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**Committee on Enforced Disappearances**

**General comment on enforced disappearances in the context of migration**

***- concept note -***

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**I. Introduction**

1. Numbers of migrants worldwide remain high, caused by international or internal conflicts, persecution[[1]](#endnote-1), natural disasters, difficult economic situation, high crime rate[[2]](#endnote-2) For the purpose of this concept note/ general comment migrants are considered to encompass asylum seekers and refugees, as well as persons who migrate for economic, labour, climatic or other reasons”.[[3]](#endnote-3) Thousands of migrants are going missing en route to reach their destination country or in the destination country itself.[[4]](#endnote-4) “Missing person”, as defined by the ICRC, “is a person whose whereabouts are unknown to his/her relatives and/or who, on the basis of reliable information, has been reported missing in accordance with the national legislation in connection with an international or non-international armed conflict, a situation of internal violence or disturbances, natural catastrophes or any other situation that may require the intervention of a competent State authority.” [[5]](#endnote-5) The expression “missing migrants” includes *inter alia* migrants who have died “in transportation accidents, shipwrecks, violent attacks, or due to medical complications during their journeys. It also includes the number of corpses found at border crossings that are categorized as the bodies of migrants, on the basis of belongings and/or the characteristics of the death.”[[6]](#endnote-6)

2. A particular objective of the *Global Compact for Safe, Orderly and Regular Migration[[7]](#endnote-7)*, adopted in 2018 and addressing all dimensions of migration, is to “save lives and establish coordinated international efforts on missing migrants. The UN General Assembly in its 2019 Resolution on protection of migrants[[8]](#endnote-8) declared its concern at the large and growing number of migrants in vulnerable situations, stressed the obligation of States to promote and protect the human rights of migrants regardless of their migration status, and called for international cooperation I.e., in cases of migrants who have died or gone missing.

3. Among missing migrants are persons who have been subjected to “enforced disappearances”, in the meaning of article 2 of the International Convention for the Protection of All Persons Against Enforced Disappearances (ICPPED). Triggered by massive migration movements, enforced disappearances in the context of migration have become the increasingly warning human rights violations that occur along various migration routes around the world.

## 4. This phenomenon has been initially articulated in the UN Working Group on Enforced or Involuntary Disappearances (WGEID) 2017 Report[[9]](#endnote-9) on *Enforced disappearances in the context of migration*. The WGEID identified that enforced disappearance of migrants could occur (a) as a result of the abduction of migrants for political or other reasons; (b) during the detention of migrants or the execution of deportation proceedings; (c) or as a possible consequence of smuggling and/or trafficking.

## 5. The *Guiding Principles for the Search for Disappeared Persons*[[10]](#endnote-10) adopted by the UN Committee on Enforced Disappearances (CED) in 2019 emphasise the particular vulnerability of migrants, call upon States to pay attention to the risks of enforced disappearance, which increase as a result of migration, and ask for specific coordinated search and protection measures taking into account the difficulties associated with migration situations.

## 6. Despite the identification of the issue of enforced disappearance of migrants, it remains marginalized in the political and legal discourse, including the specificities of legal obligations of States in these cases. Rigid migration policies of States such as refusal of entry, pushbacks often accompanied by violence, expulsion or detention, and the increasingly perilous journeys of migrants cause a particular risk to become victims of enforced disappearances. This is by no means a problem of certain states only. Deaths and disappearances on various migration routes are widely reported. However, there is a lack of statistical data, and it is not possible to establish the exact number of migrants victims of enforced disappearances.

7. Although States have a sovereign prerogative to manage their borders and regulate migration, their national migration policies must be in full compliance with their international human rights (add: humanitarian law) obligations to respect, protect, and fulfil the human rights of all persons within their jurisdiction, irrespective of the migration status of the individuals. The significant number of documented cases of enforced disappearances taking place at the borders brings the issue of the interstate cooperation between States.

8. As the contexts and environments of enforced disappearances are evolving through the time, this evolution requires continuous adjustment of the approach taken by the Committee on Enforced Disappearances (CED) to ensure its proactive approach and to allow its prompt reaction to the evolution of the practices. Considering the serious and highly worrying developments of enforced disappearances in the context of migration, CED felt committed to raise awareness and to assist States in addressing relevant obligations arising from the Convention.

9. In the course of its work so far, CED has addressed the situation of transnational disappearances when it has received information referring to cases of: i) disappearances of migrants, including migrant children;[[11]](#endnote-11) ii) citizens from one country who have gone missing abroad, and of clandestine graves that were discovered in the country of destination, where victims from the country of origin were found, including those who may have been subjected to enforced disappearance;[[12]](#endnote-12) or iii) trafficking in persons, especially of women and children, foreign to the State party as well as of citizens of the State party.[[13]](#endnote-13) In the above-mentioned situations, CED has issued a common recommendation to States parties: to take measures in conjunction or in cooperation with countries of origin and destination of migrants and of persons subjected to trafficking in persons, ensuring the participation of victims and civil society.

**II. Objectives of the General comment**

10. In view of the serious and extremely worrying trend of enforced disappearances in the context of migration described above, CED is committed to provide authoritative guidance on legal obligations regarding enforced disappearances in the context of migration that are established in the ICPPED and on measures State parties should implement to ensure full compliance with these obligations.

11. In doing so the Committee addresses specific obligations in particular and aims to clarify possible legal uncertainties arising from the International Convention for the Protection of all Persons from Enforced Disappearances (ICPPED). It also intends to assist State parties in discharging their obligations as best as possible, and to encourage yet-to-be State parties by providing clear positions on an issue of concern many countries.

12. Highlighting the preventive character of ICPPED, this General Comment aims to assist the States in developing and implementing national policies in terms of the migrant protection and prevention of their victimization through enforced disappearances.

13. Recognising the particular vulnerability of migrant victims itself, but also of their family members who are frequently either migrant, either facing shortcomings in searching for their disappeared loved ones, the General Comment aims to assist states in their efforts to ensure access to justice for victims and their families.

14.  Recognizing the cross-border character of this issue, the General Comment aims at fostering interstate cooperation in terms of the prevention and investigation of enforced disappearances in the context of migration.

**III. The scope of the General Comment**

**a) Obligation to investigate**

15. Article 12 consists of a *right to report* instances of enforced disappearances (12.1) and an *obligation to undertake* an investigation where there are reasonable grounds to believe that an enforced disappearances occurred, including when no formal complaint has been filed (12.2). The ICCPED also imposes on states the obligation to undertake an investigation when disappearances are committed by non-state actors (Article 3).**[[14]](#endnote-14)**

16. The right to report alleged enforced disappearances is provided to “any individual”. Consequently, it must be provided irrespectively of the legal status of the individuals and is not restricted to family members. When applicable, states also need to ensure the possibility to report enforced disappearances from other states.**[[15]](#endnote-15)** The obligations under Article 12.1 are not restricted to states where the alleged enforced disappearances took place. In case persons wish to report an alleged enforced disappearances from another country, the country where they reside should make it possible to report, for example through receiving and passing on the report where the alleged enforced disappearances took place.**[[16]](#endnote-16)**

17. In migration context instances of enforced disappearances are less likely to be reported, due to *inter alia* lack of family members in the respective state, language, and knowledge barriers, as well as possible undocumented status. Thus, *ex officio* investigations are particularly relevant. Authorities should initiate an investigation as soon as they become aware of, by any means, or have indications that a person has been subjected to disappearances.**[[17]](#endnote-17)**

**b) Prohibition of secret detention of migrants**

18. The ICCPED contains a clear prohibition of secret detention (art. 17.1). This is particularly relevant in migration contexts, because the deprivation of liberty of migrants is one of the most opaque areas of public administration and migrants are in a particularly vulnerable situation.**[[18]](#endnote-18)** Article 17.1 prohibits any form of secret detention, no matter what terms states use to refer to them.**[[19]](#endnote-19)**

19. To prevent secret detention, the ICPPED obliges states to provide a number of safeguards in their legislation (art. 17.2 and art. 17.3) including obligation to maintain up to date registries on the deprivation of liberty, transfer and release. This obligation is of the great importance for prevention and investigation of enforced disappearances in the context of migration.**[[20]](#endnote-20)**

20. States are also obliged to provide information about persons deprived of liberty (art. 18). States need to ensure that those are guaranteed also in all places where migrants are detained, including if relevant at sea and land border.**[[21]](#endnote-21)**

21. States shall guarantee information about the person deprived of liberty to “any person with a legitimate interest in this information” (17.3). In migration context, family members might not be able to request information due to being in another country or their own undocumented status. Therefore, it is of the great importance to ensure access to the relevant information to their proxies and/or representatives.**[[22]](#endnote-22)** Furthermore, according to the Art. 17.2(d)) detained foreigners should be guaranteed to communicate with their consular authorities.**[[23]](#endnote-23)**

**c) Mutual legal assistance and cooperation**

**22. Article 14.1 creates an obligation for the State parties to provide one** another the greatest measure of mutual legal assistance in respect of criminal proceedings of enforced disappearances including obligation to supply all the evidence at their disposal. Article 14.2 determines that the mutual legal assistance is governed by conditions provided for in the domestic law of the requested State Party or by applicable treaties on mutual legal assistance. Article 15 puts victims forward and obliges States parties to cooperate in order to assist victims, search for, locate, and release disappeared persons, but also to exhume, identify, and return remains. [[24]](#endnote-24)

**23. ICPPED does not explicitly mention obligation of cooperation with non-signatory States but given the transnational nature of migration and focus of article 15 on assisting the victims it should be assumed that State parties have obligation to seek assistance from all countries especially in the context of search and gathering information contained in the registers and databases of other countries notwithstanding the ratification status.** [[25]](#endnote-25)

24. Specific knowledge that families of victims and their associations possess should be utilized in search and to this end State parties should develop specific cooperation instruments with countries of residence of families to enable their participation in investigation.[[26]](#endnote-26)

25. To facilitate cooperation and assistance State parties should adopt and implement cooperation agreements, establish competent authorities, and strengthen their capacities necessary to ensure effective coordination of search efforts including prompt, and secure exchange of information and documentation that may help in locating persons disappeared during migration.[[27]](#endnote-27)

**d) Non-refoulement**

26. Article 16.1 of ICPPED provides for the non-refoulement principle contains where there are substantial grounds for believing that the person would be in danger of being subjected to an enforced disappearance. State Parties have an obligation to consider all relevant facts, including the existence of a consistent pattern of gross, flagrant, or mass violations of human rights or of serious violations of international humanitarian law in the state recipient. (Article 16.2.)[[28]](#endnote-28) Adherence to the principle of non-refoulement must not be subject to any conditioning and must be explicitly incorporated into national legislation.[[29]](#endnote-29)

27. State Parties are obliged to determine in each individual case if the individual at hand faces a real and personal risk of enforced disappearance in case of return, lists of “safe countries” should not be used as an alternative to individual assessment. Each person’s case should be examined individually, impartially, and independently by the State party through competent administrative and/or judicial authorities, in conformity with essential procedural safeguards.[[30]](#endnote-30) Decision to return any individual must be subject to appeal with suspensive effect.[[31]](#endnote-31) Diplomatic assurances must be evaluated with the utmost care.[[32]](#endnote-32) States parties should ensure registration of migrants at the border controls as to allow for an effective search in the event of a person’s disappearance.[[33]](#endnote-33)

28. Before reaching decision on return, States parties must include into the consideration the possibility for such person to be transferred to third state where there is a risk to be subjected to enforced disappearance (“chain-refoulement”).[[34]](#endnote-34)

**e) Pushbacks**

29. The term “pushback” is used to describe practices conducted by various countries, when persons who are either trying to cross an international border, or who have crossed one, are returned, without processing their claims for international protection.**[[35]](#endnote-35)** When, within this practice, persons are deprived of their liberty and their fate or whereabouts are concealed, enforced disappearances within the meaning of Article 2 of the ICPPED are taking place.**[[36]](#endnote-36)**

30. In the absence of an individualized assessment and other procedural safeguards, pushbacks put a person outside the protection of law, make them vulnerable and result in human rights violations incompatible with States’ obligations under international human rights law, in particular, the prohibition of collective expulsion and refoulement. They violate Article 16 of the ICPPED (the principle of non-refoulement) and are often in violation of Article 17 (prohibition of secret detention) and Article 18 (obligation to provide information about detained persons), as well as other Articles of the ICPPED, depending on the relevant circumstances.**[[37]](#endnote-37)**

31. Persons also disappear after they are pushed back. While such incidents do not constitute an enforced disappearance under Article 2 of the ICPPED, they raise grave concern. States have to search for persons who disappear in border regions, in line with their domestic legislation and international obligations.**[[38]](#endnote-38)**

**f) Victims’ rights**

32. State Parties have an obligation to ensure that all victims of enforced disappearance can exercise their right to know the truth and to obtain justice, reparation and guarantees of non-repetition. Reparation should be understood in broader sense that includes, in particular, restitution, rehabilitation, satisfaction, including restoration of dignity and reputation, and guarantees of non-repetition. Additionally, all victims have a right to prompt, fair and adequate compensation. (Article 24, 2-5) [[39]](#endnote-39)

33. State parties are required to adopt necessary legal measure in order to regulate the legal situation of disappeared persons whose fate has not been clarified in a manner that enables their relatives to exercise their rights in fields such as social welfare, financial matters, family law and property rights without the presumed death of the disappeared person having to be declared. (Article 24, 6)[[40]](#endnote-40)

34. Specific instruments need to be created so to allow unhindered enjoyment of rights by migrant victims of enforced disappearance without additional restrictions of citizenship and/or domicile. Special arrangements need to be developed with regard to families of the victims that take into consideration whether families are themselves migrants or are they still in the country of origin. [[41]](#endnote-41)

35. Special consideration must be given to the rights of migrant children, especially unaccompanied minors, who face increased risk of enforced disappearance when leaving migrant reception centres. Children born while their mothers are on the migrant routes, are under additional risk to be wrongfully removed. (Art. 25) [[42]](#endnote-42)

36. State Parties should use interstate cooperation mechanisms to ensure continuity in the enjoyment of victims' rights on their way from the one SP to another, but also after arriving in the country of destination or upon return to the country of origin. [[43]](#endnote-43)

1. Some of them are under the risk to be subject to enforce disappearance in their country of origin [↑](#endnote-ref-1)
2. According to data published by IOM and UNHCR [↑](#endnote-ref-2)
3. UN Working Group on Enforced or Involuntary Disappearances, 2017, “Enforced disappearances in the context of migration”, para. 5, https://www.ohchr.org/EN/Issues/Disappearances/Pages/Migration.aspx [↑](#endnote-ref-3)
4. Following the approach of the UN Working Group on Enforced or Involuntary Disappearances, for the purpose of this concept note/ general comment CED” considers migrants to encompass asylum seekers and refugees, as well as persons who migrate for economic, labour, climatic or other reasons”; UN Working Group on Enforced or Involuntary Disappearances, 2017, “Enforced disappearances in the context of migration”, para. 5, https://www.ohchr.org/EN/Issues/Disappearances/Pages/Migration.aspx [↑](#endnote-ref-4)
5. ICRC, *Guiding Principles/Model Law on the Missing. Principles for Legislating the Situation of Persons Missing as a result of Armed Conflict or International Violence: Measures to prevent persons from going missing and to protect the rights and interests of the missing and their families*, article 2, par. 1. [↑](#endnote-ref-5)
6. <https://missingmigrants.iom.int/methodology> [↑](#endnote-ref-6)
7. *Global Compact for Safe, Orderly and Regular Migration,* (A/RES/73/195), https://undocs.org/A/RES/73/195 [↑](#endnote-ref-7)
8. Protection of migrants: adopted by the General Assembly Resolution A/RES/74/148, on December 18th 2019, https://digitallibrary.un.org/record/3848625 [↑](#endnote-ref-8)
9. UN Working Group on Enforced or Involuntary Disappearances, 2017, “Enforced disappearances in the context of migration”, https://www.ohchr.org/EN/Issues/Disappearances/Pages/Migration.aspx [↑](#endnote-ref-9)
10. UN Committee on Enforced Disappearances, 2019, “Guiding Principles for the Search for Disappeared Persons”https://www.ohchr.org/EN/HRBodies/CED/Pages/Guiding-Principles.aspx#:~:text=Guiding%20principles%20for%20the%20search%20for%20disappeared%20persons,search%20should%20be%20governed%20by%20a%20public%20policy%3B [↑](#endnote-ref-10)
11. CED COB on Mexico CED/C/MEX/CO/1, 5 March 2015, para. 23. [↑](#endnote-ref-11)
12. CED COB on Honduras CED/C/HND/CO/1, 31 May 2018, para. 28. [↑](#endnote-ref-12)
13. CED COB on Gabon CED/C/GAB/CO/1, 10 October 2017, para. 19. [↑](#endnote-ref-13)
14. CED Views of 11 March 2016 in Case 001/2013, Yrusta v. Argentina, 10.9; CED, COB on Italy, CED/C/ITA/CO/1, 17 April 2019,para 23; CED Annual Reports: 2017 (A/72/56) para 79; CED Annual Reports: 2018 (A/73/56) para 41; UN Working Group on Enforced or Involuntary Disappearances, 2017, Enforced disappearances in the context of migration, A/HRC/36/39/Ad.2, para 50-51,71; HRC General Comment Nr 31 The Nature of the General Legal Obligation Imposed on State Parties to the Covenant, CCPR/C/21/Rev.1/Add.13, par. 18 [↑](#endnote-ref-14)
15. CED, Guiding Principles for the Search for Disappeared Persons (2019), CED/C/7, Principle 9.4 [↑](#endnote-ref-15)
16. CED, Guiding Principles for the Search for Disappeared Persons (2019), CED/C/7, Principle 5, Principle 9; UN Working Group on Enforced or Involuntary Disappearances, 2017, Enforced disappearances in the context of migration, A/HRC/36/39/Ad.2, para 51, 54, 67-69, 77-78; HRC General Comment Nr 36 on Article 6: right to life, 3 September 2019, CCPR/C/GC/36, par. 58. [↑](#endnote-ref-16)
17. CED, Guiding Principles for the Search for Disappeared Persons (2019), CED/C/7, Principle 6, Principle 9; CED, COB on Italy, CED/C/ITA/CO/1, 17 April 2019,para 23; UN Working Group on Enforced or Involuntary Disappearances, 2017, Enforced disappearances in the context of migration, A/HRC/36/39/Ad.2, para 70; HRC General Comment Nr 36 on Article 6: right to life, 3 September 2019, CCPR/C/GC/36, par. 58. [↑](#endnote-ref-17)
18. UN Working Group on Enforced or Involuntary Disappearances, 2017, Enforced disappearances in the context of migration, A/HRC/36/39/Ad.2, para 21-24; CMW, General Comment No. 5 (2021) on migrants’ right to liberty, freedom of arbitrary detention and their connection with other human rights, CMW/C/G/5, para 17; Inter-American Commission on Human Rights, Human Rights of Migrants and Other Persons in the Context of Human Mobility in Mexico, OEA/Ser.L/V/II., Doc 48/13, para 175-240; Joint study on global practices in relation to secret detention in the context of countering terrorism, (2010) A/HRC/13/42; HRC General Comment Nr 36 on Article 6: right to life, 3 September 2019, CCPR/C/GC/36, par. 57-58 [↑](#endnote-ref-18)
19. CMW, General Comment No. 5 (2021) on migrants’ right to liberty, freedom of arbitrary detention and their connection with other human rights, CMW/C/G/5, para 13 [↑](#endnote-ref-19)
20. CED COB on Italy, CED/C/ITA/CO/1, 17 April 2019, para 28; CED COB on Japan, CED/C/JPN//CO/1, 14 November 2018, para 33; UN Working Group on Enforced or Involuntary Disappearances, 2017, Enforced disappearances in the context of migration, A/HRC/36/39/Ad.2, para 23-24, 62; WGEID, General Comment on article 10 of the Declaration on the Protection of All Persons from Enforced Disappearance, E/CN.4/1997/34, par. 22-30 [↑](#endnote-ref-20)
21. CED Views of 11 March 2016 in Case 001/2013, Yrusta v. Argentina, 10.5; CED COB on France, CED/C/FRA/CO/1, 19 April 2013. para 29-30; CMW, General Comment No. 5 (2021) on migrants’ right to liberty, freedom of arbitrary detention and their connection with other human rights, CMW/C/G/5, para 54-59, 86-89 [↑](#endnote-ref-21)
22. CED Views of 11 March 2016 in Case 001/2013, Yrusta v. Argentina, 10.6; CMW, General Comment No. 5 (2021) on migrants’ right to liberty, freedom of arbitrary detention and their connection with other human rights, CMW/C/G/5, para 56-57. [↑](#endnote-ref-22)
23. CMW, General Comment No. 5 (2021) on migrants’ right to liberty, freedom of arbitrary detention and their connection with other human rights, CMW/C/G/5, para 65-67 [↑](#endnote-ref-23)
24. International Convention for the Protection of All Persons from Enforced Disappearance, Articles 14 -15; CED, Report on requests for urgent action submitted under article 30 of the Convention CED/C/19/2, para. 14; CED COB on Austria CED/C/AUT/CO/1, 31 May 2018, para. 17.; CED COB on Japan CED/C/JPN/CO/1, 14 November 2018, para 27-28. [↑](#endnote-ref-24)
25. WGEID General Comment on the right to the truth in relation to enforced disappearance. A/HRC/16/48 (para. 39 sub-para 9) Updated Set of principles for the protection and promotion of human rights through action to combat impunity E/CN.4/2005/102/Add.1 Principle 16 and Principle 17.; CED COB on Gabon, CED/C/GAB/CO/1, 12 September 2017, para. 19-20. ; CED, Guiding Principles for the Search for Disappeared Persons (2019), CED/C/7, Principle 11 and Principle 12. [↑](#endnote-ref-25)
26. CED COB on Honduras CED/C/HND/CO/1, 31 May 2018, para. 28-29. [↑](#endnote-ref-26)
27. CED, Guiding Principles for the Search for Disappeared Persons (2019), CED/C/7, Principle 9 par. 3. and 4., Principle 11 and Principle 12.; CED COB on Montenegro, CED/C/MNE/CO/1, 16 September 2015, para 12-15; CED COB on Italy, CED/C/ITA/CO/1, 17 April 2019, para 24-25 [↑](#endnote-ref-27)
28. International Convention for the Protection of All Persons from Enforced Disappearance, Article 16; WGEID, Report on enforced disappearances in the context of migration, A/HRC/36/39/Add.2, 28 July 2017. Para 59-61; ECtHR, Judgment of 14 September 2021 in Case of M.D. and others V. Russia, applications nos. 71321/17 [↑](#endnote-ref-28)
29. UNHCR, Note on International Protection of 13 September 2001 (A/AC.96/951, § 16); ECtHR, Judgment of 23 February 2012 Case of Hirsi Jamaa and others v. ITALY, application no. 27765/09 para 23; CED COB on Mongolia CED/C/MNG/CO/1, 07 May 2021, para 30-31; CED COB on Slovakia CED/C/SVK/CO/1. 11 October 2019, para 14-15; CED COB on Peru, CED/C/PER/CO/1, 17 April 2019, para 22-23; CED COB on Austria CED/C/AUT/CO/1, 31 May 2018, para 20-21 [↑](#endnote-ref-29)
30. CED, Views adopted concerning communication No. 3/2019 (E.L.A. vs France) CED/C/19/D/3/2019; ECtHR, Judgment of Case of K.I. v. France of 15 April 2021 application no. 5560/19; CED COB on Switzerland CED/C/CHE/CO/1, 07 May 2021, para 23-24; CED COB on Italy, CED/C/ITA/CO/1, 17 April 2019, para 26-27; CED COB on Peru, CED/C/PER/CO/1, 17 April 2019, para 22-23; CED COB on Austria CED/C/AUT/CO/1, 31 May 2018, para 20-21 [↑](#endnote-ref-30)
31. CMW, General Comment No. 5 (2021) on migrants’ right to liberty, freedom of arbitrary detention and their connection with other human rights, CMW/C/G/5 para 64; CED COB on Mongolia CED/C/MNG/CO/1, 07 May 2021, para 30-31; CED COB on Slovakia CED/C/SVK/CO/1. 11 October 2019, para 14-15; CED COB on Peru, CED/C/PER/CO/1, 17 April 2019, para 22-23 [↑](#endnote-ref-31)
32. CAT, General comment No. 4 (2017) on the implementation of article 3 of the Convention in the context of article 22, para. 19-20; CED COB on Panama CED/C/PAN/CO/1, 24 September 2021, para 22-23; CED COB on Kazakhstan CED/C/KAZ/CO/1, 16 March 2016, para 17-18; [↑](#endnote-ref-32)
33. CED, Guiding Principles for the Search for Disappeared Persons (2019), CED/C/7, Principle 9 par. 3; CED, Report on requests for urgent action submitted under article 30 of the Convention CED/C/19/2, para. 14; [↑](#endnote-ref-33)
34. ECtHR, Judgment of 20 February 2020 Case of M.A. and others v. BULGARIA, application no. 5115/18 para 79-84; CED COB on Switzerland CED/C/CHE/CO/1, 07 May 2021, para 23-24 [↑](#endnote-ref-34)
35. Report of the Special Rapporteur on the human rights of migrants, Felipe González Morales on the means to address the human rights impact of pushbacks of migrants on land and at sea, 12 May 2021, A/HRC/47/30, para 34 [↑](#endnote-ref-35)
36. UN Working Group on Enforced or Involuntary Disappearances, 2017, Enforced disappearances in the context of migration, A/HRC/36/39/Ad.2, para 25-33; CPT/Inf (2020) 35, Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 17 March 2020 [↑](#endnote-ref-36)
37. ECtHR Great Chamber Judgement of 23 February 2012, Application nr 27765/09, Hirsi Jamaa and others v. Italy; ECtHR Judgement of 8 July 2021, Application 12625/17, Shahzad v Hungary; HRC, Vies from 4 November 2020, Communication No. 3042/2017, A.S., D.I. and G.D. v Italy; IAComHR Judgement of 13 March 1997, Case no. 10.675Haitian Centre for Human Rights et al. v. United States [↑](#endnote-ref-37)
38. Report of the Special Rapporteur on the human rights of migrants, Felipe González Morales on the means to address the human rights impact of pushbacks of migrants on land and at sea, 12 May 2021, A/HRC/47/30, para 62 [↑](#endnote-ref-38)
39. International Convention for the Protection of All Persons from Enforced Disappearance, Articles 24-25; Declaration on the Protection of all Persons from Enforced Disappearance adopted by General Assembly resolution 47/133 of 18 December 1992, art. 19.; WGIED, General Comment on article 19 of the Declaration, E/CN.4/1998/43, (paras.68-75).; CED COB on Japan CED/C/JPN/CO/1, 14 November 2018, para 25, 26, 40.; HRC COB on Mexico, CCPR/C/MEX/CO/5, 17 May 2010, para 12; HRC COB on Mexico, CCPR/C/MEX/CO/6, 4 December 2019, para 29 and 33 [↑](#endnote-ref-39)
40. CED COB on Honduras CED/C/HND/CO/1, 31 May 2018, para. 37-39.; CED COB on Netherlands, CED/C/NLD/CO/1, 26 March 2014, para 32-39; CED COB on Gabon, CED/C/GAB/CO/1, 12 September 2017, para. 19-20. [↑](#endnote-ref-40)
41. CED COB on Honduras CED/C/HND/CO/1, 31 May 2018, para. 29.; CED COB on Panama CED/C/PAN/CO/1, 24 September 2021, para 13; [↑](#endnote-ref-41)
42. CED COB on Italy, CED/C/ITA/CO/1, 17 April 2019, para 34-35; CED COB on Netherlands, CED/C/NLD/CO/1, 26 March 2014, para 32-39 [↑](#endnote-ref-42)
43. Special Rapporteur on the human rights of migrants, Human rights of migrants (25 September 2018, A/73/178/Rev.1), para. 51 [↑](#endnote-ref-43)