

COMMITTEE ON ENFORCED DISAPPEARANCES
Twelfth session
Geneva 6-17 March 2017

**REPORT OF THE COMMITTEE ON ENFORCED DISAPPEARANCES
ON ITS TWELFTH SESSION**

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I. ORGANIZATIONAL AND OTHER MATTERS

A. States parties to the International Convention for the Protection of All Persons from Enforced Disappearance

1. As at 17 March 2017, the closing date of the twelfth session of the Committee on Enforced Disappearances (CED), there were 56 parties to the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) and 95 signatory States. The Convention was adopted on 20 December 2006 during the sixty-first session of the General Assembly by resolution A/RES/61/177. The Convention was opened for signature on 6 February 2007. In accordance with its article 39(1), the Convention entered into force on 23 December 2010.

2. A list of States parties to the Convention, as at 17 March 2017, as well as the deadline by which they have to submit their reports to the Committee, is included in annex I of this report.

B. Opening of the twelfth session

3. The twelfth session of the Committee on Enforced Disappearances was opened by Mr. Simon Walker, Chief of Civil, Political, Economic, Social and Cultural Rights Section, Human Rights Treaty Division, Office of the High Commissioner for Human Rights. His statement was followed by opening remarks by Mr. Santiago Corcuera, Chair of the Committee.

Both Mr. Walker and Mr. Corcuera noted the positive outcome of the First Conference of States Parties to the Convention, which evaluated the work of the Committee and confirmed it as the monitoring body of the Convention. In the Conference, 51 States parties were present and 22 of them took the floor, together with representatives of the Working Group on Enforced or Involuntary Disappearances, of the Global Alliance of National Human Rights Institutions, of the International Committee of the Red Cross and of civil society. They all expressed praise for the efficiency and dynamism of the Committee while some States parties offered constructive criticism.

They both recalled the commemoration of the 10th anniversary of the Convention in the high-level plenary meeting of the General Assembly held in New York on 17 February 2017. In his video message the High Commissioner for Human Rights expressed his firm belief that the work of the Committee has had a significant preventive effect. Notwithstanding, the practice of enforced disappearance is not decreasing, but it is morphing. Against this sombre background, the High Commissioner called on all States parties to recognise the contemporary value of the goals and objectives of the Convention and he set the bold goal of doubling ratifications of the Convention in the next five years. This call was promptly sized by the Ministers of Argentina and France and by many other dignitaries present in the room, who are organising sensitisation campaigns targeting signatory States that have also accepted in the Universal Periodic Review the recommendation to ratify the Convention.

Finally, they were pleased to note that the Central African Republic, Switzerland, Seychelles and the Czech Republic ratified the Convention bringing the number of States Parties to 56.

Mr. Walker informed that in August 2016, the Secretary-General issued his first biennial report on the status of the treaty body system which shows that the measures taken in resolution 68/268 have allowed the treaty body system to address some of its most pressing challenges. On the basis of the report, later this year, the General Assembly will decide whether or not to grant the necessary resources for the amended meeting time in 2018 - 2019 which results from changes in the system's workload. For the Committee on Enforced Disappearances, this will mean an additional week of session in the next biennium. He noted that a specific issue facing this Committee is the ever growing number of requests for urgent actions.

Mr. Walker concluded by bidding farewell and pay tribute to those members who will be leaving the Committee at the end of June 2017: Mr. Mohammed Al-Obaidi, Mr. Luciano Hazan, Mr. Juan-José Lopez Ortega and Mr. Kimio Yakushiji. On behalf of the Secretariat, he thanked them for their contribution and wished them luck in their new pursuits.

4. Mr. Corcuera noted that the Meeting of States parties to elect five members of the Committee will be held on 20 June 2017. In this regard, he underlined the importance of General Assembly resolution 68/268, as it is crucial to nominate experts of high moral character and recognized competence in the field of human rights, who shall serve in their personal capacity and be independent and impartial. He stressed that the members of the Committee shall be elected by the States parties according to equitable geographical distribution and balanced gender representation. Thus, the Chairperson encouraged the States parties to submit candidatures meeting these criteria to consolidate the efficient work of the Committee in the foreseeable future.

Mr. Corcuera concluded by recalling the very reason of the existence of the Committee: to ensure a response to the victims of enforced disappearances and their relatives, and to reach the goals of truth, justice and reparation.

C. Membership of the Committee and Attendance

5. The Committee on Enforced Disappearances was established in accordance with article 26, paragraph 1, of the Convention.

6. All Committee members attended the 12th session. A list of members of the Committee, indicating the duration of their terms of office, is included in annex II of the present report.

D. Observance of a minute of silence in remembrance of the victims of enforced disappearance

7. At the end of his opening statement, the Chairperson invited all those present to observe a minute of silence in remembrance of the victims of enforced disappearance who have lost their lives and expressed every hope that those whose victims, whose fate and whereabouts are still unknown, may be found alive.

E. Adoption of the agenda and organization of work

8. The Committee adopted the agenda for the twelfth session (CED/C/12/1). The adopted agenda is included in annex III.

II. ACTION TAKEN DURING THE TWELFTH SESSION

A. Working methods

9. During its twelfth session, the Committee reviewed and discussed the following issues related to its working methods:

- a. Methods of work related to articles 29, 31, 32, 33 and 34 of the Convention;
- b. Strategy to increase ratification of the Convention;
- c. Strategy to elicit overdue reports;
- d. Other matters.

10. The Committee took note of the comments received by Colombia, Spain, Belgium and the Netherlands on the occasion of the First Conference of States parties which took place on 19 December 2016 and confirmed the Committee as the monitoring body of the Convention for the Protection of All Persons from Enforced Disappearance.

11. The Committee discussed the comments received under the respective item of the methods of work.

a) Methods of work related to article 29 (1) and 29 (4)

The Committee considered its working methods regarding the consideration of reports submitted by States parties in compliance with article 29 (1) of the Convention.

The Committee clarified that its current practice is to request, in its concluding observations, States parties to inform the Committee of the implementation given to three concluding observations that were considered priorities by the Committee. The choice of the three concluding observations by Committee reflects not only their importance but also the feasibility by the State party to implement them within one year. The evaluation of information submitted by the States parties is made public in the Report on the Follow-Up to Concluding Observations. After that a State party has reported on the implementation, within one year, of the three priority concluding observations, the Committee remains seized with the implementation of the remaining concluding observations addressed to the State party. For this reason the Committee requests the State party to inform it on the implementation given to the remaining concluding observations within the following five years. . In this case the evaluation of the report, which the State party concerned submitted in compliance with article 29 (1) of the Convention, spans over a period of six years.

In specific circumstances, when the situation in a State party is matter of concern, the Committee may ask the State party concerned to report on the implementation given to the

three priority concluding observations within one year and on the implementation of the remaining concluding observations within the following two years. In this case the evaluation of the report, which the State party concerned submitted in compliance with article 29 (1) of the Convention, spans over a period of three years.

Therefore, the Committee clarified that the complete evaluation of the report that States parties shall submit in compliance with article 29 (1) of the Convention spans over a period of three or six years, depending on the situation of the concerned State party.

The Committee may, if it deems it appropriate, at any time request States parties to provide additional information on the implementation of the Convention in accordance with article 29 (4).

Methods of work related to article 30

The Committee has established that in those cases where interim measures to protect persons concerned have been granted in the context of urgent actions, it may be necessary to keep the procedure open while the risk remains in relation to those persons under protection, in line with the spirit of the Convention and the Guidelines against Intimidation and Reprisals, San José Guidelines, (HRI/MC/2015/6).

Interpretation article 35 of the Convention

The Committee reiterated its position, already expressed in the statement on the *ratione temporis* element in the review of reports submitted by States parties, adopted at its 5th session on 15 November 2013 and published in its report to the General Assembly A/69/56, Annex V.

c) Strategy to elicit overdue reports

The Committee remains deeply concerned by the number of overdue reports by States parties. In particular, it noted that the reports of some States, among the first to have ratified the Convention, are overdue for the past five years.

The Committee discussed a strategy to elicit overdue reports. It considered the possibility to examine States parties, whose report is overdue for more than five years, in the absence of the report. A decision in this regard, will be taken at the 13th session in September 2017.

B. Urgent action procedure under article 30 of the Convention

12. The three special rapporteurs on urgent actions presented their report on urgent actions, describing the main features of the registered cases, as well as challenges faced, and the decisions taken in the exercise of their functions since the eleventh session of the Committee. They informed the Plenary that since March 2012 and at the date of the report, the Committee had received 449 requests for urgent action, out of which 359 had been registered. Of the 359 registered urgent actions, one relates to events in Argentina, one to events in Brazil, one to events in Cambodia, nine to events in Colombia, 70 to events in Iraq, 277 to events in Mexico, and one to events occurred in Morocco. Between the date of the report and its adoption, nine new urgent actions requests were received and registered with regard to facts occurred in Mexico, bringing the total of registered Urgent Actions to 368.

13. In accordance with article 30, paragraph 3, of the Convention and Rule 62 of its Rules of procedure, the Committee has requested the States parties concerned to take all the necessary measures, including interim measures, to locate and protect the persons concerned in accordance with the Convention and to inform the Committee, within a specified period of time.

14. At the time of this report, the Committee has discontinued two urgent actions in which the disappeared persons were located but remain in detention, and has closed ten urgent actions. In eight of the closed urgent actions, the victim was found alive and was released from secret detention; in two, the person was found dead. The Committee also decided to maintain open three of the Urgent Actions in which the disappeared persons were found dead, because the protection measures that were granted by the Committee remain necessary for their relatives or representatives. See the list of registered urgent actions at:
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCED%2fJUR%2f10%2f25096&Lang=en

C. Communication procedure under article 31 of the Convention

15. The rapporteur on new communications and follow-up to views and the Secretariat informed that no new individual complaints have been received to date under article 31 of the Convention.

16. As regards follow-up to views, the rapporteur presented his report on *Yrusta v. Argentina* (CED 1/2013, adopted el 11 March 2016). The Plenary adopted the report and decided to maintain the follow-up procedure ongoing. The rapporteur on follow-up to Views will send a follow-up letter to the State party on behalf of the Committee taking note that, according to the information available in the context of the procedure of follow-up to Views, no action has been taken by State party's authorities to implement the Committee's recommendations, and that, as a consequence, the violation of the authors' rights has been maintained and aggravated. In view thereof, the Committee will also reiterate its recommendations and request the State party to reply to its follow-up letter within two months. The received replies will be transmitted to the author for comments and will be examined by the Committee during the 13th session.

D. Visits under article 33 of the Convention

17. The Committee recalled the previous exchange of correspondence with Mexico, which started in May 2013, regarding the possibility to visit the State party under article 33 of the Convention.

18. The Committee noted that it formally requested to visit the State party on 6 January 2014, 31 March 2014 and 17 March 2016. In its last correspondence the Committee requested a reply by 1 July 2016. The Committee noted with serious concern that no reply has been received to date to its last request in the framework of article 33 of the Convention.

19. The Committee laments the lack of reply by the State party to its reiterated requests for a visit in the framework of article 33(1) of the Convention. The Committee noted that article 33 (2) of the Convention reads: “The State Party shall answer the Committee in within a reasonable time”. The Committee took note of the lack of compliance by Mexico with the above mentioned provision of the Convention.

20. The Committee remains seized of the situation in the State party and invites United Nations Agencies and Programmes, Regional and Intergovernmental Institutions, National Human Rights Institutions, Non-governmental organizations and families of victims of enforced disappearance to continue providing information to the Committee on alleged violations of the Convention by the State party with a view to prepare a visit to Mexico.

21. On 17 March 2017, the Committee decided to reiterate in writing its request for a visit to Mexico in the framework of article 33(1) of the Convention.

E. Decisions

22. The Committee decided on:

- a. The adoption of the List of Issues on Lithuania and Gabon;
- b. The adoption of the concluding observations on the reports submitted by Cuba, Senegal and Ecuador under article 29, paragraph 1 of the Convention;
- c. The appointment of the country Rapporteurs who will draft the List of Issues related to the reports of Albania, Honduras and Austria, and lead the constructive dialogues with the States parties;
- d. The adoption of the report on Urgent Action requests received under article 30 of the Convention since the 11th session;
- e. The adoption of the report of the Rapporteur on new communications and follow-up to Views;
- f. The adoption of its annual report to the 72nd session of the General Assembly;
- g. The adoption of its twelfth session informal report;
- h. The adoption of the provisional agenda of the thirteenth session of the Committee (included in Annex IV);
- i. The organization of a thematic discussion at its 13th session on: “The obligation under the Convention to search for and locate disappeared persons on search”.

F. Future Session

23. In accordance with the calendar of conferences adopted by the General Assembly, the Committee confirmed the dates of its thirteenth session, to be held from 4 to 15 September 2017, at the Office of the High Commissioner for Human Rights, Palais Wilson, Geneva, Switzerland.

III. CONSIDERATION OF REPORTS

A. Cuba

24. On 6 and 7 March 2017, the Committee considered the report of Cuba in a public session. Prior to this, the Committee received briefings by Non-Governmental Organizations (NGOs). Cuba was represented by Mr. Pedro Luis PEDROSO CUESTA, Vice-Director General on Multilateral Affairs and International Law, Ministry of External Relations of the Republic of Cuba, Head of Delegation; Mr. Abelardo MORENO, Vice-Minister, Ministry of External Relations of the Republic of Cuba; Mrs. Alina REVILLA ALCÁZAR, Counselor, in charge of Business, Permanent Mission of Cuba at the United Nations Office at Geneva and International Organizations in Switzerland; Mr. José Rubén ESCANDÓN CARRO, Assistant Prosecutor of the General Prosecutor of the Republic of Cuba; Coronel Leonides RODRÍGUEZ ROJAS, Head of the Legal Advisory Department, Ministry of Revolutionary Armed Forces; Mr. Luis Alberto AMORÓS NÚÑEZ, Head of the Department on Social and Humanitarian Issues of the Director General on Multilateral Affairs and International Law, Ministry of External Relations of the Republic of Cuba; Mr. Jorge BODES TORRES, Head of the Independent Department on Criminal Issues, Ministry of Justice of the Republic of Cuba; Mr. Víctor ÁLVAREZ VALLE, civil servant, Ministry of Interior of the Republic of Cuba; Mrs. Kenia VASALLO OLIVERA, Judge in the Criminal Chamber of the Popular Supreme Court of the Republic of Cuba; Juan Antonio QUINTANILLA ROMÁN, civil servant, Department on Social and Humanitarian Issues of the Director General on Multilateral Affairs and International Law, Ministry of External Relations of the Republic of Cuba; Mrs. Claudia PÉREZ ÁLVAREZ, Counselor, Permanent Mission of Cuba at the United Nations Office at Geneva and International Organizations in Switzerland; Mr. Pablo BERTI OLIVA, First Secretary, Permanent Mission of Cuba at the United Nations Office at Geneva and International Organizations in Switzerland..

25. The main issues discussed during the constructive dialogue were:

- Acceptance of the **competence of the Committee under articles 31 and 32** of the Convention;
- **Absence of a National Human Rights Institution (NHRI)** in accordance with the Paris Principles;
- **Civil society participation** in the elaboration of the State party report;
- **Criminalization of enforced disappearance as an autonomous offence** and as a **crime against humanity** in domestic law;
- **Criminal responsibility of superiors** in accordance with article 6(1.b) of the Convention;
- **Commencement of statute of limitations** considering the continuous nature of the crime;
- **Independence of the judiciary;**
- **Jurisdiction of military courts** over cases of enforced disappearance;
- **Prevention and sanction of acts that may hinder the conduct of an investigation**, including exclusion of organs whose officials have been accused of being involved in cases under investigation;
- **Non-refoulement**, including specific prohibition;
- **Access to a lawyer** as from the outset of the deprivation of liberty;
- Authorities authorized to order **remand detention;**

- **Independent visits to places of deprivation of liberty**, including consideration of ratifying OPCAT;
- **The obligation to register any person deprived of liberty** in accordance with article 17, paragraph 3, of the Convention;
- **Training** for State actors in accordance with the Convention;
- Legal framework concerning **reparation and prompt, fair and adequate compensation** for all persons falling under the scope of the definition of victim in accordance to article 24 of the Convention;
- **Legal situation of disappeared persons** whose fate has not been clarified and that of their relatives;
- Legislation concerning **the wrongful removal of children** in accordance with article 25 of the Convention.

B. Senegal

26. On 7 and 8 March 2017, the Committee considered the report of Senegal in public. Senegal was represented by Mr. Coly SECK, Ambassador, Permanent Mission of Senegal at the United Nations Office at Geneva, Head of Delegation; Mr. Mouhamadou Moustapha SEYE, Director on Human Rights, Ministry of Justice; Mr. Mouhamadou Moustapha THIOUNE, Director on Public Liberties, Ministry of the Interior and Public Security; Mr. Serigne DIEYE, First Counselor of the Permanent Mission of Senegal at Geneva; Mr. Abdoulaye KEITA, Counselor of the Direction on Legal Issues and Consulates of the Ministry of Foreign Affairs and Senegalese Abroad; and Mr. Serigne Mbacké SARR, Direction on Legal Affairs and Consulates of the Ministry of Foreign Affairs and Senegalese Abroad.

27. The main issues discussed during the constructive dialogue were:

- Acceptance of the **competence of the Committee under articles 31 and 32** of the Convention;
- Compliance of the Comité sénégalais des droits de l'homme with the Paris Principles;
- **NGO participation** in the preparation of the State party's report;
- Ongoing **reform** of Senegal's Criminal Code and Criminal Procedure Code and the opportunity this provides to **integrate the Convention's provisions in domestic law**;
- Need to **reflect the continuous nature** of the crime of enforced disappearance in domestic law;
- Harmonization of domestic law with regard to **mitigating and aggravating circumstances** applied to enforced disappearance;
- **Superiors responsibility** provided in article 6 of the Convention;
- Alignment of domestic law with the Convention concerning enforced disappearances as a **crime against humanity**;
- **Exclusion of unit members of officials** accused of involvement in cases under investigation in order to ensure independence of the investigation;
- **Protection of those participating in an investigation** against ill-treatment and intimidation;
- **Obligation to register any person deprived of liberty** in accordance with article 17, paragraph 3, of the Convention and disciplinary or legal measures to punish its infringement;

- **Maximum duration of administrative detention;**
- **Plans to create a national genetic fingerprint database ;**
- **Definition of a victim** in accordance with article 24 of the Convention and administrative, judicial and political measures of **reparation and prompt, fair and adequate compensation** for all persons falling under the scope of the definition of victim.
- **Training** in accordance with the Convention
- **Criminalization of** falsification, concealment, especially destruction of documents attesting to the **true identity of children** referred to in article 25 of the Convention.
- Possibility to **cancel adoptions resulting from acts of enforced disappearances.**

C. Ecuador

28. On 8 and 9 March 2017, the Committee considered the report of Ecuador in a public session. Ecuador was represented by Mr. Andrés de LA VEGA, Deputy Minister Coordinator of Security Issues, Head of Delegation; Ms. María Fernanda ESPINOSA, Permanent Representative, Permanent Mission of Ecuador at the United Nations Office at Geneva; Ms. Alexandra JARAMILLO, Deputy Minister of Justice, Human Rights and Worship of Ecuador; Ms. María Carola IÑIGUEZ, Deputy Secretary of International Multilateral Mechanisms, Ministry of Foreign Affairs; Mr. Mauro ANDINO, Parliamentarian; Mr. Diego FUENTES, Deputy Minister of Internal Security; Mr. Víctor ARÁUZ, National Direction on Crimes Against Life, Violent Deaths, Disappearances, Extortion and Kidnapping, Ministry of Interior; Mr. Fidel JARAMILLO PAZ Y MIÑO, Director of the Truth Commission and Human Rights, Prosecutor General's Office; Ms. Karina PERALTA, member of the Judicial Council; Ms. María Amelia ESPINOSA CORDERO, Director of Human Rights, Ministry of Justice and Human Rights; Mr. Arturo CABRERA, Deputy Permanent Representative, Permanent Mission of Ecuador at the United Nations Office at Geneva; Ms. Mónica MARTÍNEZ, Minister, Permanent Mission of Ecuador at the United Nations; Mr. Juan Pablo CADENA, First Secretary, Permanent Mission of Ecuador at the United Nations; Ms. Daniela SAÁ MONTALVO, Secretary Assistant, International Multilateral Mechanisms, Ministry of Foreign Affairs and Human Mobility; Ms. Paola DÍAZ, Third Secretary, Permanent Mission of Ecuador at the United Nations.

29. The main issues discussed during the constructive dialogue were:

- **Definition of enforced disappearance** in domestic law;
- **Continuous nature of the crime** of enforced disappearance and its impact on the application of the offence of enforced disappearance which entered into force after the enforced disappearance began;
- Investigations into the **17 alleged enforced disappearances documented by the Truth Commission**; search for the persons who remain disappeared; and full reparations for victims;
- **Suspension of officials** accused to be involved in cases under investigation;
- **Measures to search for, locate and release disappeared persons;**
- Information about the **organs in charge of investigating cases of enforced disappearances and searching for disappeared persons**, including structure, resources and effectiveness;
- **Non refoulement**, in particular impact of deadlines to submit an asylum application;

- **Universal jurisdiction** for the crime of enforced disappearance;
- **Measures taken to guarantee to people deprived of liberty the right to communicate** with their family, legal counsel and any other person of their choice;
- **National Preventive Mechanism**, including amendments to legal framework;
- **Registration of all required information** regarding people deprived of their liberty according to article 17(3) of the Convention, **irrespective of the type of place of deprivation of liberty** and proceedings when failure to observe that obligation;
- **Training** for State actors in accordance with the Convention;
- **Legal situation** of disappeared persons, whose fate has not been clarified, and that of their relatives.

D. Adoption of Concluding Observations

30. The Committee adopted the concluding observations on Cuba on 14 March 2017, and the concluding observations on Senegal and Ecuador on 15 March 2017.

31. The concluding observations on Cuba can be found under the reference CED/C/CUB/CO/1 and from:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CED%2fC%2fCUB%2fCO%2f1&Lang=en

32. The concluding observations on Senegal can be found under the reference CED/C/SEN/CO/1 and from:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CED%2fC%2fSEN%2fCO%2f1&Lang=en

33. The concluding observations on Ecuador can be found under the reference CED/C/ECU/CO/1 and from:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CED%2fC%2fECU%2fCO%2f1&Lang=en

IV. ADOPTION OF LIST OF ISSUES

A. Lithuania

34. On 13 March 2017, the Committee adopted the List of Issues on Lithuania. The List of Issues on Lithuania can be found under the reference CED/C/LIT/Q/1 and from:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CED%2fC%2fLIT%2fQ%2f1&Lang=en

B. Gabon

35. On 14 March 2017, the Committee adopted the List of Issues on Gabon. The List of Issues on Gabon can be found under the reference CED/C/GAB/Q/1 and from:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CED%2fC%2fGAB%2fQ%2f1&Lang=en

V. SUBMISSION OF REPORTS

A. Reports submitted on time

36. The Committee expressed its gratitude to the States parties that had submitted their reports within the specified time period and encouraged other States parties to follow their example.

B. Overdue reports

37. The Committee was deeply concerned by the number of overdue reports of States Parties and reminded States Parties that they were required to report within two years from the entry into force of the Convention, as per article 29 of the Convention.

38. The Committee expressed concern that the reports of Bolivia, Mali, Nigeria, Chile and Brazil had still not been submitted, notwithstanding that those States were among the first to have ratified the Convention. The Committee further noted that the reports of Zambia, Panama, Costa Rica, Mauritania, Samoa, Morocco and Cambodia were significantly overdue. The Chair reiterated that the efficient functioning of the Committee depends on the timely submission of reports and urged States parties to respect their legal obligation to submit reports on time.

39. As recalled in paragraph 11 (c) The Committee considered the possibility to examine States parties, whose report is overdue for more than five years, in the absence of the report. A decision in this regard will be taken at the 13th session in September 2017.

V. RELATION WITH STAKEHOLDERS

A. Meetings with Member States of the United Nations

40. On 9 March 2017, the Committee held a public meeting with Member States of the United Nations, which was attended by twelve States: Argentina, Brazil, Iraq, Japan, Libya, Mexico, Panama, Peru, Switzerland, The Former Yugoslav Republic of Macedonia, Togo, and Ukraine. Argentina, Brazil, Iraq, Japan, Libya, Mexico, Peru, Switzerland and Togo took the floor and confirmed their commitment to the work of the Committee and to the Committee's campaign for ratification of the Convention. The main points discussed by the participants were the universalization of the Convention and the strategy for increasing its ratification, for example, through recommendations in the Universal Periodic Review. To the question raised by a Committee member on which are the main obstacles for not ratifying the Convention, some States argued the reporting fatigue, problems relating to human and financial resources, and an excessive regionalization of the Convention. Some States suggested the reason of not ratifying may be the system of negative incentives which overexposes those states which ratify and make the declarations under article 31 and 32, in comparison with those that do not do so. Additionally, another State raised the question of how to spot the problems related to enforced disappearances in the future with a reporting system based on a single report, if the number of States Parties increases. The Committee members emphasized the evolving nature of the Convention and the Committee, and reiterated the need of support from the States Parties to face the future challenges. The

Committee thanked the States for their positive remarks and support shown regarding the First Conference of States Parties, but as well for their constructive criticism.

B. Meeting with Non-Governmental Organizations

41. On 9 March 2017, the Committee held a public meeting with Non-Governmental Organizations and civil society. The spokesperson of Geneva for Human Rights (GHR) congratulated the Committee for the positive outcome of the First Conference of States Parties held in Geneva on 19th December 2016 which confirmed the Committee as monitoring body of the Convention. The outcome implied recognition by all States parties of the high quality of the Committee's work. The representative of GHR highlighted that the crime of enforced disappearance has always been a priority for the organisation, as demonstrated by, *inter alia*, its participation in the process of drafting the Convention and participation all sessions held by the Committee. GHR also worked for the preparation of the First Conference of States parties by holding preparatory meeting for NGOs and disseminating a memorandum detailing the work carried out by the Committee since its establishment. During the Conference itself GHR coordinate a joint statement with the participation of several NGOs from all continents. GHR also noted the importance of the General Assembly high-level plenary meeting held on 17 February 2017 to commemorate the 10th anniversary of the Convention and the positive responses by States to the ambitious objective, launched by the High Commissioner for Human Rights, to double ratifications in the next five years. GHR stressed that this objective can only be reached through a multi-actors strategy and urgent need for allocation of resources of the Committee.

ANNEXES

Annex I

States parties to the Convention at the time of the ninth session and deadline for reporting

	State Party	Ratification	Entry into force	Deadline for reporting under Art. 29(1)	Reports submitted
1	Albania*	8 Nov. 2007	23 Dec. 2010	23 Dec. 2012	11 Nov. 2015
2	Argentina*	14 Dec. 2007	23 Dec. 2010	23 Dec. 2012	21 Dec. 2012
3	Mexico	18 Mar. 2008	23 Dec. 2010	23 Dec. 2012	11 Mar. 2014
4	Honduras	1 Apr. 2008	23 Dec. 2010	23 Dec. 2012	4 Feb. 2016
5	France*	23 Sep. 2008	23 Dec. 2010	23 Dec. 2012	21 Dec. 2012
6	Senegal	11 Dec. 2008	23 Dec. 2010	23 Dec. 2012	28 Apr. 2015
7	Bolivia	17 Dec. 2008	23 Dec. 2010	23 Dec. 2012	
8	Cuba	2 Feb. 2009	23 Dec. 2010	23 Dec. 2012	24 Apr. 2015
9	Kazakhstan	27 Feb. 2009	23 Dec. 2010	23 Dec. 2012	3 June 2014
10	Uruguay*	4 Mar. 2009	23 Dec. 2010	23 Dec. 2012	4 Sep. 2012
11	Mali*	1 Jul. 2009	23 Dec. 2010	23 Dec. 2012	
12	Japan*	23 Jul. 2009	23 Dec. 2010	23 Dec. 2012	22 July 2016
13	Nigeria	27 Jul. 2009	23 Dec. 2010	23 Dec. 2012	
14	Spain*	24 Sep. 2009	23 Dec. 2010	23 Dec. 2012	26 Dec. 2012
15	Germany*	24 Sep. 2009	23 Dec. 2010	23 Dec. 2012	25 Mar. 2013
16	Ecuador*	20 Oct. 2009	23 Dec. 2010	23 Dec. 2012	5 Jun. 2015
17	Burkina Faso	3 Dec. 2009	23 Dec. 2010	23 Dec. 2012	7 Oct. 2014
18	Chile*	8 Dec. 2009	23 Dec. 2010	23 Dec. 2012	
19	Paraguay	3 Aug. 2010	23 Dec. 2010	23 Dec. 2012	28 Aug. 2013
20	Iraq	23 Nov. 2010	23 Dec. 2010	23 Dec. 2012	26 June 2014
21	Brazil	29 Nov. 2010	29 Dec. 2010	29 Dec. 2012	
22	Gabon	19 Jan. 2011	18 Feb. 2011	18 Feb. 2013	10 June 2015
23	Armenia	24 Jan. 2011	23 Feb. 2011	23 Feb. 2013	14 Oct. 2013
24	Netherlands*	23 Mar. 2011	22 Apr. 2011	22 Apr. 2013	11 June 2013
25	Zambia	4 Apr. 2011	4 May 2011	4 May 2013	
26	Serbia*	18 May 2011	17 Jun. 2011	17 Jun. 2013	30 Dec. 2013
27	Belgium*	2 Jun. 2011	2 Jul. 2011	2 Jul. 2013	8 Jul. 2013
28	Panama	24 Jun. 2011	24 Jul. 2011	24 Jul. 2013	
29	Tunisia	29 Jun. 2011	29 Jul. 2011	29 Jul. 2013	25 Sept. 2014
30	Montenegro*	20 Sep. 2011	20 Oct. 2011	20 Oct. 2013	30 Jan. 2014
31	Costa Rica	16 Feb. 2012	17 Mar. 2012	17 Mar. 2014	
32	Bosnia and Herzegovina*	30 Mar. 2012	29 Apr. 2012	29 Apr. 2014	26 Jan. 2015
33	Austria*	7 Jun. 2012	7 Jul. 2012	7 Jul. 2014	31 May 2016
34	Colombia	11 Jul. 2012	10 Aug. 2012	10 Aug. 2014	17 Dec. 2014
35	Peru	26 Sep. 2012	26 Oct. 2012	26 Oct. 2014	8 Aug. 2016
36	Mauritania	3 Oct. 2012	2 Nov. 2012	2 Nov. 2014	
37	Samoa	27 Nov. 2012	27 Dec. 2012	27 Dec. 2014	
38	Morocco	14 May. 2013	13 Jun. 2013	13 Jun. 2015	
39	Cambodia	27 Jun. 2013	27 Jul. 2013	27 Jul. 2015	
40	Lithuania*	14 Aug. 2013	13 Sept. 2013	13 Sept. 2015	6 Oct. 2015
41	Lesotho	6 Dec. 2013	5 Jan. 2014	5 Jan. 2016	
42	Portugal*	27 Jan. 2014	26 Feb. 2014	26 Feb. 2016	22 June 2016
43	Togo	21 Jul. 2014	20 Aug. 2014	20 Aug. 2016	
44	Slovakia*	15 Dec. 2014	14 Jan. 2015	14 Jan. 2017	
45	Mongolia	12 Feb. 2015	14 Mar. 2015	14 Mar. 2017	
46	Malta	27 Mar. 2015	26 Apr. 2015	26 Apr. 2017	

47	Greece	9 Jul. 2015	8 Aug. 2015	8 Aug. 2017	
48	Niger	24 Jul. 2015	23 Aug. 2015	23 Aug. 2017	
49	Belize	14 Aug. 2015	13 Sept. 2015	13 Sept. 2017	
50	Ukraine*	14 Aug. 2015	13 Sept. 2015	13 Sept. 2017	
51	Italy	8 Oct. 2015	7 Nov. 2015	7 Nov. 2017	
52	Sri Lanka	25 May 2016	24 June 2016	24 June 2018	
53	Central African Republic	11 Oct. 2016	10 Nov. 2016	10 Nov. 2018	
54	Switzerland	2 Dec. 2016	1 Jan. 2017	1 Jan. 2019	
55	Seychelles	18 Jan. 2017	17 Feb. 2017	17 Feb. 2019	
56	Czech Republic*	8 Feb. 2017	10 Mar. 2017	10 Mar. 2019	

States marked with an asterisk () have made declarations recognizing the competence of the Committee under articles 31 and/or 32 of the Convention. The full text of declarations and reservations made by States Parties can be found at the following link:*

http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-16&chapter=4&lang=en

Annex II

Membership of the Committee on Enforced Disappearances

Name	Nationality	Term expires
Mr. Mohammed AL-OBAIDI	Iraq	30 June 2017
Mr. Santiago CORCUERA CABEZUT	Mexico	30 June 2017
Mr. Emmanuel DECAUX	France	30 June 2019
Ms. Maria Clara GALVIS PATIÑO	Colombia	30 June 2019
Mr. Daniel FIGALLO RIVADENEYRA	Peru	30 June 2019
Mr. Luciano HAZAN	Argentina	30 June 2017
Mr. Rainer HUHLE	Germany	30 June 2019
Ms. Suela JANINA	Albania	30 June 2019
Mr. Juan José LOPEZ ORTEGA	Spain	30 June 2017
Mr. Kimio YAKUSHIJI	Japan	30 June 2017

Annex III

Adopted agenda of the twelfth session of the Committee on Enforced Disappearances

1. Opening of the twelfth session.
2. Adoption of the agenda.
3. Minute of silence in remembrance of victims of enforced disappearances.
4. Information received by the Committee.
5. Matters related to the methods of work of the Committee:
 - a. Methods of work related to articles 31, 32, 33 and 34 of the Convention;
 - b. Strategy for ratifying the Convention;
 - c. Other matters.
6. Consideration of reports of States parties to the Convention:
 - a. Cuba;
 - b. Senegal;
 - c. Ecuador.
7. Consideration of lists of issues:
 - a. Lithuania;
 - b. Gabon.
8. Consideration of requests for urgent actions (article 30 of the Convention).
9. Consideration of individual communications (article 31 of the Convention)
10. Meeting with States Members of the United Nations.
11. Meeting with United Nations agencies and mechanisms and intergovernmental organizations.
12. Meeting with national human rights institutions.
13. Meeting with non-governmental organizations and other stakeholders.
14. Provisional agenda of the thirteenth session.

Annex IV

Items to be included in the provisional agenda of the thirteenth session of the Committee

1. Opening of the session.
2. Solemn declaration by newly elected members of the Committee
3. Election of officers.
4. Adoption of the agenda.
5. Minute of silence in remembrance of victims of enforced disappearances.
6. Information received by the Committee.
7. Matters related to the methods of work of the Committee:
 - a. Methods of work relating to articles 29-34 of the Convention;
 - b. Strategy for ratifying the Convention and other matters.
8. Consideration of reports of States parties to the Convention:
 - a. Lithuania
 - b. Gabon
9. Follow up to concluding observations on State party reports
10. Consideration of the list of issues related to the report:
 - a. Albania
 - b. Honduras
 - c. Austria
11. Consideration of requests for urgent actions (article 30 of the Convention).
12. Consideration of individual communications (article 31 of the Convention).
13. Thematic discussion on The obligation under the Convention to search for and locate disappeared persons
14. Annual Meeting with the Working Group on Enforced or Involuntary Disappearances
15. Meeting with Member States of the United Nations.

16. Meeting with the United Nations agencies and mechanisms, and intergovernmental organizations.
17. Meeting with national human rights institutions.
18. Meeting with non-governmental organizations and other stakeholders.
19. Provisional agenda for the fourteenth session.