UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

HUMAN RIGHTS 75

Ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED)

A toolkit

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About the Toolkit

The 75th anniversary of the Universal Declaration of Human Rights celebrated in 2023 is an occasion to renew the ground-breaking commitments made by States when they adopted the text in 1948. The Declaration has inspired the norms and standards that are embodied in the core human rights treaties and their optional protocols. These instruments aim to realize the rights contained in the Declaration, by making human rights universal legal entitlements with legally binding obligations for States.

Ratifying these instruments is an essential means to translating the human rights enshrined in the Declaration into reality on the ground, while conveying a message of commitment to human rights to the international community.

Human Rights 75 is an initiative led by UN Human Rights and its partners. It seeks, among others, to promote universality and renewed commitment, including through a campaign advocating for the ratification of the core human rights treaties and their optional protocols. In this context, States are called upon to demonstrate their commitment to the protection and respect of human rights by ratifying outstanding human rights instruments.

This toolkit presents the benefits of ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), answers questions on its content and application, provides a simplified version of the provisions of the Convention and provides practical information on ratification and accession of treaties.



Why Ratify?

The International Convention for the Protection of All Persons from Enforced Disappearance is a legally binding instrument that guarantees the protection of all persons from enforced disappearances, including by preventing its occurrence, providing support to victims, guiding States parties on the measures to be adopted for the effective implementation of the Convention, and by promoting cooperation and mutual assistance between States parties.

Ratifying the International Convention for the Protection of All Persons from Enforced Disappearance:

1. Sends an unequivocal message to the international community that the States parties do not tolerate the heinous crime of enforced disappearance, *that the commission of this crime is never acceptable under any circumstances, and that it must be eradicated, punished, and prevented worldwide, including in States without a history of enforced disappearances.*

2. Strengthens the human rights protection system *as the Convention is a legally binding international human rights instrument aimed at protecting people from enforced disappearance, which, in turn, may be further*

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connected to other serious human rights violations such as torture, extrajudicial killings, and prolonged detention without trial.



3. Provides States parties with a legal framework and guidance *to adopt laws, policies and practical implementation measures to prevent and eradicate enforced disappearance, to combat impunity, and to protect victims and their rights, including by providing reparations.*

4. Encourages States parties to acknowledge the multiple dimensions of enforced disappearance *and to identify actual and potential risks as well as patterns and frequency in which this crime takes place in all regions of the world and in historic and contemporary contexts, thereby allowing State authorities to develop targeted and strategic action plans.*



5. Supports States parties in the prevention of enforced disappearances *as the Convention provides a framework aimed at preventing this crime, including the duty to maintain official registers and/or records of persons deprived of liberty, the prohibition of secret detention, and the respect for the principle of non-refoulement.*

6. Provides guidance on measures that States parties should take to combat impunity *for enforced disappearances, in particular through the criminalization of enforced disappearance and measures to ensure that those responsible are held accountable.*



7. Demonstrates solidarity *with the thousands of victims of enforced disappearance across the world and the commitment of States parties to ending this practice worldwide.*

8. Provides access to expert support and guidance *as States parties can benefit from the expertise and guidance of the members of the*

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Committee on Enforced Disappearances on the measures States parties should take to prevent and punish enforced disappearance and to guarantee victims' rights, including through recommendations, dialogues, discussions and capacity building activities.

9. Strengthens international cooperation, *as States parties also become part of a "community of support." The Convention encourages mutual legal assistance between States regarding criminal proceedings and international cooperation to assist and search for victims.*



10. *States join a* ***community of practice*** *and can learn from each other's experience to prevent and eradicate enforced disappearances and fight against the impunity of this crime in compliance with the Convention.*

11. Promotes transparency and participation *as the Convention requires States parties to take stock of and report on the measures they have taken to implement the Convention, and encourages them to engage with civil society organizations and other stakeholders throughout the reporting and implementation process.*



12. Strengthens accountability and the rule of law *as the Convention provides guidance to States parties on how to prevent and punish the crime of enforced disappearance, thereby assisting them to uphold good governance principles and attain the Sustainable Development Goal 16 (Peace, justice and strong institutions).*

13. Enables States parties to strengthen the capacity of their public institutions and officials, *including by benefiting from available technical cooperation, capacity building, and training opportunities, for example, for law enforcement officials that deal with persons deprived of liberty.*

Frequently Asked Questions



What is the definition of 'enforced disappearance'?

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 places such a person outside the protection of the law."

What are the State party obligations under the Convention?

The Convention requires State parties to criminalize enforced disappearance and to take effective measures to prevent, investigate, and punish this crime. It also obliges States parties to establish legal and institutional frameworks to provide effective remedies and reparation to victims and their families, including the right to know the truth about the circumstances of the enforced disappearance, the whereabouts of the disappeared person, and the identity of the perpetrators.

How many States are party to the ICPPED?

As of January 2025, there are 77 States parties to the Convention.

Should all laws and policies of the State party fully comply with the Convention prior to ratification or accession?

Harmonization of the national legislation with the Convention is a progressive process, hence it is not necessary for States to finalize it before ratifying or acceding to the Convention. Once the State becomes a party to the Convention, it undertakes a legal commitment to ensure such harmonization and to implement all the provisions of the Convention at the national level, with the support and guidance of the Committee.

Frequently Asked Questions



Does the Convention include a reporting procedure?

Two years after having ratified or acceded to the Convention, all States parties must submit a "first report" to the Committee explaining the measures taken to implement the Convention and the challenges faced in that regard.

Unlike other treaty bodies, the Committee on Enforced Disappearances does not have a system of periodic reporting. To ensure a thorough monitoring of the implementation of the Convention and of the Committee's recommendations, the Committee requests all States parties to submit information on the implementation of all recommendations within four or eight years after the issuance of the concluding observations on their first report. Based on the Committee's assessment of the implementation of these recommendations and on the evolution of the situation of enforced disappearances in the country under review, the Committee may decide to request States parties to provide additional information under article 29(4) of the Convention on the progress made in the implementation of the recommendations and on any other issues related to the Convention that may arise.

States parties can request support from OHCHR for preparing reports and aligning national processes with other international and regional reporting obligations.

What are 'Urgent Actions'? Do they apply to all States parties?

Through the 'urgent action procedure', the Committee can request a State party to take immediate measures to search for a disappeared person and investigate the alleged enforced disappearance. This procedure has been referred to as an international habeas corpus, and it applies to all States parties to the Convention.

Frequently Asked Questions



Requests for an Urgent Action can be submitted by the relatives of the disappeared person, their legal representatives, their counsel, or anyone authorized by them, as well as any person with a legitimate interest.

What are 'individual complaints/ individual communications'?

Under the 'individual complaints/ individual communications procedure', an individual or a group of individuals can submit a complaint to the Committee if they consider that a State party has violated their rights under the Convention, or are likely to do so (such as in cases of forced return to a country where the person would be at risk of being subjected to enforced disappearance). In such cases, the Committee determines whether the State party has violated the Convention. The Committee reflects its decision in a document called 'Views'. When it considers that there has been a violation of the Convention, the Committee can request the State party concerned to take measures to repair or prevent the damage, and to avoid similar violations in the future. Under this procedure, the authors of the complaint can also request the Committee to grant interim measures to protect them, or any persons related to the case or pieces of evidence that may be of relevance, from irreparable harm.

This procedure only applies to States parties that have made the necessary declaration to recognize the competence of the Committee to examine individual communications.

Can the Committee refer to cases of enforced disappearances that have been initiated before the entry into force of the Convention in the State party?

The Committee can receive information related to enforced disappearances that commenced before the entry into force of the Convention in the context of its reporting process (art. 29) as a means to understand the challenges of the present.

Frequently Asked Questions



For individual communications (art. 31), the Committee cannot address an enforced disappearance as such that commenced before the entry into force of the Convention in the State party, but can examine facts related to disappearances that commenced before the entry into force of the Convention in the State party, for example regarding the relevant processes of search or investigation.

For urgent actions (art. 30), the Committee cannot activate the procedure for a disappearance that commenced before the entry into force in the State party concerned.

International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED)



Entry into force: 23 December 2010, in accordance with article 39(1)
Registration: 23 December 2010, No. 48088
Status as of January 2025: Signatories : 98. Parties : 77

Procedural provisions of the Convention have been omitted.

Prohibition of enforced disappearance (art. 1):
There is no justification whatsoever for committing an enforced disappearance under any circumstances.

Definition (art. 2):
An enforced disappearance is when a person is deprived of their liberty (arrested, detained, abducted, etc.) by State agents (e.g., police, soldiers, civil servants, etc.) or by anyone acting with their support or knowledge, and then they deny having taken that person or refuse to provide any information about their whereabouts or fate. As a result, the person cannot access the protection of the law.

Obligations of non-State actors (art.3):
The State party shall investigate any acts of the same nature as an enforced disappearance that are committed by anyone acting without any State involvement, and to bring those responsible to justice.

Criminalization of enforced disappearance in domestic legislation (art. 4):
The State party shall make enforced disappearance an independent crime in its criminal legislation.

Enforced disappearance as a crime against humanity (art. 5):
The State party shall make enforced disappearance a crime against humanity in its criminal legislation for cases when enforced disappearances are committed in a systematic or generalized way.

Criminal responsibility and due obedience (art. 6):

The State party shall hold criminally responsible any person directly involved in the commission of the crime as well as the superiors who are responsible for the actions of their subordinates. The superiors shall be held criminally responsible when:

- *they knew that someone under their authority was committing or about to commit the crime;*
- *they had responsibility and control over activities concerned with the crime; and*
- *they did not take all the necessary measures to prevent or punish the commission of the crime.*

In addition, an enforced disappearance cannot be justified on the grounds that it was an order or instruction given by a superior.

Appropriate penalties (art. 7):

The State party shall ensure that an enforced disappearance is punished by penalties that reflect the extreme seriousness of this crime.

The State party can establish mitigating circumstances aimed at reducing the penalty, especially for persons who contributed to the clarification of the fate and whereabouts of the disappeared person. They can also establish aggravating circumstances aimed at increasing the penalties in cases where vulnerable persons are subjected to enforced disappearance.

***Statute of limitations for criminal proceedings (art. 8)**:*

An enforced disappearance only ends when the fate or whereabouts of the disappeared person have been clarified.

If the State party applies a statute of limitations (time limit) for starting criminal proceedings (prosecute perpetrators), it must ensure that the term of limitation is long and that it only starts from the moment when the enforced disappearance ends, that is, when the person is found.

The State party shall also ensure that during this term of limitation, victims have a right to an effective remedy.

Jurisdiction (art. 9):

The State party shall have jurisdiction over the crime of enforced disappearance, when:

- *The enforced disappearance has been committed in its territory;*
- *The suspect is one of its nationals;*
- *The disappeared person is one of its nationals and the State party considers it appropriate;*
- *The suspect is in the territory of the State party (unless the State extradites or surrenders the suspect to another State or to an international criminal tribunal).*

Obligations of the State party when the suspect is present in its territory (art. 10):

When the suspect of committing an enforced disappearance is in the territory of the State party, the State party shall take the suspect into custody and immediately start an investigation to establish the facts.

The State party shall then notify the State where the crime was committed or the State of which the suspect or the victim is a national about the results of the investigation and whether it intends to prosecute the suspect.

Procedural safeguards for those prosecuted for enforced disappearance (art. 11):

If the State party decides not to send the suspect to another State, it shall prosecute the suspect itself. The suspect shall then have a fair trial before a competent, independent, and impartial court or tribunal.

Right to report and duty to investigate an enforced disappearance (art. 12):

Any person has the right to report an enforced disappearance to the authorities.

The State party shall ensure the protection of anyone who reports an enforced disappearance, witnesses, relatives of the disappeared person and their lawyers, as well as persons participating in the investigation, against any harm or intimidation as a consequence of the complaint or any evidence given.

The State party shall investigate without delay any reports of enforced disappearance, even if there is no formal complaint. The investigation shall be thorough, independent, impartial, and effective, and the State party shall ensure that anyone suspected of

being involved in committing an enforced disappearance is not in a position to influence the investigation of the case.

The authorities investigating an enforced disappearance shall have access to documentation and information relevant to the investigation as well as to places of detention or any other place where the disappeared person is believed to be.

Extradition (art. 13):

An enforced disappearance cannot be considered a political crime for the purposes of extradition. Therefore, when the State party receives a request from another State to extradite someone accused of enforced disappearance, it shall not deny the extradition of the suspect on the basis of enforced disappearance being a political crime.

The crime of enforced disappearance shall be made an extraditable crime in any existing extradition treaty and in any such future treaties that the State party may conclude.

If a State needs to have an extradition treaty to extradite someone accused of enforced disappearance but does not have one with the State requesting the extradition, it may use the Convention as the legal basis for extraditing that person.

The Convention shall not be interpreted as imposing an obligation to extradite if the requested State has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on discrimination grounds or that compliance with the request would cause harm to that person for such reasons.

Mutual legal assistance (art. 14):

The State party shall cooperate with other States in relation to criminal proceedings, including by providing all evidence.

International cooperation to assist victims (art. 15):

The State party shall cooperate with other States in the search for victims of enforced disappearance and, in the event of death, in the exhumation and identification and return of their remains.

Non-refoulement (art. 16):

The State party shall not send a person to another State where there is a real risk that once there, the person will be subjected to enforced disappearance. In order to determine whether there is such a risk, authorities shall take into account the general situation in the receiving State, in particular whether there is a pattern of gross human rights violations or serious violations of international humanitarian law.

Prohibition of secret detention and the rights of persons deprived of liberty (art. 17):

No one shall be held in secret detention.

Any person deprived of their liberty shall be able to communicate with and be visited by their family, lawyer or any other person of their choice. If the person is a foreigner, they shall be able to communicate with their consular authorities.

Any relatives of the disappeared person, lawyer or other persons with a well-founded and genuine interest shall be able to challenge before a court the legality of the deprivation of liberty.

Places of deprivation of liberty must keep and maintain up-to-date official registers and/or records of all persons held therein. These records must contain a minimum set of information, including the person's identity; when and where the person was deprived of liberty; who ordered and carried out the deprivation of liberty; the reasons the person was deprived of liberty; where the person is being held and when they arrived there; how their health is; the circumstances and cause of death if the person dies in custody; when the person was released or transferred to another place, and where the person was transferred to.

Access to information on persons deprived of liberty (art. 18):

Relatives of the person deprived of liberty, their lawyer or any other person with a well-founded and genuine interest shall have access to a minimum set of information, including: when and where the person was deprived of liberty; where the person is and when the person arrived there; where the person has been transferred to; who ordered the deprivation of liberty; how their health is; the circumstances and cause of death if the person dies in custody; and when the person was released. Any person requesting the above information shall be protected against ill-treatment and intimidation.

Personal information (art. 19):

Any personal information pertaining to a disappeared person that has been collected in order to search for the person can only be used for search purposes or for criminal proceedings.

Exceptional restriction on access to information (art. 20):

Only on an exceptional basis and under strict conditions, the State party may restrict access to information mentioned in article 18. This restriction must be strictly necessary, provided for by law, and with the purpose of protecting the privacy or safety of the person, the progress of a criminal investigation, or for other equivalent reasons.

The State party shall provide a prompt and effective remedy to enable anyone with a legitimate interest to access such information.

Release of persons deprived of liberty (art. 21):

The State party shall ensure that persons deprived of liberty are released in a manner that allows the reliable verification that they have actually been released. The State party shall also assure the physical integrity of the released person and their ability to exercise their rights at the time of release.

Sanction of conduct related to the registration of persons deprived of their liberty (art. 22):

The State party shall prevent and sanction conducts such as: not recording the deprivation of liberty; recording inaccurate information about the person deprived of liberty; refusing to provide information or providing inaccurate information on the deprivation of liberty; and delaying or obstructing victims' remedies.

Training (art. 23):

The State party shall provide training for all personnel dealing with persons deprived of liberty.

The State party shall also prohibit any order or instruction that encourages the commission of enforced disappearance and shall protect those who refuse to obey such orders.

All personnel dealing with persons deprived of liberty who have reason to believe that an enforced disappearance has occurred or is planned shall report the matter to their superiors and to the competent authorities.

Definition of victim, right to the truth and reparations (art. 24):

A victim of enforced disappearance is the disappeared person and any person who suffers harm as a direct result of the disappearance.

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

The State party shall search for the disappeared person until their fate and whereabouts are established. In case of death, the remains shall be located, respected, and returned to the family.

Any person who has been subjected to enforced disappearance has the right to obtain compensation and reparation for the harm they have suffered.

The State party shall regulate the legal status of the disappeared person whose fate remains unknown and that of the disappeared person's relatives, particularly in relation to social welfare, financial matters, family law and property rights.

The State party shall ensure that organizations dealing with enforced disappearance can be formed and that anyone can participate freely in them.

Wrongful removal of children and falsification of identity documents (art. 25):

The State party shall make a crime and punish the enforced disappearance of children and their wrongful removal, as well as the falsification, concealment or destruction of the documents attesting to their true identity.

The State party shall search for and identify such children and return them to their families of origin. When an adoption has originated in an enforced disappearance, the State party shall have legal procedures to review and, when appropriate, to annul such adoption.

The State party shall cooperate with other States in searching for, identifying and locating such children.

Committee on Enforced Disappearances (art. 26):
The Convention establishes the Committee on Enforced Disappearances to monitor the implementation of the Convention, and defines the rules for membership, including election of its members.

Cooperation of the Committee with other bodies (art. 28):
The Committee must cooperate with all relevant actors, including other United Nations entities and regional intergovernmental bodies as well as with State institutions working for protection against enforced disappearance.

State reporting procedure (art. 29):
The State party shall submit a report to the Committee within two years after the entry into force of this Convention of the State concerned. This report will be considered by the Committee, who will adopt observations and recommendations for the State party.

The Committee may then ask the State party to provide additional information on how the State is implementing the Convention.

Urgent actions (art. 30):
Relatives of a disappeared person, their representatives, their lawyer, any person authorized by them or any person having a well-founded and genuine interest may submit to the Committee a request for urgent action to search for the disappeared person.

Individual complaints (art. 31):
Victims of violations of the Convention may submit a complaint to the Committee under the condition that the State party has accepted the competence of the Committee to consider such complaints.

Inter-State complaints (art. 32):

A State party may allege that another State party has committed a violation of the Convention and submit a complaint to the Committee under the condition that both State parties have accepted the inter-state complaints procedure.

Country visits (art. 33):

If the Committee receives information indicating that a State party is seriously violating the Convention, it may request to undertake a visit to that country, in consultation with the State concerned.

Referral to the UN General Assembly (art. 34):

If the Committee receives information indicating that enforced disappearances are widespread or systematic in a State party, it may bring the matter to the attention of the UN General Assembly.

Temporal Competence (art. 35):

The Committee is competent to deal only with enforced disappearances that started after the Convention entered into force in the State party.[1]

Other provisions in the State party (art. 37):

The Convention shall not affect any other provisions that the State party has and that are more protective against enforced disappearance.

International Humanitarian Law (art. 43):

The Convention does not interfere with international humanitarian law or with the possibility of States parties to allow the International Committee of the Red Cross to visit places of detention.

[1] *The Committee clarified in a statement regarding this article that it can learn about enforced disappearances that started before that date when reviewing the reports presented by States.*

Process for Ratification and Accession

What is ratification?

When a State ratifies an international human rights treaty, it legally commits to implement its provisions. By depositing instruments of ratification, a State expresses its consent to be bound by the treaty. Ratification is preceded by the signature of the treaty. Upon the signature, the State is obliged not to act contrary to the object and purpose of the treaty. The State may use the time between the signature and ratification to enact the necessary legislation to ensure the application of the treaty nationally.

What is accession?

Accession is the act by which a State accepts to become a party to a treaty that has already been negotiated and signed by other States. It has the same legal effect as ratification. Accession usually takes place after the treaty has entered into force.

What are the steps for formalizing a ratification or accession?

*Model instruments of ratification or accession can be found on the **United Nations Treaty Collection** website. These templates are available in all six UN languages. The date indicated in the instrument of ratification or accession is the date on which the State becomes bound by the treaty. More information is available in the **Treaty Handbook**. The annexes to the model instruments of full powers, ratification and accession are also available in this toolkit.*

*Once completed and signed by the competent authority in the State, e.g., the Head of State or Government or the Minister for Foreign Affairs, the signed copy of the original instrument can be emailed to **treatysection@un.org** for deposit. However, the originals must be delivered to the Treaty Section as soon as they arrive at the Permanent Mission in New York. The Depositary Unit office is at 2 UN Plaza, 323 E 44th Street, 5th Floor, Room DC2-0500, Tel: 1-212 963 504. New York, NY 10017 USA.*

*The Permanent Representative in New York may deliver instruments of ratification or accession. There may be a ceremony for the deposit of instruments (**pictures**). Alternatively, the Government may wish to deposit the instruments at the Treaty Event held during the opening of the General Assembly, which will provide a high-level setting for this treaty action and give visibility to the Government's commitment to human rights.*

ANNEX I

MODEL INSTRUMENT OF FULL POWERS

(To be signed by the Head of State, Head of Government or Minister for Foreign Affairs)

FULL POWERS

_____

I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs],

HEREBY AUTHORIZE [name and title] to [sign [2], ratify, denounce, effect the following declaration in respect of, etc.] the [title and date of treaty, convention, agreement, etc.] on behalf of the Government of [name of State].

Done at [place] on [date].

[Signature]

[2] * Subject to the provisions of the treaty, one of the following alternatives is to be chosen: [subject to ratification] or [without reservation as to ratification]. Reservations made upon signature must be authorized by the full powers granted to the signator

ANNEX II

MODEL INSTRUMENT OF RATIFICATION, ACCEPTANCE OR APPROVAL

(To be signed by the Head of State, Head of Government or Minister for Foreign Affairs)

[RATIFICATION / ACCEPTANCE / APPROVAL]

_____

WHEREAS the [title of treaty, convention, agreement, etc.] was [concluded, adopted, opened for signature, etc.] at [place] on [date],

AND WHEREAS the said [treaty, convention, agreement, etc.] has been signed on behalf of the Government of [name of State] on [date],

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs] declare that the Government of [name of State], having considered the above-mentioned [treaty, convention, agreement, etc.], [ratifies, accepts, approves] the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of [ratification, acceptance, approval] at [place] on [date].

[Signature]

ANNEX III

MODEL INSTRUMENT OF ACCESSION

(To be signed by the Head of State, Head of Government or Minister for Foreign Affairs)

ACCESSION

_____

WHEREAS the [title of treaty, convention, agreement, etc.] was [concluded, adopted, opened for signature, etc.] at [place] on [date],

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs] declare that the Government of [name of State], having considered the above-mentioned [treaty, convention, agreement, etc.], accedes to the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of accession at [place] on [date].

[Signature]

Treaty Body Capacity Building Programme, January 2025.