

INTERNATIONAL CONVENTION FOR THE PROTECTION OF ALL PERSONS FROM ENFORCED DISAPPEARANCE

The International Convention for the Protection of All Persons from Enforced Disappearance was adopted by General Assembly resolution A/RES/61/177 in December 2006 and came into force in December 2010.

The Convention, *inter alia*:

- ◆ Provides that **no one shall be subject to enforced disappearance** without exception, even in time of war or other public emergency
- ◆ Obliges States parties to criminalize enforced disappearance and make it a punishable offence
- ◆ Provides that enforced disappearance constitutes a **crime against humanity** when practiced in a widespread or systematic manner
- ◆ Prohibits **secret detention**
- ◆ Obliges State Parties to guarantee minimum legal standards around the deprivation of liberty, such as maintaining official registers of persons deprived of liberty with minimum of information and authorizing them to communicate with their family, counsel, or any other person of their choice.



The full text of the Convention is available at:

<http://www.ohchr.org/EN/HRBodies/CED/Pages/ConventionCED.a>

[SDX](#)

WHO IS A “VICTIM”? (ART. 24.1)

“Victim” means the disappeared person, but also **any individual who has suffered harm** as the direct result of an enforced disappearance, such as relatives.



The Convention embodies a broad definition of a “victim” which is highly innovative. The notion of “victim” has evolved through the case law of international and regional human rights bodies which have recognized that, in addition to the person disappeared, relatives of

that disappeared person are to be considered as independent victims.

RIGHT TO THE TRUTH (ART. 24.2)

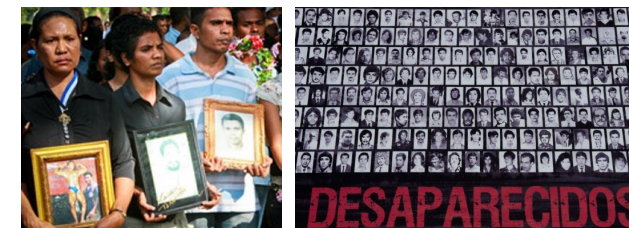
The victim has the **right to know the truth** regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person.

Although this right has been recognized in international humanitarian law (in the context of armed conflict) as well as by some international and regional human rights mechanisms, the Convention is the first binding international human rights instrument to expressly state it.



For more information about the Committee on Enforced Disappearances:

<http://www.ohchr.org/EN/HRBodies/CED/Pages/CEDIndex.aspx>



10TH ANNIVERSARY OF THE INTERNATIONAL CONVENTION FOR THE PROTECTION OF ALL PERSONS FROM ENFORCED DISAPPEARANCE



Secretariat of the
Committee on Enforced Disappearances
Office of the United Nations High Commissioner for Human Rights
Tel.: +41 22 917 9189, Fax: +41 22 917 90 08
E-mail: ced@ohchr.org
Website: www.ohchr.org

THE COMMITTEE ON ENFORCED DISAPPEARANCES

The Committee on Enforced Disappearances is the treaty-monitoring body which oversees the implementation of the **International Convention for the Protection of All Persons from Enforced Disappearance** by the States Parties. It was established in 2011.

The Committee consists of 10 international independent experts from all regions of the world, elected for 4 year terms, renewable once. Its composition shall reflect geographical representation and gender balance.

The Committee is charged with the following **tasks**:

- ◆ Examining **reports** of State parties, making **comments, observations or recommendations** as it may consider appropriate
- ◆ Sending **urgent communications** to States, requesting that they take all the necessary measures, including **interim measures**, to locate and protect a disappeared person
- ◆ Receiving and considering **complaints from individuals** claiming to be victims of a violation of their rights under the Convention by a State party
- ◆ Receiving and considering **inter-state complaints** in which a State party claims that another State party is not fulfilling its obligations under the Convention
- ◆ Conducting **visits to State parties**, after consulting with the State concerned, if it receives information indicating that this State is seriously violating the Convention
- ◆ Bringing a situation of enforced disappearance in a State party **to the attention of the General Assembly**, if it receives well-founded information that it is being practiced in a widespread or systematic manner

WHAT IS AN "ENFORCED DISAPPEARANCE"? (ART. 2)

The Convention defines enforced disappearance as:

“the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.”

URGENT ACTIONS (ART. 30)

Relatives of a disappeared person or their legal representatives, their counsel or any person authorized by them, as well as any other person having a legitimate interest may submit to the Committee a **request for urgent action** that this disappeared person should be sought and found.

To be considered by the Committee, a request for urgent action:

- ◆ Must be in writing
- ◆ Must not be anonymous
- ◆ Must relate to an enforced disappearance that occurred in a State party to the Convention
- ◆ The disappearance must have begun after the entry into force of the Convention
 - ◆ The matter must have been presented to one of the bodies of the State party that is competent to undertake investigations, where such a possibility exists
 - ◆ The same matter is not being examined under another procedure of international investigation or settlement of the same nature
 - ◆ The Committee can request the State party to adopt interim and protection measures to avoid irreparable harm to the author of the urgent action request, witnesses, relatives of the disappeared person or their defense counsel, or to the persons participating in the investigation.



INDIVIDUAL COMPLAINTS (ART. 31)

Individuals may submit a **complaint** to the Committee claiming to be victims of a violation of the rights enshrined in the Convention, if the State Party concerned has recognized the competence of the Committee to consider such complaints



To be considered by the Committee, the complaint:

- ◆ Must be in writing
- ◆ Must not be anonymous
- ◆ All available domestic remedies must have been exhausted or it must be demonstrated that their application would be unreasonably prolonged or ineffective or inaccessible (mere doubts to that regard are not sufficient)
- ◆ The same matter must not be examined under another procedure of international investigation or settlement of the same nature
- ◆ The complaint must refer to an enforced disappearance that began after the State concerned became a party to the Convention
- ◆ The complainant may submit a request for **interim and protection measures in the initial complaint or at any time during the procedure** in order to avoid possible irreparable damage.

The guidance and model form for the request for urgent action, and for submission of complaints to, the Committee is available at:
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CED/C/5&Lang=en
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CED/C/4&Lang=en
All urgent requests / individual complaints should be sent to: petitions@ohchr.org, ced@ohchr.org and registry@ohchr.org