



International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances

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Lists of priority themes under article 29 (3) and (4) of the Convention

List of priority themes in relation to the additional information submitted by Armenia under article 29 (4) of the Convention

Note by the Committee

1. The Committee recalls that the International Convention for the Protection of All Persons from Enforced Disappearance does not provide for periodic reports; rather, it provides for a procedure in which the Committee may request States Parties for additional information. To enable effective and efficient monitoring, and pursuant to rule 49 (1) of its rules of procedure, the Committee may request such information whenever it considers it necessary, in the light of the status of implementation of its recommendations by the State Party and the evolution of the situation related to enforced disappearance in the State Party. In that regard, the examination of the additional information submitted by States Parties pursuant to article 29 (3) and (4) of the Convention covers a maximum of four priority themes identified by the Committee, and the procedure comprises four phases:

(a) Identification, by the country rapporteurs, of priority themes related to the implementation of previous concluding observations and/or to the evolution of the situation of enforced disappearance in the State Party concerned and adoption of the list of priority themes by the Committee plenary;

(b) Transmission of the list of priority themes to the State Party; no written response is expected from the State Party at this stage of the procedure;

(c) Public dialogue between the Committee and a delegation of the State Party, with active participation by the competent authorities of the State Party; for Armenia, the constructive dialogue will take place during one three-hour meeting at a forthcoming session of the Committee;

(d) Adoption of concluding observations, in which the Committee highlights its concerns and recommendations and indicates the next steps in the procedure, as determined in the light of the measures needed to implement the recommendations and of the evolution in the situation of enforced disappearance in the State Party.

2. Having considered the additional information submitted by Armenia under article 29 (4) of the Convention, dated 11 April 2022,¹ and the information received from the State Party, dated 13 February 2016, on follow-up to the concluding observations,² the Committee decided to focus its next dialogue with the State Party on the list of priority

¹ [CED/C/ARM/AI/1](#).

² [CED/C/ARM/CO/1/Add.1](#). See also [CED/C/ARM/CO/1](#).



themes and related issues set out below. The list is not exhaustive and other issues may be raised during the dialogue. All interested persons and organizations can provide information on the issues raised, through written contributions and/or in confidential oral briefings with the Committee that will take place ahead of the dialogue with the State Party.

I. Definition of, and legal framework on, enforced disappearance

3. The Committee notes the inclusion of enforced disappearance as an autonomous offence in article 451 of the Penal Code that came into force in 2022. In this context, the Committee requests the State Party to provide, in the constructive dialogue, information on how the State Party ensures that the punishment applicable (imprisonment for a term of three to seven years) is proportionate to the extreme gravity of the crime (arts. 2–6).

4. Taking note that under article 451, the aggravating circumstances listed in the Code refer to disappearances in which the victim is a pregnant woman, a minor or a person in a “helpless situation”, the Committee invites the State Party to specify, in the context of the dialogue, how the concept of “helpless situation” has been applied by the competent jurisdictions, and how the other aggravating and mitigating circumstances, which were mentioned in the State Party’s additional information, are applied in practice (art. 7).

5. The Committee invites the State Party to provide, as part of the dialogue, information on the measures taken to ensure that, given the continuous nature of the crime, any statute of limitations applicable to the autonomous offence of enforced disappearance commences from the moment the disappearance ceases, and that existing remedies for victims are subject to appropriate statutes of limitations (art. 8).

6. Please describe how the definition of “victim” enshrined in article 3 of the Penal Code and the practical application of that definition have ensured a full alignment with article 24 (1) of the Convention. With this definition in mind, please specify the measures taken to guarantee the right of victims to truth, justice and reparation in accordance with the Convention (art. 24).

7. Please provide information and specific examples of the practical application of the new Penal Code since its entry into force in July 2022, indicating the number of enforced disappearance cases that have been recorded, the number of those cases that have been prosecuted and the outcomes of the procedures (arts. 11 and 12).

8. The Committee notes that the process for the resolution of disappeared persons cases, including with regard to the rights of families in such cases, is based on various provisions in the civil and criminal codes and criminal procedure law. In that regard, the Committee invites the State Party to provide, in the constructive dialogue, information on the current status of the project to adopt an autonomous law on disappeared persons,³ and the measures taken to ensure its full compliance with the Convention (arts. 1–6, 8 and 24).

9. With reference to paragraphs 1 and 2 of the additional information of the State Party, the Committee notes that the imprescriptible nature of the crime of enforced disappearance is implicitly recognized when it constitutes a crime against humanity, in accordance with article 5 of the Convention. Please specify the status of limitations for cases of enforced disappearance that do not fall within the category of crimes against humanity (arts. 2, 5 and 8).

³ Since 2010, there have been efforts in Armenia to create a law on missing persons. A first draft was put forward by the Human Rights Defender, the International Committee of the Red Cross and the Helsinki Citizens’ Assembly-Vanadzor. More recently, the Interagency Commission on the Issues of Prisoners of War, Hostages and Missing Persons, under the lead of the National Security Service, in coordination with the Ministry of Justice, has been developing a draft law to regulate the work related to prisoners of war, hostages and missing persons (International Commission on Missing Persons, “Accounting for the missing persons in Armenia: assessment report”, September 2024).

II. Registration and investigation of present and past enforced disappearances, and cooperation

10. The Committee takes note of existing registers of disappeared persons, notably those of the Investigative Committee, the Rescue Service and the Scientific-Practical Center of Forensic Medicine. In that connection, the Committee requests the State Party to provide, in the constructive dialogue, information on:

(a) The interconnectivity and modalities of information exchange between existing databases and registers, including the registers of places of deprivation of liberty;

(b) Existing projects to create a shared data system to store all relevant information related to disappeared persons and to the search, investigation and identification processes;

(c) Mechanisms in place to guarantee the protection of personal data;

(d) Steps taken to facilitate the use and analysis of available data (arts. 2, 3, 5, 12 and 17–19).

11. The Committee invites the State Party to describe, during the dialogue, the mechanisms that have been established for coordination among the national authorities having defined functions related to the issue of disappearance (arts. 10–12).

12. The Committee invites the State Party to provide information on the actions taken and existing plans: (a) to resume search and recovery operations in Azerbaijan and ensure the full documentation of the cases from the first Nagorno-Karabakh war in the early 1990s, from the second Nagorno-Karabakh war in 2020 and from the subsequent escalations and violence in the period of 2020–2022; and (b) to establish a collaboration mechanism that would facilitate the search for and the recovery of human remains, and their identification, including through the comparison of DNA profiles from unidentified remains and family reference samples from both Armenia and Azerbaijan (arts. 10–12 and 19).

13. Please specify the actions taken and existing plans:

(a) To strengthen the specialized training in forensic anthropology for Rescue Service and State non-profit organization personnel, and to train additional specialists to perform search and recovery operations and identify human remains;

(b) To strengthen the management of located remains and the treatment of reference samples of the families of disappeared persons (arts. 12 and 23).

14. The Committee invites the State Party to provide information, during the dialogue, on:

(a) Existing review and reconfirmation processes related to the identification of a disappeared person in cases in which the relatives have doubts related to the identification of the remains they have received, and on the practical implementation of those processes;

(b) The measures taken to promote the active participation of relatives of disappeared persons and members of civil society in the search and investigation processes, specifying the mechanisms in place to guarantee such participation, including with regard to access to information;

(c) The measures taken to facilitate the reporting of a disappearance and access to social benefits for families of disappeared persons (arts. 12 and 24).

15. Information is also requested on any limitations or conditions that could be applied in relation to requests for mutual legal assistance or cooperation under the terms of articles 14, 15 and 25 (3) of the Convention. Please indicate whether the State Party has made or received any requests for international cooperation in respect of cases of enforced disappearance since the entry into force of the Convention. If so, please describe the measures taken (arts. 13–15 and 25).

III. Refoulement, expulsion and extradition

16. The Committee requests the State Party to provide, in the constructive dialogue, information on the steps taken to ensure the full compatibility of its refoulement, expulsion and extradition regimes with article 16 of the Convention, including:

(a) The criteria used to assess the risk of enforced disappearance for the person concerned;

(b) The procedures applied and their compliance with due process principles and the right to a fair trial;

(c) Measures taken when a person presumed to have committed enforced disappearance cannot be extradited;

(d) The status of the draft separate law on mutual legal assistance, referred to by the State Party in the additional information, and on the envisaged consideration of the inclusion, in the draft law, of the ground of enforced disappearance for non-extradition (arts. 13–16).

17. The Committee invites the State Party to provide information on extradition agreements with other States Parties that may have been concluded since the entry into force of the Convention. Please indicate whether enforced disappearance has been included in such agreements and describe cases in which the extradition process has been used (arts. 13–16).
