

COMMITTEE ON ENFORCED DISAPPEARANCES  
Ninth session  
Geneva 7-18 September 2015

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

## **CONTENTS**

### **I. ORGANIZATIONAL AND OTHER MATTERS**

- A. States parties to the International Convention for the Protection of All Persons from Enforced Disappearance
- B. Opening of the ninth session
- C. Election of Officers
- D. Membership of the Committee and Attendance
- E. Observation of a minute silence in remembrance of the victims of enforced disappearances
- F. Adoption of the agenda and organization of work
- G. Update on the implementation of GA Resolution 68/268
- H. Update on the annual meeting of Chairpersons of treaty bodies in San José

### **II. ACTION TAKEN DURING THE NINTH SESSION**

- A. Working methods
- B. Communications, information and requests for urgent actions received by the Committee
- C. Decisions
- D. Future sessions

### **III. CONSIDERATION OF REPORTS**

- A. Iraq
- B. Montenegro
- C. Adoption of Concluding Observations

### **IV. ADOPTION OF LIST OF ISSUES**

- A. Tunisia
- B. Burkina Faso
- C. Kazakhstan

## **CONTENTS** *(continued)*

### **V. ADOPTION OF FOLLOW-UP REPORTS**

### **VI. SUBMISSION OF REPORTS**

- A. Reports submitted on time
- B. Reports overdue
- C. Reports delayed

### **VII. RELATIONS WITH STAKEHOLDERS**

- A. Meeting with the Working Group on Enforced and Involuntary Disappearances
- B. Meeting with Member States
- C. Meeting with National Human Rights Institutions
- D. Meeting with Non-Governmental Organizations and civil society

### **ANNEXES**

- I. States parties to the Convention at the time of the ninth session and deadline for reporting
- II. Membership of the Committee on Enforced Disappearances and terms of office
- III. Adopted Agenda of the ninth session of the Committee on Enforced Disappearances
- IV. Items to be included in the provisional agenda of the tenth session of the Committee
- V. List of participants in the meetings with Member States, National Human Rights Institutions, Non-Governmental Organizations and civil society.

## **I. ORGANIZATIONAL AND OTHER MATTERS**

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

1. As at 18 September 2015, the closing date of the ninth session of the Committee on Enforced Disappearances (CED), there were 50 parties to the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) and 94 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 18 September 2015, 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 ninth session**

3. The ninth session of the Committee on Enforced Disappearances was opened by the United Nations High Commissioner for Human Rights, Mr Zeid Ra'ad Al Hussein.

In his opening statement, the High Commissioner expressed his admiration and support for the work achieved by the Committee since its establishment four years ago. He reiterated that the Convention is still of urgent relevance today, particularly against the backdrop of today's complex landscape that is faced with brutal internal conflicts, transnational organized crime and humanitarian crises. He made reference to enforced disappearances emerging in the context of internal conflicts, such as Syria and Iraq, as well as through counter-terrorism measures in some States, via secret detention or extraordinary renditions. He stressed that this was in contravention of articles 1 and 17 of the Convention.

The High Commissioner opined that these phenomena gave rise to new patterns of enforced disappearances, new perpetrators and new types of victims. In relation to new perpetrators, particular attention was given to non-state actors, including paramilitary groups, militias and organized criminal gangs, such as ISIL. He emphasized that regardless of the connivance of the State, the Convention in its article 3, holds States Parties responsible for investigating acts that are tantamount to enforced disappearances. The High Commissioner noted that there were also new victims – going beyond political opponent as targets – including civilians and migrants. In his statement, he devoted special attention to migrants and reiterated his concern and growing alarm at the international community's failure to protect their rights worldwide. He further elaborated that migrants endure unbelievable suffering and are highly susceptible to severe human rights violations, including enforced disappearances. The High Commissioner urged members of the Committee to make active use of Article 16 of the Convention, prohibiting the expulsion, refoulement, surrender or extradition of persons, including migrants, at risk of enforced disappearances.

In closing, the High Commissioner emphasized that the Convention provided a strong foundation to meet these new challenges; however continued work towards implementation was vital. He praised the urgent actions procedure under Article 30 as a reflection of the Committee's innovativeness. In relation to victims, he referred to their continued reliance on

the Committee and its mechanisms to help find people who have disappeared, including five persons in 2015. Finally, he praised and stressed the importance of strictly adhering to the Addis Ababa guidelines for all treaty body members to meet the high standards of independence and impartiality.

### **C. Election of Officers**

4. The newly elected members of the Committee, Maria Clara GALVIS PATIÑO and Daniel FIGALLO RIVADENEYRA made their solemn declaration.

### **D. 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 9<sup>th</sup> 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.

7. Emmanuel DECAUX was elected as Chairperson.

8. Santiago CORCUERA CABEZUT, Kimio YAKUSHIJI and Suela JANINA were elected as Vice-Chairpersons of the Committee.

9. Juan José LÓPEZ ORTEGA was elected Rapporteur of the Committee.

### **E. Observance of a minute of silence in remembrance of the victims of enforced disappearance**

10. 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.

### **F. Adoption of the agenda and organization of work**

11. The Committee adopted the agenda for the ninth session (CED/C/9/1). The adopted agenda is included in annex III.

### **G. Update on the implementation of GA Resolution 68/268**

12. On Friday 11 September, Birgit van Hout, Secretary for the Annual Meeting of Treaty Body Chairpersons, reiterated the importance of Resolution 68/268, and that the General Assembly stressed the greater role of the Chairs in harmonizing working methods and converging best practices of the treaty bodies. She also flagged that one of the key challenges for treaty bodies was reporting compliance and stated that one concrete solution was that States Parties should avail themselves of the capacity building scheme that the Office of the High Commissioner for Human Rights has availed to them.

### **H. Update on the annual meeting of Chairpersons of treaty bodies in San José**

13. The Chair gave a presentation on the discussion held at the meeting of the Chairpersons of treaty bodies, which was held in San José, Costa Rica in June 2015. He

reiterated a number of issues that were raised during the meeting, including the processes for the better harmonization of the treaty bodies, the implementation of the Addis Ababa Guidelines, and the endorsement of the Guidelines against Intimidation or Reprisals ('San José Guidelines'). The Chair underlined the importance of the San José Guidelines – an initiative of the treaty bodies – which condemned reprisals and intimidation against persons cooperating with treaty bodies. The Chair explained that the Guidelines were drafted based on from existing practice and principles, particularly those drawn from the Human Rights Committee and the Committee against Torture. The principle were endorsed by all Chairs. He further noted that the Guidelines require two levels of implementation: measures that can be taken within the system by the Committee, and measures that can be taken by external actors. The Chair reiterated that the issue of reprisals and intimidation is a priority for the Committee.

## **II. ACTION TAKEN DURING THE NINTH SESSION**

### **A. Working methods**

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

- a. Methods of work related to article 30, 31, 32, 33 and 34 of the Convention;
- b. Interaction with relevant stakeholders;
- c. Strategy for ratification and other matters.

### **B. Communications, information and requests for urgent actions received by the Committee**

15. Since March 2012, the date of submission of the first urgent action registered by the Committee, 152 petitions for urgent actions under article 30 of the Convention have been received, out of which 128 were registered. Out of the 128 registered, 1 relates to a disappearance occurred in Brazil, 1 in Cambodia, 4 in Colombia, 86 in Mexico and 36 in Iraq. 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.

16. The Committee also requested the States parties concerned to report to the Committee on the measures adopted within a deadline determined in view of the urgency of the situation. Upon receipt of the information by the States parties, the Committee has transmitted it to the persons submitting the urgent action requests for their comments. The Committee also informed the authors of the measures requested to the States parties and of the recommendations made in the context of the urgent action.

17. The two special rapporteurs on urgent actions presented the Note of the Secretary-General on urgent actions, describing the main features of the registered cases of enforced disappearance, as well as the criteria for registration and the decisions taken in the exercise of their functions from the eighth session. The rapporteurs anticipated that the workload would multiply and suggested to appeal to the High Commissioner to strengthen the Secretariat.

18. The rapporteurs also informed that various victims who had submitted urgent action requests have addressed their concern to the Committee that the Urgent Action procedure is not visible, and have requested the Committee to see how to have their cases more “visible”. The Committee decided that a list of registered urgent actions be published at the end of each session, indicating (1) the name of the victim, and (2) the State party to which the request was submitted.

19. During the ninth session, the Rapporteur of communication 1/2013 presented the latest developments of the procedure under article 31, which is ongoing.

### **C. Decisions**

20. The Committee decided on:

- a. The adoption of the San José Guidelines against Intimidation or Reprisals (the ‘San José Guidelines’);
- b. that a list of registered urgent actions be published at the end of each session, indicating (1) the name of the victim, and (2) the State party to which the request was submitted;
- c. A reminder to be sent to the Netherlands, which did not provide information on the follow-up report to the concluding observations made by the Committee;
- d. The adoption of the List of Issues on Tunisia, Burkina Faso, and Kazakhstan;
- e. The adoption of the concluding observations on the reports submitted by Iraq and Montenegro under article 29, paragraph 1 of the Convention;
- f. The appointment of the country Rapporteurs who will draft the List of Issues related to the reports of Colombia, Bosnia and Herzegovina, Cuba, Senegal, Ecuador and Gabon, and lead the constructive dialogues with the States parties;
- g. The appointment of the Co-Rapporteurs for the next report on the follow-up to concluding observations;
- h. The appointment of the Rapporteur on reprisals;
- i. The appointment of the Rapporteurs on Communications;
- j. The appointment of focal points for regional mechanisms;
- k. The appointment of the country Rapporteurs who will draft the List of Issues related to the reports of Colombia, Bosnia and Herzegovina, Cuba, Senegal, Ecuador and Gabon, and lead the constructive dialogues with the States parties;
- l. The adoption of its ninth session informal report;
- m. The adoption of the provisional agenda of the tenth session of the Committee (included in Annex IV);
- n. To request that the High Commissioner provide additional support to the Secretariat to meet the demands of the increased workload.

### **D. Future Sessions**

21. In accordance with the calendar of conferences adopted by the General Assembly, the Committee confirmed the dates of its tenth session, to be held from 7 to 18 March 2016 at the Office of the High Commissioner for Human Rights in Geneva.

### III. CONSIDERATION OF REPORTS

#### A. Iraq

22. On 7 and 8 September 2015, the Committee considered the report of Iraq in a public session. Prior to this, the Committee received briefings by UN organizations, National Human Rights Institutions (NHRIs) and Non-Governmental Organizations (NGOs). Iraq was represented by Dr. Mohamed Saber ISMAIL, Permanent Representative of the Republic of Iraq in Geneva, and composed by several representatives of the State party, including Mr. Dindar ZEBARI, Head of section, treaty bodies Kurdistan Regional Government (KRG); Ms. Aminah Hammed AL-JUBOORI, Ministry of Labor and Social Affairs; Mr. Riyadh Sedeeq QARAWLUS, Ministry of Interior KRG; Mr. Kawa Akram MOHAMMED AMIN, Legal Adviser KRG; Dr. Ali Mohammed AMEEN, First Secretary, Permanent Mission of Iraq, Geneva; Mr. Abdullah AL-ALUSI, First Secretary, Ministry of Foreign Affairs; Mr. Omar AL-ADHAMI, Second Secretary, Permanent Mission of Iraq, Geneva; and Mr. Mahmoud ALATIYYAH, Third Secretary, Ministry of Foreign Affairs.

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

- Acceptance of the **competence of the Committee under Articles 31 and 32** of the Convention;
- Mechanisms and procedures in place to process **urgent actions** and interim measures transmitted by the Committee under article 30 of the Convention;
- **Status** of the Convention in the domestic legal system and the direct applicability of its provisions;
- Measures taken to collect accurate **statistics** on cases of enforced disappearances;
- **Non-derogability** of the prohibition of enforced disappearance, including legislation in place regarding states of emergency;
- Lack of **criminalization of enforced disappearance** in domestic law and status of **bill to combat enforced disappearance and torture**;
- Criminal **responsibility of superior officials** and possibility of invoking **superior orders**;
- **Allegations of enforced disappearances** perpetrated by State officials and by militia acting with the support or acquiescence of State officials;
- Acts committed by **ISIL and associated groups**;
- Responsibility of **armed forces** in the perpetration of enforced disappearances, including armed forces of occupying countries;
- Measures taken to **investigate** all cases of enforced disappearance, including those perpetrated during the 1968-2003 period, and statistics of sentences and reparations;
- Lack of **specific unit or agency to investigate enforced disappearances**;
- **Jurisdiction** of Iraqi courts to try cases of enforced disappearance;
- Measures taken to **guarantee that persons accused** of committing enforced disappearances cannot influence investigations, including suspension of officials and separation of an entire force or unit from investigations;
- Measures taken to ensure **protection of witnesses, victims and any other person participating in the investigation** into an enforced disappearance, including status and content of witness protection bill;
- Legal framework on the prevention of **refoulement**, including assessment procedure and specific prohibition;



- Allegations concerning **people being held secret detention**, including investigations into these allegations and reparations for victims;
- **Immediate notification** of relatives and other interested persons of the deprivation of liberty of a person;
- Compliance of **registers of persons deprived of liberty** with Article 17 the Convention and measures taken to ensure that all deprivations of liberty are duly registered;
- Measures taken to **search for disappeared persons**, including forensic services in the event of death of the disappeared person;
- **Legal situation** of disappeared persons and their relatives;
- System of **reparations** in domestic law and reparations provided to victims of enforced disappearance;
- **Criminalisation of wrongful removal of children** and other related crimes in accordance with Article 25 of the Convention;
- System of **adoption** of children under domestic law.

## B. Montenegro

24. On 8 and 9 September 2015, the Committee considered the report of Montenegro in public. Montenegro was represented by a delegation headed by Mr. Zoran PAŽIN, Minister of Justice, and composed by delegates including H.E. Me. Nebojša KALUDEROVIĆ, Ambassador, Permanent Representative of Montenegro to the United Nations Office and other International Organizations in Geneva; Mr. Đorđije BOŠNJAK, authorized officer in the Division for Supervision, Directorate for Judiciary, Ministry of Justice; Ms. Lidija MAŠANOVIĆ, Head of Directorate for planning, programming and implementing the projects financed from the international and IPA funds, Ministry of Justice; Mr. Radule KOJOVIĆ, Judge of the Supreme Court of Montenegro; Ms. Lidija VUKČEVIĆ, Special Prosecutor, Special State Prosecutor's Office; and Mr Dragan ĐUKANOVIĆ, President of the Commission on Enforced Persons, Ministry of Labour and Social Care.

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

- **Compliance of the domestic legislation** with the Convention, and direct applicability of its provisions;
- **Criminalisation of enforced disappearance as an autonomous offence** and existence of penalties commensurate with the seriousness of the crime;
- **Criminal responsibility of superior officials** and prohibition of orders prescribing enforced disappearance;
- The concept of the **continuous nature** of the crime of enforced disappearance and the compatibility of the national legislation in this regard;
- **Measures taken to search missing persons**, and the role of the Commission of Missing Persons;
- **Regional cooperation** and legal framework concerning extraterritorial jurisdiction
- **Prosecution of cases** of enforced disappearances perpetrated during the 90s in former Yugoslavia;
- Measures taken to ensure **protection of witnesses**, victims and any other persons participating in the investigations into an enforced disappearance;
- **Legal framework on the prevention of refoulement**, including assessment procedure and specific prohibition;

- Immediate **notification of relatives and other interested persons** of the deprivation of liberty of a person, and access to a legal counsel
- **Training** for various State actors on the Convention;
- **Definition of a victim** in domestic legislation, which seems narrower than the meaning of victims in the Convention;
- The **right to receive reparation** and prompt, fair and adequate compensation;
- Legislation concerning the **wrongful removal of children** and other related crimes in accordance with Article 25 of the Convention;
- System of adoption of children under domestic law.

### C. Adoption of Concluding Observations

26. The Committee adopted the concluding observations on Iraq and Montenegro on 16 September 2015.

27. The concluding observations on Iraq can be found under the reference CED/C/IRQ/CO/1.

28. The concluding observations on Montenegro can be found under the reference CED/C/MNE/CO/1.

## IV. ADOPTION OF LIST OF ISSUES

### A. Burkina Faso

29. On 9 September 2015, the Committee adopted the List of Issues on Burkina Faso. The List of Issues on Burkina Faso can be found under the reference CED/C/BFA/Q/1.

### B. Kazakhstan

30. On 14 September 2015, the Committee adopted the List of Issues on Kazakhstan. The List of Issues on Montenegro can be found under the reference CED/C/KAZ/Q/1.

### C. Tunisia

31. On 14 September 2015, the Committee adopted the List of Issues on Tunisia. The List of Issues on Tunisia can be found under the reference CED/C/TUN/Q/1.

## V. ADOPTION OF FOLLOW-UP REPORTS

### A. Argentina

32. On 17 September 2015, the Committee assessed the information received from Argentina on the follow-up given to the concluding observations made by the Committee after the review of the country at its fifth session. The follow-up report can be found under reference CED/9/2.

### B. Spain

33. On 17 September 2015, the Committee assessed the information received from Spain on the follow-up given to the concluding observations made by the Committee after the

review of the country at its fifth session. The follow-up report can be found under reference CED/9/2.

### **C. Germany**

34. On 17 September 2015, the Committee assessed the information received from Germany on the follow-up given to the concluding observations made by the Committee after the review of the country at its sixth session. The follow-up report can be found under reference CED/9/2.

### **D. Netherlands**

35. The Committee regretted that the Netherlands did not provide information on the follow-up given to the concluding observations made by the Committee within the specified deadline of 31 May 2015 and decided to send a reminder letter to the State Party.

## **VI. 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. The Committee praised and thanked Uruguay, France, Spain, Argentina and Belgium for their spirit of cooperation 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, reminding States Parties that they were required to report within two years, as per Article 29 of the Convention. The Committee expressed disappointment that the reports of Albania, Honduras, Bolivia, Mali, Japan, Nigeria, Chile and Brazil had still not been submitted despite the State parties were among the first to ratify the Convention over four years ago. The Committee further noted that the reports of Zambia, Panama, Costa Rica, Austria, Peru, Mauritania and Samoa 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.

### **C. Delayed reports**

38. The Committee also noted that there were some delays by States parties in submitting their reports, pursuant to Article 29 of the Convention. The Committee acknowledged that some States parties have faced challenging circumstances in meeting the reporting deadline and appreciated their efforts to submit the reports as soon as feasible.

## **VII. RELATIONS WITH STAKEHOLDERS**

### **A. Meeting with the Working Group on Enforced and Involuntary Disappearances**

39. On 15 September 2015, the Committee held its fourth annual meeting with the Working Group on Enforced and Involuntary Disappearances. During the meeting, the Working Group and Committee introduced the respective new members. They exchanged information on the respective activities carried out since the last meeting, including visits already carried out or being planned. There was also consultation on possible general comments, discussion on parallel procedures for the search of disappeared persons and common initiatives.

The Committee and the Working Group identified common areas of thematic interest: non-state actors, and attacks and reprisals against human rights defenders, as enshrined in the San José Guidelines. The Committee highlighted other key areas of thematic interest: the unacceptability imposition of death penalty for the crime of enforced disappearance, and the issues arising in relation to the International Law Commission's proposed definition of enforced disappearance in the Draft Convention on the Prevention of Crimes Against Humanity. The Working Group highlighted that another key issue of interest was enforced disappearances in the context of migrants.

Afterwards, the Committee and the Working Group met with two experts from the Interdisciplinary Group of the Inter-American Commission on Human Rights, who wrote the report on the 43 students who disappeared in Ayotzinapa, Mexico, one year ago. The experts explained the methodology in preparing the report, emphasizing that much of their work depended on the trust of the victims. They stated that the continued support of the Committee was vital, and that the Convention was essential as the basis for any legislative reform concerning enforced disappearances in Mexico.

Finally, the Committee and the Working Group met with Estela de Carlotto, the President of the NGO Abuelas de Plaza de Mayo who recalled her fight – started in the eighties and still ongoing – for the search of the children disappeared by the military dictatorship in Argentina. The Committee and the Working Group expressed their profound admiration and gratitude for her ongoing fight and search for loved ones, and inspiring them to carry out their respective work.

## **B. Meeting with Member States**

40. On 17 September 2015, the Committee held a public meeting with Member States of the United Nations, which was attended by 11 States: Argentina, Colombia, Ecuador, Guatemala, Iraq, Mexico, Peru, Saudi Arabia, Spain, Switzerland, and Ukraine. Argentina and Spain thanked the Committee for their work and underscored the usefulness of engaging in a dialogue with Member States outside the review of country reports. The synergy between the Committee and the Working Group was discussed, as well as how the Committee was addressing the issue of reprisals through the adoption of the San José Guidelines. The Committee thanked Member States for their efforts and urged Member States to encourage others to ratify the Convention and to recognize the Committee's competence to receive individual and inter-State complaints, pursuant to Articles 31 and 32 of the Convention. The Chair reiterated that the effective functioning of the Committee depended on the timely submission of reports and urged States Parties to accelerate the submission of reports to prevent backlogs. The Chair thanked the Member States for their participation and cooperation. A list of participants is included in annex V.

#### **D. Meeting with National human rights institutions**

41. On 17 September 2015, the Committee held a public meeting with a representative from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) and Conseil National des Droits de l'Homme from Morocco. The representative from the ICC underlined the importance of the close cooperation between the Committee and NHRIs. Referring to the document entitled 'The relationship of the Committee on Enforced Disappearances and National Human Rights Institutions' that was adopted almost one year ago, the ICC identified the main areas of work it had conducted to facilitate the broad ratification and implementation of the Convention. For instance the National Human Rights Commission of Thailand presented its views on a new bill on enforced disappearances, ensuring that the provisions are consistent with the obligations of the Convention before Thailand proceeds to ratification. The South Africa Human Rights Commission also encouraged ratification by raising the matter in Parliament. Similarly, the Afghan Independent Human Rights Commission requested the government to sign and adopt the Convention. The Danish Institute for Human Rights has continuously recommended that Denmark ratifies the Convention and the Committee's competence to deal with complaints.

The NHRIs also recalled their efforts to support the State in its reporting activities, as well as their increased engagement with the Committee in the last year. The ICC reiterated that NHRIs with A status have contributed to the Committee's work and encouraged the Committee to continue to recommend that States Parties to establish and strengthen and ensure that NHRIs are in compliance with the Paris Principles. Regarding strengthening the capacity of the NHRIs, the Committee stated it would be useful to be flexible in their approach and to receive contributions from other NHRI institutions, including those from federal states. The Committee also appealed to NHRIs to identify the obstacles to ratification of the Convention, and further recalled GA Resolution 68/268 as the basis for capacity building.

The NHRI from Morocco, Conseil national des droits de l'Homme, outlined their efforts in resolving cases of enforced disappearances in Morocco, which included the publication of an annual report calling on the government to ratify all international instruments it had not yet ratified, including the Convention. A list of participants is included in Annex V.

#### **E. Meeting with Non-Governmental Organizations and civil society**

42. On 17 September 2015, the Committee held a public meeting with Non-Governmental Organizations and civil society, including the Missing Migrant Families Committee of Central Honduras, who delivered a presentation on behalf of NGOs in the Central American region. The NGO Committee of Relatives of Missing Migrants from Honduras raised the issue of migrants subjected to enforced disappearances. Recalling a personal story of a son who disappeared on a migration route from Honduras to the United States and whose body was found among victims of the Cadereyta massacre that occurred in Mexico in May 2012, the main representative of the NGO appealed the Committee for support. In particular, the NGOs sought clarification on how the Convention could be better applied to protect migrants and refugees who were a particularly vulnerable group. There was a discussion on the issue of transnational cases of enforced disappearances, and the Committee referred to an

interesting case before the European Court of Human Rights that addresses the issue of joint responsibility of countries of origin and destination. The Committee informed the NGO that it had already devoted attention to the issue of disappearance of migrants, including in Mexico and this remains a priority issue for the work of the Committee. The Committee reiterated the importance of receiving the information from NHRIs and NGOs and stated they would use this information in their future work. A list of participants is included in Annex V.

## ANNEXES

### Annex I

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

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

48	<b>Niger</b>	24 Jul. 2015	23 Aug. 2015	23 Aug. 2017	
49	<b>Belize</b>	14 Aug. 2015	13 Sept. 2015	13 Sept. 2017	
50	<b>Ukraine*</b>	14 Aug. 2015	13 Sept. 2015	13 Sept. 2017	

*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](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

<b>Name</b>	<b>Nationality</b>	<b>Term expires</b>
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 LÓPEZ ORTEGA	Spain	30 June 2017
Mr. Kimio YAKUSHIJI	Japan	30 June 2017

### **Annex III**

#### **Adopted agenda of the ninth session of the Committee on Enforced Disappearances**

1. Opening of the ninth session.
2. Solemn declaration by the newly elected members of the Committee.
3. Election of Officers.
4. Minute of silence in remembrance of victims of enforced disappearances.
5. Adoption of the agenda.
6. Information received by the Committee.
7. 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 ratification and other matters.
8. Consideration of reports of States parties to the Convention.
9. Follow-up to concluding observations on State Party reports.
10. Consideration of lists of issues.
11. Consideration of requests for urgent actions (article 30 of the Convention).
12. Consideration of individual communications (article 31 of the Convention).
13. Meeting with States Members of the United Nations.
14. Meeting with United Nations agencies and mechanisms, and intergovernmental organizations.
15. Yearly meeting with the Working Group on Enforced or Involuntary Disappearances.
16. Meeting with national human rights institutions.
17. Meeting with non-governmental organizations and other stakeholders.
18. Provisional agenda for the tenth session.
19. Implementation of GA Res. 68/268 update.

## **Annex IV**

### **Items to be included in the provisional agenda of the tenth session of the Committee**

1. Opening of the 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 relating to articles 31-34 of the Convention;
  - b. Strategy for ratifying the Convention and other matters.
6. Consideration of reports of States parties to the Convention:
  - a. Tunisia;
  - b. Burkina Faso;
  - c. Kazakhstan.
7. Consideration of the list of issues related to the report:
  - a. Colombia;
  - b. Bosnia and Herzegovina.
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 Member States of the United Nations.
11. Meeting with the 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 for the eleventh session.
15. Update on the implementation of the GA Resolution 68/268.

## **Annex V**

### **List of participants**

#### **Meeting with Member States**

- Argentina;
- Colombia;
- Ecuador;
- Guatemala;
- Iraq;
- Mexico;
- Peru;
- Saudi Arabia;
- Spain;
- Switzerland;
- Ukraine.

#### **Meeting with National Human Rights Institutions**

- International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC);
- Conseil National des Droits de l'Homme (CNDH).

#### **Meeting with NGOs**

- Missing Migrant Families Committee of Central Honduras;
- Honduran Migration Pastoral Care;
- Migration Pastoral, Episcopal Conference of Guatemala;
- Regional Representative for Central America and Mexico;
- Migrants Mission;
- Platform against Impunity.