

**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."

**STATUS:** Signatories: 87. Parties: 21.

**TEXT:** Doc.A/61/488. 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	Gabon.....	25 Sep 2007	
Algeria .....	6 Feb 2007		Germany .....	26 Sep 2007	24 Sep 2009
Argentina.....	6 Feb 2007	14 Dec 2007	Ghana.....	6 Feb 2007	
Armenia.....	10 Apr 2007		Greece .....	1 Oct 2008	
Austria.....	6 Feb 2007		Grenada.....	6 Feb 2007	
Azerbaijan.....	6 Feb 2007		Guatemala.....	6 Feb 2007	
Belgium.....	6 Feb 2007		Haiti .....	6 Feb 2007	
Benin.....	19 Mar 2010		Honduras.....	6 Feb 2007	1 Apr 2008
Bolivia.....	6 Feb 2007	17 Dec 2008	Iceland.....	1 Oct 2008	
Bosnia and Herzegovina .....	6 Feb 2007		India .....	6 Feb 2007	
Brazil.....	6 Feb 2007	29 Nov 2010	Indonesia.....	27 Sep 2010	
Bulgaria.....	24 Sep 2008		Iraq .....		23 Nov 2010 a
Burkina Faso .....	6 Feb 2007	3 Dec 2009	Ireland.....	29 Mar 2007	
Burundi .....	6 Feb 2007		Italy .....	3 Jul 2007	
Cameroon.....	6 Feb 2007		Japan .....	6 Feb 2007	23 Jul 2009
Cape Verde.....	6 Feb 2007		Kazakhstan.....		27 Feb 2009 a
Chad .....	6 Feb 2007		Kenya.....	6 Feb 2007	
Chile.....	6 Feb 2007	8 Dec 2009	Lao People's Democratic Republic .....	29 Sep 2008	
Colombia.....	27 Sep 2007		Lebanon .....	6 Feb 2007	
Comoros.....	6 Feb 2007		Lesotho .....	22 Sep 2010	
Congo.....	6 Feb 2007		Liechtenstein.....	1 Oct 2007	
Costa Rica.....	6 Feb 2007		Lithuania.....	6 Feb 2007	
Croatia.....	6 Feb 2007		Luxembourg.....	6 Feb 2007	
Cuba.....	6 Feb 2007	2 Feb 2009	Madagascar .....	6 Feb 2007	
Cyprus.....	6 Feb 2007		Maldives .....	6 Feb 2007	
Denmark.....	25 Sep 2007		Mali.....	6 Feb 2007	1 Jul 2009
Ecuador .....	24 May 2007	20 Oct 2009	Malta.....	6 Feb 2007	
Finland .....	6 Feb 2007		Mexico .....	6 Feb 2007	18 Mar 2008
France.....	6 Feb 2007	23 Sep 2008			

<i>Participant</i>	<i>Signature</i>	<i>Accession(a), Ratification</i>	<i>Participant</i>	<i>Signature</i>	<i>Accession(a), Ratification</i>
Monaco .....	6 Feb 2007		Slovenia .....	26 Sep 2007	
Mongolia .....	6 Feb 2007		Spain .....	27 Sep 2007	24 Sep 2009
Montenegro .....	6 Feb 2007		St. Vincent and the Grenadines .....	29 Mar 2010	
Morocco .....	6 Feb 2007		Swaziland.....	25 Sep 2007	
Mozambique .....	24 Dec 2008		Sweden.....	6 Feb 2007	
Netherlands .....	29 Apr 2008		The former Yugoslav Republic of Macedonia.....	6 Feb 2007	
Niger .....	6 Feb 2007	27 Jul 2009 a	Togo .....	27 Oct 2010	
Nigeria .....			Tunisia .....	6 Feb 2007	
Norway.....	21 Dec 2007		Uganda.....	6 Feb 2007	
Panama.....	25 Sep 2007	3 Aug 2010	United Republic of Tanzania.....	29 Sep 2008	
Paraguay.....	6 Feb 2007		Uruguay .....	6 Feb 2007	4 Mar 2009
Portugal.....	6 Feb 2007		Vanuatu.....	6 Feb 2007	
Republic of Moldova ....	6 Feb 2007		Venezuela (Bolivarian Republic of).....	21 Oct 2008	
Romania .....	3 Dec 2008		Zambia .....	27 Sep 2010	
Samoa.....	6 Feb 2007				
Senegal.....	6 Feb 2007	11 Dec 2008			
Serbia .....	6 Feb 2007				
Sierra Leone .....	6 Feb 2007				
Slovakia.....	26 Sep 2007				

### ***Declarations and Reservations***

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

#### **CUBA**

##### *Declaration:*

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**

##### *Declarations:*

###### *“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.”

#### **VENEZUELA (BOLIVARIAN REPUBLIC OF)**

##### *Reservation:*

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**

8 November 2007

*Article 31*

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.

*Article 32*

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**

11 June 2008

*Article 31*

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 ...

*Article 32*

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.

**CHILE**

*Article 31*

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.

*Article 32*

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.

**FRANCE**

9 December 2008

*Article 31*

... 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.

*Article 32*

... 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.

**JAPAN**

*Article 32*

“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.”

**MALI**

2 February 2010

*Declaration under articles 31 and 32:*

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.

**URUGUAY**

*Article 31*

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.

*Article 32*

... 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.