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## Seventy-sixth session

Item 75 (b) of the provisional agenda\*

**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

## **International Convention for the Protection of All Persons from Enforced Disappearance**

### **Report of the Secretary-General\*\***

#### *Summary*

In its resolution [74/161](#), the General Assembly requested the Secretary-General to submit, at its seventy-sixth session, a report on the status of the International Convention for the Protection of All Persons from Enforced Disappearance and the implementation of the resolution. The present report is submitted in accordance with that request.

The present report also includes information on the activities carried out in relation to the implementation of the resolution by the Secretary-General, the United Nations High Commissioner for Human Rights and her Office, the Committee on Enforced Disappearances, the Working Group on Enforced or Involuntary Disappearances and intergovernmental and non-governmental organizations.

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\* [A/76/150](#).

\*\* The present document was submitted late to the conference services without the explanation required under paragraph 8 of General Assembly resolution [53/208](#) B.



## **I. Introduction**

1. In its resolution [74/161](#), the General Assembly requested the Secretary-General to submit, at its seventy-sixth session, a report on the status of the Convention for the Protection of All Persons from Enforced Disappearance and the implementation of the resolution. The present report is submitted in accordance with that request. The previous report is available in document [A/74/213](#).

## **II. Status of ratification of the International Convention for the Protection of All Persons from Enforced Disappearance**

2. As at 1 July 2021, 98 States had signed and 63 had ratified or acceded to the Convention; 23 States had recognized 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 State party of provisions of the Convention (art. 31); and 23 States had recognized the competence of the Committee to receive and consider communications in which a State party claimed that another State party was not fulfilling its obligations under the Convention (art. 32). Updated information on the status of ratification of the Convention may be found in the annex to the present report.

## **III. Status of reporting and urgent actions**

3. As at 7 July 2021, 45 States parties had submitted their reports under article 29 (1) of the Convention and 11 States parties had submitted additional information under article 29 (4).

4. As at the twentieth session of the Committee, held from 12 April to 7 May 2021, 35 State party reports submitted under article 29 (1) had been considered and 3 State party reports submitted as additional information under article 29 (4) had been considered.

5. During the reporting period, the Committee, through its secretariat, continued to send reminders to States parties whose reports were overdue to encourage prompt submission. As at 7 July 2021, 14 States parties' reports under article 29 (1) were overdue. Following its decision to review States parties whose reports were more than five years overdue, the Committee adopted lists of issues in the absence of a report for Nigeria, Mali and Zambia. After receipt of the lists of issues, Mali and Nigeria submitted their reports under article 29 (1), which had been overdue since 2012. According to the Committee's guidelines for the review of States in the absence of a report, if at any stage after receiving a list of issues in the absence of a report and prior to the dialogue related thereto, the State party concerned submits its overdue report under article 29 (1) of the Convention, the procedure outlined in the guidelines "shall be adapted to the normal process of consideration of reports". In that connection, the reports submitted by Mali and Nigeria will be reviewed under the normal process of consideration of States parties' reports. A list of issues on the report received from Mali will be adopted by the Committee at its twenty-first session.

6. Consequently, the backlog of State party reports to be reviewed as at 7 July was 10 reports under article 29 (1) and 8 reports under article 29 (4). The backlog had increased over the course of the reporting period, in particular as a result of the coronavirus disease (COVID-19), which reduced the Committee's capacity to meet to review State party reports.

7. In relation to urgent actions, as at 15 July, the Committee had registered and transmitted 1,386 urgent action requests to the States parties concerned. Of those, 384 were registered and transmitted between 1 January and 7 July 2021, which reflects a sharp increase when compared with the 192 requests registered and transmitted in all of 2020. A total of 1,185 urgent actions remained open and 201 have been closed or discontinued (because the persons have been located) or suspended (because the authors have lost contact with the families).

#### **IV. Activities of the Secretary-General and the United Nations High Commissioner for Human Rights**

8. On the occasion of his 2019 message for the International Day of the Victims of Enforced Disappearances, observed on 30 August, the Secretary-General called on States to do more to prevent enforced disappearances and bring to justice those responsible. To that end, he called on countries to cooperate fully with United Nations mechanisms. He also urged all States that had not done so to sign, ratify or accede to Convention.<sup>1</sup>

9. Similarly, in his 2020 message for the International Day, the Secretary-General called on all States to ratify the Convention and to accept the competence of the Committee to examine individual complaints. He affirmed that ratification was a first, but crucial, step towards the elimination of that atrocious crime.<sup>2</sup>

10. In her opening statement, delivered by video message during a joint webinar on sharing experiences and positive outcomes of actions taken to promote the ratification of the Convention and way forward,<sup>3</sup> held on 3 March 2021 and organized by the Committee on Enforced Disappearances, the Working Group on Enforced or Involuntary Disappearances and the International Coalition against Enforced Disappearances, the United Nations High Commissioner for Human Rights affirmed that it was urgent that all States ratify the Convention and consider making the relevant declarations to enable the Committee to examine individual complaints and inter-State communications. She also said that the universal ratification of the Convention was a priority for her Office and reiterated her engagement to support that aim. She took the opportunity to call upon all States parties to the Convention to engage with the Group of Friends of the Convention and actively contribute to its actions towards achieving universal ratification. Lastly, she invited all States that had not done so to ratify the Convention urgently, thereby demonstrating their clear commitment to eradicating all practices of enforced disappearance.

11. The South-East Asia Regional Office of the Office of the United Nations High Commissioner for Human Rights (OHCHR) is working to promote the ratification of the Convention in the region, including organizing activities with State authorities and providing informational materials on the treaty. Members of the Committee on Enforced Disappearances took part in a training session that was organized by the Regional Office, in Malaysia, in October 2020, and other training sessions are planned following the publication, in the second half of 2021, of the guidance manual for reporting on the Convention.

<sup>1</sup> United Nations, "Secretary-General urges States to end impunity, ratify treaty against enforced disappearances, on International Day", press release, 29 August 2019.

<sup>2</sup> United Nations, "As enforced disappearances remain unchecked, Secretary-General calls on States to ratify International Convention as crucial first step for ending crime, in observance message", press release, 21 August 2020.

<sup>3</sup> See [www.ohchr.org/EN/HRBodies/CED/Pages/CED-Joint-Webinar-2021.aspx](https://www.ohchr.org/EN/HRBodies/CED/Pages/CED-Joint-Webinar-2021.aspx).

12. The Mexico office of OHCHR has worked closely with national authorities towards recognition by Mexico of the Committee's competence to examine individual communications under article 31 of the Convention. In October 2020, Mexico deposited the relevant declaration, in which it recognized the Committee's competence to receive and consider communications from or on behalf of individuals claiming to be victims of a violation of provisions of the Convention.

13. OHCHR has continued to provide support to both the Working Group on Enforced or Involuntary Disappearances and the Committee on Enforced Disappearances.

## V. Activities of the Committee on Enforced Disappearances

14. During the reporting period, the Committee on Enforced Disappearances took several steps to promote the ratification and implementation of the Convention and maintained dialogue with the Working Group on Enforced or Involuntary Disappearances and other relevant mechanisms and stakeholders. A detailed compilation of the activities of the Committee can be found in its most recent annual reports to the General Assembly at its seventy-fifth and seventy-sixth sessions (A/75/56 and A/76/56).

15. In all his public statements, the Chair of the Committee has continued to promote the ratification of the Convention and to stress that ratification should be followed by its implementation and incorporation into the domestic legal framework. He has also continued to invite States parties that have not done so to accept the competence of the Committee under articles 31 and 32 of the Convention.

16. On the occasion of the International Day of the Victims of Enforced Disappearances on 30 August 2019 and 2020, the Committee and the Working Group on Enforced or Involuntary Disappearances issued joint press releases. In their 2019 statement,<sup>4</sup> United Nations human rights experts focused on the issue of enforced disappearances in the context of migration. In their 2020 statement,<sup>5</sup> the experts recalled that States' responsibility to act on enforced disappearances remained just as urgent and imperative during the COVID-19 pandemic. On both occasions, the Working Group and the Committee highlighted the importance for all Member States to ratify the Convention and renewed their call for all States that had not yet done so to demonstrate, officially, their commitment against enforced disappearances by expeditiously ratifying the Convention and accepting the competence of the Committee to receive and examine individual complaints.

17. In December 2020, the Committee developed a social media campaign to promote the universal ratification of the Convention. In that context, the Committee highlighted, *inter alia*, that all States had the responsibility to fight enforced disappearance, which is a current reality that affects all regions of the world. The Convention provides a guiding and monitoring tool for States, victims and society at large to fight the crime of enforced disappearance on a global level. The Committee aims to support States and civil society actors in their efforts to prevent enforced disappearances, put an end to this scourge and fight impunity.

18. Together with the Working Group on Enforced or Involuntary Disappearances, the Committee held two webinars, on 23 and 25 September 2020, to mark the tenth anniversary of the entry into force of the Convention and the fortieth anniversary of the establishment of the working group on the search for victims of enforced

<sup>4</sup> See [www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24927&LangID=E](http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24927&LangID=E).

<sup>5</sup> See [www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26189&LangID=E](http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26189&LangID=E).

disappearances, and the investigation of their disappearance.<sup>6</sup> During the webinars, the two mechanisms highlighted the importance of the universal ratification of the Convention as a guiding tool and support mechanism to help States to promote the principles enshrined in the Convention.

19. On 3 March 2021, the Committee and the Working Group held another joint webinar, together with the International Coalition against Enforced Disappearances, to share experiences on action taken to promote the ratification of the Convention and to discuss the way forward in that respect (see para. 10). Panel speakers included high-level State representatives from Argentina, France, Mexico, Norway and the Sudan, one national human rights institution and seven civil society representatives. The webinar was also attended by representatives of 26 States, 20 national human rights institutions and more than 250 civil society representatives. On that occasion, the two human rights mechanisms and the High Commissioner recalled that the eradication and prevention of enforced disappearances was a responsibility of all Member States and that it was urgent that all States ratify the Convention, and that they consider making the relevant declarations to enable the Committee to examine individual complaints and inter-State communications.

## **VI. Activities of the Working Group on Enforced or Involuntary Disappearances, including jointly with the Committee on Enforced Disappearances**

20. On 18 September 2020, the Working Group on Enforced or Involuntary Disappearances and the Committee on Enforced Disappearances jointly issued eight key guidelines on COVID-19 and enforced disappearances.<sup>7</sup> The guidelines are aimed at assisting and guiding States in adhering to their international obligations relating to enforced disappearance during the COVID-19 pandemic.

21. In addition to the three public webinars held jointly with the Committee on 23 and 25 September 2020 and 3 March 2021, the Working Group convened an online expert panel on missing persons and memory governance, together with T.M.C. Asser Instituut, on 24 September 2020.

22. On 26 March 2021, the Working Group held an informal private meeting with the Committee on Enforced Disappearances, to exchange information and views and discuss matters of mutual concern.

23. On 22 April 2021, the Working Group participated, jointly with the Committee on Enforced Disappearances and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, in a meeting on enforced disappearance in the context of migration and the contribution of international human rights mechanisms, hosted by the Geneva Academy of International Humanitarian Law and Human Rights.

<sup>6</sup> The two webinars can be viewed online at <https://media.un.org/en/asset/k1e/k1e4jne4im> and <https://media.un.org/en/asset/k1m/k1mkc4h5gh>.

<sup>7</sup> Available at [www.ohchr.org/EN/HRBodies/CED/Pages/Guidelines-CED-COVID19.aspx](http://www.ohchr.org/EN/HRBodies/CED/Pages/Guidelines-CED-COVID19.aspx).

## **VII. Activities of United Nations agencies and organizations, intergovernmental organizations and non-governmental organizations**

24. A number of intergovernmental and non-governmental organizations have undertaken efforts at the national, regional and global levels to disseminate information on the Convention, promote understanding of it, prepare for its entry into force and assist States parties in fulfilling their treaty obligations. Various online events were organized in November 2020, on the occasion of the tenth anniversary of the entry into force of the Convention, by such organizations as the Association française pour les Nations Unies, the Centre de recherche sur les droits de l'homme et le droit humanitaire, the Fédération euro-méditerranéenne contre les disparitions forcées, the Federación Latinoamericana de Asociaciones de Familiares de Detenidos-Desaparecidos, the International Coalition against Enforced Disappearances and Idheas, Litigio Estratégico en Derechos Humanos.

25. The United Nations country team in Lebanon initiated a project entitled "Dealing with the past", which integrates a specific component related to the promotion of the ratification of the Convention. In that context, webinars and round tables were organized with State authorities to discuss the relevance of the Convention to the Member State. Follow-up activities are being planned in the second half of 2021, involving the Committee and its Secretariat.

## **VIII. Conclusions**

26. **The level of ratification of the International Convention for the Protection of All Persons from Enforced Disappearance remains low, despite the clear collective position of Member States that enforced disappearances must urgently be prevented and eradicated in all parts of the world.**

27. **The Secretary-General reiterates his call to all States that have not yet become parties to the International Convention for the Protection of All Persons from Enforced Disappearance to take the necessary measures to do so and to accept the competence of the Committee on Enforced Disappearances under articles 31 and 32 of the Convention. The United Nations will continue its intensive efforts to assist States in becoming parties to the Convention and in ensuring its full implementation.**

## Annex

**States that have signed, ratified or acceded to the International Convention for the Protection of All Persons from Enforced Disappearance as at 1 July 2021**

<i>State</i>	<i>Date of signature</i>	<i>Date of accession or ratification</i>
Albania <sup>a</sup>	6 February 2007	8 November 2007
Algeria	6 February 2007	
Angola	24 September 2014	
Argentina <sup>a</sup>	6 February 2007	14 December 2007
Armenia	10 April 2007	24 January 2011
Austria <sup>a</sup>	6 February 2007	7 June 2012
Azerbaijan	6 February 2007	
Belgium <sup>a</sup>	6 February 2007	2 June 2011
Belize		14 August 2015 <sup>b</sup>
Benin	19 March 2010	2 November 2017
Bolivia (Plurinational State of)	6 February 2007	17 December 2008
Bosnia and Herzegovina <sup>a</sup>	6 February 2007	30 March 2012
Brazil	6 February 2007	29 November 2010
Bulgaria	24 September 2008	
Burkina Faso	6 February 2007	3 December 2009
Burundi	6 February 2007	
Cabo Verde	6 February 2007	
Cambodia		27 June 2013 <sup>b</sup>
Cameroon	6 February 2007	
Central African Republic		11 October 2016 <sup>b</sup>
Chad	6 February 2007	
Chile <sup>a</sup>	6 February 2007	8 December 2009
Colombia	27 September 2007	11 July 2012
Comoros	6 February 2007	
Congo	6 February 2007	
Costa Rica	6 February 2007	16 February 2012
Croatia	6 February 2007	
Czechia <sup>a</sup>	19 July 2016	8 February 2017

<i>State</i>	<i>Date of signature</i>	<i>Date of accession or ratification</i>
Cuba	6 February 2007	2 February 2009
Cyprus	6 February 2007	
Denmark	25 September 2007	
Dominica		13 May 2019 <sup>b</sup>
Dominican Republic	28 September 2018	
Ecuador <sup>a</sup>	24 May 2007	20 October 2009
Eswatini	25 September 2007	
Fiji		19 August 2019 <sup>b</sup>
Finland	6 February 2007	
France <sup>a</sup>	6 February 2007	23 September 2008
Gabon	25 September 2007	19 January 2011
Gambia	20 September 2017	28 September 2018
Germany <sup>a</sup>	26 September 2007	24 September 2009
Ghana	6 February 2007	
Greece	1 October 2008	9 July 2015
Grenada	6 February 2007	
Guatemala	6 February 2007	
Guinea-Bissau	24 September 2013	
Haiti	6 February 2007	
Honduras	6 February 2007	1 April 2008
Iceland	1 October 2008	
India	6 February 2007	
Indonesia	27 September 2010	
Iraq		23 November 2010 <sup>b</sup>
Ireland	29 March 2007	
Italy	3 July 2007	8 October 2015
Japan <sup>a</sup>	6 February 2007	23 July 2009
Kazakhstan		27 February 2009 <sup>b</sup>
Kenya	6 February 2007	
Lao People's Democratic Republic	29 September 2008	
Lebanon	6 February 2007	



<i>State</i>	<i>Date of signature</i>	<i>Date of accession or ratification</i>
Lesotho	22 September 2010	6 December 2013
Liechtenstein	1 October 2007	
Lithuania <sup>a</sup>	6 February 2007	14 August 2013
Luxembourg	6 February 2007	
Madagascar	6 February 2007	
Malawi		14 July 2017 <sup>b</sup>
Maldives	6 February 2007	
Mali <sup>a</sup>	6 February 2007	1 July 2009
Malta	6 February 2007	27 March 2015
Mauritania	27 September 2011	3 October 2012
Mexico <sup>a</sup>	6 February 2007	18 March 2008
Monaco	6 February 2007	
Mongolia	6 February 2007	12 February 2015
Montenegro <sup>a</sup>	6 February 2007	20 September 2011
Morocco	6 February 2007	14 May 2013
Mozambique	24 December 2008	
Netherlands <sup>a</sup>	29 April 2008	23 March 2011
Niger	6 February 2007	24 July 2015
Nigeria		27 July 2009 <sup>b</sup>
North Macedonia	6 February 2007	
Norway	21 December 2007	
Oman		12 June 2020 <sup>b</sup>
Palau	20 September 2011	
Panama	25 September 2007	24 June 2011
Paraguay	6 February 2007	3 August 2010
Peru <sup>a</sup>		26 September 2012 <sup>b</sup>
Poland	25 June 2013	
Portugal <sup>a</sup>	6 February 2007	27 January 2014
Republic of Moldova	6 February 2007	
Romania	3 December 2008	
Samoa	6 February 2007	27 November 2012

<i>State</i>	<i>Date of signature</i>	<i>Date of accession or ratification</i>
Senegal	6 February 2007	11 December 2008
Serbia <sup>a</sup>	6 February 2007	18 May 2011
Seychelles		18 January 2017 <sup>b</sup>
Sierra Leone	6 February 2007	
Slovakia <sup>a</sup>	26 September 2007	15 December 2014
Slovenia	26 September 2007	
Spain <sup>a</sup>	27 September 2007	24 September 2009
Sri Lanka <sup>a</sup>	10 December 2015	25 May 2016
Saint Vincent and the Grenadines	29 March 2010	
Sweden	6 February 2007	
Switzerland <sup>a</sup>	19 January 2011	2 December 2016
Thailand	9 January 2012	
Togo	27 October 2010	21 July 2014
Tunisia	6 February 2007	29 June 2011
Uganda	6 February 2007	
Ukraine <sup>a</sup>		12 August 2015 <sup>b</sup>
United Republic of Tanzania	29 September 2008	
Uruguay <sup>a</sup>	6 February 2007	4 March 2009
Vanuatu	6 February 2007	
Venezuela (Bolivarian Republic of)	21 October 2008	
Zambia	27 September 2010	4 April 2011

<sup>a</sup> States that have made declarations recognizing the competence of the Committee under articles 31 and/or 32 of the Convention. The full text of the declarations and reservations made by States parties is available from <http://treaties.un.org>.

<sup>b</sup> Accession.