



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

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## Committee on Enforced Disappearances Twenty-third session

### Summary record (partial)\* of the 421st meeting\*\*

Held at the Palais Wilson, Geneva, on Friday, 23 September 2022, at 3 p.m.

*Chair:* Ms. Villa Quintana

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Closure of the session

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\* No summary record was prepared for the rest of the meeting.  
\*\* No summary records were issued for the 413th to 420th meetings.

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*The discussion covered in the summary record began at 5.35 p.m.*

### **Closure of the session**

1. **The Chair** said that, to mark the International Day of the Victims of Enforced Disappearances in 2022, the Committee and the Working Group on Enforced or Involuntary Disappearances had released a video to pay tribute to all victims of enforced disappearance.
2. *A video entitled Enforced disappearances: hear the victims was projected.*
3. **The Chair** invited Mr. Albán-Alencastro to present the Committee's informal report on the activities carried out at its twenty-third session.
4. **Mr. Albán-Alencastro** (Rapporteur) said that the Committee's twenty-third session had been held in Geneva between 12 and 23 September 2022. At the opening of the session, the Committee had paid tribute to the victims of enforced disappearance and heard the testimony of Ms. Ekneligoda, a human rights activist whose husband had been disappeared in Sri Lanka in 2010.
5. The Committee had considered the initial reports submitted by Czechia and Mali under article 29 (1) and the additional information submitted by Uruguay under article 29 (4) of the Convention. It had subsequently adopted concluding observations in respect of the three States parties. During the session, the Committee had also adopted lists of issues relating to the reports submitted under article 29 (1) by Morocco and Ukraine and a report on follow-up to concluding observations by Colombia and Switzerland.
6. The Committee had held productive meetings with the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and with the Committee on the Rights of the Child, the Working Group on Enforced or Involuntary Disappearances and other thematic special procedure mandate holders. It had also met with representatives of States parties to the Convention and with representatives of civil society organizations.
7. The Committee had held discussions on its working methods, specifically on the conduct of future country visits, the urgent action procedure and the procedures for the adoption of its future general comment on enforced disappearances in the context of migration and its future statement on enforced disappearances and non-State actors. Lastly, it had decided to draft a statement on "short-term" disappearances jointly with the Working Group on Enforced or Involuntary Disappearances.
8. **The Chair** said that, in the case of Czechia, the Committee had welcomed the positive measures taken by the State party and the constructive nature of the dialogue. It had nonetheless recommended that Czechia should amend its domestic legislation to: incorporate enforced disappearance as a stand-alone offence and a crime against humanity; ensure that superiors could be held criminally responsible for acts of enforced disappearance; include a definition of a victim of enforced disappearance that was in line with that contained in the Convention; establish a comprehensive reparations system; and effectively criminalize the wrongful removal of children. Further recommendations had been made regarding the need for strict compliance with the principle of non-refoulement and the need to follow up on reports that unaccompanied minors had disappeared from reception centres for foreign nationals.
9. In the case of Mali, the Committee had welcomed the preparation of a revised Criminal Code in which enforced disappearance would be established as a separate offence. It had recommended that the definition of the offence should be aligned with that contained in article 2 of the Convention and that the new Criminal Code should be adopted without delay. The Committee had also expressed concern that existing legislation did not adequately provide for the criminal responsibility of superiors or expressly prohibit invoking obedience to orders as a justification for enforced disappearance. It had likewise recommended that the State party should take steps to ensure that the relatives of disappeared persons, especially women, enjoyed all the rights enshrined in the Convention.
10. While welcoming the measures taken by Uruguay to uphold victims' rights to truth, justice and reparations, the Committee had recommended that the State party should bring its domestic legislation into closer conformity with the Convention, including with respect to

the minimum sentence for enforced disappearance, the definition of a victim of that crime and offences relating to the wrongful removal of children. The Committee had also made various recommendations to address concerns about delays in investigations, trials and search procedures relating to acts of enforced disappearance committed between 1968 and 1985.

11. During the current session, the Committee had adopted a joint statement on illegal intercountry adoptions with the Committee on the Rights of the Child, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on trafficking in persons, especially women and children, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material. The Committee had first become aware of the international dimension of illegal adoptions in the context of enforced disappearance when it had received a report from an association of Swiss adoptees of Sri Lankan origin prior to its review of the initial report of Switzerland. Given the numbers of adopted persons in various countries who were discovering that they had been lied to about their origins and the reasons for their adoption, the Committee had wished to clarify the connection between enforced disappearance and intercountry adoptions. To ensure a greater impact and to make it easier for victims to gain access to human rights protection mechanisms, the Committee had decided to pool its efforts with those of other relevant United Nations mandate holders. She hoped that such collaboration would continue in the future.

12. The Committee was currently analysing the contributions it had received, including from States parties, on its draft statement on enforced disappearances and non-State actors with a view to refining the text and continuing discussions at its next session. The Committee had also decided to take up the issue of “short-term” disappearances, which were occurring ever more frequently in various contexts. Over the course of the session, the Committee had received valuable input on its future general comment on enforced disappearances in the context of migration at its meetings with civil society organizations, national human rights institutions and States parties, which it would analyse along with the other contributions received, including during the ongoing process of regional consultations.

13. At its meeting with States parties, the Committee had highlighted the major problems it was facing as a result of the insufficient meeting time it had been allotted. It had also reported on the outcome of the thirty-fourth meeting of the Chairs of the human rights treaty bodies, including the unanimous agreement reached on the need to operationalize the common position adopted by the Chairs in 2019 and to implement the recommendations of the co-facilitators of the 2020 treaty body review process on issues such as the predictable review calendar and harmonized working methods. The Chairs were calling on the General Assembly to support their conclusions, which were based on the fundamental principles of strengthening the protection of rights holders, preserving the integrity and independence of the treaty body system, improving the implementation of treaty obligations and related recommendations and the need to achieve greater rationalization, simplification and alignment of procedures while taking into account the different mandate of each treaty body.

14. Regrettably, the meeting scheduled with United Nations agencies had not taken place. Given the need for all entities in the system to heed the call to action for human rights of the Secretary-General of the United Nations, she hoped that they would accept the Committee’s next invitation to discuss ways and means of preventing and eliminating enforced disappearance. Since enforced disappearance continued to occur, the Committee must continue its work to put an end to it and, in so doing, remind States parties of their obligations to search for disappeared persons, investigate cases of enforced disappearance and bring those responsible to justice.

15. After the customary exchange of courtesies, she declared the twenty-third session of the Committee on Enforced Disappearances closed.

*The meeting rose at 6.10 p.m.*