**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: 62.


**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.

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Declarations and Reservations
(Under 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).”

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...
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.”

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.

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.

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 International Convention for the Protection of All Persons from Enforced Disappearances, 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.

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 claims that the Republic of Lithuania is not fulfilling its obligations under this 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.

**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**

“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.

**PORTUGAL**

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

“The Portuguese Republic declares that it recognizes the competence of the Committee on Enforced Disappearances[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.”

**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.”

**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

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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.

Notes:

1 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.)

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.