



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

Distr.: General  
28 March 2025

Original: English  
English, French and Spanish only

## Committee on Enforced Disappearances

### List of issues in relation to the report submitted by Croatia under article 29 (1) of the Convention\*

#### I. General information

1. With reference to paragraph 1 of the State Party's report, please provide information on the measures taken by the State to implement the Convention and to prevent and punish enforced disappearances.
2. Please provide information about the participation of civil society organizations and the Ombudswoman (Croatia) in the preparation of the State Party's report in view of the Committee's reporting guidelines.
3. As regards the information provided in paragraphs 15 and 16 of the State Party's report, please indicate the number of occasions on which national courts have directly invoked the Convention, in accordance with article 134 of the Constitution, and provide specific examples of such application.
4. With reference to the Ombudswoman, please provide additional information about:
  - (a) Her competence in relation to cases of disappearance, including enforced disappearance, and activities carried out in relation to the Convention;
  - (b) Whether the Ombudswoman has received any complaints related to enforced disappearance since the entry into force of the Convention and, if so, describe the actions taken and their results;
  - (c) The measures taken to promote awareness of the Convention among the general public and national and local authorities;
  - (d) The steps taken to ensure that the Ombudswoman has the necessary financial, technical and human resources available to perform her functions;
  - (e) How the independence and impartiality of the Ombudswoman are guaranteed.

#### II. Definition and criminalization of enforced disappearance (arts. 1–7)

5. As regards the information provided in paragraphs 92, 121, 179 and 180 of the State Party's report, please indicate if the databases mentioned include a categorization of enforced disappearances, and the type of information entered into databases on missing persons and whether they include a classification that enables the identification of enforced disappearances. Please specify whether that information is crossed-checked with other

\* Adopted by the Committee at its twenty-eighth session (17 March–4 April 2025).



databases, such as registers of persons deprived of liberty, and the methodology used to keep the existing databases up to date (arts. 1–3, 12 and 24).

6. Please provide updated data, disaggregated by sex, gender identity, sexual orientation, age, nationality, ethnic origin, religious affiliation and occupation of the victim, on: (a) the number of disappeared persons in the State Party, specifying the date and place of disappearance and the number among them who have been located; (b) the number of persons who may have been subjected to acts that may correspond to the definition of enforced disappearance under article 2 of the Convention; and (c) the number of persons who may have been subjected to the acts referred to in article 3 of the Convention, including disappearances committed for the purpose of trafficking in persons, illegal intercountry adoption and, in the light of the Committee's general comment No. 1 (2023) on enforced disappearance in the context of migration, disappearances of migrants. Please also provide updated statistical information on the persons who disappeared during the armed conflict referred to in paragraphs 3–5 of the State Party's report, and the status of the related search and investigation processes, including data on exhumated unidentified human remains, as well as on the current status and outcome of the criminal proceedings conducted for those crimes (arts. 1–3, 12 and 24).

7. With respect to paragraphs 17–20, 71–87, 107–110, 128–138 and 153–190 of the State Party's report, please describe the legal and administrative measures adopted to ensure that no derogation from the right not to be subjected to enforced disappearance can be made under exceptional circumstances, including a state of emergency (arts. 1, 12 and 24).

8. In the absence of an autonomous crime of enforced disappearance and with regard to paragraphs 17–20 of the State Party's report, please provide information on:

(a) The steps taken to incorporate enforced disappearance as an autonomous offence in domestic law in accordance with the definition contained in article 2 of the Convention;

(b) The specific measures that exist in the current legal and institutional frameworks to identify and categorize enforced disappearance as a distinct subcategory of relevant offences, and the ways in which they are implemented.

9. In relation to paragraphs 19, 20, 24 and 36–39 of the State Party's report, please describe the actions adopted to ensure that enforced disappearance is punished with appropriate penalties that take into account its extreme seriousness. Please explain the efforts made to guarantee that courts take into account the mitigating and aggravating circumstances provided for under article 7 (2) of the Convention (arts. 2, 4 and 7).

10. In the light of the Committee's general comment No. 1 (2023) on enforced disappearance in the context of migration, please indicate:

(a) Whether any complaints have been lodged with regard to disappearances affecting migrants;

(b) The measures taken to investigate such allegations, prosecute and sanction perpetrators and provide reparations to victims;

(c) The actions taken to prevent such acts (arts. 1–3, 12 and 24).

### **III. Judicial procedure and cooperation in relation to enforced disappearance (arts. 8–15)**

11. In relation to paragraphs 40–50 of the State Party's report, and in the absence of an autonomous offence of enforced disappearance, please explain how current cases of enforced disappearance would be prosecuted in practice under the crimes of illegal detention or abduction, specifying the criteria applied to qualify such facts as crimes against humanity whenever relevant and ensuring that they would therefore not be subject to a statute of limitation (art. 8).

12. In relation to paragraph 51 of the State Party's report, please provide further information on the current legislation that establishes the State Party's jurisdiction over the

offence of enforced disappearance in the cases contemplated in article 9 (2) of the Convention (art. 9).

13. In reference to paragraphs 53–62 of the State Party’s report, please clarify the procedures in place to ensure the presence of alleged offenders before the competent authorities and the legal, administrative or judicial measures in place to carry out a preliminary inquiry or investigation to establish the facts should the State Party take the measures referred to in article 10 (1) of the Convention (art. 10).

14. With respect to paragraphs 63–70 of the State Party’s report, please explain the actions taken to guarantee: (a) that any person tried for enforced disappearance benefits from a fair trial; and (b) the independence and impartiality of courts. In that regard, please describe the measures taken to prevent and combat corruption, specifically among police officers, government officials and the judiciary, including data on the implementation of the Act on the Prevention of Conflicts of Interest, adopted in 2021, and the impact thereof (arts. 11 and 12).

15. Please indicate whether military jurisdictions are competent under domestic law to investigate or prosecute alleged cases of enforced disappearance and, if so, in which circumstances and under which legislation (art. 11).

16. In view of the information provided in paragraphs 5–13 of the State Party’s report, please specify:

(a) The authorities responsible for receiving complaints and investigating cases of alleged enforced disappearance that commenced after the armed conflict;

(b) The measures taken to ensure a prompt, thorough and impartial investigation, including in the absence of an official complaint, and a determination of the fate of the disappeared persons;

(c) The steps taken to ensure that the competent authorities have the necessary powers and resources to effectively conduct investigations into allegations of enforced disappearance, including access to documentation and other relevant information and access to all places of deprivation of liberty and any other places in which there are reasonable grounds to believe that a disappeared person may be held;

(d) Whether any complaints have been lodged in relation to acts corresponding to those described in articles 2 and 3 of the Convention. If so, please provide disaggregated data on the search and investigations carried out and the results thereof; the profiles of the perpetrators; the proportion of proceedings launched that resulted in convictions; the sanctions imposed on the perpetrators; and the articles under which these cases were prosecuted (arts. 2, 3 and 12).

17. Please describe how the State Party ensures that persons suspected of having committed the offence of enforced disappearance are not in a position to influence the progress of an investigation. In particular, please indicate:

(a) Whether domestic law provides for suspension from duties, from the outset and for the duration of an investigation, when the alleged offender is a State official;

(b) The mechanisms in place to ensure that law enforcement officers, security forces personnel or any other public officials do not participate in the investigation of a case of enforced disappearance when one or more such persons are suspected of having been involved in the commission of the offence (art. 12).

18. Please describe the remedies available to complainants in situations in which the competent authorities refuse to search for a disappeared person and investigate the related allegations, and the mechanisms available for the protection of all persons referred to in article 12 (1) of the Convention against all ill-treatment or intimidation as a result of the complaint or any evidence given, with special reference to ethnic and cultural minorities<sup>1</sup> and migrants (art. 12).

<sup>1</sup> CERD/C/HRV/CO/9-14, paras. 5, 13 and 23.

19. In the light of the absence of an independent offence of enforced disappearance, and in view of the information provided in paragraphs 89–92 of the State Party’s report, please indicate:

(a) Whether offences under the Criminal Code that may be invoked for purposes of extradition in cases of enforced disappearance regard enforced disappearance as a political offence, an offence connected with a political offence or as an offence inspired by political motives;

(b) Whether any extradition agreements have been concluded with other States Parties since the entry into force of the Convention and whether the offence of enforced disappearance is included in such agreements;

(c) Whether any restrictions or conditions apply to requests for mutual legal assistance or cooperation, in the light of articles 14, 15 and 25 (3) of the Convention;

(d) Whether the State Party has made or received any requests for international cooperation in respect of cases of enforced disappearance since the submission of its report to the Committee and, if so, please provide information on the measures taken (arts. 13–15 and 25).

20. With a view to improving regional cooperation in respect of persons disappeared in the armed conflict, please describe the measures taken to search for and clarify the whereabouts of the 105 disappeared persons who, according to the information provided by the Serbian Government Commission on Missing Persons, are located among 20 sites on the State Party’s territory (art. 15).

21. Considering reports on trafficking in persons, including the information provided in paragraphs 15, 51 and 196 of the State Party’s report, please provide information on:

(a) The actions adopted to amend legislation and practices so that the authorities are able to consider the possibility that victims of trafficking may have been victims of disappearance, including enforced disappearance;

(b) Disaggregated data on the perpetrators and the victims of trafficking, including by sex, age and nationality, on the investigations carried out and their results, including the proportion of proceedings launched that resulted in convictions, and the sanctions imposed on the perpetrators;

(c) The measures adopted to provide the victims with appropriate protection and reparation (arts. 2, 3, 12 and 24).

#### **IV. Measures to prevent enforced disappearances (arts. 16–23)**

22. With reference to paragraphs 93–96 of the State Party’s report related to the Aliens Act 2020, please indicate:

(a) How the prohibition of expulsion, return, surrender or extradition in cases in which there are substantial grounds for believing that a person would be in danger of being subjected to enforced disappearance is implemented in practice;

(b) The procedures, mechanisms and criteria applied to evaluate and verify the risk that a person subject to expulsion, return, surrender or extradition to another State may be subjected to enforced disappearance;

(c) Whether it is possible to appeal a decision authorizing an expulsion, return, surrender or extradition and, if so, before which authority, under which procedure and whether the appeal has suspensive effect;

23. In the light of the Committee's general comment No. 1 (2023) on enforced disappearance in the context of migration, please provide information on the measures taken by the State Party:

(a) To avoid practices that may contribute to enforced disappearances, such as unregistered detention, trafficking in persons, pushbacks, group expulsions and forced relocation of refugees and asylum-seekers, including at border points;

(b) To ensure that the State Party's border control practices are in compliance with relevant comments and rulings of the human rights treaty bodies and European human rights bodies (art. 16).

24. Regarding paragraphs 97–106 of the State Party's report, please describe:

(a) The measures taken to guarantee that, from the outset of the deprivation of liberty, all persons deprived of liberty, including migrants, regardless of the offence of which they are accused, have access to counsel, can contact their relatives or any other person of their choice and, in the case of foreign nationals, can communicate with their consular authorities;

(b) Whether any restrictions can be applied to the above rights and describe any complaints regarding a failure to observe those rights and the outcomes thereof;

(c) How the access of the authorities and institutions that are authorized to visit places in which persons are deprived of liberty is implemented in practice, even if such a visit is unannounced (art. 17).

25. With respect to paragraphs 107–110 of the State Party's report, as well as reports alleging delays and failures in the record-keeping of persons deprived of liberty, including migrants, please specify:

(a) The measures taken to ensure that all official registers and records of persons deprived of liberty, regardless of the nature of the place of deprivation of liberty, include all the elements listed in article 17 (3) of the Convention and are duly completed and kept up to date;

(b) Whether any complaints have been lodged with respect to delays in recording or failures to record a deprivation of liberty, including so-called short-term disappearances or any other pertinent information in the registers. If so, please report on the proceedings initiated and, if applicable, the sanctions imposed, and the measures taken to ensure that such delays or failures are not repeated;

(c) The actions taken to ensure that persons deprived of liberty are released in a manner permitting reliable verification that they have actually been released and to assure their physical integrity and their ability to exercise fully their rights at the time of release, and how the legal framework and practice of the State Party contribute to this purpose (arts. 17, 21 and 22).

26. Please provide information on the measures taken to guarantee that any person with a legitimate interest can initiate court proceedings to challenge the lawfulness of the deprivation of liberty, and the measures in place to prevent delaying and obstructing the provision of this remedy and to impose sanctions for delays or obstructions (arts. 17 and 22).

27. While taking note of the information provided in paragraph 168 of the State Party's report, please describe the procedures to be followed to guarantee that any persons with a legitimate interest have access to at least the information listed in article 18 (1) of the Convention. Please indicate the restrictions and conditions that may be imposed on such access, the means available for appealing against the refusal to disclose such information, and the measures in place to prevent delaying and obstructing such appeals and to impose sanctions for delays or obstructions (arts. 18, 20 and 22).

28. With reference to the information provided in paragraphs 149–152 of the State Party's report, please provide specific details of the training on the Convention that is provided to civil and military law enforcement personnel, 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. Please provide information on the content and frequency of such training (art. 23).

## **V. Measures to protect and ensure the rights of victims of enforced disappearance (art. 24)**

29. In relation to paragraphs 47–50 and 153–190 of the State Party’s report, please specify:

(a) The extent to which the definition of “victim” in domestic legislation complies with article 24 (1) of the Convention;

(b) The forms of reparation and compensation provided for in domestic legislation for victims of acts that amount to enforced disappearance under article 2 of the Convention and whether they include all those listed in article 24 (5) of the Convention;

(c) The procedures available to victims of acts that amount to enforced disappearance under article 2 of the Convention to obtain compensation and reparation, including the applicable time limits;

(d) The authority responsible for granting compensation or reparations and whether access to compensation or reparations is conditional on a criminal conviction;

(e) The measures taken to guarantee the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigations and the fate of the disappeared person and elaborate on the limitations introduced by article 4 of the Act on Missing Persons in the Homeland War (2019) and how that article affects access to rights by family members of disappeared civilians who are not Croatian citizens (art. 24).

30. With reference to paragraph 7 of the State Party’s report, please provide detailed information on how the Act on Missing Persons in the Homeland War has been applied in the case of civilians and non-Croatian war veterans.

31. In view of the Committee’s Guiding Principles for the Search for Disappeared Persons, and noting the information provided in paragraphs 71–87 of the State Party’s report, please indicate the actions taken to guarantee that the search for an alleged victim of enforced disappearance is initiated ex officio and as soon as the competent authorities are notified of the disappearance, even if no formal complaint has been made. Please describe the measures taken to ensure that the search continues until the fate of the disappeared person has been clarified and the protocols and procedures for searching for, locating and releasing disappeared persons and the applicable time frames. Please report on the steps taken to ensure the systematic collection of ante mortem information related to disappeared persons, including those who disappeared outside of an armed conflict and their relatives, and to set up a national genetic database to identify victims of enforced disappearance (arts. 12 and 24).

32. With reference to paragraphs 153–190 of the State Party’s report, please specify the type of support provided by victim support services, specifying the measures taken to attend to the specific needs of victims of enforced disappearances (art. 24).

33. Please describe the procedures in place to issue a declaration of absence or of death of the disappeared person and the impact such declarations have on the State Party’s obligation to continue the search and investigation into an enforced disappearance until the fate of the disappeared person has been clarified. Please report on the legal situation of disappeared persons whose fate has not been clarified and that of their relatives, in matters such as social welfare, financial matters, family law and property rights, and the measures taken to ensure the application of a gender perspective in relation to article 24 (6) of the Convention (art. 24).

34. Please provide information about the measures taken to guarantee 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, and to assist victims of enforced disappearances (art. 24).

## VI. Measures to protect children against enforced disappearance (art. 25)

35. While taking note of the information provided in paragraphs 191–208 of the State Party's report, the Committee would appreciate receiving clarification on the following:

(a) Whether any complaints have been lodged regarding the acts referred to, specifying the measures taken to locate the children who have been victims of wrongful removal or enforced disappearance and the results thereof, and the procedures in place to return them to their families of origin;

(b) The steps taken to prosecute and punish the perpetrators of such acts;

(c) The measures taken to improve birth registration in order to prevent any risk of wrongful removal of children and the results those measures have yielded (art. 25).

36. In view of the joint statement on illegal intercountry adoptions, please describe how the system of adoption or other form of placement of children in the State Party addresses the elements of the statement and indicate if there have been new legal or other measures taken by the State Party to ensure the protection of children against enforced disappearance in such a context. Please indicate whether domestic legislation establishes any procedures to review and, where appropriate, annul any adoption, placement or guardianship that originated in an enforced disappearance. If no such procedures are in place, please indicate the steps taken in that regard (art. 25).

37. Please specify the measures taken to guarantee that all children born in the State Party are registered and issued free birth certificates (art. 25).

38. Considering allegations of trafficking in children and reports suggesting that migrant children are placed in detention in poor living conditions and are exposed to pushbacks, group expulsions and denial of proper asylum procedures, please indicate the measures the State Party has taken to protect children, especially unaccompanied minors, from enforced disappearance, particularly in the context of migration and trafficking (art. 25).

39. Please provide information on the result of any investigation conducted in relation to the allegations of the involvement of Croatian officials in illegal intercountry adoptions of African children that occurred in December 2022 and may have resulted in enforced disappearances (art. 25).

40. Please indicate which measures have been taken to investigate and clarify the recent case of 31 children, including at least 6 with Croatian passports, who were allegedly found in incommunicado detention in Brčko District of Bosnia and Herzegovina, specifying the measures to protect and ensure their right to communicate with their families, relatives or any person of their choice, and to investigate their cases, considering the hypothesis that their situation might have amounted to enforced disappearance (art. 25).