

International Convention for the Protection of All Persons from Enforced Disappearance

Summary: This instrument is intended to end **forced disappearances, arrest, detention, abduction, or any deprivation of liberty** by agents of the State or with State support or acquiescence, followed by a refusal on the part of the State to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person. The instrument affirms the duty of each nation to take necessary steps to prevent, investigate, and make criminally punishable all instances of forced disappearances, and to combat impunity for the crime against international law and humanity. It applies for the protection of **all people within the territorial jurisdiction of State Parties, regardless of the status or nationality** of the victim or perpetrators.

Article 1 provides that no one shall be subjected to enforced disappearance, and no circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for enforced disappearance.

Article 2 defines "enforced disappearance"

Article 3 mandates that each State Party shall take appropriate measures to investigate acts defined in article 2.

Article 4 mandates that each State Party shall take the necessary measures to ensure that enforced disappearance constitutes an offence under its criminal law.

Article 5 recognizes that the widespread or systematic practice of enforced disappearance constitutes a crime against humanity as defined in applicable international law and shall attract the consequences provided for under such applicable international law.

Article 6 provides for State Parties to hold responsible those who engage or aid in forced disappearances.

Article 8 relates legal limitations, rights, and remedies that each State Party shall guarantee the right of victims of enforced disappearance to an effective remedy during the term of limitation.

Article 9 provides that each State Party shall take the necessary measures to establish its competence to exercise jurisdiction over the offence of enforced disappearance when the offence is committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State; when the alleged offender is one of its nationals; when the disappeared person is one of its nationals and the State Party considers it appropriate. The Convention

does not exclude any additional criminal jurisdiction exercised in accordance with national law.

Article 10 addresses the custody of suspected offenders, noting that "any person in custody pursuant to paragraph 1 of this article may communicate immediately with the nearest appropriate representative of the State of which he or she is a national, or, if he or she is a stateless person, with the representative of the State where he or she usually resides."

Article 11 addresses extradition and trial of alleged offenders.

Adoption: 20 December 2006

Entry into force: 23 December 2010

Access status [here](#).

Access full text [here](#).

Article 13 addresses extradition policy between State Parties.

Articles 14 and 15 address cooperation between State Parties.

Article 16 provides that no State Party shall expel, return ("refouler"), surrender or extradite a person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to enforced disappearance.

Article 25 provides that each State Party shall take the necessary measures to prevent and punish under its criminal law: the wrongful removal of children who are subjected to enforced disappearance, children whose father, mother or legal guardian is subjected to enforced disappearance or children born during the captivity of a mother subjected to enforced disappearance; the falsification, concealment or destruction of documents attesting to the true identity of the children taken.