

**16. INTERNATIONAL CONVENTION FOR THE PROTECTION OF ALL PERSONS
FROM ENFORCED DISAPPEARANCE**

New York, 20 December 2006

ENTRY INTO FORCE: 23 December 2010, in accordance with article 39(1) which reads as follows: “This Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.”.

REGISTRATION: 23 December 2010, No. 48088.

STATUS: Signatories: 98. Parties: 77.

TEXT: United Nations, *Treaty Series*, vol. 2716,p. 3; [Doc.A/61/448](#); C.N.737.2008.TREATIES-12 of 2 October 2008 (Proposal of corrections to the original text of the Convention (Arabic, Chinese, English, French, Russian and Spanish texts) and to the Certified True Copies) and C.N.1040.2008.TREATIES-20 of 2 January 2009 (Corrections).

Note: The above Convention was adopted on 20 December 2006 during the sixty-first session of the General Assembly by resolution [A/RES/61/177](#). In accordance with its article 38, the Convention shall be open for signature by all Member States of the United Nations. The Convention shall be open for signature on 6 February 2007 in Paris, France, and thereafter at United Nations Headquarters in New York.

<i>Participant</i>	<i>Signature</i>	<i>Accession(a), Ratification</i>	<i>Participant</i>	<i>Signature</i>	<i>Accession(a), Ratification</i>
Albania.....	6 Feb 2007	8 Nov 2007	Comoros.....	6 Feb 2007	
Algeria	6 Feb 2007		Congo.....	6 Feb 2007	
Angola	24 Sep 2014		Costa Rica.....	6 Feb 2007	16 Feb 2012
Argentina	6 Feb 2007	14 Dec 2007	Côte d'Ivoire		6 Jun 2024 a
Armenia	10 Apr 2007	24 Jan 2011	Croatia	6 Feb 2007	31 Jan 2022
Austria	6 Feb 2007	7 Jun 2012	Cuba.....	6 Feb 2007	2 Feb 2009
Azerbaijan.....	6 Feb 2007		Cyprus.....	6 Feb 2007	
Bangladesh.....		30 Aug 2024 a	Czech Republic.....	19 Jul 2016	8 Feb 2017
Belgium	6 Feb 2007	2 Jun 2011	Denmark ¹	25 Sep 2007	13 Jan 2022
Belize.....		14 Aug 2015 a	Dominica		13 May 2019 a
Benin.....	19 Mar 2010	2 Nov 2017	Dominican Republic	26 Sep 2018	
Bolivia (Plurinational State of).....	6 Feb 2007	17 Dec 2008	Ecuador.....	24 May 2007	20 Oct 2009
Bosnia and Herzegovina	6 Feb 2007	30 Mar 2012	Eswatini	25 Sep 2007	
Brazil	6 Feb 2007	29 Nov 2010	Fiji		19 Aug 2019 a
Bulgaria	24 Sep 2008		Finland.....	6 Feb 2007	24 Mar 2023
Burkina Faso.....	6 Feb 2007	3 Dec 2009	France	6 Feb 2007	23 Sep 2008
Burundi	6 Feb 2007		Gabon.....	25 Sep 2007	19 Jan 2011
Cabo Verde.....	6 Feb 2007	20 Dec 2022	Gambia.....	20 Sep 2017	28 Sep 2018
Cambodia.....		27 Jun 2013 a	Germany	26 Sep 2007	24 Sep 2009
Cameroon.....	6 Feb 2007		Ghana.....	6 Feb 2007	
Central African Republic		11 Oct 2016 a	Greece.....	1 Oct 2008	9 Jul 2015
Chad.....	6 Feb 2007		Grenada.....	6 Feb 2007	
Chile.....	6 Feb 2007	8 Dec 2009	Guatemala.....	6 Feb 2007	
Colombia	27 Sep 2007	11 Jul 2012	Guinea-Bissau.....	24 Sep 2013	
			Haiti	6 Feb 2007	
			Honduras.....	6 Feb 2007	1 Apr 2008

<i>Participant</i>	<i>Signature</i>	<i>Accession(a), Ratification</i>	<i>Participant</i>	<i>Signature</i>	<i>Accession(a), Ratification</i>
Iceland	1 Oct 2008		Palau	20 Sep 2011	
India	6 Feb 2007		Panama.....	25 Sep 2007	24 Jun 2011
Indonesia.....	27 Sep 2010		Paraguay	6 Feb 2007	3 Aug 2010
Iraq.....		23 Nov 2010 a	Peru.....		26 Sep 2012 a
Ireland.....	29 Mar 2007		Poland	25 Jun 2013	30 Dec 2024
Italy	3 Jul 2007	8 Oct 2015	Portugal.....	6 Feb 2007	27 Jan 2014
Japan	6 Feb 2007	23 Jul 2009	Republic of Korea.....		4 Jan 2023 a
Kazakhstan.....		27 Feb 2009 a	Republic of Moldova.....	6 Feb 2007	
Kenya.....	6 Feb 2007		Romania.....	3 Dec 2008	
Lao People's Democratic Republic	29 Sep 2008		Samoa	6 Feb 2007	27 Nov 2012
Lebanon	6 Feb 2007		Senegal.....	6 Feb 2007	11 Dec 2008
Lesotho	22 Sep 2010	6 Dec 2013	Serbia.....	6 Feb 2007	18 May 2011
Liechtenstein.....	1 Oct 2007		Seychelles		18 Jan 2017 a
Lithuania.....	6 Feb 2007	14 Aug 2013	Sierra Leone.....	6 Feb 2007	
Luxembourg.....	6 Feb 2007	1 Apr 2022	Slovakia	26 Sep 2007	15 Dec 2014
Madagascar.....	6 Feb 2007		Slovenia	26 Sep 2007	15 Dec 2021
Malawi		14 Jul 2017 a	South Africa.....		14 May 2024 a
Maldives	6 Feb 2007	31 Jul 2023	Spain	27 Sep 2007	24 Sep 2009
Mali.....	6 Feb 2007	1 Jul 2009	Sri Lanka.....	10 Dec 2015	25 May 2016
Malta.....	6 Feb 2007	27 Mar 2015	St. Vincent and the Grenadines	29 Mar 2010	
Mauritania.....	27 Sep 2011	3 Oct 2012	Sudan		10 Aug 2021 a
Mexico	6 Feb 2007	18 Mar 2008	Sweden.....	6 Feb 2007	
Monaco	6 Feb 2007		Switzerland	19 Jan 2011	2 Dec 2016
Mongolia.....	6 Feb 2007	12 Feb 2015	Thailand.....	9 Jan 2012	14 May 2024
Montenegro.....	6 Feb 2007	20 Sep 2011	Togo.....	27 Oct 2010	21 Jul 2014
Morocco.....	6 Feb 2007	14 May 2013	Tunisia	6 Feb 2007	29 Jun 2011
Mozambique	24 Dec 2008		Uganda.....	6 Feb 2007	
Netherlands (Kingdom of the) ²	29 Apr 2008	23 Mar 2011	Ukraine		14 Aug 2015 a
Niger	6 Feb 2007	24 Jul 2015	United Republic of Tanzania.....	29 Sep 2008	
Nigeria		27 Jul 2009 a	Uruguay	6 Feb 2007	4 Mar 2009
North Macedonia	6 Feb 2007		Vanuatu.....	6 Feb 2007	
Norway	21 Dec 2007	22 Aug 2019	Venezuela (Bolivarian Republic of)	21 Oct 2008	
Oman		12 Jun 2020 a	Zambia	27 Sep 2010	4 Apr 2011

Declarations and Reservations

(Unless otherwise indicated, the declarations and reservations were made upon ratification, accession or succession.)

CUBA

The Republic of Cuba hereby declares, in accordance with article 42, paragraph 2, that it does not consider itself obliged to refer its disputes to the International Court of Justice, as provided for in paragraph 1 of the same article.

FIJI

“The Government of the Republic of Fiji declares that it does not consider itself bound by provisions of Article 42(1).”

FINLAND

“Emphasizing the importance of prior verification of the conditions for adoption, in the best interests of the child, and thus having reservations about a separate procedure for annulling adoption but recognizing, however, the possibility of reviewing adoption in exceptional cases, the Republic of Finland considers that it is not bound by the provisions of Article 25, paragraph 4 of the Convention in respect of annulling the adoption of the children referred to in Article 25, paragraph 1, subparagraph (a) of the Convention.”

GERMANY

Article 16

The prohibition of return shall only apply if the person concerned faces a real risk of being subjected to enforced disappearance.

Regarding Art. 17 (2) (f)

Under German law it is guaranteed that deprivation of liberty is only lawful if it has been ordered by a court or – in exceptional cases – subsequently authorized by a court. Article 104 para. 2 of the Basic Law (Grundgesetz) expressly provides: ‘Only a judge may rule upon the permissibility or continuation of any deprivation of liberty. If such a deprivation is not based on a judicial order, a judicial decision shall be obtained without delay’. Article 104 para. 3 of the Basic Law provides that a person who has been provisionally arrested on suspicion of having committed a criminal offence ‘shall be brought before a judge no later than the day following the arrest’.

In the event that a person is being held arbitrarily in contravention of Article 104 of the Basic Law, anyone can bring about a judicial decision leading to that person’s release by applying to the competent Local Court for his/her immediate release. If the person concerned has been detained beyond the time limit permissible under the Basic Law, the court has to order that person’s release pursuant to section 128 (2), first sentence, of the Code of Criminal Procedure (Strafprozessordnung, StPO).

Article 17 para. 3

In the case of an involuntary placement of sick persons by a custodian or a person having power of attorney, the information required under letters (a) to (h) is known to the court which authorizes the placement. The court can ascertain the information required under letters (a) to (h) at any time through the custodian or person having power of attorney; the information is then included in the case-file. This information is also to be regarded as records within the meaning of article 17 para. 3.

Regarding Article 18

Under German law, all persons with a legitimate interest are entitled to obtain information from the court files. The restrictions provided for in German law for the protection of the interests of the person concerned or for safeguarding the criminal proceedings are permissible pursuant to Article 20 para. 1 of the Convention.

Regarding Article 24 para. 4

It is clarified that the envisaged provision on reparation and compensation does not abrogate the principle of state immunity.”

MOROCCO

Pursuant to 42 (2) of the Convention, the Kingdom of Morocco does not consider itself bound by the provisions of paragraph 1 of this article and declares that for any dispute between two or more States to be brought before the International Court of Justice, it is necessary to have, in each case, the agreement of all States parties to the dispute.

NORWAY

“The Kingdom of Norway declares its understanding that whether and to what extent the various provisions of the Convention apply in situations of armed conflict will

depend on an interpretation of the provision in question in the light of international humanitarian law, having regard to general principles of interpretation that apply where several regimes of international law are relevant, such as the principle of harmonisation and the principle of *lex specialis*.

To the extent that Article 17 (2) of the Convention may be interpreted as requiring each State Party to establish ‘in its legislation’ conditions for and guarantees related to deprivation of liberty that apply in situations of armed conflict, the Kingdom of Norway reserves the right not to apply this provision in such situations. Deprivation of liberty during armed conflict is not currently regulated in formal Norwegian law. In Norway, the rules concerning deprivation of liberty during armed conflict are set out in the Norwegian Armed Forces’ Manual of the Law of Armed Conflict and in the rules adopted for each specific operation, including the rules of engagement.”

“The Kingdom of Norway declares its understanding that Article 20 (1) of the Convention, which permits restrictions on the right to information referred to in Article 18 on an exceptional basis, where ‘strictly necessary’ and ‘if the transmission of the information would adversely affect the privacy’ of the person deprived of liberty, allows for weight to be given to an assessment by the person concerned of whether these conditions are met.

This applies provided that the information, viewed objectively, is of a sensitive personal nature, that the person concerned is under the protection of the law and that the deprivation of liberty is subject to judicial control.

Thus, it is the understanding of the Kingdom of Norway that, depending on the circumstances, access to information may be denied if the person deprived of liberty does not consent to the disclosure of sensitive personal information on grounds of privacy.”

OMAN

Firstly, the Government of the Sultanate of Oman does not recognize the competence of the Committee in cases of enforced disappearances provided in article 33 of the aforementioned Convention.

Secondly, the Government of the Sultanate of Oman does not consider itself bound by the provisions of article 42, paragraph 1 of the aforementioned Convention.

POLAND

“Emphasizing the importance of prior verification of the conditions for adoption, in the best interests of the child, and thus having reservations about a separate procedure for annulment of adoption, while recognizing the possibility of reviewing or dissolving adoption in exceptional cases, the Republic of Poland considers that it is not bound by the provisions of Article 25, paragraph 4 of the International Convention for the Protection of All Persons from Enforced Disappearance, adopted in New York on 20 December 2006, in respect of the annulment of adoptions of children referred to in its Article 25, paragraph 1, subparagraph (a).”

SUDAN

“... the Government of the Republic of the Sudan, in accordance with article (42) paragraph (2) doesn’t consider itself bound by the provisions of the article (42) paragraph (1) of this Convention.”

THAILAND

“... the Kingdom of Thailand does not consider itself bound by paragraph 1 of Article 42 of the Convention.”

UKRAINE

“Regarding Articles 13 and 14 of the Convention, Ukraine empowers the Prosecutor General’s Office of Ukraine (concerning request during the pre-trial investigation) and Ministry of Justice of Ukraine (concerning request during the court proceedings or execution of judgments) to consider requests according to Articles 10-14 of Convention”.

[...]

Regarding Article 42 of the Convention, Ukraine does not consider itself bound by the provisions of paragraph 1

of Article 42 concerning additional procedures of settlement of disputes by arbitration or the International Court of Justice.”

VENEZUELA (BOLIVARIAN REPUBLIC OF)

Reservation made upon signature:

The Bolivarian Republic of Venezuela, in accordance with article 42, paragraph 2, of the International Convention for the Protection of All Persons from Enforced Disappearance, hereby formulates a specific reservation concerning the provisions of paragraph 1 of that article. Therefore, it does not consider itself to be obliged to resort to arbitration as a dispute settlement mechanism, nor does it recognize the compulsory jurisdiction of the International Court of Justice.

Objections

(Unless otherwise indicated, the objections were made upon ratification, accession or succession.)

BELGIUM

The Kingdom of Belgium has carefully examined the reservation made by the Sultanate of Oman on 12 June 2020 to Article 33 of the International Convention for the Protection of All Persons from Enforced Disappearance, done at New York on 20 December 2006 (hereinafter “the Convention”).

The Kingdom of Belgium notes that the reservation aims to exclude any visits by the Committee on Enforced Disappearances (hereinafter “the Committee”) pursuant to Article 33. However, visits which the Committee intends to make under Article 33 of the Convention are not subject to prior recognition of the competence of the Committee by the State concerned. Under Article 33, the Committee is competent to consider allegations, based on credible information, of serious violations of the Convention by a State Party. Paragraphs 2 and 4 specify that the Committee may only implement the measures provided for in paragraph 1 if it reaches agreement with the State Party concerned. While States Parties may request the postponement or cancellation of a visit, they cannot exclude as a matter of principle any visit by the Committee under Article 33.

Committee visits of the kind provided for in Article 33 are an integral part of the system established by the Convention and an essential element of its implementation. By not recognizing the competence which Article 33 confers on the Committee, the Sultanate of Oman is unduly limiting the Committee's competence, which is inherent in the Convention.

The Kingdom of Belgium therefore considers that this reservation is contrary to the object and purpose of the Convention. The Kingdom of Belgium wishes to recall that, under the terms of Article 19 of the Vienna Convention on the Law of Treaties, a State cannot formulate a reservation that is incompatible with the object and purpose of a treaty.

Consequently, the Kingdom of Belgium objects to the above-mentioned reservation made by the Sultanate of Oman to the International Convention for the Protection of All Persons from Enforced Disappearance. This objection does not preclude the entry into force of the Convention as between Belgium and Oman.

FINLAND

“... The Government of the Republic of Finland has carefully examined the reservation made by the Government of the Sultanate of Oman to Article 33 of the International Convention for the Protection of All Persons from Enforced Disappearance (hereinafter “the Convention”).

The Government of the Republic of Finland notes that the competence of the Committee on Enforced Disappearances under Article 33 of the Convention is not conditional upon general recognition by the State Party. The Government of the Republic of Finland considers that Committee visits provided for in Article 33 of the Convention form an essential part of the implementation of the Convention. A general exclusion of the Committee’s competence in case of suspicion of serious violation of the provisions of the Convention unduly restricts the Committee’s competence and casts doubts on the commitment of the Sultanate of Oman to the object and purpose of the Convention.

The Government of the Republic of Finland thus considers that the above-mentioned reservation is incompatible with the object and purpose of the Convention and is accordingly not permitted under Article 19 (c) of the Vienna Convention on the Law of Treaties.

Therefore, the Government of the Republic of Finland objects to the reservation made by the Government of the Sultanate of Oman to Article 33 of the Convention. This objection shall not preclude the entry into force of the Convention between the Republic of Finland and the Sultanate of Oman. The Convention will thus become operative between the two states without the Sultanate of Oman benefitting from the aforementioned reservation.”

FRANCE

... the Government of the French Republic has carefully examined the reservation made by the Sultanate of Oman upon its accession to the International Convention for the Protection of All Persons from Enforced Disappearance, expressed as follows: “the Government of the Sultanate of Oman does not recognize the competence of the Committee in cases of enforced disappearances provided in article 33 of the aforementioned Convention.”

The object and purpose of the Convention is to prevent enforced disappearances and to combat impunity for the crime of enforced disappearance. By virtue of article 26 of the Convention, a Committee on Enforced Disappearances, consisting of 10 experts elected by the

States Parties, is established to implement the provisions of the Convention. The Committee is a core mechanism of the Convention.

The reservation made by the Sultanate of Oman thus relates to a core function of the Committee – indeed, one that is operational and practical in nature– in preventing and combatting impunity for the crime of enforced disappearance. Moreover, States Parties that are to be visited by the Committee retain the option of asking the Committee to postpone or cancel the visit. There are therefore no grounds for rejecting, by means of the reservation, a cooperation mechanism intended to fulfil the purposes of the Convention.

The Government of the French Republic recalls that, according to customary international law as codified in the Vienna Convention on the Law of Treaties of 23 May 1969, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of the French Republic therefore objects to the reservation made by the Sultanate of Oman. The present objection does not, however, prevent the entry into force of the Convention between the French Republic and the Sultanate of Oman.

GERMANY

The Government of the Federal Republic of Germany has carefully examined the reservation made by the Government of the Sultanate of Oman on June 12, 2020 to Article 33 of the International Convention of December 20, 2006 for the Protection of All Persons from Enforced Disappearance (hereinafter referred to as “the International Convention”).

(i) It notes that undertakings by the Committee on Enforced Disappearances (hereinafter referred to as the “the Committee”) under Article 33 of the International Convention are not conditional upon a general recognition of the Committee’s competence by the State party. Rather, its competence under that provision is related to the elucidation of allegations of serious violations of the Convention, based on reliable information received by the Committee. Article 33, paragraphs 2 and 4, clarify that the Committee may carry out the measures referred to in paragraph 1 only if it reaches agreement with the State Party concerned on a case-by-case basis.

The Committee must also seek the consent of the State Party to take measures under Article 33, even if the State party has generally accepted the Committee’s competence under Articles 31 and 32. However, just as in the case of the conduct of measures under Article 34, the competence of the Committee under Article 33 cannot be excluded as a matter of principle.

(ii) The reservation made by the Government of the Sultanate of Oman is inadmissible under article 19(c) of the Vienna Convention on the Law of Treaties because it is incompatible with the object and purpose of the treaty. The object and purpose of the International Convention is to give the Committee, in cases of suspicion, based on reliable information, of a serious violation of the International Convention, the competence, with the consent of the State party to request on a case-by-case basis one or more members of the Committee to undertake a visit and to report to the Committee on the visit, in order to enable the Committee to communicate observations and recommendations to the State party concerned on the basis of the information obtained. By not recognizing the competence of the Committee, which is inherent in the International Convention, the Government of the Sultanate of Oman is unduly restricting the Committee’s competence, which exists as a matter of principle under Article 33 of the International Convention.

(iii) The Government of the Federal Republic of Germany objects to the reservation to Article 33 of the International Convention.

NETHERLANDS (KINGDOM OF THE)

“The Government of the Kingdom of the Netherlands has carefully examined the reservation made by the Government of the Sultanate of Oman upon accession to the International Convention for the Protection of All Persons from Enforced Disappearance on 12 June 2020, relating to article 33 thereof.

The competence of the Committee on Enforced Disappearances under article 33 – as opposed to its competence under articles 31 and 32 – is not conditional upon general recognition by individual State Parties. A visit under article 33 requires prior consultation with the State Party concerned and notification in writing (paragraphs 1-2); moreover, upon a substantiated request by the State Party, the Committee may decide to postpone or cancel its visit (paragraph 3). Therefore, article 33 only refers to visits and the involvement of the State Party concerned on a case-by-case basis. The competence of the Committee under article 33 cannot be excluded as a matter of principle.

The Government of the Kingdom of the Netherlands considers a general exclusion of the Committee’s competence under article 33 of the Convention, as conveyed in the reservation of the Sultanate of Oman, an unduly restriction of the Committee’s competence under the Convention. Such reservation unilaterally limits the scope of the Convention, contrary to its object and purpose of preventing enforced disappearances and combatting impunity for the crime of enforced disappearance, and the competence of the Committee under article 33 to verify reliable information on serious violations of the Convention to these ends.

The Government of the Kingdom of the Netherlands recalls that, according to customary international law as codified in article 19 (c) of the Vienna Convention on the Law of Treaties, reservations incompatible with the object and purpose of a Convention are not permissible.

The Government of the Kingdom of the Netherlands therefore objects to the reservation of the Sultanate of Oman relating to article 33 of the International Convention for the Protection of All Persons from Enforced Disappearance. This objection shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and the Sultanate of Oman.”

POLAND

“With regard to the reservation to Article 33 made by the Sultanate of Oman upon accession:

The Government of the Republic Poland has carefully examined the reservation made by the Government of the Sultanate of Oman to Article 33 of the International Convention for the Protection of All Persons from Enforced Disappearance, adopted in New York on 20 December 2006 (hereinafter “the Convention”).

The Government of the Republic Poland notes that the competence of the Committee on Enforced Disappearances (hereinafter “the Committee”) under Article 33 of the Convention is not

conditional upon general recognition by a State Party. The Government of the Republic of Poland considers that Committee’s visits provided for in Article 33 of the Convention form an essential part of the implementation

of the Convention. A general exclusion of the Committee's competence in case of suspected serious violation of the provisions of the Convention unduly restricts the Committee's competence and raises doubts on the commitment of the Sultanate of Oman to the object and purpose of the Convention.

The Government of the Republic of Poland thus considers that the above-mentioned reservation is incompatible with the object and purpose of the Convention and is accordingly not permitted under Article 19 (c) of the Vienna Convention on the Law of Treaties, done at Vienna on 23 May 1969.

Therefore, the Government of the Republic of Poland objects to the reservation made by the Government of the Sultanate of Oman to Article 33 of the Convention. This objection shall not preclude the entry into force of the Convention between the Republic of Poland and the Sultanate of Oman. The Convention will thus become effective between the two States without the Sultanate of Oman benefitting from the aforementioned reservation.”.

PORTUGAL

“The Government of the Portuguese Republic has examined the reservation made by the Government of the Sultanate of Oman on 12 June 2020 to Article 33 of the International Convention for the Protection of All Persons from Enforced Disappearance, adopted in New York, on 20 December 2006 (henceforth referred to as “the Convention”).

Firstly, the Government of the Portuguese Republic notes that a reservation through which a State Party generally excludes action by the Committee on Enforced Disappearances (henceforth referred to as “the Committee”) under Article 33 defies a systematic interpretation of the Convention.

Articles 31 and 32 of the Convention provide for the cases where a State may declare to generally recognise the competence of the Committee for certain purposes. Conversely, possible action by the Committee under Article 33 of the Convention is not reliant on such a recognition of competence; on the contrary, it necessarily rests on a [case-by-case] assessment.

Article 33 establishes procedures for the Committee to – subject to certain conditions and with a view to provide observations and recommendations – conduct a visit to a State Party if it receives reliable information indicating that said State Party is seriously violating the provisions of the Convention. Such possible action by the Committee is subject to cumulative conditions under Article 33:

- i) The Committee must have received reliable information indicating that a State Party is seriously violating the provisions of the Convention;
- ii) The Committee must consult the State Party concerned on that received information;
- iii) Only then, having decided to do so, may the Committee request one or more of its members to undertake a visit and report back to it without delay (i.e., it is not mandatory for the Committee to conduct the visit);
- iv) For that visit to take place, the State Party concerned needs to agree to it, having been prior[ly] notified by the Committee, in writing, of the intention to organize a visit, indicating the composition of the delegation and the purpose of the visit. The modalities of the visit are defined by the Committee and the State Party concerned.

Consequently, even in the cases where a State Party has declared to accept the competence of the Committee in relation to Article 31 and/or Article 32 of the Convention, action by the Committee under Article 33 is still subject to those conditions, including the express consent by the State Party concerned.

Secondly, the Government of the Portuguese Republic recalls that, according to customary international law codified under subparagraph c) of Article 19 of the Vienna Convention on the Law of Treaties, reservations that are incompatible with the object and purpose of the Convention shall not be permitted.

Possible action by the Committee under Article 33 is an essential mechanism to the protection of persons from enforced disappearance, as an important monitoring procedure of the Convention.

The object and purpose of a treaty should be understood from a functional perspective, i.e., including not only the guiding principles and general objectives of the treaty, but also all the mechanisms and procedures established for the prosecution of said objectives.

The object and purpose of the Convention is the protection of all persons from enforced disappearances and the Convention provides mechanisms and procedures – including the possible action by the Committee under Article 33 – aimed at preventing and mitigating violations of the rights and freedoms protected under the Convention.”.

Thus, a reservation through which a State Party generally excludes action by the Committee under Article 33 as a matter of principle is incompatible with the object and purpose of the Convention.

Article 33 establishes a possible (non-mandatory) monitoring procedure by the Committee in cases of reliably alleged serious violations of the Convention. That monitoring procedure entails visits of one or more member of the Committee to the State Party concerned, visits that are authorized on a case-by-case basis. Should a visit take place, its outcome are observations and recommendations by the Committee.

In this regard, the Government of the Portuguese Republic considers that this reservation, insofar as seeks to generally exclude possible action by the Committee under Article 33 of the Convention, is inadmissible for being incompatible with the object and purpose of the Convention.

Hence, the Government of the Portuguese Republic objects to this reservation.

Notwithstanding, this objection shall not preclude the entry into force of the Convention between the Portuguese Republic and the Sultanate of Oman.”

SWITZERLAND

The Swiss Federal Council has examined the first reservation made by the Sultanate of Oman upon its accession to the International Convention for the Protection of All Persons from Enforced Disappearance of 20 December 2006, expressed as follows: “Firstly, the Government of the Sultanate of Oman does not recognize the competence of the Committee in cases of enforced disappearances provided in article 33 of the aforementioned Convention.”

The Swiss Federal Council recalls that the competence of the Committee under article 33 of the Convention is a binding competence that does not require prior recognition by the States parties. The Swiss Federal Council considers that the reservation made by the Sultanate of Oman – which has the effect of generally ruling out any visit by the Committee to Oman in case of allegations of serious violations of the provisions of the Convention based on credible information – violates one of the essential elements of the Convention, which is necessary for its overall balance, in such a way as to compromise its rationale. Consequently, the reservation made by the Sultanate of Oman is incompatible with the object and purpose of the Convention.

It is in the common interest of States that instruments to which they have chosen to become parties are respected by all the parties, as to their object and purpose, and that States are prepared to comply with their treaty obligations.

The Swiss Federal Council therefore objects to the reservation made by the Sultanate of Oman. This objection does not prevent the entry into force of the

Convention, in its entirety, between Switzerland and the Sultanate of Oman.

***Declarations recognizing the competence of the Committee under articles 31 and 32
(Unless otherwise indicated, the declarations were made upon ratification, accession or succession.)***

ALBANIA

In accordance with Article 31 of[the International Convention for the Protection of All Persons from Enforced Disappearance], the Republic of Albania declares that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation of provisions of this Convention by Albanian State.

In accordance with Article 32 of[the International Convention for the Protection of all Persons from Enforced Disappearance], the Republic of Albania declares that it recognizes the competence of the Committee to receive and consider communications in which a State Party claims that another State Party is not fulfilling its obligations under this Convention.

ARGENTINA

In accordance with the provisions of article[s] 31, paragraph 1 ... of the International Convention for the Protection of All Persons from Enforced Disappearance, the Argentine Republic recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of individuals subject to the jurisdiction of the Argentine Republic claiming to be victims of a violation by the State of any of the provisions of the Convention ...

In accordance with the provisions of ... article[s] 32 of the International Convention for the Protection of All Persons from Enforced Disappearance, the Argentine Republic recognizes the competence of the Committee on Enforced Disappearances ... to receive and consider communications in which a State Party claims that another State Party is not fulfilling its obligations under this Convention.

AUSTRIA

Pursuant to Article 32 of the Convention, the Republic of Austria recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications in which a State Party claims that another State Party is not fulfilling its obligations under the Convention.

Pursuant to Article 31 of the Convention, the Republic of Austria recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation of provisions of this Convention by Austria.

BELGIUM

Article 32:

The Kingdom of Belgium declares, in accordance with article 32 of the Convention, that it recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications in which a State Party claims that another State Party is not fulfilling its obligations under the Convention.

Article 31:

The Kingdom of Belgium declares that in accordance with article 31 of the convention, [Belgium] recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of individuals subject to its jurisdiction

claiming to be victims of a violation of provisions of this Convention by the Kingdom of Belgium.

BOSNIA AND HERZEGOVINA

“Bosnia and Herzegovina hereby declares, in accordance with article 32 of the International Convention for the Protection of All Persons from Enforced Disappearance, adopted in New York, December 20, 2006, that it recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications in which a State Party claims that another State Party is not fulfilling its obligations under the Convention.”

“Bosnia and Herzegovina hereby declares that in accordance with article 31 of the International Convention for the Protection of All Persons from Enforced Disappearance, adopted in New York, December 20, 2006, Bosnia and Herzegovina recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation of provisions of this Convention by Bosnia and Herzegovina.”

CHILE

The Republic of Chile hereby declares, in accordance with article 31 of this Convention, that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation by this State Party of provisions of this Convention.

The Republic of Chile hereby declares, in accordance with article 32 of this Convention, that it recognizes the competence of the Committee to receive and consider communications in which a State Party claims that another State Party is not fulfilling its obligations under this Convention.

COLOMBIA

... the Republic of Colombia declares that, in accordance with article 31 of the Convention, it recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of individuals subject to the jurisdiction of the Republic of Colombia, claiming to be victims of a violation of any of the provisions of the Convention by the Republic of Colombia.

CROATIA

“The Republic of Croatia recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation of provisions of this Convention.”

“The Republic of Croatia recognizes the competence of the Committee to receive and consider communications in which a State Party claims that another State Party is not fulfilling its obligations under this Convention.”

CZECH REPUBLIC

... pursuant to Article 31 (1) of the International Convention for the Protection of All Persons from Enforced Disappearance, the Czech Republic declares that it recognizes the competence of the Committee on Enforced Disappearances to receive and consider

communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation by the Czech Republic of provisions of this Convention.

... pursuant to Article 32 of the of the International Convention for the Protection of All Persons from Enforced Disappearance, the Czech Republic declares that it recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications in which a State Party claims that another State Party is not fulfilling its obligations under this Convention.

ECUADOR

In accordance with the provisions of article 31 (1) of the International Convention for the Protection of All Persons from Enforced Disappearance, the Republic of Ecuador recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of violations of provisions of this Convention by this State Party.

In accordance with the provisions of article 32 of the Convention for the Protection of All Persons from Enforced Disappearance, the Republic of Ecuador recognizes the competence of the Committee to receive and consider communications in which a State Party claims that another State Party is not fulfilling its obligations under the Convention.

FINLAND

"In accordance with Article 31, paragraph 1 of the Convention, the Republic of Finland declares that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation by Finland of provisions of the Convention."

"In accordance with Article 32 of the Convention, the Republic of Finland declares that it recognizes the competence of the Committee to receive and consider communications in which a State Party claims that Finland is not fulfilling its obligations under the Convention."

FRANCE

... in accordance with the provisions of paragraph 1 of article 31, [France] recognizes the competence of the Committee on enforced disappearance to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation of provisions of this Convention by France.

... in accordance with article 32, [France] recognizes the competence of the Committee on enforced disappearance to receive and consider communications in which a State Party claims that another State Party is not fulfilling its obligations under this Convention.

GERMANY

In accordance with Article 31 of the International Convention for the Protection of all Persons from Enforced Disappearance (CED) of 20 December 2006, the Federal Republic of Germany declares that it recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of individuals subject to the jurisdiction of the Federal Republic of Germany claiming to be victims of a violation of provisions of this Convention by the Federal Republic of Germany.

In accordance with Article 32 of the International Convention for the Protection of all Persons from Enforced Disappearance (CED) of 20 December 2006, the Federal Republic of Germany declares that it recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications in which a State Party claims that the Federal Republic of

Germany is not fulfilling its obligations under this Convention.

JAPAN

"In accordance with Article 32 of the Convention, the Government of Japan declares that it recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications in which a State Party claims that another State Party is not fulfilling its obligations under the Convention."

LITHUANIA

Article 31

"... in accordance with Article 31 of the Convention, the Seimas of the Republic of Lithuania declares that the Republic of Lithuania recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of individuals subject to the jurisdiction of the Republic of Lithuania claiming to be victims of a violation by the Republic of Lithuania of provisions of this Convention."

Article 32

"... in accordance with Article 32 of the Convention, the Seimas of the Republic of Lithuania declares that the Republic of Lithuania recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications in which a State Party to this Convention claims that the Republic of Lithuania is not fulfilling its obligations under this Convention."

LUXEMBOURG

The Grand Duchy of Luxembourg declares, in accordance with article 31 of the Convention, that it recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of persons subject to its jurisdiction claiming to be victims of a violation by the Grand Duchy of Luxembourg of the provisions of the Convention.

The Grand Duchy of Luxembourg declares, in accordance with article 32 of the Convention, that it recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications in which a State Party claims that another State Party is not fulfilling its obligations under the Convention.

MALI

The Government of the Republic of Mali declares that it recognizes the competence of the Committee on Enforced Disappearances to receive communications from individuals or any other State Party in accordance with the provisions of articles 31 and 32 of the International Convention for the Protection of All Persons against Enforced Disappearance, adopted on December 20, 2006.

MEXICO

In accordance with the provisions of article 31 (1) of the International Convention for the Protection of All Persons from Enforced Disappearance, the United Mexican States declares that it recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation of provisions of the Convention by the United Mexican States.

MONTENEGRO

"In accordance with Article 31 of the International Convention for the Protection of All Persons from Enforced Disappearance, adopted in New York, December 20, 2006, the Government of Montenegro declares that Montenegro recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be

victims of a violation by Montenegro of provisions of this Convention.”

“In accordance with Article 32 of the International Convention for the Protection of All Persons from Enforced Disappearance, adopted in New York, 20 December 2006, the Government of Montenegro declares that Montenegro recognizes the competence of the Committee to receive and consider communications in which a State Party claims that another State Party is not fulfilling its obligations under this Convention.”

NETHERLANDS (KINGDOM OF THE)

“In accordance with Article 32 of the International Convention for the Protection of all Persons from Enforced Disappearance, the Kingdom of the Netherlands, for the European part of the Netherlands and the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba), declares that it recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications in which a State Party claims that another State Party is not fulfilling its obligations under this Convention.”

“In accordance with Article 31 of the International Convention for the Protection of all Persons from Enforced Disappearance, the Kingdom of the Netherlands, for the European part of the Netherlands and the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba), declares that it recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation by the Kingdom of the Netherlands of provisions of this Convention.”

PERU

In accordance with article 31 of the International Convention for the Protection of All Persons from Enforced Disappearances, the Republic of Peru declares that it recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of individuals subject to its jurisdiction, claiming to be victims of a violation of the provisions of the Convention by the Republic of Peru.

POLAND

“In accordance with Article 31, paragraph 1 of the International Convention for the Protection of All Persons from Enforced Disappearance, adopted in New York on 20 December 2006, the Republic of Poland declares that it recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications made from or on behalf of persons under its jurisdiction claiming to be victims of a violation by the Republic of Poland of provisions of this Convention.”

“In accordance with Article 32 of the International Convention for the Protection of All Persons from Enforced Disappearance, adopted in New York on 20 December 2006, the Republic of Poland declares that it recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications in which a State Party to the Convention claims that the Republic of Poland is not fulfilling its obligations under the Convention.”

PORTUGAL

“The Portuguese Republic declares that it recognizes the competence of the Committee on Enforced Disappearances in accordance and for the purposes of Article 31, paragraph 1 of the International Convention for the Protection of All Persons from Enforced Disappearance, adopted in New York, on the Twentieth of December of two thousand and six.”

“The Portuguese Republic declares that it recognizes the competence of the Committee on Enforced

Disappearance[s] in accordance and for the purposes of Article 32 of the International Convention for the Protection of All Persons from Enforced Disappearance, adopted in New York, on the Twentieth of December of two thousand and six.”

REPUBLIC OF KOREA

In accordance with Article 31 of the Convention, the Republic of Korea declares that it recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation of provisions of this Convention by the Republic of Korea.

In accordance with Article 32 of the Convention, the Republic of Korea declares that it recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications in which a State Party claims that another State Party is not fulfilling its obligations under this Convention.

SERBIA

“The Republic of Serbia recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation by the Republic of Serbia of provisions of this Convention.”

“The Republic of Serbia recognizes the competence of the Committee to receive and consider communications in which a State Party claims that another State Party is not fulfilling its obligations under this Convention.”

SLOVAKIA

“In accordance with Article 32 of the Convention, the Slovak Republic declares that it recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications in which a State Party claims that the Slovak Republic is not fulfilling its obligations under this Convention.”

“In accordance with Article 31 of the Convention, the Slovak Republic declares that it recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of individuals subject to the jurisdiction of the Slovak Republic claiming to be victims of a violation of provisions of this Convention by the Slovak Republic.”

SLOVENIA

“In accordance with Article 31 of the International Convention for the Protection of All Persons from Enforced Disappearance, Republic of Slovenia declares that it recognizes the competence of the Committee under the said Article to receive and consider communications from or on behalf of individuals subject to its jurisdiction, claiming to be victims of violations by Republic of Slovenia of provisions of this Convention.”

“In accordance with Article 32 of the International Convention for the Protection of All Persons from Enforced Disappearance, Republic of Slovenia declares that it recognizes the competence of the Committee under the said Article to receive and consider communications in which a State party claims that another State party is not fulfilling its obligations under this Convention.”

SPAIN

Declarations under articles 31

In accordance with article 31 of the International Convention for the Protection of All Persons from Enforced Disappearance, the Kingdom of Spain declares that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction, claiming to be victims of violations by Spain of provisions of this Convention.

Declarations under articles 32

In accordance with article 32 of the International Convention for the Protection of All Persons from Enforced Disappearance, the Kingdom of Spain declares that it recognizes the competence of the Committee to receive and consider communications in which a State party claims that another State party is not fulfilling its obligations under this Convention.

SRI LANKA

“... the Government [of the Democratic Socialist Republic of Sri Lanka] wishes to declare as per Article 32 of the Convention that it recognizes the competence of the Committee to receive and consider communications in which a State Party claims that another State Party is not fulfilling its obligations under this Convention”.

SWITZERLAND

In accordance with article 31 of the Convention, Switzerland recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation of provisions of this Convention by Switzerland.

In accordance with article 32 of the Convention, Switzerland recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications in which a State Party claims that another State Party is not fulfilling its obligations under the Convention.

UKRAINE

Article 31

“Regarding Article 31 of the Convention, Ukraine recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of violation of provisions of the Convention by Ukraine.”

Article 32

“Regarding Article 32 of the Convention, Ukraine recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications in which a State Party claims that another State Party is not fulfilling its obligations under the Convention.”

URUGUAY

In accordance with article 31, paragraph 1, of the International Convention for the Protection of All Persons from Enforced Disappearance, the Eastern Republic of Uruguay recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications submitted by or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation by that State of the provisions of that Convention.

... in accordance with article 32 of the International Convention for the Protection of All Persons from Enforced Disappearance, the Eastern Republic of Uruguay recognizes the competence of the Committee [on Enforced Disappearances] to receive and consider communications in which a State party claims that the Uruguayan State is not fulfilling its obligations under that Convention.

Notes:

¹ With territorial exclusion in respect of the Faroe Islands and Greenland. (See C.N.25.2022.TREATIES-IV.16 of 14 January 2022.)

² For the European part of the Netherlands and the Caribbean part of the Netherlands (the Islands of Bonaire, Sint Eustatius and Saba).

Subsequently, on 21 December 2017, the Government of the Netherlands notified the Secretary-General that the Convention will apply to Aruba, with a declaration under articles 31 and 32. (See C.N.783.2017.TREATIES-IV.16 of 21 December 2017.)