



International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances

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Item 8 of the provisional agenda

**Follow-up to concluding observations on reports of
States parties**

Report on follow-up to the concluding observations of the Committee on Enforced Disappearances

Draft prepared by the Rapporteurs for follow-up on concluding observations*

I. Introduction

1. The present report reflects the information received by the Committee between its nineteenth and twenty-first sessions in follow-up to its concluding observations on Bolivia (Plurinational State of)¹ and Slovakia² and the assessments and decisions that it adopted at its twenty-first session.

2. During the seventeenth session of the Committee, a constructive dialogue took place with the States parties concerned and concluding observations were adopted. The assessments contained in the present report refer only to the recommendations that were selected for the follow-up procedure and in relation to which the States parties were requested to submit information within one year of the adoption of the concluding observations. The present report does not constitute an assessment of the implementation of all the recommendations made to the State party in the concluding observations, nor a comparison between States parties.

3. To carry out its assessment of the information provided by the States parties concerned, the Committee uses the criteria described below:

Assessment of replies

A Reply/action satisfactory

The State party has provided evidence of significant action taken towards implementing the Committee's recommendation.

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.

¹ CED/C/BOL/FCO/1.

² CED/C/SVK/FCO/1.



*Assessment of replies***B Reply/action partially satisfactory**

The State party has taken steps towards implementing the recommendation, but additional information or action is necessary.

C Reply/action not satisfactory

The State party has sent a reply, but action taken or information provided is not relevant or does not implement the recommendation.

D No cooperation with the Committee

No follow-up information has been received following a reminder or reminders.

E Information or measures taken are contrary to or reflect rejection of the Committee's recommendation

The reply reveals that the measures taken are contrary to or have results or consequences that are contrary to the recommendation of the Committee or reflect rejection of the recommendation.

II. Assessment of follow-up information**A. Bolivia (Plurinational State of)****Seventeenth session (September–October 2019)***Bolivia (Plurinational State of)*

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|---|---|
| Concluding observations: | CED/C/BOL/CO/1, adopted 10 October 2019 |
| Recommendations to be followed up: | Paragraphs 27 (fundamental safeguards), 29 (registers) and 39 (search for disappeared persons) |
| Reply: | CED/C/BOL/FCO/1, due 11 October 2020, received 12 October 2020 |
| External contribution: | Report from the Asociación de Familiares Detenidos Desaparecidos y Mártires por la Liberación Nacional (Association of Relatives of Disappeared Detainees and Martyrs for National Liberation), received 14 June 2021 |

Paragraph 27: The Committee recommends that the State party take the necessary measures to ensure that, from the outset of deprivation of liberty, all detained persons, including persons held in incommunicado detention, have immediate access to a lawyer and can communicate with their families or any other person of their choice and that their families are informed of their deprivation of liberty and where they are being detained.

State party's reply

The reply of the State party is provided in CED/C/BOL/FCO/1, paragraphs 3 to 12.

Committee's evaluation

[C]: The Committee notes the provisions of the Constitution and of the Code of Criminal Procedure regarding the necessary due process guarantees. Those provisions were already in force at the time of the Committee's consideration of the State party's report. The Committee recalls that its concern expressed in paragraph 26 and recommendation contained in paragraph 27 of its concluding observations related to the practice of the State party authorities given allegations of illegal arrests and incommunicado detention and of

Bolivia (Plurinational State of)

failure to respect due process as enshrined in the Convention and in national legislation. The Committee notes that no information has been provided in that connection, and regrets that it has received new allegations of such violations, especially in the context of the conflict following the elections in October 2019. The Committee therefore reiterates its recommendation contained in paragraph 27 and requests the State party to provide additional information on the above-mentioned allegations, and on the way in which the authorities ensure full compliance with the State party's obligations under the Constitution, other national legislation and the Convention regarding full respect for due process guarantees for detainees in practice, whatever the circumstances.

Paragraph 29: The Committee recommends that the State party take the necessary measures to ensure that:

(a) **All cases of deprivation of liberty, without exception, are entered in up-to-date official registers and/or records, including, at a minimum, the information required under article 17 (3) of the Convention;**

(b) **Failure to comply with the obligation to record all deprivations of liberty, the registration of inaccurate or incorrect information, the refusal to provide information on a deprivation of liberty and the provision of inaccurate information are punished.**

State party's reply

The reply of the State party is provided in CED/C/BOL/FCO/1, paragraphs 13 to 15.

Committee's evaluation

[B]: The Committee notes the information provided regarding the legal provisions covering the obligation to record all cases of deprivation of liberty. However, the Committee regrets that the State party provides no information on the existence of registers of persons deprived of their liberty outside the prison system, nor on the inclusion in existing records of all the information required under article 17 (3) of the Convention. The Committee also regrets that the State party provides no information on the sanctions applicable in cases where an official does not record a deprivation of liberty, records incorrect or inaccurate information, refuses to provide information on a deprivation of liberty or provides inaccurate information. The Committee therefore reiterates its recommendation contained in paragraph 29 and requests the State party to provide the missing information, as well as additional information on the measures taken:

(a) **To strengthen and ensure the proper functioning of official registers and/or records of all persons deprived of liberty, regardless of the nature of the place of deprivation of liberty;**

(b) **To ensure that, at a minimum, all the information required under article 17 (3) of the Convention is systematically included in registers and/or records.**

Paragraph 39: The Committee recommends that the State party intensify its efforts to search for, locate and release all disappeared persons and, in the event that they are found dead, to arrange for the dignified return of their remains. In particular, the State party should:

(a) **Ensure in practice that, when a disappearance is reported, a search is initiated automatically, without delay;**

(b) **Ensure that the search is conducted by the competent authorities and that the relatives of the person concerned may take part in it if they so wish;**

(c) **Pursue its efforts to establish a genetic database to store genetic information on human remains that have been found so that it can be checked against the data of disappeared persons' relatives in order to facilitate their identification;**

(d) **Provide for effective coordination, cooperation and cross-checking of data between the agencies responsible for searching for disappeared persons and, in the event that such persons are found dead, for identifying their remains and returning them to their relatives.**

Bolivia (Plurinational State of)

State party's reply

The reply of the State party is provided in CED/C/BOL/FCO/1, paragraphs 16 and 17.

Committee's evaluation

[E]: The Committee notes the information provided relating to the Truth Commission. However, the Committee regrets that the State report does not provide the information requested in paragraph 45 of the concluding observations on the measures taken to implement paragraph 39, related to the search for disappeared persons and return of remains in the event of death.

Additionally, the Committee is concerned that, according to information received by the Committee, the search process is delayed by the following practices:

(a) Disappeared persons are not considered as such until 72 hours after their disappearance;

(b) The police need to request access from a prosecutor to the disappeared person's phone records, which takes on average 21 days and involves a cumbersome and time-consuming bureaucratic process.

In view thereof, the Committee:

(a) Reminds the State party of principle 6 of its guiding principles for the search for disappeared persons, according to which the search should begin without delay;³

(b) Reiterates its recommendation and request for information regarding all the points raised in paragraph 39 of its concluding observations.

Action to be taken

A letter should be sent to the State party communicating the Committee's evaluation. The letter should highlight the importance of the State party taking into account, when implementing the Committee's recommendations and submitting its additional information under article 29 (4) of the Convention, the specific guidance and request for information contained in the present report, together with the Committee's guiding principles for the search for disappeared persons.

Deadline for the submission by the State party of additional information under article 29 (4) of the Convention: 11 October 2025

B. Slovakia

Seventeenth session (September–October 2019)

Slovakia

Concluding observations:

CED/C/SVK/CO/1, adopted 10 October 2019

Recommendations to be followed up:

Paragraphs 11 (national human rights institution), 23 (training) and 25 (right to reparation and prompt, fair and adequate compensation)

Reply:

CED/C/SVK/FCO/1, due 11 October 2020, received 9 October 2020

³ CED/C/7, annex.

Slovakia

Paragraph 11: The Committee recommends that the State party continue and step up its efforts to bring the Slovak National Centre for Human Rights into full compliance with the Paris Principles,⁴ in particular by swiftly adopting the legislative reform necessary to improve its normative framework.

State party's reply

The reply of the State party is provided in CED/C/SVK/FCO/1, paragraph 8.

Committee's evaluation

[C]: The Committee notes the information provided by the State party, according to which the Committee's recommendation regarding the Slovak National Centre for Human Rights had not yet been addressed owing to the current pandemic situation; that the Ministry of Justice was preparing the necessary legislative changes in respect of ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and that those legislative changes should be prepared by the end of December 2020. In view thereof, the Committee reiterates its recommendation contained in paragraph 11 of its concluding observations and requests the State party to provide updated information in that regard.

Paragraph 23: The Committee recommends that the State party ensure that all law enforcement and security personnel, whether civil or military, medical personnel, public officials and other persons who may be involved in the custody or treatment of persons deprived of liberty, including judges, prosecutors and other officials responsible for the administration of justice, receive specific and regular training on the provisions of the Convention, in accordance with article 23 (1) thereof. In addition, the Committee encourages the State party to provide training to judges on the offence of enforced disappearance, in particular to ensure its proper application, and that the phrase "thereby makes for them impossible to exercise legal protection" contained in section 420a (1) of the Criminal Code is always considered as a consequence of the constitutive elements of the offence of enforced disappearance rather than an intentional element.

State party's reply

The reply of the State party is provided in CED/C/SVK/FCO/1, paragraphs 9 to 14.

Committee's evaluation

[B]: The Committee notes that most of the training planned over the reporting period has been rescheduled, or held online in the context of the COVID-19 pandemic. It welcomes the information provided on the training conducted by the Ministry of Defence for 69 members of the military police and 267 military personnel; by the Ministry of the Interior for police officers; by the Police Academy; and by the Justice Academy, comprising two training sessions in 2019 on the needs of victims and particularly vulnerable victims, including information on victim support services, availability of restorative justice to victims and how to provide information to victims in a comprehensible way. The Committee also notes that the Ministry of Health expressed support for training medical staff on enforced disappearance and was planning to include such training in the minimal standards for specialized study programmes, although a review of the relevant legislation would be required. In view thereof, the Committee requests the State party to specify:

- (a) The frequency with which such programmes on enforced disappearance, the Convention and related national legislation are scheduled for all judges, prosecutors and other officials responsible for the administration of justice;
- (b) Whether these programmes are compulsory;

⁴ The principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

Slovakia

(c) The status of the legislative review that is mentioned by the State party as a precondition for the introduction by the Ministry of Health of the training programme for medical staff;

(d) Existing plans to ensure the systematization of the training programmes mentioned.

The Committee also invites the State party to indicate the support that it may eventually require from the Committee in order to strengthen or develop some of these training programmes.

Paragraph 25: The State party should guarantee the right to reparation and to prompt, fair and adequate compensation of all persons who have suffered harm as a direct result of an enforced disappearance, regardless of their nationality. To this effect, the Committee recommends that the State party adopt the necessary measures, including revision of the Victims Act, to guarantee that its domestic legislation provides for a comprehensive system of compensation and reparation that complies fully with article 24 (4) and (5) of the Convention and other relevant international standards, for which the State is responsible; that is applicable, even if no criminal proceedings have been initiated; and that is sensitive to the victims' individual characteristics, taking into account, for instance, their sex, sexual orientation, gender identity, age, ethnic origin, social status and disability.

State party's reply

The reply of the State party is provided in CED/C/SVK/FCO/1, paragraphs 15 to 20.

Committee's evaluation

[B]: The Committee notes the information provided about the other forms of reparation that may be provided under the constitutional and civil law protection of personal rights. It further welcomes that, according to the information provided by the State party, the Ministry of Justice was evaluating the current compensation scheme for the victims of intentional crimes and preparing a proposal for a legislative amendment to Act No. 274/2017 Coll. on victims' rights, including:

(a) Changes in respect of victims of enforced disappearance;

(b) A general provision on the training of judicial staff, judges, prosecutors, police officers and other law practitioners on victims' rights and needs, including for victims of enforced disappearance.

The Committee also notes that at the time of the State party's submission of follow-up information, the proposal still had to be considered by the National Council. In view thereof, the Committee requests the State party:

(a) To provide updated information as to the status of the proposal, including a date for its adoption;

(b) To specify how the proposal as it stands ensures the full compliance of the new reparation scheme with article 24 (5) of the Convention.

Action to be taken

A letter should be sent to the State party communicating the Committee's evaluation. The letter should highlight the importance of the State party taking into account, when implementing the Committee's recommendations and submitting its additional information under article 29 (4) of the Convention, the specific guidance and request for information contained in the present report, together with the Committee's guiding principles for the search for disappeared persons.

Deadline for the submission by the State party of additional information under article 29 (4) of the Convention: 11 October 2025
