesses who were exposed to threats or other forms of pressure.

46. The State party also noted that several organizations provided legal assistance and support to the families of disappeared persons to determine the fate of their loved ones and provided psychological support and counselling to victims. A differential approach was adopted for all actions and a contextual analysis conducted for vulnerable groups. The State party was also in the process of preparing a draft law on missing persons to provide and define in more detail the financial assistance available to relatives of missing persons.

47. Serbia reported that it had taken a proactive role in regional cooperation and the exchange of information on disappeared persons to prevent future cases of enforced disappearance.

48. The State party acknowledged that the COVID-19 pandemic had had a significant impact on the search for disappeared persons. The economic consequences of the pandemic had affected search processes, access to justice and support for relatives of disappeared persons. While the pandemic had forced the State party to close institutions that had been crucial to providing support to victims, the Commission for Disappeared Persons had continued to monitor the situation. The Commission had also supported the application of digital technologies and other innovative solutions to overcome the challenges caused by the pandemic, such as a series of online multilateral meetings of competent authorities relating to the search for disappeared persons in the region.

## **V. Activities of the Secretary-General and the United Nations High Commissioner for Human Rights to raise awareness on enforced disappearance and promote the ratification of the Convention**

49. On the occasion of his 2021 message for the International Day of the Victims of Enforced Disappearances, observed on 30 August, the Secretary-General highlighted that while enforced disappearance had been strictly prohibited under international human rights law in all circumstances, it continued to be used across the world as a method of repression, terror and stifling dissent. Paradoxically, it was sometimes used under the pretext of countering crime or terrorism. Lawyers, witnesses, political opposition and human rights defenders were particularly at risk. He recalled that enforced disappearance deprived families and communities of the right to know the truth about their loved ones, of accountability, justice and reparation. The COVID-19 pandemic had added to the agony and anguish of enforced disappearance, by limiting capacities to search for missing persons and investigate alleged enforced disappearance. The International Convention for the Protection of All Persons from Enforced Disappearance was indispensable in helping to tackle the cowardly practice. However, the will and commitment of those with the power to do so was necessary to achieve that. States must fulfil their obligations to prevent enforced disappearance, to search for the victims and to investigate, prosecute and punish the perpetrators. Lastly, the Secretary-General reiterated his call to all States to ratify the Convention and to work with the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances to end all enforced disappearances.

50. Similarly, in his 2022 message for the International Day of the Victims of Enforced Disappearances, the Secretary-General underlined that enforced disappearance was more than a human rights violation against an individual and that impunity compounded the suffering and anguish. He recalled that under international human rights law, families and societies had a right to know the truth about what had happened to the individuals and he called on Member States to fulfil that responsibility. Enforced disappearance had frequently been used as a strategy to spread terror within the society. The feeling of insecurity that had been generated by the practice was not limited to the close relatives of disappeared persons, but also affected their communities and society as a whole. The victims were frequently tortured and in constant fear for their lives. They were well aware that their families did not know what had become of them and that the chances were slim that anyone would come to their aid. Given that they had been removed from the protective precinct of the law and “disappeared” from society, they were in fact deprived of all their rights and were at the mercy of their captors. Even if death was not the final outcome and the victim was eventually released from the nightmare, the physical and psychological scars of that form of dehumanization and the brutality and torture that often accompanied it remained. The families and friends of the victims experienced slow mental anguish. They alternated between hope and despair, wondering and waiting, sometimes for years, for news that may never come. In addition, they were well aware that they, too, were threatened, that they may suffer the same fate and that searching for the truth may expose them to even greater danger. He recalled that children could also be victims, both directly and indirectly. The disappearance of a child was a clear contravention of a number of provisions of the Convention on the Rights of the Child, including the right to a personal identity. The loss of a parent through disappearance was also a serious violation of a child’s human rights. Communities were directly affected by the disappearance of breadwinners and the degradation of families’ economic situation and their social marginalization.



51. The United Nations High Commissioner for Human Rights reported that enforced disappearance was included in most OHCHR field presence workplans. OHCHR in Colombia maintained activities with State institutions in charge of searching for disappeared persons and investigating their cases, as well as activities with victims, NGOs and other civil society actors to promote actions for the prevention and eradication of the crime. The Office also provided general guidance to victims and the civil society organizations that supported them on presenting urgent actions to the Committee on Enforced Disappearances. The guidance also included the observations of the Committee when supporting State institutions and civil society organizations in the development of projects related to enforced disappearances. In his 2022 annual report, the United Nations High Commissioner for Human Rights welcomed the acceptance by Colombia of the competence of the Committee to receive and consider individual communications as an important step forward in the search for, investigation and eradication of enforced disappearance and urged the State to implement a comprehensive and transparent public policy for preventing and responding to enforced disappearance ([A/HRC/52/25](#)).

52. In November 2021, the United Nations Assistance Mission for Iraq (UNAMI) and OHCHR, with the support of two members of the Committee on Enforced Disappearances, conducted a two-day training session in Baghdad for Iraqi authorities on cooperation with the United Nations human rights system on protection from and prevention of enforced disappearances and a one-day training session for representatives of civil society organizations on the same issue. In November 2022, UNAMI and OHCHR supported the Committee in organizing and developing its country visit, including through the coordination of meetings with delegations of the High Commission for Human Rights and with 171 victims and civil society organizations from the Anbar, Baghdad, Kirkuk, Diyala, Erbil, Ninewa and Salah al-Din Governorates. OHCHR, together with UNAMI, had offered its support to State authorities in promoting, in coordination with the Committee, the implementation of the latter's recommendations.

53. Over the reporting period, OHCHR in Mexico provided key support in organizing and conducting the Committee's visit in November 2021. Since that date, the Office had maintained permanent interaction with State authorities, victims, NGOs and other civil society actors to follow up the implementation of the Committee's recommendations and facilitate their interaction with the Committee. The Office had notably organized online presentations, in which the Committee had presented its visit report to civil society actors. It had also participated in meetings of the follow-up mechanism on the implementation of the recommendations of the Committee's visit report, established by the Ministry of Foreign Affairs, which brought together 25 State institutions to coordinate their action for the implementation of the Committee's recommendations. The Office also followed the initiatives developed at the State level to establish State mechanisms to promote the implementation of the Committee's recommendations in Coahuila, Veracruz and Zacatecas. Following the decision that had been adopted by the Supreme Court of Mexico in 2021 declaring the binding force of the Committee's urgent actions, OHCHR had supported and jointly coordinated the elaboration of a publication on the binding nature of urgent actions of the Committee on Enforced Disappearances.<sup>2</sup>

54. Over the reporting period, OHCHR had also continued to provide support to the Working Group on Enforced or Involuntary Disappearances and to the Committee on Enforced Disappearances. Both mechanisms had further developed their interpretations and observations of relevant international human rights instruments,

<sup>2</sup> See <https://hchr.org.mx/publicaciones/el-caracter-vinculante-de-las-acciones-urgentes-del-comite-de-la-onu-contra-la-desaparicion-forzada-en-mexico/>.

which provided guidance to Members States and other stakeholders on measures to take to prevent and eradicate enforced disappearances, in compliance with the rights and obligations enshrined in the International Convention for the Protection of All Persons from Enforced Disappearance.

55. In 2022, the OHCHR treaty body capacity-building programme had published a training guide on reporting under the International Convention for the Protection of All Persons from Enforced Disappearance.<sup>3</sup> The guide was a practical tool aimed at assisting all States and other actors in gaining a greater understanding of the rights enshrined in the Convention and, in turn, ensuring a more effective implementation by States parties of their obligations under the Convention, including through high-quality reporting.

56. In South-East Asia, the treaty body capacity-building programme and OHCHR Regional Office for South-East Asia had continued efforts to promote the Convention in the region. Several capacity-building activities had been organized, with the online participation of members of the Committee on Enforced Disappearances, including a training session in Malaysia in November 2021 for Malaysian State officials; a regional webinar in June 2022 on the training guide on reporting under the International Convention for the Protection of All Persons from Enforced Disappearance; and a training session in Bangkok in April 2023 for government officials of the Lao People's Democratic Republic. Furthermore, on 30 August 2021, the Regional Office had published a video to mark the International Day for the Victims of Enforced Disappearances, in which Asian States were called to ratify the Convention. A shorter version of the video had been widely disseminated in social media. In August 2022, the Regional Office had also supported the Committee on Enforced Disappearances in organizing a regional consultation for the elaboration of the first general comment of the Committee on Enforced Disappearances in the context of migration.

57. In the Pacific, the treaty body capacity-building programme and OHCHR Regional Office for the Pacific provided support to States parties in meeting their reporting obligations under the Convention. In particular, technical assistance had been provided to Samoa in January 2023 for the drafting of its first report to the Committee.

58. In Central America and the Caribbean, the treaty body capacity-building programme and OHCHR Regional Office for Central America and the Dominican Republic supported the organization of a regional forum on disappearances of migrants in Central America and Mexico in the light of the recommendations made by human rights protection mechanisms, which took place in August 2022 and involved the participation of members of the Committee. In addition, in August 2022, the treaty body capacity-building programme supported the Committee in organizing a regional consultation for Latin America and the Caribbean for the elaboration of a general comment of the Committee on Enforced Disappearances in the context of migration.

59. The treaty body capacity-building programme also provided support to civil society organizations in engaging with the Committee. It organized a training session in February 2022 to support representatives of civil society organizations in Samoa on treaty body engagement. Similar training sessions were organized in April and July 2022 to support civil society in Ecuador and Uruguay, respectively, in engaging with and submitting information to the Committee.

<sup>3</sup> See [www.ohchr.org/en/publications/training-and-education-publications/ohchr-training-guide-reporting-under-international](https://www.ohchr.org/en/publications/training-and-education-publications/ohchr-training-guide-reporting-under-international).

60. More generally, the treaty body capacity-building programme had planned to further strengthen activities to promote the ratification of the Convention in the context of the celebration of the seventy-fifth anniversary of the Universal Declaration of Human Rights. In that regard, the Office would collaborate with States, national human rights institutions and civil society organizations and in particular the Convention against Enforced Disappearances Initiative.

## **VI. Activities of the Committee on Enforced Disappearances**

61. During the reporting period, the Committee on Enforced Disappearances developed various activities to promote the ratification and implementation of the Convention. It maintained its interaction and coordination with the Working Group on Enforced or Involuntary Disappearances and other relevant mechanisms and stakeholders. The Committee and Working Group had five periodic meetings over the reporting period to enhance the coordination of their work and they consulted each other on their respective projects. A detailed compilation of the activities of the Committee can be found in its most recent annual reports to the General Assembly at its seventy-seventh and seventy-eighth sessions ([A/77/56](#) and [A/78/56](#)).

62. In all her public statements, the Chair of the Committee had continued to promote the ratification of the Convention and to stress that ratification should be followed by its implementation and incorporation into the domestic legal framework. She had also continued to invite States parties that had not done so to accept the competence of the Committee under articles 31 and 32 of the Convention. Members of the Committee had also reiterated the Committee's call for the universal ratification of the Convention in all their public interventions and interactions with Member States.

63. In addition, the Committee and its secretariat participated in various online meetings and training sessions with State authorities, civil society actors and national human rights institutions to promote the ratification of the Convention and the recognition of the Committee's competence to examine individual and inter-State communications. Such meetings were held for El Salvador, Guatemala, Indonesia, the Lao People's Democratic Republic, Lebanon, Malaysia, Pakistan and Thailand. On 2 February 2023, the Committee and its secretariat took part in an event organized by Argentina and France that brought together 27 Member States to promote the ratification of the Convention. The Committee and its secretariat described the activities carried out by the Committee over the last four years to shed light on the actions taken to support States, victims and other civil society actors and those carried out by national human rights institutions to prevent and eradicate enforced disappearances worldwide, and they outlined the importance that all States joined forces to that end, starting with the ratification of the Convention.

64. In coordination with Argentina and France, the Committee also pursued the elaboration of a project to organize a world congress to promote the ratification of the Convention, together with various partners, including the International Coalition against Enforced Disappearances, the Latin American Federation of Associations for Relatives of the Detained-Disappeared, the Euro-Mediterranean Federation against Enforced Disappearances and the Convention against Enforced Disappearances Initiative.

65. On 30 August 2022, which marked the International Day of the Victims of Enforced Disappearances, the Committee and the Working Group released a video highlighting victims of enforced disappearance and calling for the urgent ratification of the Convention by all States. They also released a leaflet that served to describe

the Committee and the Working Group “in a nutshell” and an updated version of the “Fact Sheet” publications on enforced disappearances.

66. The Committee further promoted the development of a joint statement on illegal intercountry adoptions<sup>4</sup> with the Working Group, the Committee on the Rights of the Child, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children and the Special Rapporteur on trafficking in persons, especially women and children. The Statement was adopted by all mechanisms involved in September 2022.

67. At its twenty-fourth session, the Committee invited the Working Group to join a project on the notion of “short-term enforced disappearances”. The two mechanisms issued a joint call for inputs on the issue.

68. On 7 March 2023, a representative of OHCHR in Mexico provided a joint intervention, on behalf of the Committee and the Working Group, at a public hearing of the Inter-American Commission on Human Rights, on access to information, including military and intelligence archives, related to enforced disappearances.

69. The Committee and the Inter-American Commission on Human Rights implemented their road map for coordination, through annual meetings, joint statements on the International Day of the Victims of Enforced Disappearance<sup>5</sup> and consultations on their respective projects.

70. The Committee started the elaboration of a draft general comment on enforced disappearances in the context of migration. It also adopted a statement on non-State actors in the context of the International Convention for the Protection of All Persons from Enforced Disappearance. As part of the processes of the elaboration of the general comment, the Committee launched large consultation processes through calls for written inputs, online regional consultations with the Africa, Asia, Europe, Latin America and the Caribbean regions, in cooperation with OHCHR field presences, and online meetings with relevant stakeholders.

## **VII. Activities of the Working Group on Enforced or Involuntary Disappearances**

71. At the fifty-first session of the Human Rights Council in September 2022 and to mark the thirtieth anniversary of the Declaration on the Protection of All Persons From Enforced Disappearance, adopted in 1992, the Working Group presented a study aimed at taking stock of the progress in international law on the subject, as well as identifying the obstacles encountered in the implementation of the Declaration. In the document, there was ample reference to the Convention and its importance. One of the recommendations made in the study was, for States that had not yet done so, to ratify or accede to the Convention and to recognize the competence of the Committee to receive and examine individual and inter-State complaints.

72. In the context of its country visits, the Working Group had always recommended States, when appropriate, ratify the Convention and/or recognize the competence of

<sup>4</sup> See [www.ohchr.org/sites/default/files/documents/hrbodies/ced/2022-09-29/JointstatementICA\\_HR\\_28September2022.pdf](https://www.ohchr.org/sites/default/files/documents/hrbodies/ced/2022-09-29/JointstatementICA_HR_28September2022.pdf).

<sup>5</sup> On 30 August 2022, the Committee, Inter-American Commission on Human Rights and the Working Group released a joint statement calling on States to prevent and respond to the adverse effects faced by relatives of disappeared persons from a gender perspective. On 30 August 2021, the three mechanisms released a joint call on States to adopt and implement search and investigation strategies within the framework of a comprehensive policy on disappearances.

the Committee to examine individual and inter-State complaints under articles 31 and 32 of the Convention.<sup>6</sup>

### **VIII. Activities of United Nations agencies and organizations, intergovernmental organizations and non-governmental organizations to promote the ratification of the Convention**

73. ICRC had been an ongoing partner of the Committee. The two entities regularly exchanged information on their activities and provided comments and inputs on their respective projects, with the aim of ensuring their compliance with the Convention. On 15 September 2022, the Committee had participated in a side event organized by ICRC on national mechanisms for missing persons and their families. During the twenty-fourth session of the Committee, ICRC and the Committee had had a meeting to share information on their respective projects and activities and ICRC had provided confidential contributions following calls for inputs launched by the Committee. They had also taken part in meetings and regional consultations related to the Committee's draft general comment on enforced disappearances in the context of migration.

74. The Convention against Enforced Disappearances Initiative, Euro-Mediterranean Federation against Enforced Disappearances and International Coalition against Enforced Disappearances carried out activities towards the universal ratification and implementation of the Convention, which included a range of activities and events with States officials, victims and the families of victims of enforced disappearances, civil society organizations and other stakeholders. The Convention against Enforced Disappearances Initiative was in the process of consulting all actors and preparing a baseline study on the ratification of the Convention to inform the development of a concerted strategy and action plan for the ratification campaign.

75. The Convention against Enforced Disappearances Initiative decided to organize a World Congress on Enforced Disappearances in 2024, aimed at (a) resulting in an agreement on a common strategy and action plan to promote the universal ratification and implementation of the Convention; (b) putting families back at the centre of joint efforts, including through support and strengthening of their activities and networks; (c) promoting intergovernmental dialogue on enforced disappearance; and (d) creating awareness about enforced disappearance, its devastating effects and the need for improving the international response.

76. The Euro-Mediterranean Federation against Enforced Disappearances carried out political advocacy through meetings with government officials, legislators and diplomats from different countries such as Canada, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

77. In 2021, 2022 and 2023, the Euro-Mediterranean Federation against Enforced Disappearances organized events on the occasion of the International Day of the Victims of Enforced Disappearance on 20 August, to provide information about the Convention in the fight against enforced disappearances.

78. The Euro-Mediterranean Federation against Enforced Disappearances further advocated for the ratification of the Convention in international forums.

79. Over the last two years, the work of the International Coalition against Enforced Disappearances had included online events held on traditionally commemorated dates, such as the International Week of the Disappeared and the United Nations-

<sup>6</sup> See [www.ohchr.org/sites/default/files/documents/issues/disappearances/statements/2023-03-29-com-honduras-wgeid-es.pdf](https://www.ohchr.org/sites/default/files/documents/issues/disappearances/statements/2023-03-29-com-honduras-wgeid-es.pdf), p. 3.

approved International Day of the Victims of Enforced Disappearances. Those events had been conducted in cooperation with the Committee and the Working Group.

## **IX. Conclusion**

80. **The level of ratification of the International Convention for the Protection of All Persons from Enforced Disappearance remains low, despite the clear collective position of Member States that enforced disappearances must urgently be prevented and eradicated in all parts of the world.**

81. **The Secretary-General reiterates his call to all States that have not yet become parties to the International Convention for the Protection of All Persons from Enforced Disappearance to take the measures necessary to do so, without delay, and to accept the competence of the Committee on Enforced Disappearances under articles 31 and 32 of the Convention. The United Nations will continue its intensive efforts to assist States in becoming parties to the Convention and in ensuring its full implementation.**

## Annex

**States that have signed, ratified or acceded to the  
International Convention for the Protection of All Persons  
from Enforced Disappearance as at 25 May 2023**

| <i>State</i>                          | <i>Date of signature</i> | <i>Date of accession or ratification</i> |
|---------------------------------------|--------------------------|--|
| Albania <sup>a</sup>                  | 6 February 2007          | 8 November 2007                          |
| Algeria                               | 6 February 2007          |  |
| Angola                                | 24 September 2014        |  |
| Argentina <sup>a</sup>                | 6 February 2007          | 14 December 2007                         |
| Armenia                               | 10 April 2007            | 24 January 2011                          |
| Austria <sup>a</sup>                  | 6 February 2007          | 7 June 2012                              |
| Azerbaijan                            | 6 February 2007          |  |
| Belgium <sup>a</sup>                  | 6 February 2007          | 2 June 2011                              |
| Belize <sup>b</sup>                   |                          | 14 August 2015                           |
| Benin                                 | 19 March 2010            | 2 November 2017                          |
| Bolivia (Plurinational State of)      | 6 February 2007          | 17 December 2008                         |
| Bosnia and Herzegovina <sup>a</sup>   | 6 February 2007          | 30 March 2012                            |
| Brazil                                | 6 February 2007          | 29 November 2010                         |
| Bulgaria                              | 24 September 2008        |  |
| Burkina Faso                          | 6 February 2007          | 3 December 2009                          |
| Burundi                               | 6 February 2007          |  |
| Cabo Verde                            | 6 February 2007          | 20 December 2022                         |
| Cambodia <sup>b</sup>                 |                          | 27 June 2013                             |
| Cameroon                              | 6 February 2007          |  |
| Central African Republic <sup>b</sup> |                          | 11 October 2016                          |
| Chad                                  | 6 February 2007          |  |
| Chile <sup>a</sup>                    | 6 February 2007          | 8 December 2009                          |
| Colombia <sup>a</sup>                 | 27 September 2007        | 11 July 2012                             |
| Comoros                               | 6 February 2007          |  |
| Congo                                 | 6 February 2007          |  |
| Costa Rica                            | 6 February 2007          | 16 February 2012                         |
| Croatia <sup>a</sup>                  | 6 February 2007          | 31 January 2022                          |
| Cuba                                  | 6 February 2007          | 2 February 2009                          |

| <i>State</i>                     | <i>Date of signature</i> | <i>Date of accession or ratification</i> |
|----------------------------------|--------------------------|--|
| Cyprus                           | 6 February 2007          |  |
| Czech Republic <sup>a</sup>      | 19 July 2016             | 8 February 2017                          |
| Denmark                          | 25 September 2007        | 13 January 2022                          |
| Dominica <sup>b</sup>            |                          | 13 May 2019                              |
| Dominican Republic               | 26 September 2018        |  |
| Ecuador <sup>a</sup>             | 24 May 2007              | 20 October 2009                          |
| Eswatini                         | 25 September 2007        |  |
| Fiji <sup>b</sup>                |                          | 19 August 2019                           |
| Finland <sup>a</sup>             | 6 February 2007          | 24 March 2023                            |
| France <sup>a</sup>              | 6 February 2007          | 23 September 2008                        |
| Gabon                            | 25 September 2007        | 19 January 2011                          |
| Gambia                           | 20 September 2017        | 28 September 2018                        |
| Germany <sup>a</sup>             | 26 September 2007        | 24 September 2009                        |
| Ghana                            | 6 February 2007          |  |
| Greece                           | 1 October 2008           | 9 July 2015                              |
| Grenada                          | 6 February 2007          |  |
| Guatemala                        | 6 February 2007          |  |
| Guinea-Bissau                    | 24 September 2013        |  |
| Haiti                            | 6 February 2007          |  |
| Honduras                         | 6 February 2007          | 1 April 2008                             |
| Iceland                          | 1 October 2008           |  |
| India                            | 6 February 2007          |  |
| Indonesia                        | 27 September 2010        |  |
| Iraq <sup>b</sup>                |                          | 23 November 2010                         |
| Ireland                          | 29 March 2007            |  |
| Italy                            | 3 July 2007              | 8 October 2015                           |
| Japan <sup>a</sup>               | 6 February 2007          | 23 July 2009                             |
| Kazakhstan <sup>b</sup>          |                          | 27 February 2009                         |
| Kenya                            | 6 February 2007          |  |
| Lao People's Democratic Republic | 29 September 2008        |  |
| Lebanon                          | 6 February 2007          |  |



| <i>State</i>                              | <i>Date of signature</i> | <i>Date of accession or ratification</i> |
|---|--------------------------|--|
| Lesotho                                   | 22 September 2010        | 6 December 2013                          |
| Liechtenstein                             | 1 October 2007           |  |
| Lithuania <sup>a</sup>                    | 6 February 2007          | 14 August 2013                           |
| Luxembourg <sup>a</sup>                   | 6 February 2007          | 1 April 2022                             |
| Madagascar                                | 6 February 2007          |  |
| Malawi <sup>b</sup>                       |                          | 14 July 2017                             |
| Maldives                                  | 6 February 2007          |  |
| Mali <sup>a</sup>                         | 6 February 2007          | 1 July 2009                              |
| Malta                                     | 6 February 2007          | 27 March 2015                            |
| Mauritania                                | 27 September 2011        | 3 October 2012                           |
| Mexico <sup>a</sup>                       | 6 February 2007          | 18 March 2008                            |
| Monaco                                    | 6 February 2007          |  |
| Mongolia                                  | 6 February 2007          | 12 February 2015                         |
| Montenegro <sup>a</sup>                   | 6 February 2007          | 20 September 2011                        |
| Morocco                                   | 6 February 2007          | 14 May 2013                              |
| Mozambique                                | 24 December 2008         |  |
| Netherlands (Kingdom of the) <sup>a</sup> | 29 April 2008            | 23 March 2011                            |
| Niger                                     | 6 February 2007          | 24 July 2015                             |
| Nigeria <sup>b</sup>                      |                          | 27 July 2009                             |
| North Macedonia                           | 6 February 2007          |  |
| Norway                                    | 21 December 2007         | 22 August 2019                           |
| Oman <sup>b</sup>                         |                          | 12 June 2020                             |
| Palau                                     | 20 September 2011        |  |
| Panama                                    | 25 September 2007        | 24 June 2011                             |
| Paraguay                                  | 6 February 2007          | 3 August 2010                            |
| Peru <sup>a,b</sup>                       |                          | 26 September 2012                        |
| Poland                                    | 25 June 2013             |  |
| Portugal <sup>a</sup>                     | 6 February 2007          | 27 January 2014                          |
| Republic of Korea <sup>a,b</sup>          |                          | 4 January 2023                           |
| Republic of Moldova                       | 6 February 2007          |  |
| Romania                                   | 3 December 2008          |  |

| <i>State</i>                       | <i>Date of signature</i> | <i>Date of accession or ratification</i> |
|------------------------------------|--------------------------|--|
| Saint Vincent and the Grenadines   | 29 March 2010            |  |
| Samoa                              | 6 February 2007          | 27 November 2012                         |
| Senegal                            | 6 February 2007          | 11 December 2008                         |
| Serbia <sup>a</sup>                | 6 February 2007          | 18 May 2011                              |
| Seychelles <sup>b</sup>            |                          | 18 January 2017                          |
| Sierra Leone                       | 6 February 2007          |  |
| Slovakia <sup>a</sup>              | 26 September 2007        | 15 December 2014                         |
| Slovenia <sup>a</sup>              | 26 September 2007        | 15 December 2021                         |
| Spain <sup>a</sup>                 | 27 September 2007        | 24 September 2009                        |
| Sri Lanka <sup>a</sup>             | 10 December 2015         | 25 May 2016                              |
| Sudan <sup>b</sup>                 |                          | 10 August 2021                           |
| Sweden                             | 6 February 2007          |  |
| Switzerland <sup>a</sup>           | 19 January 2011          | 2 December 2016                          |
| Thailand                           | 9 January 2012           |  |
| Togo                               | 27 October 2010          | 21 July 2014                             |
| Tunisia                            | 6 February 2007          | 29 June 2011                             |
| Uganda                             | 6 February 2007          |  |
| Ukraine <sup>a,b</sup>             |                          | 14 August 2015                           |
| United Republic of Tanzania        | 29 September 2008        |  |
| Uruguay <sup>a</sup>               | 6 February 2007          | 4 March 2009                             |
| Vanuatu                            | 6 February 2007          |  |
| Venezuela (Bolivarian Republic of) | 21 October 2008          |  |
| Zambia                             | 27 September 2010        | 4 April 2011                             |

<sup>a</sup> States that have made declarations recognizing the competence of the Committee under articles 31 and/or 32 of the Convention. The full text of the declarations and reservations made by States parties is available from <http://treaties.un.org>.

<sup>b</sup> Accession.