

Committee on Enforced Disappearances

Newsletter n°21 - April 2023

After a week of retreat in Geneva to work on the first draft of its General Comment on “Enforced disappearances in the context of migration”, the Committee on Enforced Disappearances held its 24th session from the 20th to 31st March 2023. Throughout the session, the Committee welcomed State delegations, victims of enforced disappearances, NGOs and NHRIs, both in person and online.

In this newsletter, do not miss:

- Adoption of the 1st draft of CED General Comment on enforced disappearances in the context of migration and call for contributions
- Adoption of CED Statement on “non-State actors in the context of the International Convention for the Protection of All Persons from Enforced Disappearances”
- Adoption of Views in the case *Berrospe v. Mexico*
- Release of the report on CED visit to Iraq
- Release of the new Factsheet on Enforced Disappearances
- List of countries to be examined at CED 25th session (Sept. 2023)

Retreat: First draft General Comment on Enforced Disappearances in the context of migration

Now open for inputs and comments

Thanks to the support of Switzerland and the Geneva Academy, the Committee was able to hold a retreat prior to the session to work on its project of General Comment on “Enforced Disappearances in the context of Migration” and related issues.

The Committee adopted the first draft of the General Comment. It now invites all interested stakeholders, including States, victims and other civil society actors, international and regional organisations, experts, and academics to provide inputs and comments on this first draft.

The Committee seeks specific contributions such as alternative suggestions for the wording of specific parts, or the inclusion of missing issues or information. Inputs can be provided in the format of a document no longer than 2,500 words, or (preferably) in track changes directly in the first draft.

[First Draft on CED General Comment](#): available in English (unedited version), French (unofficial translation) and Spanish (unofficial translation)

Deadline for submissions: **15th June 2023**

The Committee will then take all inputs received into account and plans to discuss and adopt the General Comment at its next session, in September.



Activities and decisions

Opening of the session

During the opening, the Chair of the Committee, [Ms Carmen Rosa Villa Quintana](#), and the Director of the Human Rights Council and Treaty Mechanisms Division (CTMD), [Mr Mahamane Cisse-Gouro](#), brought our attention to the prevalence of the crime of enforced disappearances and the need for universal ratification of the Convention.

In the space of **tribute to victims** of enforced disappearances, the Committee welcomed Ms. Izabel Lopez Raymundo. She was born in Guatemala. When she was 18 months, she was forcibly disappeared and put up for illegal adoption. After forty years, her biological sisters managed to locate her. In her statement, Ms. Lopez Raymundo shared her story, with the strong hope that such enforced disappearances never happen again. A web story was released by the OHCHR, in [English](#), [Arabic](#), [Chinese](#), [Spanish](#), and [French](#).

Country reviews (art. 29 of the convention)

➤ Review of first report of Costa Rica and review in the absence of a report of Zambia

The CED reviewed the first report of Costa Rica.

In the case of Zambia, the Committee carried out a review in the absence of a report. The State party was supposed to submit its initial report in May 2013. Despite various reminders, it failed to submit the report for more than five years. The Committee therefore adopted [a list of issues in the absence of a report](#) and held an interactive dialogue with the State party.

Following exchanges with NGOs, NHRIs, and an interactive dialogue with representatives of both countries, the Committee adopted its Concluding Observations. These findings contain the Committee's main concerns and recommendations on the implementation of the International Convention for the Protection of all persons from Enforced Disappearance by [Costa Rica](#) and [Zambia](#), as well as positive aspects.

➤ Reports on Additional Information

The Committee held dialogues with Argentina and Germany to examine the countries' reports on additional information. As per the established procedure, these dialogues focussed on three priority themes identified in the context of the Committee's follow-up to its previous concluding observations and based on updated information received from all stakeholders.

The Committee adopted Concluding observations for [Argentina](#) and [Germany](#) providing specific recommendations on the issues of reference.

➤ **Lists of Issues**

The CED adopted lists of issues for [Benin](#), [Norway](#), and [Malta](#). The aim of these lists of issues is to convey the Committee's requests for clarification on the States party's reports. They will serve as a basis for the interactive dialogue to be held with the States parties concerned at one of the Committee's forthcoming sessions.

➤ **Report on Follow-Up to Concluding Observations**

The CED adopted its [report on the follow-up to concluding observations](#), considering the follow-up information submitted by Brazil and Mongolia. The Committee considered that for most of the prioritised recommendations, the actions taken by the States parties concerned were limited and have not enabled their implementation. The Committee reiterated its prioritised recommendations and requested the concerned States parties to update the Committee on these issues in their next report on additional information.

Urgent Actions (art. 30 of the Convention)

The CED adopted its [periodic Report on Urgent Actions](#). The report identifies trends and practices observed in the registered urgent actions. As of 11 April 2023, the Committee has registered 1,579 requests for urgent actions, related to facts occurred in 30 States parties. The Committee welcomes that out of these cases, 469 disappeared persons have been located so far. It particularly welcomes the fact that 442 persons concerned were located alive.

Any person with a legitimate interest can submit an Urgent Action request to the Committee. Through this procedure, the Committee can request a State party to immediately take all necessary measures to search for, locate, and protect a disappeared person, and investigate their disappearance (article 30 of the Convention). You can find additional information and a format for the submission of urgent actions at the following link: [OHCHR Urgent Actions](#).

Individual Complaints (art. 31 of the Convention)

The Committee adopted its Views on communication 4/2021, *Berrospe v Mexico*, submitted by the mother of the disappeared person, who was 17 years old when the disappearance commenced. Within other findings, the Committee highlighted that “[...] the investigation must be undertaken seriously and not as a mere formality doomed in advance to be fruitless. It cannot depend on the procedural initiative of the victim or his or her relatives or on the private provision of evidence, without the State party effectively seeking the truth. [...] More than nine years after the events, the author and Mexican society do not know the truth about what happened to Yonathan. Neither the family nor Mexican society know the names of those responsible for the events and have not been sufficiently informed about the circumstances of the disappearance in a timely manner. All those involved in Yonathan's disappearance are shrouded in impunity. Therefore, [...] the Committee considers that the State party has failed to take adequate measures to give effect to Yonathan's and the author's right to the truth about the circumstances of Yonathan's enforced disappearance.”

Report on CED visit to Iraq (art. 33 of the Convention)



From 12 to 25 November 2022, a delegation of the Committee on Enforced Disappearances visited Iraq under article 33 of the International Convention for the Protection of all Persons from Enforced Disappearances. Under this article, if the Committee receives reliable information indicating that a State party is seriously violating the provisions of the Convention, it may, after consultation with the State party concerned, request one or more of its members to undertake a visit and report back to it without delay.

The report contains two parts that present the findings of the Committee, identifying positive steps taken by the State party, concerns and specific recommendations to address disappearances, including enforced disappearances, in the country (see also table of content and annexes to the report). [The full visit report](#) can be accessed on the Committee’s webpage.

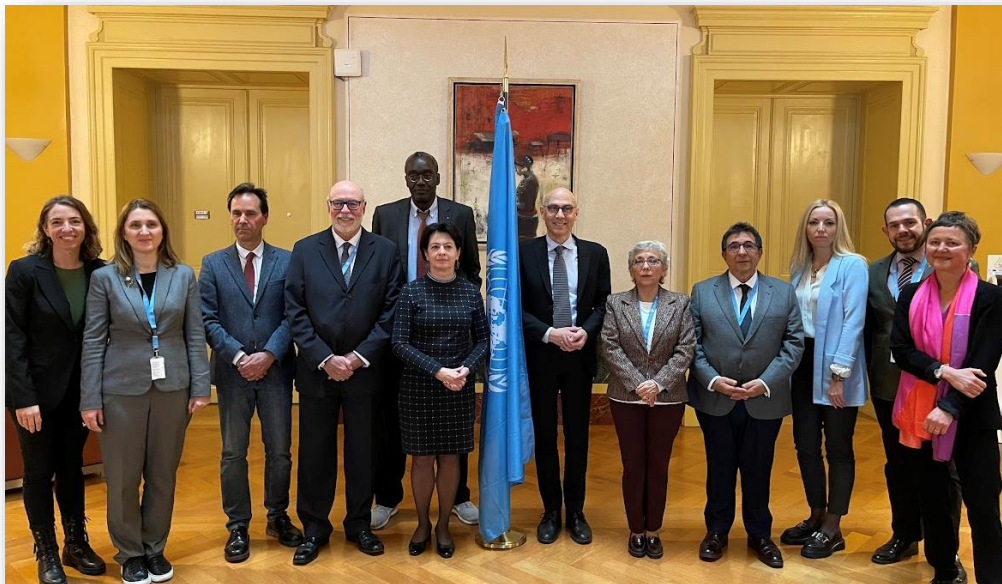


CED Statement on “Non-state actors in the context of the international convention for the protection of all persons from enforced disappearances”

After a large process of consultation and exchanges with States, NGOs, regional, and international human rights mechanisms, the ICC, UN entities, and other international actors, the CED adopted a [statement on “non-State actors in the context of the International Convention for the Protection of All Persons from Enforced Disappearance”](#).

This statement clarifies the scope of applicability of the Convention to acts committed by non-State actors, the obligations of States parties in that regard, as well as implications for the functions of the Committee.

Meeting with the High Commissioner



On 24 March, the Committee met with the new High Commissioner, Volker Türk. As per the [High Commissioner’s comment on Twitter](#): “Important meeting w/ #CED on enforced disappearances. Nothing can justify this tool of terror to silence dissent. And it’s time we eliminate this horrid crime in the 21st century. Let’s work together to strengthen treaty body system & end these rights violations once & for all.”

Closing of the session

At the closing of the session, the [Chair of the Committee presented a summary](#) of the work carried out during the 24th session, as well as achievements and challenges met over the two years of her tenure.

The Committee also broadcast a [video presenting its visit to Iraq](#), and launched the [new Fact Sheet on Enforced Disappearances](#), jointly developed with the WGEID.

If you need any further information on the 24th session, do not hesitate to get in touch with us at: ohchr-ced@un.org

Post session activities

Press conference on 4 April 2023

On 4 April, the CED held a press conference to present its concluding observations on Argentina, Costa Rica, Germany, and Zambia, and its report on its visit to Iraq. If you wish to have more information on the media coverage of this conference, do not hesitate to consult with us at: ohchr-ced@un.org

Events for the presentation of CED report on its visit to Iraq

5 April 2023

Online event organized by the Geneva International Centre for Justice (GICJ) with more than fifty Iraqi stakeholders, including civil society organisations, the Iraqi Commissioner for Human Rights, academics, lawyers and representatives of victims as well as a number of media professionals. During that meeting, Ms. Barbara Lochbihler, Vice-Chairperson of the Committee, Rapporteur for Iraq, and Ms. Albane Prophette-Pallasco, Executive Secretary of the Committee, presented the report and replied to the questions of the participants. More information is available at the following link: <https://www.gicj.org/positions-opinions/gicj-positions-and-opinions/3367-in-a-dialogue-organised-by-gicj-un-ced-reaffirm-its-commitment-to-help-eradicate-the-crimes-of-enforced-disappearance-in-iraq>

6 April 2023

“Alive or dead, we want them back”

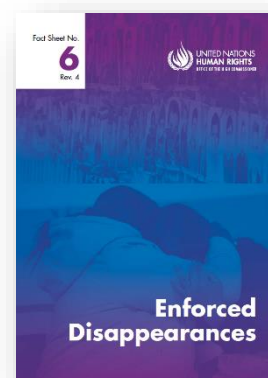


Side event in Palais des Nations, co-organised by Al-Haqq Organisation for Human Rights, Tadaruk Organisation for Human Rights and Democracy, Tamasok for Strengthening Democracy and Transparency, Impunity Watch, and MENA Rights Group. The panel included the mother of a victim of enforced disappearance, two representatives of Iraqi civil society organisations, a member of CED Delegation, and CED Executive Secretary. This space allowed exchanges between all participants, including a representative of the State party, to voice their position on the CED report and on the reality of disappearances in Iraq. You can watch a recording of the event [here](#).

Important updates

New Fact Sheet on Enforced Disappearances

The CED and WGEID are particularly pleased to announce the launching of the updated Fact Sheet on Enforced Disappearances. Read and share to learn more about enforced disappearances and about what these two mechanisms do to prevent and eradicate this heinous crime.



New State party

The Committee warmly welcomes the accession to the Convention for the Protection of All Persons from Enforced Disappearance by [Finland](#) on 29 March 2023. Through this ratification, Finland joins the global effort to eradicate and prevent this heinous crime, to accompany and protect the victims, and to fight against impunity.

The Convention counts with **71 States parties**.

Let's continue to join forces against enforced disappearances. Universal ratification is a must for us all.

What's next?

Future examination of States reports

At its 25th session in September 2023, the Committee will examine the reports of the following States parties (dates to be confirmed soon):

- **Cambodia**: first report (see [List of Issues adopted at the 22nd session](#))
- **Mauritania**: first report (see [List of Issues adopted at the 21st session](#))
- **Mexico**: [report on additional information and visit report](#)
- **The Netherlands**: report on additional information

The Committee will also adopt List of Issues for:

- **Samoa** (see [State party's report](#))
- **Sri Lanka** (in the absence of a report)
- Another State party to be confirmed

We will soon share specific information on the way to contribute to the Committee's work at its 25th session, but please do not hesitate to already provide contributions and inputs on these State parties.

Soon to come: call for inputs on the element of duration of enforced disappearances

The CED and WGEID are working on a joint statement on the element of duration of enforced disappearances. They will soon launch a call for inputs on the issue. We will keep you posted!

