

Joint statement on illegal intercountry adoptions

I. Introduction

1. The Committee on the Rights of the Child (CRC), the Committee on Enforced Disappearances (CED), the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence, the Special Rapporteur on the Sale and Sexual Exploitation of Children including child prostitution, child pornography and other child sexual abuse material, the Special Rapporteur on Trafficking in Persons, especially women and children, and the Working Group on Enforced or Involuntary Disappearances have decided to issue the following Joint Statement, in order to promote a human rights-based and gender sensitive approach to preventing and eradicating illegal intercountry – sometimes referred to as “international” – adoptions, by identifying the rights which are violated through illegal intercountry adoptions and clarifying States’ obligations in this respect under international human rights law.

2. **Phenomenon and modalities of illegal adoptions.** Having devastating consequences on the lives and rights of victims, illegal adoptions occur through a wide variety of illegal acts or illicit practices, such as abduction and sale of and trafficking in children, enforced disappearance and wrongful removal of children in the context of enforced disappearance, as well as adoptions involving fraud in the declaration of adoptability, falsification of official documents or coercion, lack of proper consent by biological parents, improper financial gain by intermediaries and related corruption. These acts and practices “reflect deficiencies in child protection systems which are exploited by criminal networks, often with the involvement of State officials or as the result of permissive State policies”.¹ Discrimination against minorities and indigenous peoples, and gender discrimination and violence based on moral and religious constructs regarding the social or marital status of the mother, have been a key driver of illegal adoptions in several countries.² In light of recent developments in a number of receiving States and with the view to providing useful guidance to States, victims and other stakeholders, the joint statement focuses on the intercountry dimension of illegal adoptions. Nevertheless, several considerations and recommendations included here would apply to illegal domestic adoptions.

3. **Human rights violated.** When illegal intercountry adoptions occur, various human rights are violated, including the right of every child to have, without any discrimination, such measures of protection as are required by their status as a child, on the part of their family, society and the State³ and the right of family to protection⁴. The family plays a fundamental role in a child’s

development and identity. A child therefore has the right to, as far as possible,⁵ know their parents and to be cared for by them⁶ and the right not to be separated from their parents against their will, except when this is necessary to ensure the child's best interests.⁷ Illegal intercountry adoptions infringe the right of children to preserve their identity,⁸ such as their name, their nationality and their family relations.⁹ Children who are illegally deprived of their identity have a right to have that identity speedily re-established.¹⁰ There is a strong nexus between the right to protection of privacy and family life and the right to identity.¹¹

4. **Crimes.** Illegal intercountry adoptions may violate the prohibition of the abduction, the sale of, or the traffic of children,¹² and, under specific circumstances, may also violate the prohibition of enforced disappearances.¹³ In certain conditions as provided for in international law, illegal intercountry adoptions may constitute serious crimes such as genocide¹⁴ or crimes against humanity.¹⁵

II. Obligation to prevent illegal intercountry adoption

5. **Key principles in prevention.** States have a duty to prevent illegal intercountry adoption by promulgating and implementing laws and policies as well as other measures that may be necessary concerning the adoption process. Four key principles shall govern intercountry adoption. First, the best interests of the child shall be the paramount consideration in all adoption cases.¹⁶ Second, intercountry adoption shall respect the principle of subsidiarity,¹⁷ which entails that "all appropriate national alternative care solutions shall be considered in the child's country of origin before resorting to intercountry adoption".¹⁸ Third, the prohibition of improper financial or other gains requires that only the reasonable costs and expenses of adoptions may be charged or paid.¹⁹ Fourth, intercountry adoptions can only be authorized by competent authorities who determine that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if necessary, the persons concerned have given their informed consent to the adoption on the basis of appropriate counseling.²⁰ The aforementioned principles are breached "when the purpose of an adoption is to find a child for adoptive parents rather than a family for the child."²¹

6. **Respecting children's views.** Any decisions taken in the context of intercountry adoptions shall be guided and informed by the four principles concerned and shall guarantee the rights of the child, as well as the rights of biological families and prospective adoptive parent(s). States shall especially enable children to express their views and ensure that these views are given due weight in accordance with their age and maturity in all judicial and administrative proceedings concerning an intercountry adoption decision.²² In this regard, States should develop standard operating procedures and provide training to judges, lawyers and social workers.

7. **Process of adoption.** States shall establish and implement a single process for adoption that includes a holistic assessment of the child's full range of rights and adopt adequate regulation on procedures and safeguards, including in relation to the determination of adoptability.²³ In particular, States shall prohibit private and independent adoptions and ensure that intercountry adoptions are carried out only through accredited agencies. States shall establish transparent, effective, appropriate and well-resourced mechanisms for overseeing and monitoring intercountry adoption processes,²⁴ especially with respect to strictly verifying the background and documents of children declared to be orphans. States shall also establish and implement standardized information systems to obtain and share accurate and reliable data on intercountry adoptions, including children subject to adoption, their family and background.²⁵

8. **Improper financial gain and corruption.** States shall take all appropriate measures to ensure that, in intercountry adoption, the placement does not result in improper financial gain for those involved.²⁶ Official fees should be sufficient to cover costs and full details should be made available for public consultation,²⁷ contributions and donations should be clearly separated from the adoption process,²⁸ the provision of development or humanitarian aid should not be linked to an authorization to carry out adoptions.²⁹ Payments by agencies or prospective adopters to residential care facilities should be prohibited.³⁰ Corruption at any stage of the adoption process shall be criminalized.

9. **Eliminating incentives.** States should prevent creating incentives to illicit practices resulting in illegal intercountry adoption in countries of origin. In particular, annual quotas for adoptions by countries and/or agencies should be eliminated³¹ and applications should only be accepted if they were initiated for a child having been identified as requiring adoption.³²

10. **National laws and practices.** States of origin should review national laws and regulations, as well as policies and practices to ensure that they do not contribute to the creation or maintenance of an enabling environment for illegal intercountry adoptions³³. States shall take all necessary measures to address root causes of such practices.³⁴ This can be done, *inter alia*, by strengthening and further investing in effective national child protection systems and by increasing support to vulnerable families in particular single mothers in situations of economic hardship, from rural areas or belonging to indigenous communities.³⁵ Alternative childcare measures shall respect the principle of subsidiarity and ensure the best interests of the child is the paramount consideration. States shall ensure birth registration for every child.³⁶ Furthermore, States should provide effective protection of migrant, asylum seeking, refugee and internally displaced children³⁷, of children with disabilities as well as of children victims of armed conflict and natural disasters,³⁸ including climate-related disasters,³⁹ who are at higher risk of being separated from their parents. In such circumstances States should consider placing moratoria on intercountry adoptions.

11. **Data collection and statistics.** States should take all necessary steps to generate accurate and up-to-date statistical information on illegal intercountry adoptions, including the date of adoption and the number of persons whose true identity has been reestablished.

III. Obligation to criminalize and investigate illegal intercountry adoption

12. **Criminalization.** States shall prohibit illegal intercountry adoptions⁴⁰ as a continuing offense under criminal law.⁴¹ They shall establish appropriate sanctions that reflect the gravity of this offense and guarantee a prompt and effective judicial remedy. In the case of illegal intercountry adoptions resulting from enforced disappearances, States shall consider as an aggravating factor that the person who disappeared was a child, taking into consideration that enforced disappearances or the wrongful removal of children in the context of enforced disappearance are an extreme form of violence against children.⁴² States shall ensure that statute of limitation is not an obstacle for victims to access judicial remedies, considering the particular difficulties for child victims to make complaints, as well as the continuing nature of this offense.⁴³

13. **Investigations.** States shall take all necessary measures to ensure that all cases of illegal intercountry adoptions are investigated in a complete, impartial, diligent and effective manner, even in the absence of a formal complaint.⁴⁴ Appropriate steps shall be taken, where necessary, to ensure that the complainant, witnesses, victims and their defense counsel, as well as other persons participating in the investigation, are protected against all ill-treatment or intimidation as a consequence of the complaint or any evidence given.⁴⁵ States shall ensure that the authorities investigating illegal intercountry adoptions have access to all relevant documentation, archives and other information so that they are able to conduct the investigation effectively.⁴⁶ States shall also provide the institutions involved in the investigation of illegal intercountry adoptions with adequate financial and technical resources and qualified staff to be able to perform their work promptly and effectively.⁴⁷

14. **Mutual assistance.** States shall afford one another the greatest measure of mutual assistance in connection with criminal proceedings brought in respect of an offense of illegal intercountry adoption, including the supply of all evidence at their disposal that is necessary to the proceeding, subject to the conditions provided for by domestic law or by applicable treaties.⁴⁸

IV. Obligation to remedy illegal intercountry adoption

15. **Right to the truth and search of abducted children.** Victims of illegal intercountry adoptions have the right to know the truth.⁴⁹ States shall ensure that all victims, including those adopted in the past, receive the assistance they need to know their origins.⁵⁰ The State shall therefore play an active role in efforts to search for and locate missing children.⁵¹ For instance,

States should create a DNA database that includes genetic samples for all cases of wrongful removal, enforced disappearance,⁵² or falsification of identity that have been reported, with the specific purpose of re-establishing the identity of victims of illegal intercountry adoption.⁵³ In implementing the right to the truth, States shall assist one another in searching for, identifying and locating victims of illegal intercountry adoptions.⁵⁴

16. **Procedures to annul adoptions.** States shall provide redress to victims of illegal intercountry adoptions by establishing specific procedures for reviewing and, where appropriate, annulling adoption, placement or guardianship that originated in an enforced disappearance⁵⁵ or any illegal acts, and for swift action to re-establish the true identity of the adoptee concerned, taking into account the best interests of the child when applicable⁵⁶ and without prejudice for the right to a nationality.⁵⁷

17. **Right to reparation.** Victims, namely those who suffered harm as a direct result of illegal intercountry adoptions, have the right to reparation.⁵⁸ Reparation shall incorporate a gender perspective and may include: restitution to the original situation of the victim before the illegal intercountry adoption occurred, where appropriate, and taking into account the best interests of the child; compensation for any economically assessable damage; rehabilitation, which should include medical and psychological care as well as legal and social services, counselling and facilitation; satisfaction, which should include, but is not limited to, full and public disclosure of the truth, public apology, commemorations and tributes to the victims;⁵⁹ guarantees of non-recurrence through legal, institutional and practical reforms.⁶⁰

18. **Truth mechanisms.** States should consider establishing, where appropriate, an independent commission of inquiry to establish the facts regarding allegations of illegal intercountry adoptions, to determine the responsibilities of the parties, and to propose measures of adequate reparation for the victims.⁶¹ The objective of such commissions is to assist victims in finding the truth about their origins and re-establish their true identity, make a credible historical record, recommend the adoption of guarantees of non-repetition, and thereby prevent the recurrence of illegal intercountry adoptions.⁶² States should ensure that such mechanisms incorporate a gender and child-sensitive perspective.⁶³

¹ Special Rapporteur on the Sale and Sexual Exploitation of Children, Statement by Ms. Maud De Boer-Buquicchio, 34th session of Human Rights Council, 7 March 2017.

² Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, 22 December 2016, Study on illegal adoptions, A/HRC/34/55, paras. 35-36.

³ International Covenant on Civil and Political Rights (ICCPR), art. 24, par. 1. Human Rights Committee (HRC), *Darwinia Rosa Monaco de Gallichio v. Argentina*, views on comm. n°400/1990, 3 April 1995, para. 10.5.

⁴ ICCPR, art. 23, par. 1.

⁵ Committee on the rights of the child (CRC), Concluding Observations, Russian Federation, 2005, CRC/C/RUS/CO/3, paras 40-41; CRC, Concluding Observations, France, 2004, CRC/C/15/Add.240, paras. 23-24; CRC, Concluding Observations, France, 2009, CRC/C/FRA/CO/4, paras. 43-44.

⁶ Convention on the rights of the child, art. 7.

⁷ Convention on the rights of the child, art. 9. Inter American Court of Human Rights (IACtHR), Advisory Opinion OC-17/2002, August 8, 2002, *Juridical condition and human rights of the child*, para. 77; *Case of Ramírez Escobar et al. v. Guatemala. Merits, Reparations and Costs*, Judgement of March 9, 2018, Series C n°351, paras. 151, 165.

⁸ Convention on the rights of the child, arts. 8 and 16; Organization of African Unity, African Charter on the Rights and the Welfare of the Child (ACRWC), 1st July 1990, CAB/LEG/153/Rev.2, art. 10 and 18; American Convention on Human Rights (ACHR), 22 November 1969, art. 11 and art. 17; European Convention on Human Rights (ECHR), 4 November 1950, ETS No. 005, art. 8.

⁹ These elements are protected as autonomous rights in several international and regional instruments: right to a name (ICCPR, art. 24, para. 2; ACRWC, art. 6, para. 1; ACHR, art. 18), right to nationality (ICCPR, art. 24, para. 3; ACRWC, art. 6, para. 3; ACHR, art. 20) and right to protection of the family and of family life (ACRWC, art. 18; ACHR, arts. 11 and 17, ECHR, art. 8). See also, among others, IACtHR, *Contreras and al. v. El Salvador*, Merits, Reparations and Costs, 31 August 2011, para. 116; *Gelman v. Uruguay*, Merits and Reparations, 24 February 2011, paras. 117-137; *Masacre de la Aldea Los Josefinos v. Guatemala*, Merits, reparations and costs, 3 November 2021, paras. 84-93; Working Group on Enforced or Involuntary Disappearances (WGEID), *General Comment on children and enforced disappearances*, A/HRC/WGEID/98/1 of 14 February 2013, paras. 17-18.

¹⁰ Convention on the rights of the child, art. 8, para. 2. Declaration on the Protection of All Persons from Enforced Disappearances, art. 20, paras. 1 and 2; International Convention on the Protection of All Persons from Enforced Disappearances (ICPPED), art. 25, para. 4; Committee on enforced disappearances (CED), Concluding Observations, Albania, 2018, CED/C/ALB/CO/1, para. 39 a); CED, Concluding Observations, Switzerland, 2021, para. 40. b); CED, Concluding Observations, Mongolia, 2021, CED/C/MNG/CO/1, para. 43 c).

¹¹ IACtHR, *Contreras and al. v. El Salvador*, Merits, Reparations and Costs, 31 August 2011, para. 116.

¹² Convention on the rights of the child, art. 35; Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, art. 1 et 3; Hague Convention on protection of children and cooperation in respect of intercountry adoption, 29 May 1993 (1993 Hague Convention), art. 32; Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (UNTOC), art. 3.

¹³ ICPPED, art. 1; Declaration on the Protection of All Persons from Enforced Disappearance, preamble and art. 20; WGEID, *General Comment on children and enforced disappearances*, A/HRC/WGEID/98/1, paras. 19-23; Special Rapporteur on trafficking in persons, especially women and girls, Joint Other Letter concerning the General Scheme of the Birth Information and Tracing Bill, the General Scheme of a Certain Institutional Burials (Authorised Interventions) Bill and the proposed Restorative Recognition Scheme, OL IRL 2/2021, p. 8.

¹⁴ Convention on the Prevention and punishment of the crime of genocide, 9 December 1948, art. II-(e).

¹⁵ Rome Statute of the International Criminal Court, art. 7, para. 1-i (enforced disappearance); art. 7, para. 1-c (enslavement); ICPPED, art. 5; WGEID, *General Comment on enforced disappearance as a crime against humanity*, 2009, A/HRC/13/31.

¹⁶ Convention on the rights of child, art. 21; 1993 Hague Convention, art. 4; Council of Europe, European Convention on the Adoption of Children (revised) (ECA), 27 November 2008, STCE No. 202, art. 4; ACRWC, art. 24; CRC, Concluding Observations, Switzerland, 2021, CRC/C/CHE/CO/5-6, para. 32; CRC, Concluding Observations, India, 2014, CRC/C/IND/CO/3-4, para. 58 c); CRC, Concluding Observations, Eritrea, 2008, CRC/C/ERI/CO/3, para. 47; CRC, General comment No. 14 (2013), CRC/C/GC/14, p. 7; CRC, General comment No. 12 (2009), CRC/C/GC/12, para. 55-56.

¹⁷ Convention on the rights of the child, art. 21; 1993 Hague Convention, art. 4; IACtHR, *Case of Ramírez Escobar et al. v. Guatemala. Merits, Reparations and Costs*, Judgement of March 9, 2018, Series C n°351, paras 207-208.

¹⁸ Special Rapporteur on the Sale and and Sexual Exploitation of Children, Statement by Ms. Maud De Boer-Buquicchio, 34th session of Human Rights Council, 7 March 2017.

¹⁹ Convention on the rights of the child, art. 21; 1993 Hague Convention, art. 8, 11 and 32; ECA, art. 17; ACRWC, art 24. IACtHR, *Case of Ramírez Escobar et al. v. Guatemala. Merits, Reparations and Costs*, Judgement of March 9, 2018, Series C n°351, paras 207-208.

²⁰ Convention on the rights of the child, art. 21; 1993 Hague Convention, art. 4.

²¹ Statement by Ms. Maud De Boer-Buquicchio, 7 March 2017; Special Rapporteur on trafficking in persons, especially women and girls, Joint Other Letter concerning the General Scheme of the Birth Information and Tracing

Bill, the General Scheme of a Certain Institutional Burials (Authorised Interventions) Bill and the proposed Restorative Recognition Scheme, OL IRL 2/2021.

²² Convention on the rights of the child, art 12; ICPPED, art. 25 para. 5; CED, Concluding Observations, France, 2013, CED/C/FRA/CO/1, para. 37.

²³ A/HRC/34/55, para. 95(e); CRC, Concluding Observations, India, 2014, CRC/C/IND/CO/3-4, para. 58.

²⁴ A/HRC/34/55, para. 95(f); CRC, Concluding Observations, Ghana, 2015, CRC/C/GHA/CO/3-5, para. 46; CRC, Concluding Observations, Cambodia, 2011, CRC/C/KHM/CO/2-3, para. 48; CRC, Concluding Observations, Guatemala, 2010, CRC/C/GTM/CO/3-4, para. 61; CRC, Concluding Observations, Democratic Republic of Congo, 2009, CRC/C/COD/CO/2, para. 48; CRC, Concluding Observations, Eritrea, 2008, CRC/C/ERI/CO/3, para. 47.

²⁵ A/HRC/34/55, para. 95(h); Convention on the rights of child, art. 21; 1993 Hague Convention, art. 4.

²⁶ Convention on the rights of child, art. 21

²⁷ A/HRC/34/55, para. 96(e).

²⁸ A/HRC/34/55, para. 96(g).

²⁹ A/HRC/34/55, para. 96(f).

³⁰ A/HRC/34/55, para. 96(h).

³¹ A/HRC/34/55, para. 96(i).

³² *Id.*

³³ A/HRC/34/55, para 95(c).

³⁴ CRC, Concluding Observations, Madagascar, 2012, CRC/C/MDG/CO/3-4, para. 44 b).

³⁵ A/HRC/34/55, para. 30.

³⁶ *Ibid.*, para. 95. HRC, General Comment n°17 (article 24), Rights of children, para. 7. CRC, General Comment n°7 (2005), *Implementing child rights in early childhood*, para. 25; CRC, Concluding Observations, Brunei Darussalam, 2016, CRC/C/BRN/CO/2-3, para 32; CRC, Concluding Observation, Viet Nam, 2012, CRC/C/VNM/CO/3-4, para. 38; CRC, Concluding Observations, Timor-Leste, 2008, CRC/C/TLS/CO/1, para. 34.

³⁷ CED, Concluding Observations, Italy, 2019, CED/C/ITA/CO/1, para. 23 and 34; CED, Concluding Observations, Mexico, 2015, CED/C/MEX/CO/1, para. 23.

³⁸ CRPD, Concluding Observations, Hungary, 2022, CPRD/C/HUN/CO/2-3, § 39; CRPD, Concluding Observations, Iraq, 2019, CRPD/C/IRQ/CO/1, para. 22.

³⁹ CRC, Concluding Observations, Djibouti, 2022, CRC/C/DJI/CO/3-5, para. 38; CRC, Concluding Observations, Somalia, 2022, CRC/C/SOM/CO/1, paras. 4, 54-55; CRC, Concluding Observations, Madagascar, 2022, CRC/C/MDG/CO/5-6, para. 37; CEDAW, General recommendation n°37(2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, CEDAW/GC/37.

⁴⁰ CRC, Concluding Observations, Marshall Islands, 2007, CRC/C/MHL/CO/2, para. 40; CRC, Concluding Observations, Spain, 2007, CRC/C/ESP/CO/3-4, para. 45; CRC, Concluding Observations, Albania, 2012, CRC/C/OPSC/ALB/CO/1, para. 26; CRC, Concluding Observations, Greece, 2012, CRC/C/OPSC/GRC/CO/1, para. 27; CRC, Concluding Observations, Montenegro, 2010, CRC/C/OPSC/MNE/CO/1, para. 30; CRC, Concluding Observations, Serbia, 2010, CRC/C/OPSC/SBR/CO/1, para. 36; CRC, Concluding Observation, Yemen, 2014, CRC/C/YEM/CO/4, para. 83.

⁴¹ ICPPED, arts. 4 and 8; Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the UNTOC, art. 5; ASEAN Convention against Trafficking in Persons, especially women and children, 21 November 2015, art. 5.

⁴² ICPPED, art. 7(b). CED, Concluding Observations, Switzerland, 2021, CED/C/CHE/CO/1, para. 16. WGEID, *General Comment on children and enforced disappearances*, A/HRC/WGEID/98/1, para. 9.

⁴³ ICPPED, art. 8; Declaration on the Protection of All Persons from Enforced Disappearance, art. 17.

⁴⁴ ICPPED, art. 12, paras. 1 and 2; CED, Concluding Observations, Switzerland, 2021, CED/C/CHE/CO/1, para. 40 a); CED, Concluding Observations, Argentina, 2013, CED/C/ARG/CO/1, para. 17; CRC, Concluding Observations, China, 2013, CRC/C/CHN/CO/3-4, para. 57; CRC, Algeria, 2012, CRC/C/DZA/CO/3-4, para. 54. Council of Europe Convention on Action against Trafficking in Human Beings, 16 May 2005, CETS, n°197, art. 27; ASEAN Convention against Trafficking, art. 16.

⁴⁵ ICPPED, art. 12, para. 1. Declaration on the Protection of All Persons from Enforced Disappearance, art. 13, par. 3; WGEID, *General comment on the right to the truth in relation to enforced disappearance*, A/HRC/16/48, para. 5; WGEID, *General Comment on children and enforced disappearances*, A/HRC/WGEID/98/1, paras. 39-40; and

WGEID, Report on standards and public policies for an effective investigation of enforced disappearance, A/HRC/45/13/Add.3, paras. 60-68.

⁴⁶ CED, Concluding Observations, Chile, 2019, CED/C/CHL/CO/1, para.17.

⁴⁷ CED, Concluding Observations on the report submitted by Chile under article 29 (1) of the Convention (2019), CED/C/CHL/CO/1, para. 17.

⁴⁸ UNTOC, art. 18; ICPPED, art. 14; Declaration on the Protection of All Persons from Enforced Disappearances, art. 20, para. 4.

⁴⁹ ICPPED, art. 24 para. 2; Resolution adopted by the General Assembly on 16 December 2005, A/RES/60/147; WGEID, *General comment on the right to the truth in relation to enforced disappearance*, A/HRC/16/48, para. 7; WGEID, *General Comment on children and enforced disappearances*, A/HRC/WGEID/98/1, paras. 23-29.

⁵⁰ CRC, Concluding Observations, Switzerland, 2021, CRC/C/CHE/CO/5-6, para. 32; CRC, Concluding Observations, Guatemala, 2010, CRC/C/GTM/CO/3-4, para. 64-65; WGEID, *General comment on the right to the truth in relation to enforced disappearance*, A/HRC/16/48, par. 7.

⁵¹ ICPPED, art. 24, para. 3; CED, *Guiding principles for the search for disappeared persons*, Principles 4 and 8.8; Declaration on the Protection of all Persons from Enforced Disappearance, art. 20; Council of Europe Convention on Action against Trafficking in Human Beings, art. 33, para. 2; CED, Concluding Observations, Colombia, 2016, CED/C/COL/CO/1 para. 40; CRC, Concluding Observations, Salvador, 2004, CRC/C/15/Add.232, para. 32; CRC, Concluding Observations, Argentina, 2002, CRC/C/15/Add.187, para. 35; CRC, Concluding Observations, Salvador, 2010, para. 37-38.

⁵² CED, Concluding Observations, Honduras, 2018, CED/C/HND/CO/1, para. 43; CRC, Concluding Observations, Guatemala, 2010, CRC/C/GTM/CO/3-4, para. 87.

⁵³ ICPPED, art. 19.

⁵⁴ ICPPED, arts. 15 and 25, para. 3; Declaration on the Protection of All Persons from Enforced Disappearance, art. 20, para. 4; WGEID, *General Comment on children and enforced disappearances*, A/HRC/WGEID/98/1, para. 46; Council of Europe Convention on Action against Trafficking in Human Beings, art. 33, para. 2

⁵⁵ ICPPED, art. 25, para. 4; Declaration on the Protection of All Persons from Enforced Disappearance, art. 20, para. 2; CED, Concluding Observations, Panama, 2021, CED/C/PAN/CO/1, para. 39 c); CED, Concluding Observations, Brazil, 2021, CED/C/BRA/CO/1, para 35; CED, Concluding Observations, Bolivia, 2019, CED/C/BOL/CO/1, para. 41 c); CED, Concluding Observations, Peru, 2019, CED/C/PER/CO/1, para. 35 c); CED, Concluding Observations, Honduras, 2018, CED/C/HND/CO/1, para. 43; WGEID, *General Comment on children and enforced disappearances*, A/HRC/WGEID/98/1, para. 22.

⁵⁶ CED, Concluding Observations, Bolivia, 2019, CED/C/BOL/CO/1, para. 41 c); CED, Concluding Observations, Panama, 2021, CED/C/PAN/CO/1, para. 39 c).

⁵⁷ ICCPR, art. 24, par. 3.

⁵⁸ ICPPED, art. 24; Declaration on the Protection of All Persons from Enforced Disappearance, art. 19; WGEID, *General Comment on children and enforced disappearances*, A/HRC/WGEID/98/1, paras. 30-36; Resolution adopted by the General Assembly on 16 December 2005, A/RES/60/147, “Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law”

⁵⁹ Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, *Memorialization processes in the context of serious violations of human rights and international humanitarian law: the fifth pillar of transitional justice*, 9 July 2020, A/HRC/45/45, para. 106.

⁶⁰ UNTOC, art. 25, par. 2; Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the UNTOC, art. 6, par. 6; Council of Europe Convention on Action against Trafficking in Human Beings, arts. 12 and 15.

⁶¹ Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, A/HRC/24/42, para. 90.

⁶² Office of the United Nations High Commissioner for Human Rights, Promotion and protection of human rights, *Study on the right to the truth*, 8 February 2006, E/CN.4/2006/91, para 15.

⁶³ Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, A/HRC/24/42, para. 36; Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, *The gender perspective in transitional justice processes*, A/75/174.