



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND  
www.ohchr.org • TEL: + 41 22 917 9199 • FAX: + 41 22 917 9006 • E-MAIL: [wgeid@ohchr.org](mailto:wgeid@ohchr.org)

**MANDATE OF THE WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES**

REFERENCE:

G/SO 217/1/WGEID

Dear Mr. Modvig,

I am addressing you in my capacity as Chair-Rapporteur of the Working Group on enforced or involuntary disappearances.

I am pleased to present to you the Working Group's comments in relation to the draft revised general comment on the implementation of article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in the context of article 22.

We remain at your disposal for further cooperation on matters of common interest.

A handwritten signature in blue ink that reads "Houria".

Houria Es-Slami  
Chair-Rapporteur  
Working Group on Enforced  
or Involuntary Disappearances



**Subject: Draft revised general comment “on the implementation of article 3 of the Convention in the context of article 22”**

**Submission by the UN Working Group on enforced or involuntary disappearances**

The United Nations Working Group on enforced or involuntary disappearances (WGEID) welcomes the opportunity to provide comments to the draft revised general comment on the implementation of article 3 of the Convention in the context of article 22. The WGEID has perused the document and has the following observations and suggestions.

- The WGEID suggests emphasizing more clearly throughout the text the fact that enforced disappearance is a crime which entails multiple human rights violations and constitute in itself a form of torture or inhuman treatment - not only with regard to the disappeared, but also to her/his relatives, because of the anxiety and anguish they suffer as a result of the disappearance of their loved ones. This has been indicated by a number of human rights bodies including your Committee as well as the Human Rights Committee and the Inter-American Court on Human Rights, among others.
- In paragraph 27 of the draft General Comment, consider adding a reference to the 1992 UN Declaration on the Protection of all Persons from Enforced Disappearances, and notably its article 8.
- In the section devoted to article 3(2) of the Convention (paras. 28 ff.), consider mentioning the similar provisions contained in article 8(2) of the 1992 UN Declaration on the Protection of all Persons from Enforced Disappearances and in article 16 (2) of the International Convention for the Protection of All Persons from Enforced Disappearance. In addition, enforced disappearances should be added (for instance in article 30 (k)) as an indication of a risk of torture to which States should give consideration in their decisions for removal of a person from their territory and take them into account to apply the principle of “non-refoulement”. Furthermore, the element of previous cases of enforced disappearances of the person’s family or political, social or ethnic entourage could be also added, for instance in article 30 (m).