

# Declaration « For the universal ratification and effective application of the Convention against Enforced Disappearance » (D - 2024 - 3)

*(Plenary meeting of 25 April 2024 - Adopted unanimously)*

1. On 27 March 2024, the Campaign for universal ratification of the International Convention for the Protection of All Persons from Enforced Disappearance was launched in Geneva in partnership with the Office of the United Nations High Commissioner for Human Rights<sup>1</sup>. The Consultative Commission on Human Rights (CNCDH) welcomes this initiative, which is supported by France, and intends to employ its full efforts to contribute to its success.

2. Adopted in 2006 and effective from 2010, this treaty codifies the definition of the crime of 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”* (art. 2). It states that its *“widespread or systematic practice (...) constitutes a crime against humanity”* (art. 5).

3. This global phenomenon, which remains a devastating scourge for victims and their families, is too often underestimated in many countries. Since its creation, the United Nations Working Group on Enforced or Involuntary Disappearances has brought 58,606 cases to the attention of 109 States<sup>2</sup>.

4. The Convention sets out national and international measures for prevention and protection, justice and reparation<sup>3</sup>, with a view to eradicating this practice, emphasising the

rights of direct and indirect victims<sup>4</sup>. To date, the Convention has been ratified by 72 States and signed by 41 others. It is essential to increase the number of accessions and ratifications in order to move towards a situation in which the Convention is universally adopted and effectively applied. All parties should also be encouraged to accept the optional individual (art. 31) and state (art. 32) complaints procedures provided for in the text. The objective of universal accession to the Convention is consistently reiterated by the United Nations General Assembly in its biennial resolution on the Convention<sup>5</sup>.

5. France, alongside Argentina, was responsible for the drafting, adoption and promotion of the Convention. France ratified the Convention in 2007 and has taken a number of measures to incorporate its provisions into domestic law. In May 2024, the French judicial authorities are preparing to hold the first trial for enforced disappearances constituting crimes against humanity, marking a historic step forward in the fight against impunity<sup>6</sup>. However, the CNCDH points out that French legislation on enforced disappearances is still not fully in line with the international approach, in that it requires the identification of a “concerted plan” before this practice can be classified as a crime against humanity. This point was highlighted by the Committee on Enforced Disappearances in its concluding observations of 19 October 2021 and in the recommendations arising from France’s last Universal Periodic Review in 2023<sup>7</sup>.

6. In this respect, the CNCDH wishes to participate in the Campaign run by the sponsoring States, including France, and by the Convention

against Enforced Disappearances Initiative<sup>8</sup>. Regional consultations will begin in May-June 2024, involving the States, families of missing persons and civil society. They will culminate in the World Congress on Enforced Disappearances, to be held in Geneva from 14 to 16 January 2025.

7. The CNCDH believes that National Human Rights Institutions have a fundamental role to play at the various stages of the Campaign leading up to the Congress in January 2025, in accordance with their missions set out in the Paris Principles.

**Recommendation No. 1:** The CNCDH recommends that the French authorities continue their diplomatic efforts to achieve universal ratification and effective implementation of the Convention against Enforced Disappearance.

**Recommendation No. 2:** The CNCDH recommends that the French authorities bring national legislation into line with Article 5 of the Convention against Enforced Disappearance by removing the requirement of a concerted plan for this practice to be classified as a crime against humanity, and by providing the French justice system with adequate resources to bring legal proceedings to a successful conclusion.

**Recommendation No. 3:** The CNCDH recommends that France, as the sponsoring State, use its influence with other stakeholders to ensure that national human rights institutions are involved at all stages of the process.

#### Footnotes

1. See [the Congress website](#).
2. [Report of the Working Group on Enforced or Involuntary Disappearances, A/HRC/45/13, 7 August 2020](#).
3. See in particular [the presentation by the Committee on Enforced Disappearances](#) and [Fact Sheet No. 6/Rev.4 published on 31 March 2024 by the Office of the United Nations High Commissioner for Human Rights](#).
4. Article 24(1): “For the purposes of this Convention, “victim” means the disappeared person and any individual who has suffered harm as the direct result of an enforced disappearance.”
5. See the latest resolution adopted on 19 December 2023, International Convention for the Protection of All Persons from Enforced Disappearance, A/RES/78/207, § 4.
6. The General Assembly and the United Nations Human Rights Council encourage all Member States to participate in the World Congress to promote ratification of the Convention. See *ibid*, § 2 and Resolution 54/14 of the Human Rights Council adopted on 11 October 2023, Enforced or involuntary disappearances, A/HRC/RES/54/14, § 1.
7. See for example, the International Federation for Human Rights (FIDH), “Q&A on the Dabbagh case: French justice orders the trial of three senior Syrian officials before the Paris Assize Court”, 4 April 2023.
8. Committee on Enforced Disappearances, Concluding observations on the additional information submitted by France under article 29 (4) of the Convention, CED/C/FRA/OAI/1, § 10. This point was raised during the last Universal Periodic Review of France (Report of the Working Group on the Universal Periodic Review: France, 17 July 2023, A/HRC/54/5, para. 45.22).
8. CEDI (Convention against Enforced Disappearances Initiative) is an independent association governed by the French law of 1901 (<https://www.cedi193.org/fr>).