**Report of the Portfolio Committee on Justice and Correctional Services on the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), tabled in terms of section 231(2) of the Constitution, 1996, and the Explanatory Memorandum to the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), dated 2 September 2022**

The Portfolio Committee on Justice and Correctional Services, having considered the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), tabled in terms of section 231(2) of the Constitution, 1996, and the Explanatory Memorandum to the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), reports as follows:

1. The Convention for the Protection of All Persons from Enforced Disappearance (“the Convention”) is intended to prevent and eradicate the enforced disappearances of persons described under international law as crimes against humanity.
2. 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 authorisation, 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”.
3. The Convention was adopted by the United Nations General Assembly on 20 December 2006, and came into force on 23 December 2010.
4. To date, 68 State Parties have ratified or acceded to the Convention.
5. The Committee notes that the Convention, if it becomes binding, will need to be incorporated into our domestic law. This is because the Rome Statute, which South Africa has ratified and domesticated, provides that enforced disappearance of persons is a crime against humanity in the case of a collective or group but not in the case of individuals. This prevents the International Criminal Court from prosecuting disappearances that happen in isolation, as these do not meet the threshold of a crime against humanity.
6. Cabinet approved accession to the Convention on 25 May 2022 and, in terms of section 231(2) of the Constitution, the Convention now requires the approval of both Houses of Parliament.
7. The Convention was tabled for approval on 16 August 2022 with the Explanatory Memorandum, and these were referred to the Committee for consideration and report on 18 August 2022. The Committee was briefed on 31 August 2022.

**Recommendation**

1. Having considered the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED),tabled in terms of section 231(2) of the Constitution, 1996, and the Explanatory Memorandum, referred to it, the Committee recommends that the National Assembly resolve to approve the Convention.

**Report to be considered**