

19 December 2007



Foreign &
Commonwealth
Office

London SW1A 2AH

From The Minister of State

Andrew Tyrie Esq MP
House of Commons
London
SW1A 0AA

Dear Andrew,

Thank you for your letter of 27 November to the Foreign Secretary about the International Convention for the Protection of All Persons from Enforced Disappearances. I am replying as Minister responsible for international human rights.

You asked why the UK had not signed the Disappearances Convention and how likely it was that the UK would sign the Convention in the near future.

The UK does not sign an international treaty unless it has a firm intention to ratify within a reasonable time frame. The Government now needs to conduct a detailed analysis of the provisions of the Convention and its implications for implementation within the UK. It is already clear that primary legislation would be required in order to meet the requirement in the Convention to establish a new offence of enforced disappearance. With a heavy legislative agenda ongoing the Ministry of Justice have advised us that this is not likely to be possible for some time.

To date it has not been possible to progress further the preliminary work that had begun during the negotiation process, which is necessary to identify any other changes required to UK law in order to implement the Convention. Officials will examine the Convention in greater detail from January next year to consider these issues and what areas of the Convention may need further clarification before the UK can determine its position on ratification.

You also asked if there were any specific areas of the Convention which the government opposes and in which the Government's policy had changed since the drafting and adoption of the Convention.

As you pointed out, we played a supportive and constructive role during the negotiation process to draft the Convention and supported its adoption at both the UN Human Rights Council and the General Assembly. The UK continues to support the Convention and believes that, if properly implemented, it will be an important tool in



preventing enforced disappearance in the future and will have a positive impact on the protection of human rights worldwide.

At the adoption of the convention at both the UN General Assembly and the Human Rights Council, the UK made an interpretative statement clarifying our understanding of certain provisions, including what constitutes an enforced disappearance, the application of obligations under international humanitarian law and the procedures applicable to the adoption and placement of children found to have resulted from an enforced disappearance.

Although there have been no major changes in Government policy since the drafting and adoption of the convention, as noted above, we do need to progress the preliminary work before the UK can determine its position on ratification. We will determine our position on whether to ratify, and if so with any reservations or declarations, in due course, following further consultation with relevant Government Departments.

you ever

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The Rt Hon Lord Malloch-Brown
Minister of State