



International Convention for the Protection of All Persons from Enforced Disappearance

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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 ninth and eleventh sessions in follow-up to its concluding observations on Armenia (CED/C/ARM/CO/1/Add.1), Belgium (CED/C/BEL/CO/1/Add.1), Mexico (CED/C/MEX/CO/1/Add.1), the Netherlands (CED/C/NLD/CO/1/Add.1), Paraguay (CED/C/PRY/CO/1/Add.1) and Serbia (CED/C/SRB/CO/1/Add.1), and the assessments and decisions it adopted at its eleventh session.

2. The assessments contained in the present report refer only to the specific 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 after the adoption of the concluding observations. The present report does not constitute an assessment of the implementation of all the concluding observations made to the State party nor a comparison of States parties.

3. To carry out its assessment of the information provided by the States parties concerned, the Committee uses the criteria described below:

Assessment of replies

A. Reply/action satisfactory

Reply largely satisfactory

B. Reply/action partially satisfactory

Substantive action taken, but additional information required

Initial action taken, but additional information and measures required

* Adopted by the Committee at its eleventh session (3-14 October 2016).



Assessment of replies

C. Reply/action not satisfactory

Reply received but action taken does not implement the recommendation

Reply received but not relevant to the recommendations

No reply received concerning a specific matter in the recommendation

D. No cooperation with the Committee

No reply received after reminder(s)

E. The measures taken are contrary to the Committee's recommendations

The reply reveals that the measures taken are contrary to the Committee's recommendations

II. Assessment of follow-up information**A. The Netherlands****Sixth session (March 2014)**

The Netherlands

Concluding observations: CED/C/NLD/CO/1, adopted 26 March 2014

Recommendations to be followed up: Paragraphs 25, 33 and 35

Reply: CED/C/NLD/CO/1/Add.1, due 28 March 2015; received 16 December 2015

Paragraph 25: The Committee recommends that the State party remove the restriction set out in section 7, paragraph 2, of the Netherlands Institute for Human Rights Act in order to ensure unrestricted access of the Institute to all places of detention. The Committee also recommends that the State party ensure that the national preventive mechanism enjoys complete financial and operational independence from the executive, as recommended by the Committee against Torture. The Committee encourages the State party to ensure that those bodies are also able to discharge their functions in the Caribbean part of the Netherlands effectively.

State party's reply

The reply of the State party can be consulted in CED/C/NLD/CO/1/Add.1.

Committee's evaluation

[C]: The Committee takes note of the information provided by the State party and requests the State party, when submitting information in accordance with paragraph 45 of its concluding observations (CED/C/NLD/CO/1), to:

- (a) Provide information on measures taken to ensure that the national

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preventive mechanism enjoys complete financial and operational independence from the executive, as also recommended by the Committee against Torture;

(b) Update the Committee on whether any actions were taken so that the national preventive mechanism can discharge its functions in the Caribbean part of the Netherlands effectively.

Paragraph 33: The Committee recommends that the State party include an explicit provision for the right of victims to know the truth regarding the circumstances of an enforced disappearance and the fate of the disappeared person. The Committee calls on the State party to adopt the necessary legislative or other measures to recognize explicitly the right of persons who have suffered harm as the direct result of an enforced disappearance, which occurred in any part of the territory, to obtain prompt, fair and adequate compensation and all the other forms of reparation, without the need to prove the death of the disappeared person, in accordance with article 24, paragraphs 4 and 5, of the Convention.

State party's reply

The reply of the State party can be consulted in CED/C/NLD/CO/1/Add.1.

Committee's evaluation

[C]: The Committee, while taking note of the detailed information provided by the State party, considers that it does not have sufficient information about any action taken to implement its recommendation since the adoption of its concluding observations (CED/C/NLD/CO/1). The Committee reiterates its recommendation and requests the State party, when submitting information in accordance with paragraph 45 of its concluding observations, to report on the measures taken to fully implement the recommendation. The State party is also requested to:

(a) Indicate whether any measures were taken to extend the applicability of the Criminal Injuries Compensation Fund to Bonaire, Sint Eustatius and Saba;

(b) Report on the progress made in adopting the draft law granting surviving relatives of disappeared persons all rights of victims and, if it has been adopted, on the content of the law.

Paragraph 35: The Committee invites the State party to consider reviewing its legislation, with a view to incorporating a declaration of absence as a result of enforced disappearance, in order to adequately address the legal situation of disappeared persons and that of their relatives in areas such as social welfare, financial matters, family law and property rights.

State party's reply

The reply of the State party can be consulted in CED/C/NLD/CO/1/Add.1.

Committee's evaluation

[C]: The Committee takes note of the detailed information provided by the State party, including its position that it would be legally confusing to have a single procedure that could result in two different judgments, namely a declaration of a presumption of death or a declaration of absence, having exactly the same legal consequences as those of death. However, the Committee recalls paragraph 34 of its concluding observations (CED/C/NLD/CO/1) and reiterates its recommendation. It requests the State party, when

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submitting information in accordance with paragraph 45 of its concluding observations, to provide information on measures taken to implement the recommendation.

Action to be taken

A letter should be sent to the State party communicating the Committee's evaluation.

Follow-up information on the implementation of all the recommendations to be submitted by: 28 March 2020

B. Belgium**Seventh session (September 2014)**

Belgium

Concluding observations: CED/C/BEL/CO/1, adopted 24 September 2014

Recommendations to be followed up: Paragraphs 8, 12 and 30

Reply: CED/C/BEL/CO/1/Add.1, due 26 September 2015; received 8 January 2016

Paragraph 8: The Committee recommends that the State party step up the ratification process for the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, with the aim of establishing a national preventive mechanism in full conformity with the Optional Protocol.

State party's reply

The reply of the State party can be consulted in CED/C/BEL/CO/1/Add.1.

Committee's evaluation

[B]: The Committee appreciates that the State party reiterates its intention to ratify the Optional Protocol to the Convention against Torture and takes note that the issue is being discussed in the context of the creation of an independent human rights mechanism. It welcomes the fact that measures are being taken to strengthen the operational capacity and independent role of the Central Advisory Board for Prison Surveillance and its local commissions. The Committee, recalling its recommendation, requests the State party, when submitting information in accordance with paragraph 35 of its concluding observations (CED/C/BEL/CO/1), to report on the ratification of the Optional Protocol and on measures taken to ensure that a national preventive mechanism that is in full conformity with the Optional Protocol is in place.

Paragraph 12: The Committee recommends that the State party step up the pace in drafting a bill aimed at implementing the Convention so as to define and criminalize enforced disappearance as a separate offence in its Criminal Code, in conformity with articles 2 and 4 of the Convention, and to make it punishable by appropriate penalties commensurate with the extreme seriousness of the crime.

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State party's reply

The reply of the State party can be consulted in CED/C/BEL/CO/1/Add.1.

Committee's evaluation

[B]: The Committee takes note of the steps taken by the State party to criminalize enforced disappearance as a separate offence and notes with appreciation the commitment of the State party to finalize the incorporation of the Convention into domestic law. The Committee, recalling its recommendation, requests the State party, when submitting information in accordance with paragraph 35 of its concluding observations (CED/C/BEL/CO/1), to provide information on the criminalization of enforced disappearance as a separate offence, in conformity with articles 2 and 4 of the Convention, and punishable by appropriate penalties commensurate with the extreme seriousness of the crime.

Paragraph 30: The Committee recommends that the State party finalize and adopt the royal decrees on registers of persons deprived of liberty and on gathering, conserving and accessing information on the origin of adopted children, so as to bring domestic legislation into line with the Convention in these fields.

State party's reply

The reply of the State party can be consulted in CED/C/BEL/CO/1/Add.1.

Committee's evaluation

[B]: The Committee takes note with appreciation that a draft royal decree on registers of persons deprived of liberty has been finalized and that it will soon be submitted for official approval. Furthermore, the Committee takes note of the information provided by the State party concerning the mechanisms in place for consulting adoption records and conducting origin searches at the federal and community levels. In this respect, it also takes note of the information provided by the State party that the royal decree initially sought to harmonize practices in order to improve consistency, especially between federal and community authorities, and that since in practice the Community Central Authorities already handle origin searches, they have resolved the issue in relation to access to records. However, it is not clear to the Committee whether the State party still plans to adopt a royal decree on gathering, conserving and accessing information on the origin of adopted children and whether any measures have been taken in that respect since the adoption of the concluding observations. The Committee, recalling its recommendation, requests the State party, when submitting information in accordance with paragraph 35 of its concluding observations (CED/C/BEL/CO/1), to:

- (a) Provide information on the progress made in adopting the royal decree on registers of persons deprived of liberty and on the content of the decree;
- (b) Clarify whether it still plans to adopt a royal decree on gathering, conserving and accessing information on the origin of adopted children.

Action to be taken

A letter should be sent to the State party communicating the Committee's evaluation.

Follow-up information on the implementation of all the recommendations to be submitted by: 26 September 2020

C. Paraguay

Seventh session (September 2014)

Paraguay

Concluding observations: CED/C/PRY/CO/1, adopted 24 September 2014

Recommendations to be followed up: Paragraphs 12, 20 and 26

Reply: CED/C/PRY/CO/1/Add.1, due 26 September 2015; received 20 October 2015

Paragraph 12: The Committee recommends that the State party take the necessary steps to appoint a new, suitably qualified ombudsman as soon as possible. It further recommends that the State party take steps to ensure that the Ombudsman's Office is supplied with the necessary financial, material and staffing resources to carry out its mandate effectively and independently, in accordance with the Paris Principles.

State party's reply

The reply of the State party can be consulted in CED/C/PRY/CO/1/Add.1.

Committee's evaluation

[B]: The Committee welcomes the information provided by the State party on the steps taken to appoint a new ombudsman. It takes note of the information provided by the State party concerning the budget to be allocated to the Ombudsman's Office for fiscal year 2016. When submitting information in accordance with paragraph 37 of the Committee's concluding observations (CED/C/PRY/CO/1), the State party is requested to:

- (a) Provide information on progress made in appointing a new ombudsman;
- (b) Indicate whether the budget amounts allocated to the Ombudsman's Office are sufficient to provide it with the resources required to carry out its mandate effectively and independently.

Paragraph 20: The Committee recommends that the State party take the necessary measures, including the adoption of compulsory enforcement protocols and the allocation of appropriate resources, to ensure that, in practice, all persons deprived of their liberty may communicate without delay with their families, a lawyer or any person of their choosing and, in the case of foreigners, with their consular authorities.

State party's reply

The reply of the State party can be consulted in CED/C/PRY/CO/1/Add.1.

Committee's evaluation

[B]: While taking note of the information provided by the State party and welcoming the information on the draft resolution that is being considered for adoption by the National Police Commissioner's Office, the Committee observes that no information has been provided about measures taken with regard to the allocation of appropriate resources to

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ensure that, in practice, all persons deprived of their liberty may communicate without delay with their family, a lawyer or any other person of their choosing. The Committee reiterates its recommendation and requests the State party, when submitting information in accordance with paragraph 37 of its concluding observations (CED/C/PRY/CO/1), to provide additional information on the efforts made to implement the recommendation, including:

(a) Progress made in approving the draft resolution establishing minimum standards for police custody and the institutional communication mechanism to safeguard the right to defence and ensure compliance with procedural time limits and the impact of its implementation;

(b) Measures taken to allocate sufficient resources in order to ensure that, in practice, all persons deprived of their liberty may communicate without delay with their family, a lawyer or any other person of their choosing;

(c) Whether, following the adoption of the concluding observations, there were any complaints or reports of a failure to observe the right of persons deprived of their liberty to have their relatives or any other person of their choosing notified immediately of their detention and, if so, of the proceedings initiated and the outcome of those proceedings.

Paragraph 26: The Committee recommends that the State party adopt the necessary legislative or other measures to guarantee the right to reparation and to prompt, fair and adequate compensation of all persons who have suffered direct harm as a result of an enforced disappearance, regardless of when it was perpetrated. To that end, it recommends that the State party:

(a) **Adopt the necessary legislative measures to establish a comprehensive, gender-sensitive system of reparation that is fully in line with article 24, paragraphs 4 and 5, of the Convention; and**

(b) **Intensify its efforts and adopt the necessary measures to ensure that all persons who have suffered direct harm as a result of an enforced disappearance committed between 1954 and 1989 may exercise their right to receive full reparation, including medical and psychological rehabilitation, in accordance with the terms of article 24, paragraphs 4 and 5, of the Convention, and are not subject to requirements that could hinder the full exercise of that right.**

State party's reply

The reply of the State party can be consulted in CED/C/PRY/CO/1/Add.1.

Committee's evaluation

[C]: The Committee notes that the State party has not provided information on the measures taken to establish a comprehensive, gender-sensitive system of reparation that is fully in line with article 24, paragraphs 4 and 5, of the Convention and that is applicable to all cases of enforced disappearance, irrespective of the date of commission of the offence. The Committee reiterates its recommendation and requests the State party, when submitting information in accordance with paragraph 37 of its concluding observations (CED/C/PRY/CO/1), to provide information on the measures taken to implement it.

[B]: The Committee takes note of the information provided by the State party concerning the process of compensating victims of human rights violations committed

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during the period 1954-1989 and notes with interest that the Counsel General's Office is adjusting criteria for the award of compensation by not taking into account elements of weighted evidence with a view to improving and streamlining the recommendations for the Ombudsman's final compensation decision. However, the Committee observes that no information has been provided on measures taken to ensure that persons who have suffered harm as the direct result of an enforced disappearance committed during that period receive full reparation, including medical and psychological rehabilitation. The Committee reiterates its recommendation and requests the State party, when submitting information in accordance with paragraph 37 of its concluding observations (CED/C/PRY/CO/1), to include updated information on compensation and other measures of reparation, including medical and psychological rehabilitation, that have been granted in connection with cases of enforced disappearance committed between 1954 and 1989.

Action to be taken

A letter should be sent to the State party communicating the Committee's evaluation.

Follow-up information on the implementation of all the recommendations to be submitted by: 26 September 2020

D. Armenia**Eighth session (February 2015)**

Armenia

Concluding observations:	CED/C/ARM/CO/1, adopted 11 February 2015
Recommendations to be followed up:	Paragraphs 12, 19 and 27
Reply:	CED/C/ARM/CO/1/Add.1, due 13 February 2016; received on 17 June 2016

Paragraph 12: The Committee recommends that the State party ensure that the revision of the Criminal Code is fully aligned with the obligations contained in the Convention by incorporating all those changes that are needed to comply with the provisions of the Convention. In particular, the State party should define enforced disappearance as a separate crime in line with the definition in article 2 of the Convention and ensure that that crime is punishable by appropriate penalties which take into account its extreme seriousness. The Committee invites the State party, when criminalizing enforced disappearance as an autonomous offence, to consider establishing the specific mitigating and aggravating circumstances provided for in article 7, paragraph 2, of the Convention. It also recommends that the State party ensure that mitigating circumstances will in no case lead to a lack of appropriate punishment.

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State party's reply

The reply of the State party can be consulted in CED/C/ARM/CO/1/Add.1.

Committee's evaluation

[B]: The Committee takes note of the information provided by the State party and requests the State party, when submitting information in accordance with paragraph 34 of its concluding observations (CED/C/ARM/CO/1), to report on the progress achieved in the revision of the Criminal Code and to indicate whether the recommendation made by the Committee was implemented in that context, namely whether enforced disappearance was criminalized as a separate crime in line with the definition in article 2 of the Convention; whether that crime was made punishable by appropriate penalties that take into account its extreme seriousness; and whether consideration was given to establishing the specific mitigating and aggravating circumstances provided for in article 7 (2) of the Convention. The State party is also requested to provide information on any other amendments made to the Criminal Code that may be relevant to ensure that the Code is fully aligned with the obligations stemming from the Convention.

Paragraph 19: The State party should take the necessary steps to ensure that:

(a) **Information on all persons deprived of their liberty, without exception, is entered in registers and/or records in accordance with standard protocols and that the information contained therein includes, as a minimum, that required under article 17, paragraph 3, of the Convention;**

(b) **All registers and/or records of persons deprived of their liberty are accurately and promptly completed and kept up to date;**

(c) **All registers and/or records of persons deprived of their liberty are regularly checked and that, in the event of irregularities, the officials responsible are sanctioned.**

State party's reply

The reply of the State party can be consulted in CED/C/ARM/CO/1/Add.1.

Committee's evaluation

[B]: The Committee takes note of the information provided by the State party and requests the State party, when submitting information in accordance with paragraph 34 of its concluding observations, to provide:

(a) **More detailed information on the measures taken to ensure in practice, for example by training relevant personnel, that all personal data files of persons deprived of liberty in the facilities of the Penitentiary Service and the National Security Service are accurately and promptly completed with, as a minimum, the information required under article 17 (3) of the Convention, and that they are regularly checked;**

(b) **Additional information about the informational register of detainees and arrested persons of the Penitentiary Service, including whether it contains all the information required under article 17 (3) of the Convention.**

Paragraph 27: The Committee recommends that the State party adopt the necessary legislative or other measures:

(a) **To guarantee the right of all persons who have suffered direct harm as**

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a result of an enforced disappearance to obtain prompt, fair and adequate compensation and all the other forms of reparation, including restitution, rehabilitation, satisfaction, as well as the restoration of their dignity and reputation, and guarantees of non-repetition, without the need to prove the death of the disappeared person, in accordance with article 24, paragraphs 4 and 5, of the Convention;

(b) To include in the legislation an explicit provision for the right of victims to know the truth regarding the circumstances of an enforced disappearance and the fate of the disappeared person.

State party's reply

The reply of the State party can be consulted in CED/C/ARM/CO/1/Add.1.

Committee's evaluation

[B]: The Committee takes note of the information provided by the State party about the relevant provisions of the Civil Code concerning non-pecuniary damage and compensation and notes with interest the changes made to those provisions in December 2015. However, it considers that more information is necessary to properly assess the implementation of its recommendation relating to reparations. The Committee, recalling its recommendation, requests the State party, when submitting information in accordance with paragraph 34 of its concluding observations (CED/C/ARM/CO/1), to provide information on the measures taken to fully implement the recommendation, particularly to guarantee the right of all persons who have suffered direct harm as a result of an enforced disappearance to obtain all the other forms of reparation in addition to compensation, such as restitution, rehabilitation, satisfaction, including restoration of dignity and reputation, and guarantees of non-repetition, in accordance with article 24 (4) and (5) of the Convention.

[C]: The Committee notes that no information has been provided regarding its recommendation to include in the legislation an explicit provision for the right of victims to know the truth regarding the circumstances of an enforced disappearance and the fate of the disappeared person. The Committee reiterates its recommendation and requests the State party, when submitting information in accordance with paragraph 34 of its concluding observations (CED/C/ARM/CO/1), to provide information on the measures taken to implement it.

Action to be taken

A letter should be sent to the State party communicating the Committee's evaluation.

Follow-up information on the implementation of all the recommendations to be submitted by: 13 February 2021

E. Mexico**Eighth session (February 2015)**

Mexico

Concluding observations: CED/C/MEX/CO/1, adopted 11 February 2015

Mexico

Recommendations to be followed up: Paragraphs 18, 24 and 41

Reply: CED/C/MEX/CO/1/Add.1, due 13 February 2016; received 25 February 2016

Information from non-governmental organizations: TRIAL (Track Impunity Always) and others, received 9 February 2016; Amnesty International, received 28 June 2016; CADHAC (Ciudadanos en Apoyo a los Derechos Humanos) (Citizens in Support of Human Rights)) and others, received 1 July 2016.

Paragraph 18: The State party should take the steps necessary to establish a single nationwide register of disappeared persons which generates accurate statistics that can be used to devise comprehensive and coordinated public policies for the prevention, investigation, punishment and elimination of this abhorrent crime. The register should, as a minimum: (a) provide exhaustive and detailed information about all cases of disappeared persons, including information about the sex, age and nationality of the disappeared persons and the place and date of their disappearance; (b) include information that can be used to determine whether the case in question is one of enforced disappearance or a disappearance that occurred without any involvement of State agents; (c) facilitate the generation of statistical data on cases of enforced disappearances, including cases that have been clarified; and (d) contain information based on clear, consistent criteria and be updated on a regular basis. In this context, the State party should use the fact that regulations implementing the Act on the National Register of Missing and Disappeared Persons are still pending adoption as an opportunity to ensure that the aforementioned criteria are met. It should also adopt the necessary measures to guarantee that the authorities responsible for entering the relevant data to do so in a consistent and exhaustive manner, immediately after being informed of a disappearance.

State party's reply

The reply of the State party can be consulted in CED/C/MEX/CO/1/Add.1.

Information from non-governmental organizations

The information received from non-governmental organizations can be consulted on the Committee's web page: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/FollowUp.aspx?Lang=En&TreatyID=2.

Committee's evaluation

[B]: The Committee takes note of the information provided by the State party, in particular in relation to progress made in registering cases of disappearance. The Committee reiterates its recommendation and requests the State party, when submitting information in accordance with paragraph 50 of its concluding observations (CED/C/MEX/CO/1), to provide updated information on the additional measures adopted to fully implement its recommendation and the impact of those measures. When doing so, the State party is requested to provide the following information:

(a) Whether regulations to implement the Act on the National Register of Missing and Disappeared Persons have been adopted and, if so, whether they include the

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criteria listed by the Committee in its recommendation;

(b) Details concerning how the methodology used to compile the National Register of Missing and Disappeared Persons was reformulated by the Attorney General's Office;

(c) The criteria used in updating and cleaning the National Register of Missing and Disappeared Persons;

(d) The measures taken with a view to harmonizing the production of statistical information on enforced disappearance and the results of such measures.

The State party is also requested to provide detailed information on the national register of disappeared and missing persons, whose establishment is provided for in the draft general act on the prevention and punishment of offences related to the disappearance of persons, and indicate whether the register meets the criteria listed by the Committee in its recommendation and what its relationship will be to the National Register of Missing and Disappeared Persons.

Paragraph 24: In conjunction with countries of origin and countries of destination, and with input from victims and civil society, the State party should redouble its efforts to prevent and investigate disappearances of migrants, to prosecute those responsible and to provide adequate protection for complainants, experts, witnesses and defence counsels. The transnational search and access to justice mechanism should guarantee: (a) that searches are conducted for disappeared migrants and that, if human remains are found, they are identified and returned; (b) that ante-mortem information is compiled and entered into the ante-mortem/post-mortem database; and (c) that the relatives of the disappeared persons, irrespective of where they reside, have the opportunity to obtain information and take part in the investigations and the search for the disappeared persons.

State party's reply

The reply of the State party can be consulted in CED/C/MEX/CO/1/Add.1.

Information from non-governmental organizations

The information received from non-governmental organizations can be consulted on the Committee's web page: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/FollowUp.aspx?Lang=En&TreatyID=2.

Committee's evaluation

[B]: The Committee welcomes the establishment of the Criminal Investigation Unit for Migrants and the Mechanism for Mexican Support Abroad in Search and Investigation Activities. It also takes note of the information provided by the State party on the measures taken with regard to the protection of and search for migrants, in particular those conducted by the Beta Migrant Protection Groups. However, the Committee is concerned about allegations that the Unit and the Mechanism are not operating properly or effectively and notes that sufficient information has not been provided on all aspects covered by the recommendation, in particular on the protection of complainants, experts, witnesses and defence counsels. The Committee recalls its recommendation and requests the State party, when submitting information in accordance with paragraph 50 of its concluding observations (CED/C/MEX/CO/1), to include information on the following:

(a) The organizational structure of the Criminal Investigation Unit for

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Migrants and the Mechanism for Mexican Support Abroad in Search and Investigation Activities; their relationship to other State bodies with responsibility for migration issues, such as the National Institute of Migration; their technical, financial and human resources and an indication as to whether these are sufficient for them to discharge their functions promptly and effectively; and the effectiveness of their work;

(b) The guidelines concerning the operation of the Mechanism for Mexican Support Abroad in Search and Investigation Activities, which had been scheduled for publication in April 2016;

(c) Progress made in sharing the ante-mortem/post-mortem database with the Central American States concerned;

(d) Measures taken to provide adequate protection for complainants, experts, witnesses and defence counsels and the results of those measures;

(e) The impact of measures taken to prevent and investigate the disappearance of migrants, prosecute those responsible, search for disappeared migrants and, in the event their remains are found, identify and return those remains. When doing so, please include statistical data.

Paragraph 41: In the light of article 24, paragraph 3, of the Convention, the State party should redouble its efforts to search for, locate and release disappeared persons and, in the event of death, locate, respect and return their remains. In particular, it should:

(a) **Guarantee in practice that when news of a person's disappearance is received the search is initiated ex officio without delay in order to increase the chances of finding the person alive;**

(b) **Ensure that the search is conducted by the competent authorities with the involvement of the relatives of the person concerned;**

(c) **Strengthen the ante-mortem/post-mortem database, ensure that it is fully operational in all states as quickly as possible and guarantee that it contains the relevant information on all cases of disappeared persons, without exception, in strict conformity with the relevant protocols;**

(d) **Strengthen the genetic database of the Office of the Attorney General of the Republic to ensure that it contains information on all the persons that have disappeared in the State party;**

(e) **Guarantee effective coordination, cooperation and cross-referencing between the agencies responsible for searching for disappeared persons and for identifying their remains in the event of death, and ensure that they have the necessary economic, technical and human resources.**

State party's reply

The reply of the State party can be consulted in CED/C/MEX/CO/1/Add.1.

Information from non-governmental organizations

The information received from non-governmental organizations can be consulted on the Committee's web page: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/FollowUp.aspx?Lang=En&TreatyID=2.

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Committee's evaluation

[B]: The Committee notes with interest that the Disappeared Persons Unit was transformed into the Office of the Special Prosecutor for Disappeared Persons and welcomes the approval of the Harmonized Protocol on the Investigation of the Crime of Enforced Disappearance and the launch of the ante-mortem/post-mortem database. The Committee recalls its recommendation and requests the State party, when submitting information in accordance with paragraph 50 of its concluding observations (CED/C/MEX/CO/1), to include updated information on additional measures taken to fully implement its recommendation, as well as on the impact of those measures. When doing so, the State party is requested to include information on the following:

(a) The organizational structure of the Office of the Special Prosecutor for Disappeared Persons; the technical, financial and human resources assigned to the Office and whether they are sufficient to enable it to discharge its functions promptly and effectively; the training provided to the public officials who make up the Office; and which cases of disappearance fall within its competence;

(b) The impact of the application of the Harmonized Protocol; measures taken to ensure its proper application in practice, in particular with regard to the initiation ex officio and without delay of a search for a disappeared person; and measures taken to ensure that the Protocol is duly disseminated and made known to the relevant authorities;

(c) Whether the ante-mortem/post-mortem database has been fully implemented; whether relevant information concerning all cases of disappearance is effectively added to the database; what specific actions were taken to adapt and standardize formatting in order to integrate all national databases with federal forensic data; and what were the results of those actions;

(d) Whether the genetic database of the Attorney General's Office includes information on all persons who are reported to have disappeared in the State party.

In addition, the State party is requested to provide additional information on the national search system provided for in the draft general act on the prevention and punishment of offences related to the disappearance of persons and, if it has begun to operate, information on the effectiveness of its activities, including the number of persons who have been found either alive or dead, and on the national forensic register provided for in the same draft legislation and its relationship to the ante-mortem/post-mortem and genetic databases of the Attorney General's Office.

Action to be taken

A letter should be sent to the State party communicating the Committee's evaluation.

Follow-up information on the implementation of all the recommendations to be submitted by: 13 February 2018

F. Serbia**Eighth session (February 2015)**

Serbia

Concluding observations: CED/C/SRB/CO/1, adopted 12 February 2015

Serbia

Recommendations to be followed up: Paragraphs 11, 14 and 28

Reply: CED/C/SRB/CO/1/Add.1, due 13 February 2016; received 24 May 2016

Paragraph 11: The Committee recommends that the State party adopt the necessary measures to accelerate the process to make enforced disappearance an autonomous offence in line with the definition contained in article 2 of the Convention, as well as to ensure that the offence is punishable by appropriate penalties which take into account its extreme seriousness and that a system of superior responsibility which is in accordance with article 6, paragraph 1 (b), of the Convention is applicable to this offence.

State party's reply

The reply of the State party can be consulted in CED/C/SRB/CO/1/Add.1.

Committee's evaluation

[C]: While taking note of the information provided by the State party and welcoming its affirmation that it intends to harmonize its criminal legislation with the definition in article 2 of the Convention, the Committee considers that it does not have sufficient information about any concrete action taken to implement its recommendation since the adoption of its concluding observations (CED/C/SRB/CO/1). The Committee reiterates its recommendation and requests the State party, when submitting information in accordance with paragraph 37 of its concluding observations, to provide information on the progress achieved to criminalize enforced disappearance as an autonomous offence in line with the definition contained in article 2 of the Convention; to ensure that the offence is punishable by appropriate penalties that take into account its extreme seriousness; and to ensure that a system of superior responsibility that is in accordance with article 6 (1) (b) of the Convention is applicable to the offence.

Paragraph 14: The Committee recommends that the State party ensure that all cases of enforced disappearance that may have been committed by agents of the State party or by persons or groups of persons acting with their authorization, support or acquiescence in the context of past armed conflicts are investigated thoroughly and impartially without delay, including guarantees for full access to the relevant archives; and that those found responsible, including the commanders and civilian superiors, are punished in accordance with the gravity of their acts. The State party should also guarantee that sufficient personnel and technical and financial resources are provided to the Office of the War Crimes Prosecutor and any other competent authorities so that they can discharge their duties promptly and effectively.

State party's reply

The reply of the State party can be consulted in CED/C/SRB/CO/1/Add.1.

Committee's evaluation

[B]: The Committee takes note of the information provided by the State party and welcomes the adoption of the National Strategy for Processing War Crimes for the period 2016-2020. The Committee, recalling its recommendation, requests the State party, when submitting information in accordance with paragraph 37 of its concluding

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observations (CED/C/SRB/CO/1), to provide information on:

(a) Measures taken to hold responsible all persons who participated in concealing the hundreds of bodies found in mass graves in Batajnica, Petrovo Selo, Lake Perućac and Rudnica, and the results of those measures;

(b) The results achieved from the implementation of the National Strategy for Processing War Crimes for the period 2016-2020, particularly in relation to the investigation and prosecution of all cases of enforced disappearance that may have been committed by agents of the State party or by persons or groups of persons acting with their authorization, support or acquiescence in the context of past armed conflicts; the punishment of those responsible for such disappearances, including commanders and civilian superiors; and the search for missing persons. When providing this information, please include statistical information;

(c) Concrete measures taken to improve the capacity of the Office of the War Crimes Prosecutor, including the provision of sufficient personnel and technical and financial resources, and the results of those measures;

(d) Concrete measures taken to improve the status and effectiveness of the Department for Discovering War Crimes within the Ministry of Internal Affairs and the results of those measures.

Paragraph 28: In the light of article 24, paragraph 3, of the Convention, the Committee recommends that the State party continue and intensify its efforts within the framework of the Working Group on Missing Persons with a view to achieving further progress in the search for the missing persons and, in the event of death, the identification of their remains.

State party's reply

The reply of the State party can be consulted in CED/C/SRB/CO/1/Add.1.

Committee's evaluation

[B]: The Committee takes note of the information provided by the State party on the measures taken within the framework of the Working Group on Missing Persons. The Committee, recalling its recommendation, requests the State party, when submitting information in accordance with paragraph 37 of its concluding observations (CED/C/SRB/CO/1), to provide updated information on further measures taken within the framework of the Working Group and on the progress made in the search for the persons who are still missing from the Kosovo¹ conflict and, in the event of death, the identification of their remains.

Action to be taken

A letter should be sent to the State party communicating the Committee's evaluation.

Follow-up information on the implementation of all the recommendations to be submitted by: 13 February 2021

¹ All references to Kosovo in the present document should be understood to be in compliance with Security Council resolution 1244 (1999).