



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

Distr.: General  
29 September 2020

Original: English

## Committee on Enforced Disappearances

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

#### I. Introduction

1. The present report reflects the information received by the Committee between its fifteenth and nineteenth sessions in follow-up to its concluding observations on Gabon (CED/C/GAB/CO/1/Add.1), Lithuania (CED/C/LTU/CO/1/Add.1), Albania (CED/C/ALB/FCO/1), Austria (CED/C/AUT/FCO/1), Honduras (CED/C/HND/CO/1/Add.1), Japan (CED/C/JPN/FCO/1), Portugal (CED/C/PRT/FCO/1), Chile (CED/C/CHL/FCO/1) and Italy (CED/C/ITA/FCO/1) and the assessments and decisions that it adopted at its nineteenth session. Reference is also made to the concluding observations of Peru (CED/C/PER/CO/1). The States parties appear in chronological order by the deadline for the submission of their follow-up information.

2. During the thirteenth, fourteenth, fifteenth and sixteenth sessions 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:

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#### *Assessment of replies*

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##### **A Reply/action satisfactory**

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

##### **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.

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\* Adopted by the Committee at its nineteenth session (7–25 September 2020).



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*Assessment of replies*

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**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.

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**II. Assessment of follow-up information****A. Gabon****Thirteenth session (September 2017)**

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*Gabon*

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**Concluding observations:** CED/C/GAB/CO/1, adopted 13 September 2017

**Recommendations to be followed up:** Paragraphs 26, 33 and 35

**Reply:** CED/C/GAB/CO/1/Add.1, due 15 September 2018, received 26 September 2018

**Paragraph 26: The State party should adopt measures to ensure that a thorough and impartial investigation into the events of 31 August 2016 is conducted immediately, even in the absence of a formal complaint, and that the findings are made public.**

**State party's reply**

The reply of the State party is provided in CED/C/GAB/CO/1/Add.1, paragraphs 1 to 3.

**Committee's evaluation**

[C]: The Committee notes the steps taken towards an investigation into the events of 31 August 2016. However, it remains concerned that, according to the information provided by the State party, no reports of enforced disappearance have been received. It further regrets that no information is provided as to the measures taken to investigate the allegations of disappearances brought to the attention of the Committee. In that connection, the Committee reiterates that, where there are reasonable grounds to believe that a person has been the victim of enforced disappearance, the State party has an obligation to launch a thorough and impartial investigation, including in the absence of a formal complaint. The Committee therefore reiterates its recommendation to the State party that it take all action necessary to ensure that an immediate, thorough and impartial investigation into the allegations of disappearances that have been brought to the attention of the Committee, even in the absence of a formal complaint.

**Paragraph 33: The Committee recommends that the State party take all necessary steps to establish a national preventive mechanism and provide it with sufficient financial, human and technical resources to effectively carry out its mandate.**

**State party's reply**

The reply of the State party is provided in CED/C/GAB/CO/1/Add.1, paragraphs 4 to 11.

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Gabon

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### Committee's evaluation

**[B]:** The Committee welcomes the preparation of a bill for the establishment of a national authority for the prevention of torture – which is intended to serve as the national preventive mechanism under the terms of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment – following an inclusive consultation process conducted from 2013 to 2018. The Committee notes that, according to the information provided by the State party, the mandate, resources and administrative structure foreseen in the bill should allow the authority to be established in compliance with the Optional Protocol. The Committee underlines the necessity for this bill to be adopted and effectively implemented, however, and it looks forward to receiving additional information in that regard.

**Paragraph 35: The State party should take all necessary steps to guarantee that no one is held in secret detention, including by ensuring that all persons deprived of their liberty are afforded, de jure and de facto, from the outset of the deprivation of liberty, all the fundamental legal safeguards set out in article 17 of the Convention and other human rights instruments to which Gabon is a party. In particular, the State party should guarantee that: (a) all persons deprived of their liberty have reasonable access to a lawyer from the outset of their deprivation of liberty and can communicate without delay with their relatives or any other person of their choosing and, in the case of foreign nationals, with their consular authorities; (b) all persons with a legitimate interest have prompt and easy access to, at a minimum, the information listed in article 18 (1) of the Convention, including while in police custody; (c) all deprivations of liberty, without exception, are entered in the register and/or standard files containing at the very least the information required under article 17 (3) of the Convention; and (d) registers and/or the files of persons deprived of their liberty are maintained and updated promptly with precise data, are subject to regular checks and, in the event of irregularities, the officials responsible are duly punished.**

### State party's reply

The reply of the State party is provided in CED/C/GAB/CO/1/Add.1, paragraphs 12 to 24.

### Committee's evaluation

**[B]:** The Committee welcomes the steps taken to improve the protection of the rights of persons deprived of their liberty. It notes that, as provided for in articles 51 to 55 of the Code of Criminal Procedure, any person deprived of liberty enjoys all the fundamental legal safeguards set forth in article 17 of the Convention from the very outset of their deprivation of liberty, and that investigative police officers must inform them of their rights. The Committee also notes that the information referred to in article 18 (1) of the Convention is included in the records appended to the investigation file, to which counsel has access and which may be provided to any persons belonging to the family of the detainee, persons close to him or her, and his or her employer. The Committee further notes, however, that the State party does not provide information on the way in which registers and/or the files of persons deprived of their liberty are maintained and updated and are subject to regular checks, or on the way in which, in the event of allegations of irregularities, such allegations are investigated and the officials responsible duly punished. The Committee recalls that the protection of the rights of persons deprived of their liberty must be guaranteed in a systematic manner, without any exceptions.

### 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 (CED/C/7).

**Deadline for the submission by the State party of additional information under article 29 (4) of the Convention:** 15 September 2020 (to be extended)

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## B. Lithuania

### Thirteenth session (September 2017)

#### *Lithuania*

<b>Concluding observations:</b>	CED/C/LTU/CO/1, adopted 12 September 2017
<b>Recommendations to be followed up:</b>	Paragraphs 22, 24 and 26
<b>Reply:</b>	CED/C/LTU/CO/1/Add.1, due 15 September 2018, received 7 September 2018

**Paragraph 22: While welcoming the ongoing investigations into allegations of the State party's involvement in the rendition and secret detention programmes, the Committee, reiterating the recommendations made by the Committee against Torture in 2014 (see CAT/C/LTU/CO/3, para. 16) and the Human Rights Committee in 2012 (see CCPR/C/LTU/CO/3, para. 9):**

(a) **Urges the State party to complete the investigation into allegations of its involvement in the rendition and secret detention programmes within a reasonable time, that those responsible be held accountable, and that victims be duly recognized and provided with appropriate redress and reparation;**

(b) **Recommends that the State party inform the public and ensure that its investigation process is transparent;**

(c) **Requests the State party to provide it with updated information on the findings of such investigation and, if appropriate, sanctions for those responsible.**

#### **State party's reply**

The reply of the State party is provided in CED/C/LTU/CO/1/Add.1, paragraphs 3 to 5.

#### **Committee's evaluation**

[C]: The Committee welcomes the fact that that pretrial investigation No. 01-2-00015-14 has not been suspended or closed. However, it observes that this investigation has still not been concluded, that no suspects have been identified, and that none of the persons affected has been recognized as a victim. The Committee notes the requests for legal assistance submitted by the State party to Afghanistan, Morocco, Poland, Romania and the United States of America, and that these States either did not provide relevant information or did not reply.

In this regard, the Committee takes note of the judgment issued by the European Court of Human Rights (*Case of Abu Zubaydah v. Lithuania*, application No. 46454/11, 31 May 2018) and welcomes the State party's affirmation that it will comply with the judgment. The Committee observes that, according to the judgment, the Lithuanian authorities were aware of the operations by the Central Intelligence Agency of the United States on Lithuanian territory. The Committee therefore notes with concern that, according to the State party, the lack of response from Afghanistan to the request for legal assistance has prevented the finalization of the related investigation, which is currently inactive. The Committee also notes that the State party does not provide information on the measures taken by the State party to inform the public about the investigation and to ensure its transparency.

In view of the above, the Committee reiterates its recommendation and requests the State party to provide additional information on the progress of the investigation and information on the steps taken to inform the public and ensure that its investigation process is transparent.

#### **Paragraph 24: The Committee recommends:**

(a) **That the State party guarantee that all persons deprived of liberty have access to a lawyer from the outset of deprivation of liberty and can communicate without delay with their relatives or any person of their choosing, and in the case of foreigners, with their consular authorities;**

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Lithuania

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(b) **That the State party guarantee in practice that any acts hindering the observance of these rights are adequately sanctioned.**

**State party's reply**

The reply of the State party is provided in CED/C/LTU/CO/1/Add.1, paragraphs 6 to 8.

**Committee's evaluation**

[C]: The Committee welcomes the amendments to national legislation that were introduced between April and May 2017 in relation to procedural guarantees. However, these amendments were already in place when the Committee issued its concluding observations in September 2017, and the State party does not provide information as to the measures taken thereafter to guarantee that all persons deprived of liberty have access to a lawyer from the outset of deprivation of liberty and can communicate without delay with their relatives or any person of their choosing and, in the case of foreigners, with their consular authorities. The Committee further observes that no information has been provided on the measures taken to guarantee in practice that any acts hindering the observance of these rights are adequately sanctioned, including information on any complaints received and sanctions imposed.

In view of the above, the Committee reiterates its recommendation and requests the State party to provide additional information on the following: (a) the measures taken to implement the legislative amendments adopted in 2017 related to the protection of procedural guarantees for persons deprived of their liberty; (b) complaints received regarding any acts hindering the observance of these rights and the sanctions imposed in such cases.

**Paragraph 26: The Committee recommends that the State party ensure that all law enforcement personnel, whether civil or military, medical personnel, public officials and other persons who may be involved in the custody or treatment of any person deprived of liberty – including judges, prosecutors and other officials responsible for the administration of justice – receive appropriate and regular training on the provisions of the Convention, in conformity with article 23 of the Convention.**

**State party's reply**

The reply of the State party is provided in CED/C/LTU/CO/1/Add.1, paragraphs 9 to 12.

**Committee's evaluation**

[B]: The Committee welcomes the training plans devised by the State party for law enforcement personnel, including the armed forces, public officials and other persons involved in the custody or treatment of persons deprived of liberty. However, it notes that the State party does not provide information about the implementation and frequency of these training plans.

In view of the above, the Committee reiterates its recommendation and requests the State party to provide additional information on the implementation of the training programmes and their frequency.

**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: 15 September 2023**

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## C. Albania

### Fourteenth session (May–June 2018)

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*Albania*

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<b>Concluding observations:</b>	CED/C/ALB/CO/1, adopted 31 May 2018
<b>Recommendations to be followed up:</b>	Paragraphs 31, 33 and 39
<b>Reply:</b>	CED/C/ALB/FCO/1, due 1 June 2019, received 24 May 2020

**Paragraph 31: The Committee recommends that the State party ensure that all law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody or treatment of any person deprived of liberty, including judges, prosecutors and other officials responsible for the administration of justice, receive appropriate and regular training on the provisions of the Convention, in conformity with article 23 of the Convention.**

#### State party's reply

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

#### Committee's evaluation

[C]: The Committee notes the training programmes on human rights offered to the police, and to prison, medical and child protection personnel, and the State party's statement that the Convention is a component part of the curricula of the initial and continuous training of the School of Magistrates. The Committee is concerned, however, that the subjects of the initial and continued training referred to by the State party do not specifically relate to the Convention. The Committee also notes that the State party does not provide information about the training received by other law enforcement personnel, civil or military, public officials and other persons who may be involved in the custody or treatment of any person deprived of liberty.

In view of the above, the Committee requests the State party to provide additional information on any steps taken to ensure that all law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody or treatment of any person deprived of liberty, including judges, prosecutors and other officials responsible for the administration of justice, receive appropriate and regular training on the provisions of the Convention.

**Paragraph 33: The Committee recommends that the State party include a definition of victim of enforced disappearance in its criminal legislation in accordance with article 24 (1) of the Convention, in order to ensure the full enjoyment, by any individual who has suffered harm as the direct result of an enforced disappearance, of the rights set forth in the Convention. The State party should also ensure that article 58 of the Criminal Code provides for the right of the victims to know the truth regarding the circumstances of the enforced disappearance, in accordance with article 24 (2) of the Convention.**

#### State party's reply

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

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*Albania*

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### **Committee's evaluation**

[C]: The Committee welcomes the fact that, following the adoption of the concluding observations, the Ministry for Europe and Foreign Affairs informed the relevant institutions about the Committee's recommendations, and notes that the Ministry of Justice has received no proposals regarding amendment of article 109 (c) of the Criminal Code. The Committee also notes that the State party does not provide information about (a) the steps taken to ensure that a definition of victim of enforced disappearance is included in the criminal legislation in accordance with article 24 (1) of the Convention; (b) the measures taken by the State party to ensure that article 58 of the Criminal Code provides for the right of victims to know the truth regarding the circumstances of the enforced disappearance, in accordance with article 24 (2) of the Convention.

In view of the above, the Committee reiterates its recommendation and requests the State party to provide information on the steps taken towards its implementation.

**Paragraph 39: The Committee urges the State party to take necessary and specific measures to ensure the effective protection of children against enforced disappearance, in particular by: (a) setting up procedures aimed at re-establishing the true identity of children in case of the falsification, concealment or destruction of documents attesting thereto; (b) adopting legislation and establishing procedures to review, and, where appropriate, to annul any adoption or placement of children originating from an enforced disappearance; and (c) concluding mutual assistance agreements with other States for the search for and identification and location of children subjected to enforced disappearance.**

### **State party's reply**

The reply of the State party is provided in CED/C/ALB/FCO/1, paragraph 16.

### **Committee's evaluation**

[C]: The Committee notes that the State party has not provided information on any measures taken since the adoption of the concluding observations to implement the recommendation contained in paragraph 39. The Committee therefore reiterates its recommendation and requests the State party to provide information on the measures taken towards its implementation.

### **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: 1 June 2024**

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## **D. Austria**

### **Fourteenth session (May–June 2018)**

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*Austria*

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<b>Concluding observations:</b>	CED/C/AUT/CO/1, adopted 31 May 2018
<b>Recommendations to be followed up:</b>	Paragraphs 15, 21 and 25
<b>Reply:</b>	CED/C/AUT/FCO/1, due 1 June 2019, received 20 January 2020

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*Austria*

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**Paragraph 15: The Committee recommends that the State party ensure that, in line with article 8 of the Convention, the statute of limitations stipulates a period of long duration that is proportionate to the extreme seriousness of the offence.**

**State party's reply**

The reply of the State party is provided in CED/C/AUT/FCO/1, paragraphs 2 to 6.

**Committee's evaluation**

[C]: The Committee welcomes the State party's assertion that its authorities share the assessment that the extreme seriousness of enforced disappearances requires the statute of limitations to stipulate a period of long duration. However, the Committee notes that the State party maintains the position that it expressed in its initial report, and on the occasion of the constructive dialogue, that legislation on the statute of limitations is set according to the maximum sentence and therefore stipulates a long duration proportionate with the extreme seriousness of the crime (Criminal Code, sect. 57, para. 3). In view thereof, the Committee remains preoccupied that, under the current legislation, the statute of limitations for an offence of enforced disappearance that does not amount to a crime against humanity is comparable to that for other criminal offences under the Criminal Code. The Committee therefore reiterates its recommendation and invites the State party to ensure that, in line with article 8 of the Convention, the statute of limitations for enforced disappearance stipulates a period of long duration, including in cases of the autonomous offence of enforced disappearance that do not amount to a crime against humanity.

**Paragraph 21: The Committee recommends that the State party ensure that the principle of non-refoulement enshrined in article 16 (1) of the Convention is strictly observed in all circumstances. To that end, the State party should:**

(a) **Consider explicitly incorporating into its national legislation a prohibition on carrying out an expulsion, return, surrender or extradition where there are substantial grounds for believing that the person would be in danger of being subjected to enforced disappearance;**

(b) **Ensure that there are clear and specific criteria and/or procedures for assessing and verifying the risk of a person being subjected to enforced disappearance in the country of destination;**

(c) **Ensure the suspensive effect of appeals against a decision on expulsion, return, surrender or extradition.**

**State party's reply**

The reply of the State party is provided in CED/C/AUT/FCO/1, paragraphs 7 to 13.

**Committee's evaluation**

[C]: The Committee notes the information provided by the State party about the legislation in force as relates to removals and extraditions, and according to which the guarantees of articles 2, 3 and 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) must be respected throughout the asylum and return procedure. The Committee also notes that, as a consequence, if the life and/or humane treatment of applicants are in danger, return decisions must not be implemented.

The Committee regrets, however, that the State party does not provide information as to the way it has considered incorporating an explicit prohibition on carrying out an expulsion, return, surrender or extradition where there are substantial grounds for believing that the person would be in danger of being subjected to enforced disappearance in the country of destination. Nor does the State party explain the measures taken to ensure that there are clear and specific criteria and procedures for assessing and verifying such a risk, and to ensure the suspensive effect of appeals against a decision on the issue. The Committee therefore reiterates the recommendations contained in paragraph 21 of its concluding observations and requests the State party to provide information in that regard.

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*Austria*

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**Paragraph 25: The Committee recommends that the State party review its criminal legislation with a view to incorporating as specific offences the acts described in article 25 (1) of the Convention and provide appropriate penalties that take into account the extreme seriousness of the offences.**

**State party's reply**

The reply of the State party is provided in CED/C/AUT/FCO/1, paragraph 14.

**Committee's evaluation**

[C]: The Committee takes note of the State party's reply that it is currently examining the possibility of reviewing its criminal legislation with a view to incorporating the acts described in article 25 (1) of the Convention as specific offences. However, the Committee underlines the importance of such a review actually taking place and being effectively implemented, and looks forward to receiving additional information in that regard.

**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 submitting its additional information under article 29 (4) of the Convention, the specific guidance and request for information contained in the present report.

**Deadline for the submission by the State party of additional information under article 29 (4) of the Convention: 1 June 2024**

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**E. Honduras****Fourteenth session (May–June 2018)**

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<b>Concluding observations:</b>	CED/C/HND/CO/1, adopted 31 May 2018
<b>Recommendations to be followed up:</b>	Paragraphs 13, 25 and 27
<b>Reply:</b>	CED/C/HND/CO/1/Add.1, due 1 June 2019, received 11 June 2019
<b>Information from other stakeholders:</b>	Office for the Defense of Rights and Intersectionality, received 2 July 2019

**Paragraph 13: The Committee urges the State party to establish a consolidated register of all cases of enforced disappearance committed in Honduras or against Honduran nationals abroad. The register should reflect the total number of disappeared persons, the number who have subsequently been found, whether alive or dead, and the number who are still missing.**

**State party's reply**

The reply of the State party is provided in CED/C/HND/CO/1/Add.1, paragraphs 5 to 10.

**Committee's evaluation**

[B]: The Committee welcomes the bill to establish a national register of missing or disappeared persons. However, the Committee notes that two years have passed since the bill was submitted to the National Congress, in June 2018, that it is still pending adoption, and that no information is provided by the State party about the reasons for the delay.

As regards the content of the bill, the Committee notes the observations issued by the Ministry of Human Rights in October 2018, in which input is provided with a view to promoting the compatibility of the bill with the Convention (CED/C/HND/CO/1/Add.1, annex II). The Committee observes that the State party does not provide information about the inclusion of these observations in the bill. It further notes that, according to article 3 (4)

*Honduras*

of the version of the bill provided to the Committee, a disappeared person is someone whose whereabouts are unknown, based on reliable information from family members or persons who are close to or linked to the disappeared person. The bill does not specify how the registration of disappearances would be ensured when the related information was provided by a person who did not fall into any of these categories. In this regard, the Committee recalls that under article 12 (1) of the Convention, States parties must ensure that any individual who alleges that a person has been subjected to enforced disappearance has the right to report the facts to the competent authorities. The Committee further notes that the bill makes no reference to the elements of enforced disappearance contained in the definition in article 2 of the Convention and does not specify how cases of enforced disappearance would be recorded in the national register. The Committee further observes that it has not received information on the participation of civil society or relatives of disappeared persons in the process of drafting and adopting the bill.

In view of the above, the Committee reiterates its recommendation and requests the State party to provide further information on:

- (a) The reasons for the delay in the adoption of the bill to establish a national register of missing or disappeared persons;
- (b) The way in which the observations made by the Ministry of Human Rights in October 2018 on the compatibility of the bill with the Convention have been included in the bill;
- (c) The current text of the bill;
- (d) How disappearances would be recorded in the national register when the related information was provided by a person who did not fall into the categories mentioned in article 3 (4) of the bill;
- (e) The constitutive elements that will be taken into account in recording cases of enforced disappearance in the national register;
- (f) The participation of civil society or relatives of disappeared persons in the process of drafting and adopting the bill.

**Paragraph 25: The Committee recommends that the State party:**

- (a) Ensure that in practice, where there are reasonable grounds for believing that a person has been subjected to enforced disappearance, a thorough and impartial investigation is undertaken immediately, even if there has not been a formal complaint;**
- (b) Expedite the investigations of enforced disappearance that are currently under way and ensure that all offences of enforced disappearance, including those committed in the 1980s and 1990s, are promptly investigated and that alleged perpetrators are prosecuted and, if found guilty, punished in accordance with the extreme seriousness of their acts, while ensuring that no act of enforced disappearance is left unpunished;**
- (c) Encourage and facilitate the participation of all persons with a legitimate interest, such as the family, close friends and legal representatives of disappeared persons, in investigations and at all stages of the proceedings, as part of due process, and ensure that they are regularly informed about the progress and results of the investigations;**
- (d) Ensure that the competent authorities and institutions have access to any place of deprivation of liberty where there are grounds to believe that a person subjected to enforced disappearance may be present;**
- (e) Ensure that any State agent, whether civilian or military, who is suspected of having committed an offence of enforced disappearance is not in a position to influence the progress of the investigations.**

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Honduras

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### State party's reply

The reply of the State party is provided in CED/C/HND/CO/1/Add.1, paragraphs 11 to 27.

### Committee's evaluation

[C]: The Committee notes the information provided by the State party in relation to the search for Honduran nationals who have disappeared abroad. However, it also notes that the State party does not provide information on the steps taken since the adoption of the Committee's concluding observations to ensure that a thorough and impartial investigation is undertaken immediately, even if there has not been a formal complaint, where there are reasonable grounds for believing that a person has been subjected to enforced disappearance, including when the disappearance occurred in territory under the State party's jurisdiction.

The Committee also notes that, as was already the case in 2018 when it examined the initial report of the State party, the Enforced Disappearances Section of the Office of the Special Prosecutor for Human Rights remains in charge of investigating all cases of enforced disappearance that have occurred in Honduras, and that 139 cases have been registered to date. It further notes that information has been requested about these cases from several national authorities and from other States. Nonetheless, the Committee notes that the State party does not provide information about the progress made since 2018 in the investigation of all cases of enforced disappearance, including those committed in the 1980s and 1990s.

The Committee notes the information provided by the State party regarding the Public Prosecution Service. However, it observes that no information is provided about the steps taken to encourage and facilitate the participation of all persons with a legitimate interest, such as the family, close friends and legal representatives of disappeared persons, in investigations and at all stages of the proceedings, and to ensure that they are regularly informed about the progress and results of the investigations.

The Committee welcomes the information about the number of visits carried out by the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment in 2018, and about the investigations carried out in cases where the National Committee's access to places of deprivation of liberty was denied or delayed. However, the Committee observes that the State party does not provide information about the measures taken since the adoption of the concluding observations in 2018 to ensure that the competent authorities and institutions have access to any place of deprivation of liberty where there are grounds to believe that a person subjected to enforced disappearance may be present.

The Committee recalls the concern that it expressed in paragraph 24 of its concluding observations at the fact that domestic legislation does not explicitly provide for the suspension of any State agent suspected of having been involved in the commission of an offence of enforced disappearance, and notes that no information has been provided on the measures taken to ensure that State agents thus suspected are not in a position to influence the progress of the investigations.

In view of the above, the Committee reiterates the recommendations contained in paragraph 25 of its concluding observations and requests the State party to provide information on the measures taken to implement each of them.

**Paragraph 27: The Committee urges the State party to step up its efforts to prevent and punish acts of intimidation and/or ill-treatment against any of the persons referred to in article 12 (1) of the Convention and to ensure the prompt and effective implementation of the protection measures provided for by law with a view to effectively protecting such persons.**

### State party's reply

The reply of the State party is provided in CED/C/HND/CO/1/Add.1, paragraphs 28 to 31.

### Committee's evaluation

[C]: The Committee welcomes the incorporation of training on enforced disappearance into courses provided to the armed forces, as well as the organization of a two-day workshop on prevention and on investigation of the fate of persons missing as a result of enforced disappearance. The Committee notes, however, that the State party does not provide

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information on whether the issue of protection of the persons referred to in article 12 (1) of the Convention was addressed as part of the activities mentioned.

The Committee observes that the State party hardly provides any information on other measures taken by its authorities to prevent and punish acts of intimidation and/or ill-treatment against any of the persons referred to in article 12 (1) of the Convention. In particular, the Committee notes that the State party does not provide information about the investigations carried out in such cases, and their results.

The Committee notes the information provided about three cases of intimidation and ill-treatment against human rights defenders engaged in combating enforced disappearance in Honduras, who are under protection. However, the State party does not provide information about the national legislation that has been applied in these cases, and on the action taken to ensure the prompt and effective implementation of the protection measures that were granted.

In view of the above, the Committee reiterates its recommendation and requests the State party to provide information on:

- (a) The modalities used to include the issue of protection of the persons referred to in article 12 (1) of the Convention as part of the activities mentioned in the State party's follow-up information, and the subjects covered in this context;
- (b) Other measures taken to prevent and punish acts of intimidation and/or ill-treatment against any of the persons referred to in article 12 (1) of the Convention;
- (c) The national legislation that has been applied in the three cases mentioned in paragraph 29 of the State party's follow-up information, and the action taken to ensure the prompt and effective implementation of the protection measures that were granted;
- (d) Any other cases since April 2019 in which the State party has granted protection measures in respect of any of the persons mentioned in article 12 (1) of the Convention;
- (e) The investigations carried out into cases of intimidation and/or ill-treatment against any person mentioned in article 12 (1) of the Convention, and the results of those investigations.

**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:** 1 June 2021

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**F. Japan<sup>1</sup>****Fifteenth session (November 2018)**

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*Japan*

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**Concluding observations:** CED/C/JPN/CO/1, adopted 14 November 2018

**Recommendations to be followed up:** Paragraphs 12, 14 and 32

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<sup>1</sup> Pursuant to rule 47 of the Committee's rules of procedure, Teraya Koji did not participate in the consideration of this part of the report.

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*Japan*

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**Reply:** CED/C/JPN/FCO/1, due 16 November 2019, received 26 December 2019

**Information from other stakeholders:** Japan Federation of Bar Associations, received 16 October 2019

**Paragraph 12: The Committee recommends that the State party take the legislative measures necessary to incorporate into domestic law an absolute prohibition of enforced disappearance, in line with article 1 (2) of the Convention.**

**State party's reply**

The reply of the State party is provided in CED/C/JPN/FCO/1, paragraphs 2 to 4.

**Committee's evaluation**

[E]: The Committee regrets that the State party does not consider it necessary to take the legislative measures recommended by the Committee to incorporate into domestic law an absolute prohibition of enforced disappearance, in line with article 1 (2) of the Convention. The Committee therefore reiterates the recommendation contained in paragraph 12 of its concluding observations and requests the State party to provide information about the measures taken in that regard, in accordance with its conventional obligations.

**Paragraph 14: The Committee recommends that the State party adopt the legislative measures necessary as soon as possible to ensure that enforced disappearance is incorporated into domestic law as an autonomous offence, in accordance with the definition contained in article 2 of the Convention, and as a crime against humanity, in accordance with the standards provided for under article 5 of the Convention.**

**State party's reply**

The reply of the State party is provided in CED/C/JPN/FCO/1, paragraphs 5 and 6.

**Committee's evaluation**

[E]: The Committee notes the information provided by the State party, and regrets that the State party does not consider it necessary to define enforced disappearance in its domestic criminal legislation in accordance with article 2 of the Convention. The Committee would like to recall that, pursuant to article 4 of the Convention, States parties have the obligation to take the necessary measures to ensure that enforced disappearance constitutes an offence under their criminal law, in conformity with the definition enshrined in article 2 of the Convention. The Committee emphasizes that criminalizing enforced disappearance as an autonomous offence constitutes an important safeguard against impunity, and a preventive measure against the occurrence of this crime.

The Committee further regrets the position expressed by the State party that it is unnecessary to incorporate separately into domestic law the widespread or systematic practice of enforced disappearance as a specific crime against humanity. The Committee would like to recall that, pursuant to article 5 of the Convention, States parties have the obligation to take the necessary measures to ensure that the widespread or systematic practice of enforced disappearance constitutes a crime against humanity.

The Committee therefore reiterates the recommendation contained in paragraph 14 of its concluding observations and requests the State party to provide information on the measures taken to incorporate enforced disappearance into domestic criminal legislation as:

- (a) An autonomous offence, in accordance with article 4 of the Convention and in compliance with the definition contained in article 2 of the Convention;
- (b) A crime against humanity, in accordance with article 5 of the Convention.

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*Japan*

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**Paragraph 32: The Committee recommends that the State party guarantee:**

(a) **That all persons deprived of liberty in all places of deprivation of liberty have access to a lawyer from the outset of deprivation of liberty and can communicate without delay with and be visited by their relatives, counsel or any person of their choosing and, in the case of foreigners, with their consular authorities;**

(b) **The independence of the authorized mechanisms for visiting places of deprivation of liberty, including through the establishment of objective criteria for the selection of members and their unrestricted access to all places of deprivation of liberty and the provision of training on the Convention.**

**State party's reply**

The reply of the State party is provided in CED/C/JPN/FCO/1, paragraphs 7 to 24.

**Committee's evaluation**

[C]: While noting the information provided, the Committee regrets that the State party does not describe any measures that have been taken since the adoption of the concluding observations to guarantee that all persons deprived of liberty in all places of deprivation of liberty have access to a lawyer from the outset of deprivation of liberty and can communicate without delay with and be visited by their relatives, counsel or any person of their choosing and, in the case of foreigners, with their consular authorities.

The Committee further notes that no information is provided on the measures taken to guarantee the independence of the authorized mechanisms for visiting places of deprivation of liberty. In particular, the State party does not provide information about (a) the steps taken towards establishing objective criteria for the selection of members of the authorized mechanisms for visiting places of deprivation of liberty; (b) the measures adopted to guarantee that the mechanisms have unrestricted access to all places of deprivation of liberty; or (c) the training provided for such mechanisms on the Convention.

In view of the above, the Committee reiterates the recommendations contained in paragraph 32 of its concluding observations and requests the State party to provide information on the measures taken in that regard since the adoption of the 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:** 16 November 2024

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## G. Portugal

**Fifteenth session (November 2018)**

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*Portugal*

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**Concluding observations:** CED/C/PRT/CO/1, adopted 15 November 2018

**Recommendations to be followed up:** Paragraphs 15, 17 and 21

**Reply:** CED/C/PRT/FCO/1, due 16 November 2019, received 15 November 2019

**Paragraph 15: The Committee recommends that the State party adopt the legislative measures necessary to ensure that enforced disappearance is criminalized as an**

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*Portugal*

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**autonomous offence, in accordance with the definition contained in article 2 of the Convention, and that the offence carries appropriate penalties that take into account its extreme seriousness. The State party should also take the necessary measures to hold criminally responsible and duly punish any person who commits, orders, solicits or induces the commission of, attempts to commit, is an accomplice to or participates in an enforced disappearance, in accordance with article 6 (1) (a) of the Convention.**

**State party's reply**

The reply of the State party is provided in CED/C/PRT/FCO/1, paragraphs 1 to 4.

**Committee's evaluation**

[C]: The Committee notes that the State party has taken the recommendation contained in paragraph 15 of the concluding observations "into good consideration", but that no additional information is currently available. The Committee also notes that the State party reiterates the position expressed in its initial report, according to which any isolated case of enforced disappearance would be investigated, prosecuted and sanctioned under other crimes (torture and other cruel, degrading or inhuman treatment, illegal restraint, slavery, trafficking in persons, kidnapping and hostage-taking), which were classified as public crimes and, as such, must be investigated ex officio once the competent authorities become aware of their commission. However, the Committee regrets that, as at the date of the present report, no action has been taken by the State party to ensure that enforced disappearance is criminalized as an autonomous offence. The Committee therefore reiterates the recommendation contained in paragraph 15 of its concluding observations, and invites the State party to take immediate action and to provide information on the measures taken to that effect.

**Paragraph 17: The Committee recommends that the State party take the measures necessary to ensure that domestic legislation specifically provides for the prohibition of invoking superior orders or instructions to justify an offence of enforced disappearance, in full compliance with article 6 (2) of the Convention.**

**State party's reply**

The reply of the State party is provided in CED/C/PRT/FCO/1, paragraphs 5 to 8.

**Committee's evaluation**

[C]: The Committee notes that, according to the State party, invoking superior orders or instructions to justify the commission of a crime of enforced disappearance is prohibited in the Constitution (article 271 (3)) and in ordinary law (article 36 (2) of the Criminal Code and article 177 (5) of Act No. 35/2014 of 20 July 2014). The duty of obedience ceases to apply whenever compliance with orders or instructions entails the commission of a crime, and the subordinate cannot invoke the superior order as a justification to circumvent responsibility. The Committee also notes the State party's argument that the procedure foreseen in article 177 (1) and (2) of Act No. 35/2014, about which the Committee expressed concern in the concluding observations (para. 16), applies only in the case of disciplinary liability and never to situations in which the acts at stake constitute a crime, and therefore that no order or instruction from any public authority may be invoked to justify a crime of enforced disappearance. The Committee nonetheless brings to the attention of the State party the fact that the provisions referred to does not specifically provide for the prohibition of invoking superior orders or instructions to justify an offence of enforced disappearance, and still enables an official who fulfils illicit orders to be exempt from disciplinary liability if he or she has first demanded or required that they be transmitted to him or her in writing, expressly mentioning that he or she considers them illegal. The Committee therefore reiterates the recommendation contained in paragraph 17 of its concluding observations, and invites the State party to take immediate action and to provide information on the measures taken to that effect.

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*Portugal*

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**Paragraph 21: The Committee recommends that the State party take all the measures necessary to fully comply with the principle of non-refoulement enshrined in article 16 (1) of the Convention.**

**State party's reply**

The reply of the State party is provided in CED/C/PRT/FCO/1, paragraphs 9 to 15.

**Committee's evaluation**

[C]: The Committee notes that according to the State party, extradition procedures follow a strict set of rules foreseen in Act No. 144/99 of 31 August 1999, regulating international judicial cooperation in criminal matters, and which sets out the mandatory general grounds for refusal of a request for international cooperation. The Committee also notes the first two grounds for refusal of such a request, as referred to by the State party: (a) when it does not meet the requirements of the European Convention on Human Rights or other relevant international instruments ratified by Portugal (including the Convention); and (b) if there are reasonable grounds to believe that cooperation is requested for the purpose of prosecuting or punishing a person on account of race, religion, sex, nationality, language, political or ideological beliefs or membership of a particular social group. Lastly, the Committee notes the State party's submission that there should be no uncertainty as to the fact that extradition is mandatorily refused if there are sufficient reasons to believe that the person could be subject to enforced disappearance. The Committee considers, however, that the information provided reiterates that given by the State party in its initial report and during the interactive dialogue. The Committee therefore requests the State party to provide specific information on the measures taken since the adoption of the concluding observations to fully comply with the principle of non-refoulement whenever a person is in danger of being subjected to enforced disappearance.

**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:** 16 November 2024

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**H. Chile****Sixteenth session (April 2019)**

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*Chile*

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<b>Concluding observations:</b>	CED/C/CHL/CO/1, adopted 17 April 2019
<b>Recommendations to be followed up:</b>	Paragraphs 9, 17 and 27
<b>Reply:</b>	CED/C/CHL/FCO/1, due 18 April 2020, received 29 April 2020

**Paragraph 9: The Committee recommends that the State party adopt the legislative measures needed to ensure that enforced disappearance is defined as a separate offence in line with the definition contained in article 2 of the Convention, and that the offence carries appropriate penalties which take account of its extreme seriousness. In that regard, the Committee recommends that the State party expedite the procedure for the adoption of the bill amending the Criminal Code to establish the offence of enforced disappearance of persons (Bulletin No. 9818-17) and ensure that the provisions that are ultimately adopted are fully in line with the Convention.**

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Chile

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### State party's reply

The reply of the State party is provided in CED/C/CHL/FCO/1, paragraphs 2 to 5.

### Committee's evaluation

**[B]:** The Committee notes that, following a consultation process conducted by the Office of the Undersecretary for Human Rights, the bill amending the Criminal Code to establish the offence of enforced disappearance is currently in its second phase before the Senate, and that steps are being taken towards its adoption. The Committee welcomes the progress made and reiterates its recommendation inviting the State party to expedite the procedure for the adoption of the bill, ensuring that the provisions that are ultimately adopted are fully compliant with the Convention. It also requests the State party to provide additional information as to the measures taken in that regard.

### Paragraph 17: The Committee recommends that the State party:

(a) **Continue and step up its efforts to initiate and expedite investigations into enforced disappearances carried out during the dictatorship and to ensure that the persons who participated in those disappearances are tried and, if found guilty, punished with appropriate penalties that take into account the extreme seriousness of their acts;**

(b) **Take appropriate measures to ensure that any individual who has suffered harm as the direct result of an enforced disappearance is able to exercise his or her right to know the truth regarding the progress and results of the investigations;**

(c) **Take the necessary measures to ensure that the authorities investigating enforced disappearances have access to all relevant documentation and other information so that they are able to conduct the investigation effectively;**

(d) **Ensure that domestic legislation does not contain provisions that would allow perpetrators of enforced disappearance to be exempted from any appropriate legal proceedings or criminal penalty. In this regard, the Committee recommends that the Amnesty Decree-Law (No. 2191) be declared null and void;**

(e) **Ensure that the institutions involved in the investigation of enforced disappearances have adequate financial and technical resources and qualified staff to be able to perform their work promptly and effectively.**

### State party's reply

The reply of the State party is provided in CED/C/CHL/FCO/1, paragraphs 6 to 52.

### Committee's evaluation

**[B]:** The Committee welcomes the action taken to promote the investigation of cases of enforced disappearance committed between 1973 and 1990. In particular, the Committee notes the steps taken by the intersectoral panel for public institutions involved in the search for victims of human rights violations, such as the drafting of a protocol for investigation, search and identification in cases of disappeared persons, which takes into account the recommendations of the Committee. The Committee understands that the process of consultation required to adopt the protocol has had to be extended because of the crisis caused by the coronavirus disease (COVID-19) pandemic, and invites the State party to take all action necessary to enable the implementation of the protocol. The Committee looks forward to receiving additional information in that regard.

Additionally, the Committee notes the specific information provided by the State party as to the progress made in the investigation of the cases of enforced disappearance that occurred between 1973 and 1990. In that regard, the Committee notes that the State party has initiated a study on belated investigations to identify the causes of the delays, which was due to be finalized in the first quarter of 2020. The Committee considers this initiative of high relevance and invites the State party to provide it with a copy of the study report. In the same direction, the Committee requests that in its additional information to be submitted under article 29 (4) of the Convention, the State party (a) provide specific statistics that can be retrieved from the new information technology programme that has been set up to keep

*Chile*

an up-to-date record of the processing of human rights violations, and (b) explain the extent to which this programme has provided the authorities investigating enforced disappearances with access to all relevant documentation and other information to enable them to conduct the investigation effectively.

[C]: As regards the recommendation contained in paragraph 17 (d) of the concluding observations, the Committee notes that according to the State party, the Amnesty Decree-Law (No. 2191) has not been applied since 1998, and that no change is foreseen in the relevant jurisprudence of the national courts. The Committee regrets that no steps have been taken to date to implement its recommendation, and reiterates its request to the State party to declare the Amnesty Decree-Law (No. 2191) null and void.

In terms of the recommendation contained in paragraph 17 (e), the Committee notes the information provided about the human resources that have been deployed to investigate the cases that occurred between 1973 and 1990, as well as the training that has been organized. However, the Committee regrets that the State party does not provide information about the financial and technical resources that have been provided to the respective services to enable them to perform their work promptly and effectively. The Committee therefore reiterates the recommendation contained in paragraph 17 (d) and (e) of its concluding observations, and invites the State party to take immediate action and to provide information on the measures taken to that effect.

**Paragraph 27: The Committee recommends that the State party continue and step up its efforts to locate any persons subjected to enforced disappearance during or after the dictatorship and whose fate is not yet known and, in the event of death, to identify and return their remains in a dignified manner. In particular, the Committee recommends that the State party:**

(a) **Continue its efforts with a view to ensuring efficient coordination, cooperation and cross-referencing of data between the agencies responsible for investigating enforced disappearances, searching for missing persons and identifying their remains in case of death;**

(b) **Ensure that the agencies responsible for searching for missing persons and identifying their remains in case of death have the financial and technical resources and qualified staff necessary to conduct their work promptly and effectively;**

(c) **Ensure that searches are conducted by the competent authorities with the active involvement of the relatives of the disappeared person, if they so request;**

(d) **Ensure that the search continues until the fate of the disappeared person has been established. This includes identification, preservation and protection of all sites where it is suspected that human remains of disappeared persons might be found.**

#### **State party's reply**

The reply of the State party is provided in CED/C/CHL/FCO/1, paragraphs 6 to 16 and 53 to 59.

#### **Committee's evaluation**

[C]: The Committee notes the information provided by the State party that the Human Rights Unit of the Forensic Medical Service has a multidisciplinary technical team, specialized in the search for disappeared persons, and that this team provides access to high-quality evidence and maintains a reliable database containing the genetic information of victims and their families. The Committee also notes the action taken to promote access by relatives of disappeared persons to this information. The Committee nonetheless regrets that the State party does not provide information on the measures taken to promote the active involvement of the relatives of disappeared persons in the searches conducted by the competent authorities. The Committee further regrets that the State party does not provide information about the financial and technical resources that have been provided to the respective services to enable them to conduct their work promptly and effectively.

As regards the recommendation contained in paragraph 27 (d), the Committee notes the action taken to establish and maintain an archive of documents to provide access to relevant information regarding the places where searches for disappeared persons have been carried

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out. The Committee also notes that the Forensic Medical Service had planned to take specific measures in 2020 to document the exact location of all the sites where the Service's Human Rights Unit had worked between 2012 and 2020. In that connection, the Committee requests the State party to provide updated information on the measures taken, on the extent to which the COVID-19 context has affected the planned activities, and on the way in which these activities have been rescheduled or carried out by the competent authorities. The Committee also notes that the State party does not provide information regarding the other measures taken to ensure that the search continues until the fate of the disappeared person has been established, and requests the State party to provide such information in its additional information to be submitted under article 29 (4) 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:** 18 April 2025

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**I. Italy****Sixteenth session (April 2019)**

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*Italy*

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<b>Concluding observations:</b>	CED/C/ITA/CO/1, adopted 17 April 2019
<b>Recommendations to be followed up:</b>	Paragraphs 15, 33 and 35
<b>Reply:</b>	CED/C/ITA/FCO/1, due 18 April 2020, received 22 May 2020

**Paragraph 15: The Committee recommends that the State party take the necessary legislative measures to make enforced disappearance an autonomous offence in line with the definition contained in article 2 of the Convention. The Committee also recommends that the State party explicitly recognize enforced disappearance as a crime against humanity, in line with article 5 of the Convention.**

**State party's reply**

The reply of the State party is provided in CED/C/ITA/FCO/1, paragraphs 2 and 3.

**Committee's evaluation**

[C]: The Committee notes that the competent technical offices of the Ministry of Justice are paying specific attention to the recommendation that the State party should take the necessary legislative measures to make enforced disappearance an autonomous offence in line with the definition contained in article 2 of the Convention, and should explicitly recognize enforced disappearance as a crime against humanity. However, the Committee regrets that according to the information available, no action has been taken in that regard. The Committee therefore reiterates the recommendation contained in paragraph 15 of its concluding observations, and invites the State party to take immediate action and to provide information on the measures taken to that effect.

**Paragraph 33: The Committee recommends that the State party review its domestic legislation to effectively incorporate the full scope of the definition of victims and to ensure the implementation of the right to receive reparation and the right to know the truth in line with article 24 of the Convention.**

*Italy*

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### **State party's reply**

The reply of the State party is provided in CED/C/ITA/FCO/1, paragraphs 4 to 11.

### **Committee's evaluation**

[C]: The Committee notes that the State party reiterates the position that it presented on the occasion of the Committee's consideration of its initial report in April 2019, according to which the provisions on reparations in the Code of Criminal Procedure cover the list of measures listed in article 24 of the Convention. The Committee also notes that no action has been taken to align domestic legislation with the principles of the Convention, particularly as relates to the limited scope of the existing system of compensation in the State party, and the right to truth, which is still limited to judicial truth. The Committee therefore reiterates the recommendation contained in paragraph 33 of its concluding observations, and invites the State party to take immediate action and to provide information on the measures taken to that effect.

### **Paragraph 35: The Committee recommends that the State party take the necessary measures to:**

(a) **Ensure that unaccompanied minors are promptly referred to child protection authorities as soon as possible after their arrival at an immigration detention centre;**

(b) **Ensure the effective application of the new harmonized multidisciplinary age-assessment procedures across all immigration detention centres, and ensure that anyone claiming to be a child is treated as such until a comprehensive and child-friendly age-assessment is undertaken;**

(c) **Improve the data system for unaccompanied or separated minors, and ensure the collection of statistics on unaccompanied minors and children going missing from reception centres;**

(d) **Prevent the disappearance of children from reception centres and find the whereabouts of those already missing.**

### **State party's reply**

The reply of the State party is provided in CED/C/ITA/FCO/1, paragraphs 12 to 43.

### **Committee's evaluation**

[C]: The Committee notes the action taken by the State party with the aim of ensuring that unaccompanied foreign minors are fully protected. However, the Committee notes that the information provided mostly reiterates the information provided on the occasion of the Committee's consideration of the State party's initial report and does not address the specific recommendations contained in paragraph 35 of the Committee's concluding observations. As regards paragraph 35 (a), the Committee notes the information provided on the measures taken to ensure that unaccompanied minors are promptly referred to child protection authorities as soon as possible after their arrival at an immigration detention centre. However, it also notes that, according to the information provided, following the decrease in arrivals by sea and the closure of 19 out of 27 first reception shelters, only eight projects for unaccompanied foreign minors will be in place until July 2020, providing a total of 200 places. In view of those closures, the Committee considers it necessary that the State party provide additional information to clarify the current reception capacity of unaccompanied minors. The Committee further notes that the State party does not provide information regarding the adoption and implementation of the draft protocol to harmonize the relevant procedural rules nationwide for the identification and age-assessment procedures, and therefore requests the State party to provide such information.

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**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:** 18 April 2025

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**J. Peru**

**Sixteenth session (April 2019)**

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*Peru*

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**Concluding observations:** CED/C/PER/CO/1, adopted 17 April 2019

**Recommendations to be followed up:** Paragraphs 15, 29 and 33

**Reply:** Due 18 April 2020, not yet received

**Action to be taken**

A new reminder should be sent to the State party, requiring it to submit follow-up information.

**Deadline for the submission by the State party of additional information under article 29 (4) of the Convention:** 18 April 2025

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