**DRAFT GUIDING PRINCIPLES FOR THE SEARCH FOR DISAPPEARED PERSON**

**INTODUCTION**

1. Idem
2. Idem

*Contribution with additional 3*

*3. The guiding principles are in direct relation to, inter alia, the provisions contained in Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance and "... is considered to be in arrest, detention, adduction or any other a form of deprivation of liberty by the agent of the State, followed by a refusal to acknowledge the deprivation of liberty or the concealment of the fate or whereabouts of the deceased person who places such a person outside the protection of the law.*

**COMMENTS TO SPECIFIC PRINCIPLES**

**Principle 1. The search for a disappeared person should be conducted under the presumption that he or she alive**

1. Idem

*Contribution with additional 2*

1. *Clarifying the presumption that the victim is alive should be guaranteed by multidisciplinary procedures based on scientific criteria*

**Principle 2. The search should be governed by public policy**

*Contribution with additional 5*

*5. The public policy should be represented by qualified, independent institutions and equipped with sufficient technical equipment and financial resources.*

**Principle 3. The search should be immediate**

1. As soon as there is knowledge of a disappearance, or when there are reasonable grounds to believe that a person has been subjected to enforced disappearance, the competent authorities should begin the search immediately and expeditiously.

*Contribution at the end of 1*

*The delay in the start of the search threatens the lives of displaced persons.*

**Principle 4. The search should be carried out with a strategic aproach**

1. The competent authorities should design a comprehensive search strategy in which the activities to be performed in an integrated fashion.

*Contribution at the end of 2*

*The procedure that warrants a search is particularly tied to the rigorous use of scientific criteria in the data collection, documentation and systematization of information, evaluation. In each case it is necessary to place the displaced person inside the protection of the law.*

**Principle 5. The search should be exhaustive**

1. The search for the disappeared person and the criminal investigation of the person responsible for the disappearance should be mutually reinforcing. The criminal investigation should not take away from the urgency of investigating the fate and whereabouts of the disappeared person using appropriate staff and equipment.

*Contribution at the end of 1*

*To achieve an exhaustive search, it would be necessary to set up an action plan in advance, consisting in the systematic enumeration of the working steps and the formulation of the possible strategies until all the hypotheses of intervention have been exhausted.*

**Principle 6. The search should be effective**

8. States should establish genetic databanks and consultation system that make it possible to obtain results quickly during the search. In establishing databanks, it should be ensured that:

(a) Idem

(b) Idem

(c) Idem

*Contribution with additional (d)*

*(d) The administering authority holds the proof of life of the person's disappearance to pave the way for effective search. The proofs of life can be obtained from government or private sources based on realistic appreciations of the circumstances of the disappearance.*

**Principle 7. The search should be informed**

1. Idem
2. Idem
3. Idem

*Contribution with additional 4*

*In order to access registers with processed activities, personal data protection should be taken into account as a standard of excellence in the protection of human rights. In particular ear cases could have access to the originally designated personnel with responsibilities in this regard.*

**Principle 8. The search should be coordinated**

1. Idem
2. Idem
3. Idem
4. Idem

*Contribution with additional 5*

*5. The research should be coordinated in accordance with scientific aspects and their valorisation as a systematic process of collecting and analyzing information to help achieve the right final results.*

**Principle 9. The search should be independent**

1. Idem
2. Idem
3. Idem
4. Idem

*Contribution with additional 5*

*5. The entity responsible for the search should be independent throughout the research period comprising the collection of primary data (observations and testimonies) and secondary data (official data and information that reveals the identity of the recently disparaged person, etc.) and not be circumscribed in the field of introspection , consultation and emergency access to all sources of information.*

**Principle 10. The search should be governed by the principle of transparency**

*Contribution inside 1*

1. Search protocol (based on the consent form of each entity / person involved as an official or volunteer) both in terms of ensuring the effectiveness of the search and in its sovereignty by competent authorities, family members and persons with a legitimate interest in it. Accordingly, these should be public and widely disseminated.
2. Idem
3. Idem
4. Idem

**Principle 11. The search is a continuing obligation**

1. Idem
2. Idem
3. Idem
4. Idem

*Contribution with additional 4’*

*4’. Based on professionalism, experts will issue recommendations that will be important to central institutions and other actors involved in the possible decision to end the search for the person recently disappeared on the clear mandate of this operation as well as human rights and humanitarian principles that should be followed. The identification of the victim, without doubt, must be the overriding priority of any final decision.*

1. idem

**Principle 12. The search should be participatory**

*Contribution inside 1*

*After finishing the search the victims have the rights to know the truth of the circumstances of the enforced disappearance and the result of the investigations (Art 24 (2) Convention)*

*Contribution inside 2*

*2.* *Civil society organizations have guaranteed the right to play a part in clarifying that fate of displaced persons (Art 24 (6) Convention)*

*NB: CSO participation should be complemented by all principles where participation of other actors in the research of officials, experts, members of families, relatives, friends is presented.*

**Principle 13. The search should be protected**

1. Idem
2. Idem
3. Idem

*Contribution with additional 4*

*4.* *Since the beginning of research the family members and relatives and other participants without portfolio at different levels of research should receive minimal training and information on the responsibilities of the official plan, the steps and the mechanism established for research.*

**Principle 14. The search should be conducted using a differential approach**

1. Idem
2. Idem
3. Idem
4. Idem

*Contribution with additional 4’*

*4’. If the missing person belongs to the migrant / refugee category, it should take into account the emotional vulnerability to the location and the legal status of the person. It would be important to involve appropriate staff such as: healthcare staff, people in charge of immigration procedure, informal interpreter.*

*Contribution with additional 4’’*

*4’’. If the missing person is identified with disabilities diagnosed prior to the disappearance, or detected on the basis of the information obtained from the family, the search should be adapted to an appropriate formula for the emergency situation regarding the organization of staff and technical endowments for special needs.*

*Contribution with additional 4’’’*

*4’’’. If the missing person belongs to the LGBT community, the search should include standardizing intervention measures to understand psychological, physical, mental and emotional vulnerabilities as exacerbated under risk conditions.*

1. Idem

**Principle 15. The search should guarantee respect for human dignity**

1. Idem

*Contribution at the end of 2*

1. *The authorities can be connected to the search for the surviving and their rights to the truth*