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Agenda item 71 (b)

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

Resolution adopted by the General Assembly on 19 December 2023

[*on the report of the Third Committee (A/78/481/Add.2, para. 139)*]

78/207. International Convention for the Protection of All Persons from Enforced Disappearance

The General Assembly,

Reaffirming its resolution 61/177 of 20 December 2006, by which it adopted and opened for signature, ratification and accession the International Convention for the Protection of All Persons from Enforced Disappearance,¹

Recalling its resolution 47/133 of 18 December 1992, by which it adopted the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States,

Recalling also the thirtieth anniversary of the Declaration on the Protection of All Persons from Enforced Disappearance, and taking note of the related report of the Working Group on Enforced or Involuntary Disappearances, which highlights the contribution of the Declaration to the progress of international law on enforced disappearance,²

Recalling further all its other resolutions on the matter, including resolutions 70/160 of 17 December 2015, 72/183 of 19 December 2017, 74/161 of 18 December 2019 and 76/158 of 16 December 2021, as well as relevant resolutions adopted by the

¹ United Nations, *Treaty Series*, vol. 2716, No. 48088.

² A/HRC/51/31/Add.3.



Human Rights Council, including resolutions [36/6](#) of 28 September 2017,³ [45/3](#) of 6 October 2020⁴ and [54/14](#) of 11 October 2023,⁵

Recalling its resolution [68/165](#) of 18 December 2013 on the right to the truth, as well as Human Rights Council resolutions [36/7](#) of 28 September 2017,⁶ [45/10](#) of 6 October 2020⁷ and [54/8](#) of 11 October 2023⁸ on the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence,

Recalling also its resolutions [73/162](#) of 17 December 2018, [75/174](#) of 16 December 2020 and [77/210](#) of 15 December 2022 on the human rights treaty body system,

Recalling further that no one shall be subjected to enforced disappearance,

Recalling that no one shall be subjected to enforced disappearance and that no exceptional circumstance whatsoever, whether a state of war or a threat of war, internal political instability or any public emergency, may be invoked as a justification for enforced disappearance,

Recalling also that no one shall be held in secret detention,

Deeply concerned, in particular, by the increase in enforced or involuntary disappearances in various regions of the world, including arrest, detention and abduction, when these are part of or amount to enforced disappearances, and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearance or relatives of persons who have disappeared, including by the misuse of information and communications technologies,

Recalling that the Convention sets out the right of victims 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, and sets forth State party obligations to take appropriate measures in this regard,

Recalling also that the Convention defines the victim of enforced disappearance as the disappeared person and any individual who has suffered harm as the direct result of an enforced disappearance,

Acknowledging that the widespread or systematic practice of enforced disappearance is recognized in the Convention as a crime against humanity, as defined in applicable international law,

Stressing the importance of the work of the Working Group on Enforced or Involuntary Disappearances,

Taking note of the recommendation made by the Working Group that more assistance should be provided to family members and members of civil society in order to enable them to report alleged cases of enforced disappearance to the Working Group, given that, in a large number of cases, the underreporting of cases of enforced disappearance remains a major problem owing to various reasons, including, inter alia, fear of reprisal, weak administration of justice, poverty and illiteracy,

Recognizing that the use of new technologies can prove instrumental in offering better protection against enforced disappearance, by advancing the search for

³ See *Official Records of the General Assembly, Seventy-second Session, Supplement No. 53A (A/72/53/Add.1)*, chap. III.

⁴ Ibid., *Seventy-fifth Session, Supplement No. 53A (A/75/53/Add.1)*, chap. III.

⁵ Ibid., *Seventy-eighth Session, Supplement No. 53A (A/78/53/Add.1)*, chap. III, sect. A.

⁶ Ibid., *Seventy-second Session, Supplement No. 53A (A/72/53/Add.1)*, chap. III.

⁷ Ibid., *Seventy-fifth Session, Supplement No. 53A (A/75/53/Add.1)*, chap. III.

⁸ Ibid., *Seventy-eighth Session, Supplement No. 53A (A/78/53/Add.1)*, chap. III, sect. A.

disappeared persons, while also expressing concern that the use of new technologies can facilitate or conceal the commission of enforced disappearance,

Calling upon States that have not provided substantive replies concerning claims of enforced disappearances in their countries to do so, and to give due consideration to relevant recommendations concerning this issue made by the Working Group in its reports,

Encouraging the Working Group, in accordance with its working methods, to continue to provide the States concerned with relevant and detailed information concerning allegations of enforced disappearances in order to facilitate a prompt and substantive response to such communications without prejudice to the need for the States concerned to cooperate with the Working Group,

Recalling the high-level meeting of the General Assembly held on 17 February 2017 to commemorate the tenth anniversary of the adoption of the Convention, which provided an opportunity to review the positive impact of the Convention and to discuss ways and best practices to prevent enforced disappearances and to combat impunity by, inter alia, promoting the universal ratification of the Convention,

Recalling with appreciation the launch by the United Nations High Commissioner for Human Rights of an international campaign for the universal ratification of the Convention,

Recalling with appreciation also the decision of the General Assembly to declare 30 August International Day of the Victims of Enforced Disappearances,

Recalling with appreciation further the decision of the General Assembly in its resolution [65/196](#) of 21 December 2010 to proclaim, pursuant to the recommendation made by the Human Rights Council in its resolution [14/7](#) of 17 June 2010,⁹ 24 March as the International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims,

Taking note of the project to organize a world congress to promote the ratification of the Convention as discussed by the Committee on Enforced Disappearances during its twenty-fifth session,

Acknowledging the valuable work of the International Committee of the Red Cross in promoting compliance with international humanitarian law in this field,

Deeply concerned that situations of health emergencies and pandemics, such as the coronavirus disease (COVID-19) pandemic, have created new contexts where enforced disappearances may occur, and that, in this regard, measures related to fighting these extraordinary health situations may impact the capacity of many actors to take the necessary action to search for disappeared persons and to investigate their alleged enforced disappearance,

Urging Member States to address gender-based violence, including as related to cases of enforced disappearance, and recalling that such violence can never be justified and that Member States should not limit measures taken to prevent and address enforced disappearances, including those involving gender-based violence, especially against women and girls,

1. *Recognizes* the importance of the International Convention for the Protection of All Persons from Enforced Disappearance, the ratification and the implementation of which is a significant contribution to ending impunity and to promoting and protecting all human rights for all;

⁹ Ibid., *Sixty-fifth Session, Supplement No. 53* and corrigendum ([A/65/53](#) and [A/65/53/Corr.1](#)), chap. III, sect. A.

2. *Welcomes* the fact that 98 States have signed the Convention and 72 have ratified or acceded to it, calls upon States that have not yet done so to consider signing, ratifying or acceding to the Convention as a matter of priority, as well as to consider the option provided for in articles 31 and 32 of the Convention regarding the Committee on Enforced Disappearances, and in that endeavour encourages all Member States to participate to the upcoming world congress to promote the ratification of the Convention, to be held in 2024;

3. *Also welcomes* the most recent reports of the Secretary-General on the status of the Convention;¹⁰

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to increase their intensive efforts to assist States in becoming parties to the Convention, including by supporting the actions of States to ratify the Convention, providing technical and capacity-building assistance to States and civil society and raising awareness about the Convention, with a view to achieving universal adherence;

5. *Requests* United Nations agencies and organizations and invites intergovernmental and non-governmental organizations and the Working Group on Enforced or Involuntary Disappearances to continue to make efforts to disseminate information on the Convention, to promote understanding of it and to assist States parties in implementing their obligations under this instrument;

6. *Recalls with appreciation* the first Conference of the States Parties to the Convention, held in Geneva on 19 December 2016, and convened in accordance with article 27 of the Convention, and the decision adopted by consensus that the Committee would continue to monitor the Convention in accordance with its mandate;¹¹

7. *Takes note with appreciation* of the seventh meeting of the States parties to the Convention, held in New York on 12 June 2023, and its discussion of substantive matters related to the Convention, and encourages all States parties to the Convention to continue to include such a discussion in the agenda of the meeting of the States parties;

8. *Welcomes* the work achieved by the Committee, and encourages all States parties to the Convention to submit their reports, to support and promote the work of the Committee and to implement its recommendations;

9. *Calls upon* all States parties to further cooperate with the Committee, including by responding favourably to its requests for visits;

10. *Takes note* of the guiding principles for the search for disappeared persons adopted by the Committee at its sixteenth session and developed in dialogue and broad consultations with Member States and other relevant stakeholders;¹²

11. *Recognizes* the importance of the Declaration on the Protection of All Persons from Enforced Disappearance¹³ as a body of principles for all States that is designed to punish enforced disappearances, to prevent their commission and to help victims of such acts and their families to seek fair, prompt and adequate reparation;

12. *Welcomes* the cooperation established between the Working Group and the Committee, within the framework of their respective mandates, as well as with other relevant special procedures and treaty bodies, within the framework of their respective mandates, and encourages them to continue their cooperation in the future;

¹⁰ A/74/213, A/76/315, and A/78/347.

¹¹ See CED/CSP/2016/4.

¹² CED/C/7, annex.

¹³ Resolution 47/133.

13. *Takes note with interest* of all the general comments of the Working Group, including the comments on children¹⁴ and women¹⁵ affected by enforced disappearances, and recognizes in this regard that enforced disappearances have special consequences for women and vulnerable groups, especially children, as they most often bear the serious economic hardships that usually accompany such disappearances and, when subjected to enforced disappearances themselves, may become particularly vulnerable to sexual and other forms of violence;
14. *Takes note* of the need to document cases concerning enforced or involuntary disappearances allegedly perpetrated by non-State actors, as decided by the Working Group;
15. *Also takes note* of the recommendation made by the Working Group on Enforced or Involuntary Disappearances that Member States adopt all necessary measures, including through new technologies, to preserve and facilitate access to archives that may contain relevant information on enforced disappearance;
16. *Takes note with appreciation* of the recommendation made by the Working Group on Enforced or Involuntary Disappearances that encourages Member States to cooperate with each other and provide mutual assistance in the use of new technologies to facilitate the search for disappeared persons and regarding legal assistance in connection with criminal proceedings brought in respect of an enforced disappearance, including the gathering and supply of all evidence at their disposal that is necessary for the proceedings;
17. *Welcomes* the fact that the Committee held its annual meeting with the Working Group, as an opportunity to take stock of the activities of the two parallel organs, which are complementary and reinforce each other within the framework of their respective mandates;
18. *Takes note with appreciation* of the guidelines to prevent and address intimidation and reprisals against individuals and groups cooperating with the Committee adopted by the Committee at its twentieth session;¹⁶
19. *Recognizes* that enforced disappearance is prohibited in all circumstances and calls upon States to continue to respect their obligations under international law in this regard;
20. *Takes note* of general comment No. 1 on enforced disappearance in the context of migration adopted by the Committee on Enforced Disappearances on 18 September 2023, which highlights the growing trends of enforced disappearance of migrants, and in this regard calls upon States parties to take urgent measures to prevent and respond to this phenomenon;
21. *Invites* the Chair of the Committee and the Chair of the Working Group to address and engage in an interactive dialogue with the General Assembly at its seventy-ninth and eightieth sessions under the item entitled “Promotion and protection of human rights”;
22. *Requests* the Secretary-General to submit to the General Assembly at its eightieth session a report on the status of the Convention and the implementation of the present resolution;
23. *Decides* to give its full consideration to the subject matter at its eightieth session.

50th plenary meeting
19 December 2023

¹⁴ A/HRC/WGEID/98/1 and A/HRC/WGEID/98/1/Corr.1.

¹⁵ A/HRC/WGEID/98/2.

¹⁶ CED/C/8.