



Third Standing Committee  
Democracy and Human Rights

C-III/115/DR-am  
10 October 2006

## MISSING PERSONS

***Amendments to the revised preliminary draft resolution submitted within the statutory deadline by the delegations of Algeria, Argentina, Canada, China, India, Indonesia, Italy, Japan, Philippines, Romania, Spain and Venezuela***

### TITLE

Amend the title to read as follows:

MISSING PERSONS **AND ENFORCED DISAPPEARANCES**

(Venezuela)

### PREAMBLE

#### Preambular paragraph 1

Delete the paragraph:

~~(1) *Deeply concerned and alarmed* by the suffering caused by persons missing as a result of armed conflict or situations of internal violence and by enforced disappearances,~~

(India)

Amend to read as follows:

(1) *Deeply concerned* and **troubled** ~~alarmed~~ by the **continuing** suffering **of families of** ~~caused by~~ persons missing as a result of armed conflict or situations of internal violence and by enforced disappearances,

(Philippines)

#### Preambular paragraph 2

Amend to read as follows:

(2) *Considering* that the problem of missing persons is a question of both international humanitarian law and **core** international human rights **treaties**,

(Indonesia)

Amend to read as follows:

(2) *Considering* that the problem of missing persons **and assistance to their families is covered by** ~~is a question of~~ both international humanitarian law and international human rights, **two distinct bodies of law, each from its respective scope of application,**

(Venezuela)

Preambular paragraph 3

Amend to read as follows:

(3) *Guided* by the principles and standards of international humanitarian law, and in particular by the four Geneva Conventions of 12 August 1949 and the two Additional Protocols thereof of 1977; as well as by international human rights **instruments** and, in particular the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, **the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**, the Convention on the Rights of the Child, and the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23),

*(Indonesia)*

Preambular paragraphs 3 to 8

Replace the existing paragraphs by the following paragraphs to read as follows:

***Guided* by the principles and standards of international humanitarian law, and in particular by the four Geneva Conventions of 12 August 1949 and the two Additional Protocols thereof of 1977; as well as by international human rights instruments and, in particular the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,**

***Noting* resolution 2005/66 on "The Right to Truth", adopted by the United Nations Commission on Human Rights on 20 April 2005; the Declaration and Agenda for Humanitarian Action adopted in Resolution 1 of the 28<sup>th</sup> International Conference of the Red Cross and Red Crescent, which was held in Geneva, Switzerland, from 2 to 6 December 2003, in particular General Objective 1: "Respect and restore the dignity of persons missing as a result of armed conflicts or other situations of armed violence and their families"; and the outcomes of the International Conference of Governmental and Non-Governmental Experts on Missing Persons, which was held in Geneva, Switzerland, from 19 to 21 February 2003,**

***Considering* the Inter-American Convention on Forced Disappearances adopted on 9 June 1994, and resolutions AG/RES. 2134 (2005) and AG/RES. 2231 (2006) on persons who have disappeared and assistance to members of their families, adopted at the 35<sup>th</sup> and 36<sup>th</sup> General Assemblies of the Organization of American States respectively,**

***Recalling* the Declaration on the Protection of all Persons from Enforced Disappearance, adopted by the United Nations General Assembly in its resolution 47/133 of 18 December 1992,**

*(Venezuela)*

New preambular paragraph 5bis

Add a new paragraph after preambular paragraph 5 to read as follows:

**(5bis) *Recalling the International Convention for the Protection of All Persons from Enforced Disappearance adopted by the United Nations Human rights Council on 29 June 2006,***

*(Indonesia)*

Preambular paragraph 9

Amend to read as follows:

(9) *Convinced* that respect for international humanitarian law ~~by all parties involved in an armed conflict~~ can, in large measure, help forestall enforced disappearances,

*(Japan)*

Amend to read as follows:

(9) *Convinced* that respect for international humanitarian law by all parties involved in an armed conflict can, in large measure, help forestall enforced disappearances, **and equally convinced that the States are duty-bound to uphold and safeguard human rights in order to prevent enforced disappearances,**

*(Venezuela)*

Preambular paragraph 10

Amend to read as follows:

(10) *Aware* of the need for States to adopt **an integrated comprehensive** national policy on missing persons **that takes account of the frameworks established by international human rights law and international humanitarian law respectively, said policy to encompass** ~~encompassing~~ all the measures needed to **prevent people from becoming unaccounted for as a result of an armed conflict or other situation of internal violence,** to forestall disappearances, elucidate the fate of missing persons, meet the needs of the families of missing persons, to acknowledge the facts and determine responsibility for events that have led to the disappearances ~~in situations of armed conflict and other situations of internal violence and in the case of enforced disappearances,~~

*(Venezuela)*

Preambular paragraph 11

Amend to read as follows:

(11) *Convinced* that governments are first and foremost responsible for forestalling disappearances and determining the fate of missing persons; **and that governments must recognize their accountability for implementing the mechanisms, policies, and laws needed to forestall such disappearances and determinate the fate of missing persons,**

*(Canada)*

Delete the existing text of the paragraph and replace it by the following:

~~(11) *Convinced* that governments are first and foremost responsible for forestalling disappearances and determining the fate of missing persons,~~

**(11) *Convinced* that governments are capable of and responsible for preventing disappearances and determining the fate of missing persons,**

*(Indonesia)*

Delete the existing text of the paragraph and replace it by the following:

~~(11) *Convinced* that governments are first and foremost responsible for forestalling disappearances and determining the fate of missing persons,~~

**(11) *Reaffirming* that the States bear primary responsibility for forestalling enforced or involuntary disappearances and for ascertaining the fate of the persons concerned,**

*(Venezuela)*

Preambular paragraph 12

Amend to read as follows:

(12) *Affirming* the individual right of families to know and dispose of information about the fate of their loved ones gone missing as a result of armed conflict, ~~or other~~ situations of internal conflict **or enforced disappearance**, including their whereabouts, and if they are dead, the circumstances and cause of death,

*(Japan)*

Amend to read as follows:

(12) *Affirming* the individual right of families to know and ~~dispose of~~ **have** information about the fate of their loved ones gone missing as a result of armed conflict or other situations of internal conflict, including their whereabouts, and if they are dead, the circumstances and cause of death,

*(Romania)*

Preambular paragraph 14

Delete the paragraph:

~~(14) *Recalling* that the Rome Statute establishing the International Criminal Court, adopted on 17 July 1998, defines the enforced disappearance of persons as constituting a crime against humanity when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack,~~

*(India)*

Preambular paragraph 16

Amend to read as follows:

(16) *Paying tribute* to a number of international, regional and local organizations – both intergovernmental and non-governmental - and in particular the International Red Cross and Red Crescent Movement, which, throughout the world, strive to elucidate the fate of persons

missing as a result of armed conflict or situations of internal violence, to maintain and restore family links and support the families of missing persons **and their eligible parties, in particular when these organizations guard against exploitation of an eminently human problem for political ends,**

(Algeria)

Amend to read as follows:

(16) *Paying tribute* to a number of international, regional and local organizations – both intergovernmental and non-governmental - and in particular the International Red Cross and Red Crescent Movement, which, throughout the world, strives to elucidate the fate of persons missing as a result of armed conflict, ~~or~~ situations of internal violence, **or enforced disappearance, and** to maintain and restore family links and support the families of missing persons,

(Japan)

New preambular paragraph 17bis

Add a new paragraph after preambular paragraph 17 to read as follows:

**(17bis) Highlighting the need for cooperation among States in order to effectively resolve cases of missing persons by providing mutual assistance in information sharing, locating and identifying missing persons, and returning human remains,**

(Canada)

**OPERATIVE PART**

Operative paragraph 1

Amend to read as follows:

1. *Urges* all parties to a conflict or situation of internal violence to take all the necessary steps to forestall disappearances in accordance with the applicable rules of international humanitarian law, and *urges* States to uphold and protect human rights in order to ~~forestall~~ **prohibit** enforced disappearances;

(Canada)

Amend to read as follows:

1. *Urges* all parties to a conflict or situation of internal violence to take all the necessary steps to forestall disappearances in accordance with the applicable rules of international humanitarian law, ~~and urges States to uphold and protect human rights in order to forestall enforced disappearances;~~

(Italy)

Amend to read as follows:

1. *Urges* all parties to a conflict or situation of internal violence to take all the necessary steps to forestall disappearances in accordance with the applicable rules of international humanitarian law, and *urges* States to uphold and protect human rights

**in every situation in order to not be party themselves to enforced disappearance and to forestall them—enforced disappearances;**

*(Japan)*

Operative paragraphs 1 and 2

Replace the existing paragraphs by the following:

1. **Invites parliaments, within the framework of their attributes, to help ensure that steps are taken to encourage their respective States to adopt the international legal instruments governing missing persons in armed conflicts and enforced or involuntary disappearances,**

*(Venezuela)*

Operative paragraph 2

Replace the existing paragraph by the following:

2. ~~Invites those States that have not yet subscribed to the above-mentioned treaties to explore or re-explore without delay the possibility of so doing in a timely manner;~~
2. **Urges States to comply with the rules protecting the rights of persons in order to prevent enforced disappearances and in particular invites States that have not already signed or implemented the above-mentioned treaties to do so without delay;**

*(Italy)*

Add two new paragraphs after operative paragraph 2 to read as follows:

- 2bis. **Encourages parliaments to strengthen their role in passing laws on enforced disappearances and monitoring their implementation;**
- 2ter. **Urges the United Nations General Assembly to adopt the Convention on the Protection of All Persons against Enforced Disappearances;**

*(Indonesia)*

Operative paragraph 3

Amend to read as follows:

- ~~3. Encourages the United Nations and its competent bodies to continue their work with a view to adopting a draft convention on the protection of all persons against enforced disappearances;~~

[Or if the convention is open for signature and ratification prior to the 115th IPU Assembly: Encourages States to **ratify explore the possibility of ratifying** the Convention on the Protection of All Persons Against Enforced Disappearances;]

*(China)*

Amend to read as follows:

- ~~3. Encourages the United Nations and its competent bodies to continue their work with a view to adopting a draft convention on the protection of all persons against enforced disappearances;~~

[Or if the convention is open for signature and ratification prior to the 115th IPU Assembly: **Urges** ~~Encourages~~ States to ratify the Convention on the Protection of All Persons Against Enforced Disappearances;]

(Indonesia)

Operative paragraph 4

Amend to read as follows:

4. *Requests* parliaments to bring to the attention of their respective governments the problem of missing persons using all the means at their disposal, so that comprehensive national policies are adopted to resolve the problem of missing persons in situations of armed conflict or situations of internal violence, enhance assistance to families of **missing persons and their eligible parties** ~~victims~~ and forestall further disappearances;

(Algeria)

Amend to read as follows:

4. *Requests* parliaments to bring to the attention of their respective governments the problem of missing persons using all the means at their disposal, so that comprehensive national policies are adopted to resolve the problem of missing persons in situations of armed conflict, ~~or~~ situations of internal violence, **and other situations**, enhance assistance to families of victims and forestall further disappearances;

(Indonesia)

Amend to read as follows:

4. *Requests* parliaments to bring to the attention of their respective governments the problem of missing persons using all the means at their disposal, so that comprehensive national policies are adopted to resolve the problem of missing persons ~~in situations of armed conflict or situations of internal violence~~, enhance assistance to families of victims and forestall further disappearances;

(Italy)

Amend to read as follows:

4. *Requests* parliaments to bring to the attention of their respective governments the problem of missing persons using all the means at their disposal, so that comprehensive national policies are adopted to resolve the problem of missing persons in situations of armed conflict, ~~or~~ situations of internal violence, **and enforced disappearance**, enhance assistance to families of victims and forestall further disappearances;

(Japan)

Amend to read as follows:

4. *Requests* parliaments to bring to the attention of their respective governments the problem of missing persons using all the means at their disposal, so **as to prompt the governments to consider the adoption of comprehensive national policies** to resolve the problem of missing persons in situations of armed conflict or situations of internal violence, enhance assistance to families of victims and forestall further disappearances;

(Venezuela)

Operative paragraph 4(a)

Amend to read as follows:

4. *Requests* parliaments to bring to the attention of their respective governments the problem of missing persons using all the means at their disposal, so that comprehensive national policies are adopted to resolve the problem of missing persons in situations of armed conflict or situations of internal violence, enhance assistance to families of victims and forestall further disappearances;

These national policies should entail:

- a) Passage and enactment of a national law on missing persons, accompanied by the necessary regulatory and administrative measures, ~~which cover notably the following aspects:~~

Delete all bullet points following paragraph 4(a):

- ~~▪ Recognition of the families' right to know and, therefore, their right to information about the fate of their missing loved ones;~~
- ~~▪ Recognition of a legal status for missing persons;~~
- ~~▪ Sanctions provided under the national criminal legislation for violations of international humanitarian and international human rights applicable to disappearances, and in particular sanctions for enforced disappearances;~~
- ~~▪ Recognition of rights of the families of missing persons while their loved ones are missing, paying particular attention to vulnerable persons;~~
- ~~▪ Implementation of measures to ensure that all persons, in particular minors and other vulnerable persons, bear some form of personal identification;~~
- ~~▪ Implementation of measures to ensure that members of armed forces and security forces bear a form of personal identification, at least an identity badge, and that these forms of identification are mandatory and properly used;~~
- ~~▪ Exchange of family news in all circumstances;~~
- ~~▪ In the particular case of persons deprived of their freedom, implementation of measures to guarantee that information is communicated to the families, attorneys or any other person with a legitimate interest in their situation; and contact with families and attorneys;~~
- ~~▪ The right to be registered and detained in an official place;~~
- ~~▪ Protection of persons against the risk of disappearance, in particular persons deprived of their liberty, by authorizing regular, independent and unrestricted spot visits by the International Committee of the Red Cross or other independent organization be it national or international;~~



- ~~▪ Establishment of a national information bureau charged with centralizing and communicating information on the wounded, the sick and the shipwrecked, as well as on persons deprived of their liberty and deceased persons;~~
- ~~Proper handling of human remains;~~

(China)

Move sub-paragraphs 4(a) to 4(f) to operative paragraph 11.

(Venezuela)

Amend the second bullet point as follows:

(...)

- Recognition of a legal status for missing persons **according to standardized rules such as those proposed by the International Committee of the Red Cross in *Recommendations for the Development of a Domestic Law on the Missing and their Families***;

(...)

(Canada)

Amend the second bullet point to read as follows:

(...)

- Recognition of a legal status for missing persons **and of legal consequences for their families**;

(...)

(Romania)

Add a new bullet point after the third bullet point to read as follows:

(...)

- **Establishment of a mechanism for investigation and prosecution to guarantee the enforcement of the abovementioned national criminal legislation**;

(...)

(Japan)

Amend the seventh, eighth and ninth bullet points as follows:

(...)

- **The right to exchange** family news in all circumstances;
- In the particular case of persons deprived of their freedom, implementation of measures to guarantee that information **concerning the individual's capture or arrest, address and state of health** is communicated to the families, attorneys, **consular authorities**, or any other person with a legitimate interest in their situation; and **that contact is also maintained with such individuals** ~~with families and attorneys~~;

- The right to be registered and detained in an **officially recognized facility** ~~place~~;

(...)

(Canada)

Add a new bullet point after the eighth bullet point to read as follows:

(...)

- **Implementation of measures to ensure that the release of such persons is verifiable, that their security is guaranteed and that their families or other persons designated by them are properly notified;**

(...)

*(Romania)*

Delete the tenth bullet point:

- ~~Protection of persons against the risk of disappearance, in particular persons deprived of their liberty, by authorizing regular, independent and unrestricted spot visits by the International Committee of the Red Cross or other independent organization be it national or international;~~

*(India)*

Amend the eleventh bullet point as follows:

(...)

- Establishment of a national information bureau **in time of conflict** charged with centralizing and communicating information on the wounded, the sick and the shipwrecked, as well as on persons deprived of their liberty and deceased persons;

(...)

*(Canada)*

Amend the eleventh bullet point as follows:

(...)

- Establishment of a national information bureau charged with centralizing and communicating information on the wounded, the sick and the shipwrecked, as well as on persons deprived of their liberty and deceased persons, **in compliance with the legal and ethical norms regarding the protection of personal data, including medical and genetic information;**

(...)

*(Romania)*

Amend the twelfth bullet point as follows:

(...)

- **Identification and p**Proper handling of human remains.

(...)

*(Romania)*

Add four new bullet points to read as follows:

(...)

- **No statute of limitations on offences of enforced disappearance of persons, abduction of minors and suppression of identity when committed by state agencies or with the State's approval, protection or complicity as well as on any other crime against humanity;**

- **No recourse to pardon, amnesty or similar political measures to terminate the criminal prosecution of or criminal punishment for offences such as those listed in paragraph 1 above;**
- **Ineligibility to hold public office when, in the view of the constitutional or competent legal authority, the accused is considered as the perpetrator of a crime listed in paragraph 1 above;**
- **The right of minors who have been illegally taken away from their parents and relatives to find out their true identity.**

(...)

*(Argentina)*

Add one bullet point to read as follows:

(...)

- **Protection of witnesses to disappearances and of their families.**

*(Romania)*

#### Operative paragraph 4(c)

Amend to read as follows:

- c) Examination and systematic resolution of the question of missing persons at the end of a conflict in the framework of a process aimed at establishing and maintaining lasting peace and implementation, where necessary, of appropriate **independent and impartial**, national mechanisms of a judicial and non-judicial nature, designed to shed light on the fate of missing persons and meet the needs of families and communities;

*(Romania)*

#### New operative paragraph 4(c)bis

Add a new sub-paragraph after operative paragraph 4(c) to read as follows:

- 4(c)bis Ensuring that investigations are conducted into enforced disappearances on a systematic basis, and establishing the right to bring cases before judicial authorities to challenge the legality of instances of deprivation of liberty;**

*(Canada)*

#### Operative paragraph 4(d)

Amend to read as follows and place it, as modified, after paragraph 8:

- ~~e)~~ **Recommends the** ~~E~~establishment of competent parliamentary ~~committees~~ **bodies** on international humanitarian law, responsible inter alia for following up the question of missing persons;

*(Romania)*

Operative paragraph 4(e)

Amend to read as follows:

- e) Appropriate training of **relevant** State agents ~~to address the matter of missing persons both through~~ **in international humanitarian law and human rights law, as well as in** national legislation **on missing persons** and its implementation;

(Romania)

Operative paragraph 4(f)

Amend to read as follows:

- f) ~~Voting and~~ allocation of necessary funds;

(Romania)

New operative paragraph 4bis

Add a new paragraph after operative paragraph 4 to read as follows:

- 4bis. Urges States to pay particular attention to the appropriate protection and management of personal data, including ensuring that consent is obtained for the collection and use of data, that the collection and use of data is limited to situations where such measures are strictly necessary, that data is not disclosed for purposes other than those for which it was collected, and that the data is destroyed once the purpose for its collection has been fulfilled; further calls on States to implement sanctions for destroying or unlawfully withholding information, while also explicitly defining those circumstances in which exceptions to these rules may be necessary;**

(Canada)

Add a new paragraph after operative paragraph 4 to read as follows:

- 4bis. Requests States to enforce and strengthen established national laws on human rights and encourages States to adopt legislation criminalizing involuntary disappearances,**

(Philippines)

Operative paragraph 5

Amend to read as follows:

5. *Requests* States to extend these national policies and their implementation to other contexts of disappearances in order to guarantee in all circumstances equal protection to **the families of missing persons and their eligible parties** ~~families~~;

(Algeria)

New operative paragraph 5bis

Add a new paragraph after operative paragraph 5 to read as follows:

- 5bis. **Welcomes the fact that States have assumed their responsibility for the fate of persons missing in the context of a national tragedy, have granted the status of victim to missing persons by applying the principle of just reparation to their eligible parties and encourages other States to do likewise in similar circumstances;**

(Algeria)

Add a new paragraph after operative paragraph 5 to read as follows:

- 5bis. **Requests States to prosecute members of the police, armed forces and other agents of the State involved in enforced disappearances in order to prevent further abuse by those individuals,**

(Philippines)

Add a new paragraph after operative paragraph 5 to read as follows:

- 5bis. **Invites States to develop cooperation and information exchange for tracing missing persons and returning identified bodies, as well as for capacity building in the area of missing persons;**

(Romania)

Operative paragraph 6

Amend to read as follows:

6. **Invites** parliaments, ~~in drafting and implementing these policies,~~ to encourage the competent national authorities to seek the expertise **as relevant and in respect of the preparation and implementation of the national policies they are considering adopting,** of organizations that deal with the issue of ~~disappearances persons who are missing as a result of an armed conflict or other situation of armed violence,~~ notably the International Committee of the Red Cross;

(Venezuela)

New operative paragraph 6bis

Add a new paragraph after operative paragraph 6 to read as follows:

- 6bis. **Urges States to cooperate at the international level in order to effectively solve cases of missing persons by providing mutual assistance in terms of information sharing, victim assistance, location and identification of missing persons, and in exhuming, identifying and returning human remains;**

(Canada)

Add a new paragraph after preambular paragraph 6 to read as follows:

- 6bis. Encourages States to establish committees on missing persons to conduct impartial investigations on missing persons and call upon different agencies for assistance as they may require in discharging their responsibilities;**  
(Philippines)

Operative paragraph 7

Amend to read as follows:

7. *Invites* parliaments to support the work of the United Nations Working Group on Enforced or Involuntary Disappearances and to encourage States to ~~accept~~ **consider positively, where relevant** the Group's requests to conduct visits;  
(India)

Amend to read as follows:

7. *Invites* parliaments to support the work of the United Nations Working Group on Enforced or Involuntary Disappearances and to encourage States to accept the Group's requests to conduct visits, **and calls for visits to be followed by an assessment for the purposes of providing technical assistance to the respective States;**  
(Indonesia)

Amend to read as follows:

7. ~~*Invites* parliaments to support the work of~~ **Encourages** the United Nations Working Group on Enforced or Involuntary Disappearances **to continue discharging its primary mandate to help families ascertain the fate and whereabouts of their relatives** and ~~to encourage States to accept the Group's requests to conduct visits;~~  
(Venezuela)

New operative paragraph 7bis

Add a new paragraph after operative paragraph 7 to read as follows:

- 7bis. Requests the IPU to call on those States which have unresolved issues related to the abduction of foreign nationals in the form of enforced disappearances and which have been requested by the United Nations to fully respect all human rights and fundamental freedoms, and fully implement measures stipulated in past resolutions of the United Nations General Assembly and the former United Nations Commission on Human Rights now replaced by the United Nations Human Rights Council, including cooperation with United Nations Special Rapporteurs;**  
(Japan)

Operative paragraph 8

Amend to read as follows:

8. *Encourages* parliaments to get in contact with their national society of the Red Cross and Red Crescent Movement in order to better familiarize themselves with and support their activities to assist **the families of** missing persons **and their eligible parties** ~~and their families~~;

(Algeria)

Amend to read as follows:

8. *Encourages* parliaments to get in contact with their national society of the Red Cross and Red Crescent Movement in order to better familiarize themselves with and support their activities to assist ~~missing~~ persons **who are missing as a result of an armed conflict or other situation of armed violence** and their families;

(Venezuela)

New operative paragraphs 8bis and 8ter

Add two new paragraphs after operative paragraph 8 to read as follows:

- 8bis. *Encourages* parliaments and their members to promote awareness among local communities, the general public and the mass media of the question of missing persons and their families;

- 8ter. *Encourages* parliaments to promote material, financial, psychological and legal support for the families of missing persons, while paying special attention to single heads of family, particularly women, and to unaccompanied children;

(Romania)

New operative paragraph 10bis

Add a new paragraph after operative paragraph 10 to read as follows:

- 10bis. *Encourages* parliamentarians to include the problem of missing persons in the agendas of the meetings of other inter-parliamentary organisations and regional organisations;

(Philippines)

Operative paragraph 11

Amend to read as follows:

11. *Invites* the IPU to develop in a timely manner a handbook for parliamentarians to serve as a tool for passing national laws, **ensuring appropriate budget allocations and exercising parliamentary oversight on the question of** missing persons.

(Romania)

Amend to read as follows:

11. *Invites* the IPU to develop in a timely manner a handbook for parliamentarians to serve as a tool for ~~passing~~ national laws on missing persons; **and assistance to their families, and on enforced or involuntary disappearances, said handbook to serve also for the implementation of mechanisms for cooperation with the governments that make it possible to provide the latter with all the information they need and to suggest that they adopt national policies on these scourges.**

These national policies should entail:

- a) Passage and enactment of a national law on missing persons, accompanied by the necessary regulatory and administrative measures, which cover notably the following aspects:
  - Recognition of the families' right to know and, therefore, their right to information about the fate of their missing loved ones;
  - Recognition of a legal status for missing persons;
  - Sanctions provided under the national criminal legislation for violations of international humanitarian and international human rights applicable to disappearances, and in particular sanctions for enforced disappearances;
  - Recognition of rights of the families of missing persons while their loved ones are missing, paying particular attention to vulnerable persons;
  - Implementation of measures to ensure that all persons, in particular minors and other vulnerable persons, bear some form of personal identification;
  - Implementation of measures to ensure that members of armed forces and security forces bear a form of personal identification, at least an identity badge, and that these forms of identification are mandatory and properly used;
  - Exchange of family news in all circumstances;
  - In the particular case of persons deprived of their freedom, implementation of measures to guarantee that information is communicated to the families, attorneys or any other person with a legitimate interest in their situation; and contact with families and attorneys;
  - The right to be registered and detained in an official place;
  - Protection of persons against the risk of disappearance, in particular persons deprived of their liberty, by authorizing regular, independent and unrestricted spot visits by the International Committee of the Red Cross or other independent organization be it national or international;
  - Establishment of a national information bureau charged with centralizing and communicating information on the wounded, the sick and the shipwrecked, as well as on persons deprived of their liberty and deceased persons;
  - Proper handling of human remains;



- b) Putting in place national implementation and coordination mechanisms, notably through national commissions charged with implementing international humanitarian law;
- c) Examination and systematic resolution of the question of missing persons at the end of a conflict in the framework of a process aimed at establishing and maintaining lasting peace and implementation, where necessary, of appropriate national mechanisms of a judicial and non-judicial nature, designed to shed light on the fate of missing persons and meet the needs of families and communities;
- d) Establishment of competent parliamentary committees on international humanitarian law, responsible inter alia for following up the question of missing persons;
- e) Appropriate training of State agents to address the matter of missing persons both through national legislation and its implementation;
- f) Voting and allocation of necessary funds;

*(Venezuela)*

New operative paragraph 12bis

Add a new paragraph after operative paragraph 12 to read as follows:

**12bis. Urges the IPU to raise before the relevant international institutions and multilateral bodies, such as the United Nations, the need to establish a comprehensive international legal framework that takes into account and engages the issue of missing persons.**

*(Spain)*