

**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: 96. Parties: 56.

TEXT: United Nations, *Treaty Series*, vol. 2716, p. 3; /doc/source/docs/A_61_448-E.pdf ; 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 /doc/source/docs/A_RES_61_177-E.pdf . 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	Croatia	6 Feb 2007	
Algeria	6 Feb 2007		Cuba.....	6 Feb 2007	2 Feb 2009
Angola	24 Sep 2014		Cyprus.....	6 Feb 2007	
Argentina	6 Feb 2007	14 Dec 2007	Czech Republic.....	19 Jul 2016	8 Feb 2017
Armenia	10 Apr 2007	24 Jan 2011	Denmark	25 Sep 2007	
Austria	6 Feb 2007	7 Jun 2012	Ecuador.....	24 May 2007	20 Oct 2009
Azerbaijan.....	6 Feb 2007		Finland.....	6 Feb 2007	
Belgium	6 Feb 2007	2 Jun 2011	France	6 Feb 2007	23 Sep 2008
Belize.....		14 Aug 2015 a	Gabon.....	25 Sep 2007	19 Jan 2011
Benin.....	19 Mar 2010		Germany	26 Sep 2007	24 Sep 2009
Bolivia (Plurinational State of).....	6 Feb 2007	17 Dec 2008	Ghana.....	6 Feb 2007	
Bosnia and Herzegovina	6 Feb 2007	30 Mar 2012	Greece.....	1 Oct 2008	9 Jul 2015
Brazil	6 Feb 2007	29 Nov 2010	Grenada.....	6 Feb 2007	
Bulgaria	24 Sep 2008		Guatemala.....	6 Feb 2007	
Burkina Faso.....	6 Feb 2007	3 Dec 2009	Guinea-Bissau.....	24 Sep 2013	
Burundi	6 Feb 2007		Haiti	6 Feb 2007	
Cabo Verde	6 Feb 2007		Honduras.....	6 Feb 2007	1 Apr 2008
Cambodia.....		27 Jun 2013 a	Iceland	1 Oct 2008	
Cameroon.....	6 Feb 2007		India.....	6 Feb 2007	
Central African Republic		11 Oct 2016 a	Indonesia.....	27 Sep 2010	
Chad.....	6 Feb 2007		Iraq.....		23 Nov 2010 a
Chile.....	6 Feb 2007	8 Dec 2009	Ireland.....	29 Mar 2007	
Colombia	27 Sep 2007	11 Jul 2012	Italy	3 Jul 2007	8 Oct 2015
Comoros.....	6 Feb 2007		Japan	6 Feb 2007	23 Jul 2009
Congo.....	6 Feb 2007		Kazakhstan.....		27 Feb 2009 a
Costa Rica.....	6 Feb 2007	16 Feb 2012	Kenya.....	6 Feb 2007	
			Lao People's Democratic Republic	29 Sep 2008	

<i>Participant</i>	<i>Signature</i>	<i>Accession(a), Ratification</i>	<i>Participant</i>	<i>Signature</i>	<i>Accession(a), Ratification</i>
Lebanon	6 Feb 2007		Samoa	6 Feb 2007	27 Nov 2012
Lesotho	22 Sep 2010	6 Dec 2013	Senegal.....	6 Feb 2007	11 Dec 2008
Liechtenstein.....	1 Oct 2007		Serbia.....	6 Feb 2007	18 May 2011
Lithuania.....	6 Feb 2007	14 Aug 2013	Seychelles		18 Jan 2017 a
Luxembourg.....	6 Feb 2007		Sierra Leone.....	6 Feb 2007	
Madagascar.....	6 Feb 2007		Slovakia	26 Sep 2007	15 Dec 2014
Maldives	6 Feb 2007		Slovenia	26 Sep 2007	
Mali.....	6 Feb 2007	1 Jul 2009	Spain	27 Sep 2007	24 Sep 2009
Malta.....	6 Feb 2007	27 Mar 2015	Sri Lanka.....	10 Dec 2015	25 May 2016
Mauritania.....	27 Sep 2011	3 Oct 2012	St. Vincent and the Grenadines	29 Mar 2010	
Mexico	6 Feb 2007	18 Mar 2008	Swaziland.....	25 Sep 2007	
Monaco	6 Feb 2007		Sweden.....	6 Feb 2007	
Mongolia.....	6 Feb 2007	12 Feb 2015	Switzerland	19 Jan 2011	2 Dec 2016
Montenegro.....	6 Feb 2007	20 Sep 2011	Thailand.....	9 Jan 2012	
Morocco.....	6 Feb 2007	14 May 2013	The former Yugoslav Republic of Macedonia.....	6 Feb 2007	
Mozambique	24 Dec 2008		Togo.....	27 Oct 2010	21 Jul 2014
Netherlands ¹	29 Apr 2008	23 Mar 2011	Tunisia	6 Feb 2007	29 Jun 2011
Niger	6 Feb 2007	24 Jul 2015	Uganda.....	6 Feb 2007	
Nigeria		27 Jul 2009 a	Ukraine		14 Aug 2015 a
Norway	21 Dec 2007		United Republic of Tanzania.....	29 Sep 2008	
Palau	20 Sep 2011		Uruguay	6 Feb 2007	4 Mar 2009
Panama.....	25 Sep 2007	24 Jun 2011	Vanuatu.....	6 Feb 2007	
Paraguay	6 Feb 2007	3 Aug 2010	Venezuela (Bolivarian Republic of)	21 Oct 2008	
Peru.....		26 Sep 2012 a	Zambia.....	27 Sep 2010	4 Apr 2011
Poland	25 Jun 2013				
Portugal.....	6 Feb 2007	27 Jan 2014			
Republic of Moldova.....	6 Feb 2007				
Romania.....	3 Dec 2008				

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.

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.

***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 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

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.

to its jurisdiction claiming to be victims of a violation of provisions of this Convention by 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.

BELGIUM

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.

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.

BOSNIA AND HERZEGOVINA

“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.”

“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.”

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 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.

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.”

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 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.”

“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.”

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 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.”

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 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.”

“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.”

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 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.

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.

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

