



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

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## Committee on Enforced Disappearances

### Thirtieth session

#### Summary record of the 560th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 10 March 2026, at 10 a.m.

*Chair:* Mr. Albán-Alencastro

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*The meeting was called to order at 10.05 a.m.*

**Consideration of reports of States Parties under article 29 (1) of the Convention**  
(continued)

*Initial report of Samoa (continued)* ([CED/C/WSM/1](#); [CED/C/WSM/Q/1](#);  
[CED/C/WSM/RQ/1](#))

1. *At the invitation of the Chair, the delegation of Samoa joined the meeting.*
2. **The Chair**, welcoming the head of delegation and the Permanent Representative of Samoa to the meeting, explained that the other members of the delegation would be participating via video link.
3. **Mr. Diop** (Country Rapporteur) said that it would be useful to learn whether the State Party intended to provide its police officers with human rights training addressing expulsion, return and extradition and whether its domestic legislation contained provisions prohibiting expulsion, return, surrender or extradition to another State where there were substantial grounds for believing that the person concerned would be at risk of enforced disappearance. He would be interested to know which authority was competent to take expulsion and return decisions; whether such decisions were subject to appeal and, if so, before which authority; and whether appeals in such cases had a suspensive effect.
4. With regard to extradition, the State Party had indicated the previous day that Samoa had concluded bilateral extradition treaties with Australia and New Zealand only ([CED/C/SR.559](#)). He would therefore welcome clarification as to how it dealt with extradition requests from other countries, as well as an explanation of the guarantees that Samoa required in order to satisfy an extradition request from countries with which it had no extradition treaty and the guarantees that were required from Australia and New Zealand in order to ensure that persons extradited to or through those countries were not exposed to the risk of enforced disappearance.
5. With regard to detention registers, the State Party had indicated the previous day that there was no national register of disappeared persons. Assuming that detention registers existed in places of detention, he would appreciate clarification regarding the nature of those registers. In particular, he wished to know whether they were kept manually or electronically, and who administered and had access to them. It would also be useful to know which places of deprivation of liberty were officially recognized by the State Party and whether the judicial authorities were informed of a person's detention prior to that person being brought before them.
6. He would welcome information on the authority competent to make decisions regarding police custody; the maximum duration of police custody in all situations and the person or body empowered to extend it; and the safeguards in place to ensure that persons in custody were promptly informed of their rights and of the reasons for their detention and were able to communicate with relatives or a lawyer. It would be useful to learn whether foreign nationals who had been arrested were able to inform their consular authorities of their arrest and whether arrests of foreign nationals were reported to the relevant consular authorities as a matter of course and, if so, within what time frame.
7. He wished to know which authorities, other than the Ombudsman's Office, were empowered to visit places of deprivation of liberty and whether civil society organizations and human rights defenders enjoyed unrestricted access to such places. It would also be helpful if the delegation could indicate whether the State Party planned to organize training and capacity-building activities specifically addressing the Convention and enforced disappearance, in particular for law enforcement and justice officials, medical personnel, public officials and other persons involved in the custody or care of persons deprived of their liberty.
8. **Ms. Definis** (Country Rapporteur) said that she wondered how the State Party intended to ensure that its definition of a victim of enforced disappearance was fully aligned with that set out in the Convention, and to uphold the right of each victim to know the truth regarding the circumstances of an enforced disappearance, the progress and results of the investigation and the fate of the disappeared person and the right to form and participate

freely in organizations and associations concerned with attempting to establish the circumstances of enforced disappearances and the fate of disappeared persons.

9. It would be useful to receive information on the law applicable to the situation of disappeared persons whose fate had not been clarified and that of their relatives, in areas such as social welfare, financial matters, family law and property rights. She would appreciate a description of the procedures in place for issuing a declaration of absence or of death of disappeared persons and of the impact of those procedures on the State Party's obligation to continue investigating an enforced disappearance until the fate of the disappeared person had been clarified.

10. She wished to know what procedures were in place to search for, locate and release disappeared persons, and, where necessary, to locate, recover, identify and return human remains in a manner that respected the dignity of the deceased and the needs and wishes of their families. In particular, she would be interested to receive information on the authorities responsible for carrying out those tasks, especially tasks related to identification, and to hear the delegation's assessment of whether the necessary resources were available and, if not, whether there were possibilities for cooperation with other countries in that respect.

11. She would welcome further clarification of the procedures available to victims of enforced disappearance for obtaining reparation and prompt, fair and adequate compensation, including restitution, rehabilitation, satisfaction and guarantees of non-repetition. In that regard, she wished to know, in particular, who was responsible for providing compensation or reparation in the event of enforced disappearance and whether access to compensation or reparation was subject to a criminal conviction or time-limited in any way.

12. She wondered whether the State had considered introducing additional measures to protect particularly vulnerable groups, such as women, from enforced disappearance, and what progress had been made in strengthening the legislative protection of children from enforced disappearance. In that regard, it would be useful to receive information on the specific procedures in place for searching for, locating and identifying children in the situations referred to in article 25 (1) (a) of the Convention.

13. In the light of reports that, after an adoption order had been approved, there was no follow-up to ensure that the child was not being subjected to exploitation or other forms of abuse, she would welcome clarification as to whether the State intended to introduce post-adoption measures to ensure that adopted children did not become victims of enforced disappearance, including through cooperation with other countries in the context of intercountry adoption. It would also be useful to receive information on birth registration procedures, including any specific action taken in that regard to prevent the risk of removal or disappearance of children.

*The meeting was suspended at 10.25 a.m. and resumed at 10.40 a.m.*

14. **A representative of Samoa** said that training on human rights for the Samoa Police Service was organized by the national human rights institution, the Ministry of Women, Community and Social Development and the Ombudsman's Office. All police officers, including new recruits, by virtue of their training at the police college, were aware of the basic human rights standards they were required to observe in the performance of their duties. No specific training was currently provided with regard to extradition, cases of which did not arise frequently in Samoa. On the rare occasion when such cases did arise, they were handled by the Attorney General's Office in consultation with the Ministry of Foreign Affairs and Trade, the Ministry of Police, Prisons and Correctional Services and the Ministry of Justice and Courts Administration, together with the authorities of the requesting State, in compliance with the Extradition Act 1974.

15. **A representative of Samoa** said that, while coverage of enforced disappearance in the Extradition Act 1974 might be limited, the Act allowed the courts to take due account of the circumstances of each extradition case. The courts could decide not to extradite a person if, given the circumstances, it would be unjust or oppressive to do so.

16. **A representative of Samoa** said that detention registers were administered by the police and prison services. Detention orders were issued by the court, while arrest warrants were issued by the Commissioner of Police. Under the Police Service Act 2009 and the

Prisons and Corrections Act 2013, custody could be extended by order of the court, the court registrar, the Commissioner of Police or the minister responsible for police services. Police officers informed detainees, including foreign nationals, of their right to seek legal counsel or representation. Diplomatic and consular missions were informed when nationals of the States they represented were arrested.

17. Judges had visitation access to prisons, as did certain civil society organizations holding visitation rights for the purpose of conducting rehabilitation activities. Access was also granted to lawyers wishing to meet inmates for the purpose of legal representation, as well as to cabinet ministers and the Samoa Audit Office where investigations relating to the financial management and auditing of prisons were required. Other authorities, such as the Public Service Commission, might be granted access following a request to meet inmates or to enter prison offices for investigative purposes.

18. **A representative of Samoa**, acknowledging that the current definition of “victim” under the Sentencing Act 2016 had limitations, said that, as with other areas of legislative reform, it was a matter that the Government would consider after the current review process, in coordination with the Attorney General’s Office and other relevant stakeholders. A bill on childcare and child protection currently under consideration provided an opportunity for discussions with the relevant authorities on the incorporation of provisions concerning enforced disappearance.

19. **A representative of Samoa** said that the court was responsible for ensuring full reparation for victims, including compensation. There was no time limit for victims to access compensation, and the courts were required to ensure the timeliness, effectiveness and accessibility of reparation. Domestic periods of limitation must not prevent victims from exercising their rights. The Government was currently reviewing its policies, processes and laws relating to adoption, in particular the intercountry adoption of Samoan children by overseas applicants residing in countries such as New Zealand and Australia, with a view to strengthening the protection and safety of adopted children.

20. **Mr. Diop** said that he would welcome clarification of whether the authority responsible for taking decisions on police custody was an administrative authority, such as the police, or a judicial authority, such as the prosecution service, as well as further details regarding the legal duration of police custody. He would also be grateful for information on the time period after which a person could be declared disappeared, thereby enabling heirs and other interested parties to assert their rights. Did the procedure for declaring a disappearance differ according to the circumstances of the disappearance?

21. **Ms. Definis** said that it would be useful to learn whether the State Party kept a national database containing genetic and medical information pertaining to its residents and, if so, which authority was responsible for the collection, processing, use and storage of such information. She would welcome clarification regarding the timeline for the adoption of the bill on childcare and child protection, as well as clarification as to whether training on human rights extended beyond police officers to include other relevant actors, such as healthcare professionals. With regard to paragraph 67 of the report, which listed accepted practices and standards, including the Standard Minimum Rules for the Treatment of Prisoners of 1955, she wished to know whether the 2015 revised version of that instrument, the Nelson Mandela Rules, was being applied. It would be useful to know whether the State Party was considering signing and ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in order to strengthen the mandate of the Ombudsman’s Office.

22. **Mr. Bambara** said that he would be grateful for further information regarding the training provided to actors involved in ensuring compliance with the Convention, such as law enforcement officials and judicial actors, including details of the nature and timing of that training, its content and its impact on the implementation of the Convention.

23. **Ms. Villa Quintana** said that she wished to know whether the State Party had specific legislation and a national action plan to prevent and combat trafficking in persons, in the light of reports of increased trafficking in the Pacific islands, particularly for the purposes of sexual exploitation and forced labour in sectors such as fishing, hospitality, domestic work and agriculture. She would also appreciate information on the measures adopted to prevent

disappearances and to identify cases of enforced disappearance in the context of trafficking in persons and migration, and to investigate and prosecute the perpetrators of such crimes.

24. With reference to the requirement that police must wait 24 hours before taking action on a missing person report, it would be useful to know whether any specialized mechanism existed to facilitate searches for disappeared persons and whether the State was aware of, or had drawn on, the Guiding Principles for the Search for Disappeared Persons, which established that searches should be undertaken immediately.

25. She would be grateful for clarification of the time limit for bringing a detainee before the competent authority in cases of arrest in flagrante delicto. It would be useful to know whether the visits of non-governmental organizations (NGOs), human rights defenders and authorities such as the Ombudsman's Office to places of detention included the inspection of detention conditions. She would welcome information on any reports concerning conditions of detention.

26. She wished to know whether reparation was awarded solely within criminal proceedings following the determination of individual responsibility and, if so, whether such reparation was limited to financial compensation. It would be helpful if the delegation could clarify the statement that reparation was not subject to any period of limitation and explain whether civil claims for compensation could be brought against the State or individuals.

27. She wondered whether Samoa had specialized mechanisms to support search processes, such as georeferencing, the analysis of telephone records to determine a person's location, and forensic capacities, including forensic anthropology, laboratories or DNA databases for identification purposes. Lastly, she wished to know whether the State Party planned to ratify the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

28. **Mr. de Frouville** said that, according to reports received by the Committee, the State Party had amended its legislation to include additional safeguards following the fraudulent intercountry adoption, during the 2000s, of approximately 80 children from Samoa by persons in the United States of America. It would be useful if the delegation could explain what reforms had already been adopted and what further reforms were envisaged. In particular, he wondered whether the State Party had taken action in respect of the recommendation of a United States judge in the case to establish a restitution trust, funded by fines paid by persons convicted in the case, in order to facilitate communication and potential reunification. It would also be useful to receive information on the follow-up given to the concluding observations of the Committee on the Rights of the Child on the combined second to fourth periodic reports of Samoa (CRC/C/WSM/CO/2-4), adopted in 2016, in particular its recommendations concerning adoption and birth registration.

29. **The Chair**, referring to the State Party's replies to the list of issues (CED/C/WSM/RQ/1, para. 29), said that it would be useful to have examples of cases in which international assistance had been refused on the grounds that it was contrary to the interests of justice.

30. He would welcome clarification on the type of information included in registers of detained persons and the specific data recorded. It would also be helpful to know whether there was a single national register or whether each police station or equivalent body maintained its own, and, if there was no single national register, whether the registers of detained persons were interoperable, allowing for the sharing and cross-checking of information.

31. He would like to invite the delegation to explain whether, in places where a person might be deprived of liberty without necessarily being formally detained, such as medical institutions, psychiatric facilities or orphanages, registers were kept of the persons present and, if so, what information was recorded about them.

32. **A representative of Samoa** said that section 42 of the Immigration Act 2020 provided that, on the advice of the Chief Executive Officer of the relevant ministry, the minister responsible for the implementation of the Act had the power to issue a deportation order. The

execution of such an order was carried out by the Immigration Division of the Ministry of the Prime Minister and Cabinet, together with the Ministry of Police, Prisons and Correctional Services. Only police officers were authorized to conduct the arrest and search of the persons concerned. That section of the Act provided for the special treatment of persons under 18 affected by a deportation order. In such cases, the Government was responsible for ensuring that all reasonable efforts were made to establish contact with the person's relatives, parents or guardians, with a view to arranging the most suitable travel arrangements before the person was deported.

33. **A representative of Samoa** said that a person could generally be declared dead after having been missing for seven years, in accordance with a common law principle. The seven-year rule did not trigger an automatic declaration; an application had to be made to the courts and the relevant judge had to be satisfied that the circumstances suggested that the person was in fact deceased, the applicants being required to prove that a diligent search had been conducted and that there was no indication that the person was still alive. Once the courts had declared the person deceased, a death certificate could be issued, allowing for the management of the estate and other related matters.

34. **A representative of Samoa** said that the police had the authority to detain an arrested person for up to 24 hours, pending presentation before a court registrar. After 24 hours, a court registrar or another court officer must decide whether to extend the detention until the person's first appearance before the court. The court had the power to extend the length of detention of any remanded prisoner, pending the outcome of the trial. Such extensions were subject to a request from the police, a judge or the Commissioner of Police.

35. **A representative of Samoa** said that, while there was no genetic database, a national biometrics database was in use, to which police and forensic officers were granted access.

36. **A representative of Samoa** said that the first stage of the intercountry adoption process was the pre-application stage, during which the biological parents had to be involved. The second stage consisted of a formal application to the Supreme Court, in which the applicants filed a judicial petition for adoption. The process then moved to an assessment stage under the oversight of a judge responsible for granting the adoption order, subject to restrictions on intercountry adoption. Strong safeguards were applied, including a requirement for the Attorney General's Office to certify that no suitable Samoan family was available before an intercountry adoption could proceed. Once all requirements had been fulfilled, the final adoption order was granted.

37. **A representative of Samoa** said that human rights training was conducted in relation to the conventions that Samoa had ratified. Such training was both initial, for new recruits, and continuous, in the form of refresher courses for those already in service. It was conducted regularly and in partnership with the Office of the United Nations High Commissioner for Human Rights and other United Nations agencies. The Samoa Police Service had also engaged in peer-to-peer learning exercises on human rights with other police authorities, including the Fiji Police Force. There were plans to seek out opportunities for future exchanges on the Convention, particularly where technical assistance might be available and with countries that had experience in the area of enforced disappearance.

38. **A representative of Samoa** said that human trafficking was covered by the Crimes Act 2013.

39. **A representative of Samoa** said that a human trafficking policy had also been approved in 2017.

40. **A representative of Samoa** said that persons in custody were generally brought before a court or judge within 24 hours. The dates of court appearances were determined either by the court registrar or by the court itself, depending on how long the person had already spent in custody.

41. NGOs could visit prisons to run rehabilitation programmes, but such visits were granted at the discretion of the Commissioner of Police and subject to limitations. During such visits, NGO staff were authorized to enter inmates' cells to conduct rehabilitation activities, such as handicrafts workshops.

42. **A representative of Samoa** said that the Ombudsman's Office and the national human rights institution advocated for and monitored the compliance of detention facilities with the Nelson Mandela Rules. Visits were conducted regularly, and Samoa had also built a new prison in 2019, which included specialized areas such as a remand centre and high-risk cells.

43. **A representative of Samoa** said that reparation was solely financial in nature. The legal framework explicitly allowed individuals to bring civil proceedings against the Government and to seek compensation, including damages, through the courts. That right was established under the Government Proceedings Act 1974, which governed all civil actions by or against the Government.

44. Advanced or specialized search mechanisms were not yet available in Samoa, and all forensic analyses were carried out overseas. The matter of forensic analysis capacity was being addressed within a broader framework aimed at strengthening national capacity to locate and identify missing persons.

45. The abduction of children in the context of adoption was covered by section 131 of the Crimes Act 2013, which dealt with the abduction of a child under 16 years of age and established a penalty of 10 years' imprisonment. The Government was reviewing its adoption legislation to address child protection gaps.

46. **A representative of Samoa** said that the workplan of the national mechanism on reporting and follow-up included the ratification of human rights treaties and remained a work in progress. In the meantime, Samoa continued to adopt provisions and conduct initiatives in line with international human rights conventions and remained committed to its international human rights obligations.

47. **A representative of Samoa** said that a master register of detention existed at the national level and was maintained by the Samoa Police Service. It included information on detention status, length of sentence, date of conviction, entitlements, conditions for parole and any conditions imposed by the court. The register was cross-referenced with the records held by the Ministry of Justice and Courts Administration, the prison service and the Attorney General's Office. That cross-referencing of databases ensured consistency and alignment with court orders in respect of persons arrested, prosecuted and detained.

48. **Mr. Diop** said that further clarification would be welcome on the procedure relating to expulsions and returns.

49. **Mr. de Frouville** said that he had not yet heard answers to his questions concerning the issue of illegal international adoptions. Information on the legislative reforms undertaken during the 2010s, as well as on those currently under consideration, would be appreciated.

50. **Ms. Villa Quintana** said that she would welcome further clarification of the maximum length of pretrial detention. It would be useful if the delegation could provide information on the application of the remedy of habeas corpus and explain which authority was responsible for filing charges once an arrested person had been brought before the competent court. With regard to trafficking in persons, it would be useful to understand what types of investigations were carried out and whether any cases existed.

51. **The Chair** said that he would welcome information on registers of persons deprived of liberty in institutions such as healthcare facilities, psychiatric hospitals and orphanages.

52. **A representative of Samoa** said that deportation orders could be appealed.

53. **A representative of Samoa** said that reforms of the adoption system had been undertaken from 2010 onwards. Court oversight for all overseas adoption cases had been strengthened.

54. **A representative of Samoa** said that the length of pretrial detention depended on the severity of the offence and on judicial discretion. Where a person was remanded in custody

by order of the court or the court registrar, that person could remain in custody for approximately three to five months prior to the first court appearance. Following the first appearance in court, any extension of detention was subject to a judicial order and depended on the seriousness of the charges. In many instances, the court ordered continued detention until the trial was completed, and the duration of such detention depended on the length of the proceedings, which could be years. The overall duration was influenced by factors such as access to legal representation, the availability of assessors to attend the trial and possible adjournments.

55. **A representative of Samoa** said that the new trafficking policy had been developed in line with the State's commitments under the United Nations Convention against Transnational Organized Crime. The policy was primarily used in relation to suspected transnational crimes. In addition, Samoa hosted Pacific transnational crime units, which comprised representatives of agencies from across the Pacific region and aimed to facilitate the sharing of information across regional networks.

56. **A representative of Samoa** said that the State had partnered with the International Organization for Migration on border control and security and had recently held a workshop with that organization to strengthen anti-trafficking measures in the fishing sector, which had been identified as a high-risk area for trafficking.

57. **A representative of Samoa** said that records of persons deprived of liberty in institutions such as orphanages and psychiatric institutions typically contained information such as the individual's full name, dates of admission and discharge, the reason for confinement or care, and next-of-kin information. Efforts were under way to establish a national registry that would include all such information.

58. **A representative of Samoa** said that the dialogue with the Committee had been an invaluable opportunity to reaffirm the State's commitment to upholding human rights principles and to strengthening the safeguards that protected all individuals within its jurisdiction. While no cases of enforced disappearance had been recorded in Samoa, prevention remained the foremost priority, and although the Constitution, legislation and institutions provided a strong foundation, continuous improvement was essential. The constructive observations and recommendations made during the dialogue would guide efforts to enhance the legal framework, expand training and awareness and ensure that institutions remained vigilant and responsive. While her delegation might not have answered every question posed by the Committee to its full satisfaction on account of capacity limitations and the complexity of the issues, those questions would nevertheless be taken as constructive guidance and would be addressed more comprehensively as systems and practices continued to be strengthened. The Government of Samoa stood ready to continue engaging with the Committee and to collaborate with partners in advancing global efforts to eradicate enforced disappearance.

59. **The Chair** said that he wished to thank the delegation for its participation in the constructive dialogue with the Committee.

*The meeting rose at noon.*