



15 June 2023

## Comments on the First Draft of the General Comment No. 1 on Enforced Disappearances in the context of Migration

*Submitted to the Committee on Enforced Disappearances by ILGA World*

ILGA World (International Lesbian, Gay, Bisexual, Trans and Intersex Association), <https://ilga.org>, established in 1978, is a federation of more than 1,700 organisations from over 160 countries and territories campaigning for lesbian, gay, bisexual, trans and intersex (LGBTI) human rights. ILGA World enjoys the ECOSOC status, consistently engaging with UN human rights bodies, and conducts legal and socio-economic research on the situation of LGBTI persons. ILGA World supports local LGBTI civil society groups engaging with United Nations treaty bodies, special procedures and the Human Rights Council. It also produces research publications on social and legal situation of LGBTI persons. This includes [Annual Treaty Bodies Reports](#), [Treaty Bodies Strategic Litigation Toolkit](#) and [ILGA World Database](#).

This submission is aimed at providing inputs and comments on the First Draft of the General Comment No. 1 on Enforced Disappearances in the context of Migration, particularly in relation to LGBTI migrants in the context of enforced disappearances due to specific risks related to their sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC). It has been written by ILGA World's UN Team, particularly researchers with experience in LGBTI migration, peace and security, and trafficking.

We welcome the Committee's growing inclusion of SOGIESC/LGBTI considerations in its lists of issues and concluding observations. We hope that comments and suggestions provided in this submission will help the Committee to further improve its practice on SOGIESC/LGBTI, and to reflect relevant aspects in its first general comment, joining in this other treaty bodies.

This submission is public and can be uploaded on the Committee's website.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized initial 'K' followed by a horizontal line and a small flourish.

Kseniya KIRICHENKO  
United Nations Programmes Manager  
ILGA World

Annex:

- Table of suggested amendments and comments to the draft

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First draft	Suggested amendments	Comments
<p>1. For the purpose of this General Comment, the term “migrant” encompasses “a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons”, such as international or internal conflicts, persecution, natural disasters, the effects of climate change, difficult economic situations, or high crime rates. Numbers of migrants worldwide remain high.</p>	<p>1. For the purpose of this General Comment, the term “migrant” encompasses “a person who moves away from <u>their</u> [1] place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons”, such as international or internal conflicts [2], persecution <b>based on, for example, sexual orientation, gender identity, sex characteristics, gender expression</b> [3], natural disasters, the effects of climate change, difficult economic situations, high crime rates, <b>or political instability</b> [4]. Numbers of migrants worldwide remain high.</p>	<p>[1] Not everyone’s identifies as either male or female, and using the ‘he or she’ pronouns thus would exclude many gender-diverse and non-binary persons. Several countries, in fact, issue official identity documents with gender options other than ‘female’ or ‘male’. See eg C.L. Quinan, ‘<a href="#">Rise of X: Governments Eye New Approaches for Trans and Nonbinary Travelers</a>’ (17 August 2022). For examples of singular ‘they’ to be used in the official language see Government of Canada, ‘<a href="#">Legistics</a>’ (2022). In addition, gender neutral singular ‘they’ would help to avoid prioritising male gender in ‘he or she’. If singular ‘they’ are not acceptable for an official UN document, we would recommend omitting pronouns.</p> <p>[2] For more information regarding disappareaces and migrations under the frame of the Colombian internal armed conflict, see: María Camila Sánchez y Emilio Gallón, <a href="#">Alguien te busca: Herramientas para la búsqueda de personas LGBT dadas por desaparecidas</a> (Colombia Diversa 2022); Colombia Diversa, <a href="#">¿Quién nos va a contar? Informe para la Comisión de la Verdad sobre experiencias de personas LGBT en el conflicto armado colombiano</a> (2020); Centro Nacional de Memoria Histórica, <a href="#">Aniquilar la diferencia: Lesbianas, gays, bisexuales y transgeneristas en el marco del conflicto armado colombiano</a> (CNMH - UARIV - USAID - OIM 2015).</p> <p>[3] For more information on persecution based on sexual orientation and gender identity, see UNHCR, ‘<a href="#">LGBTIQ+ persons</a>’ (2022); IOM, ‘<a href="#">International standards on the protection of people with diverse sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC) in the context of migration</a>’ (2021) 4; Agencia Presentes, ‘<a href="#">Huyeron de Venezuela a EEUU por las violencias hacia LGBT+ y quedaron varados en Centroamérica</a>’ (2022); Communication to Panama, <a href="#">AL PAN 1/2022</a> (9 December 2022); Caribe afirmativo, ‘<a href="#">La desaparición forzada de personas LGBT no es una cifra, es una historia inacabada</a>’ (30 August 2021).</p> <p>[4] See the case from Venezuelan migration: <a href="https://www.r4v.info/en">https://www.r4v.info/en</a>.</p>
<p>3. Being already in a situation of vulnerability, faced with restrictive immigration policies and “dehumanizing border governance tactics”, thousands of migrants die, disappear, or go missing each year, which has led to a humanitarian crisis in certain regions of the world. The issue is of high priority at the</p>	<p>3. Being already in a situation of vulnerability, faced with restrictive immigration policies and “dehumanizing border governance tactics”, thousands of migrants die, disappear, <b>are victims of trafficking</b> [5], or go missing each year, which has led to a humanitarian crisis in certain regions of the world. The issue is of high priority at the</p>	<p>[5] For more information see: US Department of State, <a href="#">Trafficking in Persons Report</a> (2022); Fundación GAAT, <a href="#">Trans-migraciones: caminos posibles: Informe sobre derechos de personas Trans Migrantes en Colombia</a> (2022); Caribe Afirmativo, “<a href="#">Yo no quiero esto para mi vida</a>” <a href="#">Informe sobre personas LGBT víctimas de trata de personas en Antioquia, Santander y Norte de Santander</a>’ (2022).</p>

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<p>international level, as shown by the 2019 UN General Assembly Resolution on the protection of migrants that called for international cooperation in cases of migrants who have died or gone missing, as well as the 2018 <i>Global Compact for Safe, Orderly and Regular Migration</i> (Global Compact on Migration), whose objectives include addressing and reducing vulnerabilities in migration, saving lives and establishing coordinated efforts on missing migrants, and countering smuggling and trafficking.</p>	<p>international level, as shown by the 2019 UN General Assembly Resolution on the protection of migrants that called for international cooperation in cases of migrants who have died or gone missing, as well as the 2018 <i>Global Compact for Safe, Orderly and Regular Migration</i> (Global Compact on Migration), whose objectives include addressing and reducing vulnerabilities in migration, saving lives and establishing coordinated efforts on missing migrants, and countering smuggling and trafficking.</p>	
<p>4. A “missing person”, as defined by the International Committee of the Red Cross (ICRC) in the context of International Humanitarian Law, 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.” The International Organisation for Migration (IOM) further defines that the expression “missing migrants” includes, <i>inter alia</i>, migrants who have died “<i>in transportation accidents, shipwrecks, violent attacks, or due to medical complications during their journeys.</i>” Some missing migrants could be victims of disappearance. [...]</p>	<p>4. A “missing person”, as defined by the International Committee of the Red Cross (ICRC) in the context of International Humanitarian Law, is “a person whose whereabouts are unknown to <b>their</b> [6] 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.” The International Organisation for Migration (IOM) further defines that the expression “missing migrants” includes, <i>inter alia</i>, migrants who have died “<i>in transportation accidents, shipwrecks, violent attacks, or due to medical complications during their journeys</i>” [7]. Some missing migrants could be victims of disappearance. [...]</p>	<p>[6] See comment 1 above.</p> <p>[7] Please note that the IOM and the UNHCR have included sexual orientation and gender identity as situations of vulnerability that lead migrant persons to go missing. See eg the UNHCR and IOM, <a href="#">Protection Workbook: Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics (SOGIESC) in Forced Displacement and Migration</a> (2021); IOM, <a href="#">Migration and Lesbian, Gay, Bisexual, Trans and Intersex (LGBTI) People</a> (2016) 24-25.</p>
<p>5. The Committee notes with high concern that deaths and disappearances along various migration routes are widely reported. The issue was first addressed by the UN Working</p>	<p>5. The Committee notes with high concern that deaths and disappearances along various migration routes are widely reported. The issue was first addressed by the UN Working Group</p>	<p>[8] It is crucial to incorporate a gender-based approach to data collection. According to the Special Rapporteur on the human rights of migrants, “the challenge of obtaining sex- and gender disaggregated data persists at a global level. The visibility of migrant girls in available research and data is markedly</p>

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<p>Group on Enforced or Involuntary Disappearances (WGEID) in its 2017 <i>Report on Enforced disappearances in the context of migration</i> and has not improved since. However, accurate data on the number of victims of disappearances amongst missing migrants are not available due to a lack of systematic data collection and shared databases, insufficient cooperation and lack of political will of States, barriers to reporting such disappearances (articles 2 and 3), linked, <i>inter alia</i>, to the situation of vulnerability of migrants and their relatives, as well as failure by authorities to conduct serious, effective, and diligent searches and investigations. This lack of accurate and disaggregated data hinders the adoption of policies and strategies to prevent the enforced disappearance of migrants and increases the vulnerability of migrants to become victims of this crime.</p>	<p>on Enforced or Involuntary Disappearances (WGEID) in its 2017 <i>Report on Enforced disappearances in the context of migration</i> and has not improved since. However, accurate data <b>with a gender sensitive approach</b> [8] on the number of victims of disappearances amongst missing migrants are not available due to a lack of systematic data collection and shared databases, insufficient cooperation and lack of political will of States, barriers to reporting such disappearances (articles 2 and 3), linked, <i>inter alia</i>, to the situation of vulnerability of migrants and their relatives, as well as failure by authorities to conduct serious, effective, and diligent searches and investigations. This lack of accurate and disaggregated data <b>with a gender sensitive approach</b> [9] hinders the adoption of policies and strategies to prevent the enforced disappearance of migrants and increases the vulnerability of migrants to become victims of this crime.</p>	<p>lacking. Gender- and sex-disaggregated data is particularly weak in the context of detention. There are very few statistics on exactly how many women, girls and lesbian, gay, bisexual, transgender and intersex persons are languishing in immigration detention centres or what the conditions of their detention are.’ Special Rapporteur on the human rights of migrants, ‘Good practices and initiatives on gender-responsive migration legislation and policies’ <a href="#">A/74/191</a> (18 July 2019) para 89.</p> <p>[9] See comment 8 above.</p>
<p>6. Different factors directly or indirectly contribute to the disappearance of migrants (articles 2 and 3) or risk thereof. Various practices by States and their agents in the context of restrictive and dehumanising border governance <i>directly</i> contribute to the disappearance of migrants. These practices include immigration detention, pushbacks and chain-pushbacks at land or sea, systematic failure to search and rescue, as well as collusion between state agents and organised criminal groups engaged in human trafficking.</p>	<p>6. Different factors directly or indirectly contribute to the disappearance of migrants (articles 2 and 3) or risk thereof. Various practices by States and their agents in the context of restrictive and dehumanising border governance <i>directly</i> contribute to the disappearance of migrants. These practices include <b>arbitrary and</b> [10] immigration detention, pushbacks and chain-pushbacks at land or sea, systematic failure to search and rescue, as well as collusion between state agents and organised criminal groups engaged in human trafficking.</p>	<p>[10] Those from marginalized and criminalized communities, for example, trans sex workers, face particular risks of arbitrary detention and subsequent missing.</p> <p>See eg Communication to Colombia, <a href="#">AL COL 6/2020</a> (20 November 2020). In this case, four trans migrant women from Venezuela who were allegedly arbitrarily detained while performing sex work, insulted, humiliated, robbed, threatened with rape and death, and beaten by police officers in the Colombian municipality of Maicao. A client who had intimidated them and tried to attack them after they refused to accept unsafe sexual acts participated in the harassment and beatings by the police. It is of concern that these acts were motivated by the gender identity of the women, who are particularly vulnerable and exposed to violence because of being migrants and sex workers. Perpetrators remain unpunished and exercising their duties, thus endangering the victims, who have been pressured to withdraw the criminal complaint. The violence and lack of apprehension of the aggressors forced the women to move internally. All of them are homeless, and their income has been considerably affected as a result of the compulsory isolation measures in the context of the COVID-19.</p>

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		See also 'Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity,' <a href="#">A/74/181</a> (17 July 2019) para 56.
<p>7. In addition to this, rigid, securitised, and increasingly militarised migration and border governance policies of States, coupled with discriminatory attitudes and practices and a general trend of criminalisation of migrants and those who assist them, and widespread impunity of those who violate the rights of migrants, <i>indirectly</i> contribute to disappearances of migrants by forcing them to choose increasingly dangerous routes, turn to criminal networks of smugglers or traffickers, and exposing them to different human rights violations and exploitation, including becoming victims of enforced disappearance. This phenomenon affects all regions of the world, without exceptions.</p>	<p>7. In addition to this, rigid, securitised, and increasingly militarised migration and border governance policies of States, coupled with discriminatory attitudes and practices, <b><u>including based on intersectional factors such as race, disability, status, age, class, ethnicity, religion or belief, sexual orientation, gender identity, gender expression and sexual characteristics,</u></b> a general trend of criminalisation of migrants and those who assist them, and widespread impunity of those who violate the rights of migrants, <i>indirectly</i> contribute to disappearances of migrants by forcing them to choose increasingly dangerous routes, turn to criminal networks of smugglers or traffickers, and exposing them to different human rights violations and exploitation, including becoming victims of enforced disappearance. This phenomenon affects all regions of the world, without exceptions.</p>	
<p>8. Among the factors which contribute to enforced disappearances of migrants, the issue of discrimination is of specific concern:</p> <p>a) Discrimination can be the trigger of migration when a person is exposed to structural or direct discrimination in the country of origin or residence.</p> <p>b) Migration policies can contain discriminatory elements, such as visa or residence permission restrictions for persons from certain countries or regions or for persons of certain nationalities.</p>	<p>8. Among the factors which contribute to enforced disappearances of migrants, the issue of discrimination is of specific concern:</p> <p>a) Discrimination can be the trigger of migration when a person is exposed to structural or direct discrimination in the country of origin, <b><u>transit or route</u></b> [11] or residence. <b><u>Discrimination can be based on the grounds of race, disability, status, age, class, ethnicity, religion or belief, sexual orientation, gender identity, gender expression, sexual characteristics and others, as well as their combination.</u></b></p>	<p>[11] According to research data, LGBTI migrants often experience discrimination and stigmatization from both their own communities and from mainstream culture, in both their countries of origin and destination and along the migratory route. Those negative experiences may be compounded for transgender persons. For example, while in detention for irregular entry and stay, transgender women can be exposed to social isolation and suffer from violence, including sexual violence, when held with men. This problem follows from the narrow scope of defining sexual violence and the limiting binary vision of 'women victims and men perpetrators', which ignores the complex realities of sexual violence and LGBTI victims. See Special Rapporteur on the human rights of migrants, 'The impact of migration on migrant women and girls: a gender perspective' <a href="#">A/HRC/41/38</a> (15 April 2019) para 71.</p>

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<p>c) Certain groups of migrants may face discrimination during the migration process, such as selective deprivation of liberty or ill-treatment of migrants, or certain categories of migrants, based on racial, religious, or ethnic profiling, age, sex, gender, sexual orientation, or other personal characteristics, which makes them even more vulnerable to becoming victims of enforced disappearance.</p> <p>d) Discrimination can also affect the rights of victims and their relatives to access to justice, including, but not limited to, participation in the investigation and search, access to legal aid, protection, and support, as well as presence during court procedures. [...]</p>	<p>b) Migration policies can contain discriminatory elements, such as visa or residence permission restrictions for persons from certain countries or regions, or persons of certain nationalities, <b><u>discriminatory assessment of visa applications, or discriminatory policies and practices related to identity documents of transgender persons, especially when there are barriers to legal gender recognition.</u></b> [12]</p> <p>c) Certain groups of migrants may face discrimination during the migration process, such as selective deprivation of liberty or ill-treatment of migrants, or certain categories of migrants, based on racial, religious, or ethnic profiling, age, sex, gender, sexual orientation, <b><u>gender identity, gender expression, sex characteristics,</u></b> [13] or other personal characteristics, which makes them even more vulnerable to becoming victims of enforced disappearance.</p> <p>d) Discrimination can also affect the rights of victims and their relatives to access to justice, including, but not limited to, participation in the investigation and search, access to legal aid, protection, and support, presence during court procedures <b><u>and impartial judges.</u></b> [...]</p>	<p>[12] Requirements for visa applications, even when seem neutral, affect certain groups particularly. For example, LGBTI persons, especially in places where they are stigmatized, pathologized and/or criminalized, have significantly less opportunities for earning, may have no property and no legal spouses or children, which are all factors potentially leading to visa denials.</p> <p>Legal gender recognition refers to 'legal recognition of a person's gender identity, including name, sex/gender marker and other gender-related information, which may be reflected in surnames, social security numbers/personal identification numbers, titles etc, in public registries, records, identification documents (identity cards, passports, driving licences) and other similar documents (educational certificates etc)'. Council of Europe, '<a href="#">Thematic report on legal gender recognition in Europe</a>' (2022) para 2.</p> <p>Barriers to legal gender recognition may deny transgender persons of the right to freedom of movement and residence, and the right to leave any country including one's own. When their details in official documents do not match their gender identity or expression, transgender persons face exacerbated risks of human rights violations; as recorded by UN human rights mechanisms, trans persons have been subjected to harassment, humiliation, abuse or arrest upon attempting to report the attacks and seek police protection, based, inter alia, on the fact that their self-determined gender was not recognized in their official documents. This may result in greater levels of violence and extortion, and restrictions on being able to cross borders. See 'Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity' <a href="#">A/73/152</a> (12 July 2018) paras 23 and 36.</p> <p>[13] On particular forms, contexts and consequences of human rights violations faced by LGBTI persons in relation to enforced disappearances, and on the need to strengthen the search of LGBTI missing persons, linked to the lack of public records, as well as the need to identify patterns of migration of persons with diverse SOGIESC see eg Caribe Afirmativo, '<a href="#">Desaparición Forzada de personas LGBT en el marco del conflicto armado</a>' (2021).</p>
<p>13. Recognising the particular situation of vulnerability of migrants themselves, as well as of their relatives, who are frequently also migrants and often encounter obstacles and discrimination when searching for their disappeared loved ones, the General</p>	<p>13. Recognising the particular situation of vulnerability of migrants themselves, as well as of their relatives, <b><u>including relatives of their social families and partnerships not recognised by states</u></b> [14], who are frequently also migrants and often encounter obstacles and discrimination</p>	<p>[14] According to <a href="#">ILGA World Database</a>, out of 193 UN member states, same-sex marriage is not legal in 159 (82%), and civil unions for same-sex couple are not legal in 147 (76%). The specificity of family concept and network for LGBTI people, on one hand, is determined by biological family as a potential or real source of violence and discrimination, and this, in turn, lead many LGBTI persons to migrate. On the other hand, de facto relationships and community support are</p>

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<p>Comment aims to assist States in their efforts to ensure access to justice for victims contribute to international efforts to improve the often dire human rights situation of migrants.</p>	<p>when searching for their disappeared loved ones, the General Comment aims to assist States in their efforts to ensure access to justice for victims contribute to international efforts to improve the often dire human rights situation of migrants.</p>	<p>more important for LGBTI persons, especially those facing additional factors of stigmatization, for example, racialized LGBTI persons or LGBTI refugees. See eg Seohyun Kim and Israel Fisseha Feyissa, 'Conceptualizing "Family" and the Role of "Chosen Family" within the LGBTQ+ Refugee Community: A Text Network Graph Analysis' (2021) 9 Health Care 369.</p> <p>The Committee on Enforced Disappearances has already recognized that 'in cases involving disappeared persons or persons participating in the search who are members of the [LGBTI] community, [...] the bodies responsible for the search should take account of their particular needs.' 'Guiding principles for the search for disappeared persons' <a href="#">CED/C/7</a> (8 May 2019) para 5.</p>
<p>14. Recognising the often cross-border character of enforced disappearances in the context of migration, the General Comment aims at fostering international cooperation with regards to the prevention, search, and investigation of disappearances of migrants in compliance with the obligations under the Convention.</p>	<p>14. Recognising the often cross-border character of enforced disappearances in the context of migration, the General Comment aims at fostering international cooperation with regards to the prevention, search, <b>reparations and redress</b> [15] and investigation of disappearances of migrants in compliance with the obligations under the Convention.</p>	<p>[15] Under art 24 of the Convention.</p>
<p>15. To prevent the risk of migrants' becoming victims of enforced disappearance in the context of immigration detention, it must be ensured that they are always able to communicate with their relatives, consular authorities, legal representatives, or any other person whom they could inform about their fate or whereabouts. Deprivation of liberty for immigration-related reasons should always be a measure of last resort and migrants should only be deprived of liberty if there are no alternatives to detention. Moreover, in view of the non-derogability of the prohibition of enforced disappearances (article 1(2) of the Convention), emergency situations must not be used to justify any form of deprivation of liberty of migrants that could amount to enforced disappearance.</p>	<p>15. To prevent the risk of migrants' becoming victims of enforced disappearance in the context of immigration detention, it must be ensured that they are always able to communicate with their relatives, consular authorities, legal representatives, or any other person whom they could inform about their fate or whereabouts. Deprivation of liberty for immigration-related reasons should always be a measure of last resort and <b>alternatives to detention, such as community-based care arrangements or protection-based institutions for migrants, should be considered</b> [16]. Migrants should only be deprived of liberty if there are no alternatives to detention. Moreover, in view of the non-derogability of the prohibition of enforced disappearances (article 1(2) of the Convention), emergency situations must not be used to justify</p>	<p>[16] 'While States are encouraged to progressively abolish the practice of administrative detention of migrants in the context of international migration, immediate measures should be taken to ensure that conditions of detention meet minimum international standards and respect the human rights of all migrants, including women, regardless of their sexual orientation and gender identity. In the meantime, States are urged to explore alternatives to detention, including community-based care arrangements and protection-based institutions for migrants.' Special Rapporteur on the human rights of migrants, 'Good practices and initiatives on gender-responsive migration legislation and policies' <a href="#">A/74/191</a> (18 July 2019) para 116.</p> <p>[17] Important to highlight the intersection between childhood and SOGIESC in relation to detention in the context of migration. 'Children in immigration detention are at a heightened risk of experiencing violence and abuse and are more vulnerable to torture and ill treatment, trafficking and exploitation. Structural vulnerabilities may be compounded for groups that are particularly vulnerable to sexual and other forms of violence, such as unaccompanied and separated children, migrant girls, children with disabilities and children belonging to ethnic or</p>



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<p>Children should never be deprived of their liberty only for reasons only related to their or their parents' migration status, "on the basis of the child being unaccompanied or separated, or on their migratory or residence status or lack thereof", and unaccompanied minors who are apprehended in the course of migration should be referred to child protection authorities. The prohibition of secret detention contained in article 17 of the Convention is especially important to prevent disappearances and extends to situations where migrants are deprived of their liberty by non-State actors acting with the support, authorisation, or acquiescence of the State.</p>	<p>any form of deprivation of liberty of migrants that could amount to enforced disappearance. Children should never be deprived of their liberty only for reasons only related to their or their parents' migration status, "on the basis of the child being unaccompanied or separated, or on their migratory or residence status or lack thereof", and unaccompanied minors <b>and lesbian, gay, bisexual, transgender and intersex children</b> [17] who are apprehended in the course of migration should be referred to child protection authorities. The prohibition of secret detention contained in article 17 of the Convention is especially important to prevent disappearances and extends to situations where migrants are deprived of their liberty by non-State actors acting with the support, authorisation, or acquiescence of the State.</p>	<p>social minorities, including the [LGBTI] community [...]. LGBTI children and girls are often placed in gender-inappropriate detention facilities with unrelated adults and face discrimination, greater social exclusion and violence, and barriers to accessing essential services such as education and health, in particular services related to sexual and reproductive rights.' Special Rapporteur on the human rights of migrants, 'Ending immigration detention of children and providing adequate care and reception for them' <a href="#">A/75/183</a> (20 July 2020) para 31.</p> <p>We also suggest adding to the text of the draft a paragraph on the higher vulnerability of migrants with diverse SOGIESC during detention. People with diverse SOGIESC are more vulnerable to discrimination, hostility, physical, psychological and sexual violence by facility staff or other detainees. See eg IOM, '<a href="#">International standards on the protection of people with diverse sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC) in the context of migration</a>' (2021) 17-18. See also Principles 7 and 9, '<a href="#">Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity</a> (Yogyakarta principles) (2006).</p>
<p>18. In accordance with article 17(3) of the Convention, States parties must keep up-to-date official registers and records of all deprivations of liberty, transfers, and releases of migrants, without exception and irrespective of the place or duration of the deprivation of liberty. These registers and records must, at a minimum, contain the information established in article 17(3) of the Convention and be filled out diligently and without delay. In addition to the information listed in article 17 (3), and while ensuring full respect for the principles governing individual data protection in accordance with article 19 of the Convention, States parties are invited to consider the inclusion of a photograph of the person deprived of liberty because some migrants may not carry identity documents or</p>	<p>18. In accordance with article 17(3) of the Convention, States parties must keep up-to-date official registers and records of all deprivations of liberty, transfers, and releases of migrants, without exception and irrespective of the place or duration of the deprivation of liberty. These registers and records must, at a minimum, contain the information established in article 17(3) of the Convention and be filled out diligently and without delay. In addition to the information listed in article 17 (3), and while ensuring full respect for the principles governing individual data protection in accordance with article 19 of the Convention, States parties are invited to consider the inclusion of a photograph of the person deprived of liberty because some migrants may not carry identity documents or use a false identity. <b>These official records and registers must respect the individual's gender identity, along with their social names in cases</b></p>	<p>[18] 'Lack of Proper Individual Documentation. For migrants with diverse SOGIESC, the absence of proper individual documentation can create additional issues and risks even if the person is not migrating irregularly. For instance, official documentation that does not match a person's gender expression can lead to discrimination and ill-treatment by border authorities, police officers, social services, or other officials. In such cases, individuals may be denied the right to pass through a border or check-point due to their documentation. This treatment may result in a traumatic migration process, lead to unnecessary detention and place the individual at risk of harm. Inconsistent or inaccurate documents may also lead to violence, extortion, exclusion from education or employment, or a lack of access to housing and to other social services.' IOM, '<a href="#">International standards on the protection of people with diverse sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC) in the context of migration</a>' (2021) 16.</p> <p>See also comment 12 above.</p> <p>See also Concluding observations on Greece with a recommendation to 'ensure that its domestic legislation provides for a comprehensive system of compensation and reparation that fully complies with article 24 (4) and (5) of the Convention and other relevant international standards, that is under the responsibility of the State,</p>



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<p>use a false identity. Registers and records should be subject to regular reviews.</p>	<p><b><u>where the person's state of origin, route and/or destination, do not provide the legal means to amend their legal documents in accordance with their gender identity</u></b> [18]. Registers and records should be subject to regular reviews.</p>	<p>that is applicable even if no criminal proceedings have been initiated and that is sensitive to the specific needs of the victim, in view of, inter alia, their sex, sexual orientation, gender identity, age, ethnic origin, social status or disability.' <u>CED/C/GRC/CO/1</u> (12 May 2022) para 33 (b).</p>
<p>19. The State party shall provide without delay information about migrants who have been deprived of liberty to any person with a legitimate interest, such as relatives, their representatives, or their counsel. At a minimum, such information should include the information listed in article 18(1) of the Convention and States must ensure that persons with a legitimate interest have a real possibility of accessing it. The right of persons with a legitimate interest to access and receive information may only be restricted in accordance with the provisions of article 20(1) of the Convention. States parties should ensure that data protection or privacy regulations are not used as a ground for withholding information.</p>	<p>19. The State party shall provide without delay information about migrants who have been deprived of liberty to any person with a legitimate interest, such as relatives, <b><u>not limited to blood or legal family, and inclusive of social families and partnerships not recognized by the state</u></b> [19], their representatives, or their counsel. At a minimum, such information should include the information listed in article 18(1) of the Convention and States must ensure that persons with a legitimate interest have a real possibility of accessing it. The right of persons with a legitimate interest to access and receive information may only be restricted in accordance with the provisions of article 20(1) of the Convention. States parties should ensure that data protection or privacy regulations are not used as a ground for withholding information.</p>	<p>[19] See comment 14 above.</p>
<p>21. The lack of reliable data and statistics on disappeared migrants is one of the major obstacles to preventing and responding to disappearances of migrants. The Committee emphasises that the regular and systematic collection of disaggregated data and the generation of accurate statistics are crucial to understanding the scale of the problem and devising policies to effectively prevent, search, investigate, punish, and eliminate disappearances of migrants with a differential approach States parties should create and regularly update single, nationwide databases of disappeared persons that include basic</p>	<p>21. The lack of reliable data and statistics on disappeared migrants, <b><u>including disaggregated data</u></b>, is one of the major obstacles to preventing and responding to disappearances of migrants. The Committee emphasises that the regular and systematic collection of disaggregated data and the generation of accurate statistics are crucial to understanding the scale of the problem and devising policies to effectively prevent, search, investigate, punish, and eliminate disappearances of migrants with a differential approach. States parties should create and regularly update single, nationwide databases of disappeared persons that include basic information about migrants</p>	<p>[20] Authorities responsible for data entry must receive training on SOGIESC; otherwise, the collection, systematization, storage, and processing of data will not be done consistently and comprehensively. For instance, when authorities are unfamiliar with SOGIESC categories, they often default to assuming 'heterosexuality' as the standard sexual orientation or confuse transgender identity with sexual orientation. This is evident in the high percentage of individuals categorized as 'did not express their sexual orientation' in the Colombian official database on trafficking. While the decision to identify oneself within a category is a matter of personal autonomy and privacy, considering the context of stigmatization and discrimination in migration settings, authorities cannot assume heterosexuality as the norm or majority in the face of ignorance regarding SOGIESC.</p>

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<p>information about migrants who may be victims of a disappearance (such as sex, gender identity, age, nationality, ethnic group or religious affiliation, sexual orientation, place, date, context and circumstances of the person's disappearance, including all evidence relevant to determining whether it was an enforced disappearance, and information about the status of exhumations, identification, and return of remains). States parties that are countries of origin should create registers of disappeared persons abroad and, to allow for an effective search in the event of a disappearance, States of origin, transit, and destination should ensure registration of migrants at border controls. Authorities responsible for entering the relevant data must do so in a consistent and exhaustive manner, immediately after being informed of a disappearance. States parties must ensure that such data are not shared or used for immigration enforcement purposes.</p>	<p>who may be victims of a disappearance (such as sex, gender identity, <b><u>gender expression, sex characteristics</u></b>, age, nationality, ethnic group or religious affiliation, sexual orientation, place, date, context and circumstances of the person's disappearance, including all evidence relevant to determining whether it was an enforced disappearance, and information about the status of exhumations, identification, and return of remains). States parties that are countries of origin should create registers of disappeared persons abroad and, to allow for an effective search in the event of a disappearance, States of origin, transit, and destination should ensure registration of migrants at border controls. Authorities responsible for entering the relevant data must do so in a consistent and exhaustive manner, immediately after being informed of a disappearance. <b><u>In order to assure consistency, the responsible authorities should receive training on identity and other relevant categories, such as sexual orientation, gender identity, gender expression, sex characteristics, including indigenous and ancestral gender and cultural identities, in order to ensure the collection of disaggregated data and statistics</u></b> [20]. States parties must ensure that such data are not shared or used for immigration enforcement purposes.</p>	<p>Indigenous persons of diverse and ancestral cultural/gender identities have extremely high risks of violence and enforced disappearances because of their both indigenous status and SOGIESC. See on this eg ILGA World, '<a href="#">Indigenous Women and Girls of Diverse and Ancestral SOGIESC: Submission to the UN Special Rapporteur on violence against women, its causes and consequences</a>' (31 January 2022).</p>
<p>24. In addition to collecting data, States parties should conduct contextual analysis to identify possible patterns in disappearances of migrants and underlying structural failures that enable these crimes, as well as possible ties between authorities and criminal networks involved in human trafficking and smuggling of migrants. For this purpose, the Committee also recommends the collection</p>	<p>24. In addition to collecting data, States parties should conduct contextual analysis to identify possible patterns in disappearances of migrants and underlying structural failures that enable these crimes, as well as possible ties between authorities and criminal networks involved in human trafficking and smuggling of migrants. For this purpose, the Committee also recommends the collection of qualitative data, <b><u>including on</u></b></p>	

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<p>of qualitative data. In order to identify trends and patterns in migrant disappearances in the context of human trafficking, States parties should cooperate with a broad range of migration and anti-trafficking professionals.</p>	<p><b>the ground.</b> In order to identify trends and patterns in migrant disappearances in the context of human trafficking, States parties should cooperate with a broad range of migration and anti-trafficking professionals.</p>	
<p>25. Policies that criminalise migrants and migration itself, lack mechanisms that allow for prior assessment of the risks and circumstances in each individual case, and focus on deterring entry, heighten the risk of migrants' becoming victims of human rights violations, including disappearances. Consequently, the Committee urges States parties to adopt evidence-based policies to foster access to regular and safe migration in line with the objectives of the Global Compact on Migration. Specifically, States parties should work towards enhancing pathways for regular migration, reducing vulnerabilities, saving lives, countering smuggling and trafficking, training and adequately equipping border authorities, finding alternatives to detention, facilitating consular assistance, and, if appropriate, consular access to relevant information about the disappeared, and eliminating discrimination. Additionally, States parties must guarantee the right of every person to seek legal protection based on an individual risk assessment as well as access to justice through legal remedies. States parties must end, investigate, and punish practices of collective expulsions and pushbacks at borders or intentionally failing to act diligently to rescue migrants at sea, in the desert, in impassable forests, exposed to</p>	<p>25. Policies that criminalise migrants and migration itself, lack mechanisms that allow for prior assessment of the risks and circumstances in each individual case, and focus on deterring entry, heighten the risk of migrants' becoming victims of human rights violations, including disappearances. Consequently, the Committee urges States parties to adopt evidence-based policies to foster access to regular and safe migration in line with the objectives of the Global Compact on Migration. Specifically, States parties should work towards enhancing pathways for regular migration, reducing vulnerabilities, saving lives, countering smuggling and trafficking, training and adequately equipping border authorities, finding alternatives to detention, facilitating consular assistance, and, if appropriate, consular access to relevant information about the disappeared, and eliminating discrimination. Additionally, States parties must guarantee the right of every person to seek legal protection based on an individual risk assessment as well as access to justice through legal remedies <b>and access to reparation and redress, under article 24 of the Convention.</b> States parties must end, investigate, and punish practices of collective expulsions and pushbacks at borders or intentionally failing to act diligently to rescue migrants at sea, in the desert, in impassable forests, exposed to extreme temperatures, or in other life-threatening conditions.</p>	

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extreme temperatures, or in other life-threatening conditions.		
<p>27. Special consideration must be given to the rights of migrant children, especially unaccompanied minors. The separation of children from their families increases risk of enforced disappearance and should be avoided, unless it is determined to be in the best interests of the child in compliance with international standards. States parties should take effective measures to ensure the protection of unaccompanied or separated migrant children housed in reception centres, or other places of accommodation, from becoming victims of human rights violations, including disappearances (articles 2 and 3). Children born to mothers on migrant routes or in places of deprivation of liberty, are under additional risk to be wrongfully removed (article 25) and it is therefore paramount to ensure their registration at birth. Respect for the best interests of the child and family unity should be prioritised, for example by promptly identifying child migrants at border controls or in other circumstances, assigning a guardian to unaccompanied children, and putting in place best-interest determination procedures.</p>	<p>27. Special consideration must be given to the rights of migrant children, especially unaccompanied minors and <b>lesbian, gay, bisexual, transgender and intersex children</b> [21]. The separation of children from their families increases risk of enforced disappearance and should be avoided, unless it is determined to be in the best interests of the child in compliance with international standards. States parties should take effective measures to ensure the protection of unaccompanied or separated migrant children housed in reception centres, or other places of accommodation, from becoming victims of human rights violations, including disappearances (articles 2 and 3). Children born to mothers on migrant routes or in places of deprivation of liberty, are under additional risk to be wrongfully removed (article 25) and it is therefore paramount to ensure their registration at birth. Respect for the best interests of the child and family unity should be prioritised, for example by promptly identifying child migrants at border controls or in other circumstances, assigning a guardian to unaccompanied children, and putting in place best-interest determination procedures.</p>	<p>[21] See comment 17 above.</p> <p>'Unaccompanied LGBT children [who are migrants, asylum seekers and refugees] face further threats to their immediate physical security, including barriers to accessing services compounded by a lack of knowledge regarding providers, a lack of access to safe shelter and distinct psychosocial needs compounded by their young age; in addition, they are at risk of being missed by identification procedures.' 'Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity,' <a href="#">A/74/181</a> (17 July 2019) para 57.</p>
<p>31. To ensure respect for the principle of non-refoulement in practice, States parties should build the necessary institutional capacity to carry out individual assessments, such as duly trained human resources and adequate funding. Furthermore, States parties should provide training to border officials and staff involved in asylum, return, surrender or extradition procedures and to</p>	<p>31. To ensure respect for the principle of non-refoulement in practice, States parties should build the necessary institutional capacity to carry out individual assessments, such as duly trained human resources and adequate funding. Furthermore, States parties should provide training to border officials and staff involved in asylum, return, surrender or extradition procedures and to law enforcement officials, in</p>	

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law enforcement officials, in general, on the concept of “enforced disappearance” and on the assessment of the related risks.	general, on the concept of “enforced disappearance”, <b>on gender-related topics, topics related to sexual orientation, gender identity, sexual characteristics, gender expression, LGBTI children and youth</b> and on the assessment of the related risks.	
35. The Committee recalls that the obligations to search for disappeared persons, conduct an effective investigation into alleged disappearances, including those falling within article 3 of the Convention, and prosecute and punish the perpetrators, are fundamental to ending this heinous crime and preventing its re-occurrence. In migration contexts, disappearances are often not reported, due to obstacles faced by relatives living in another country, language, cultural or knowledge barriers, as well as fear to report by relatives or witnesses who may themselves have an irregular migratory status. Authorities should initiate the search and investigation <i>ex officio</i> as soon as they become aware of or have indications that a person has been subjected to a disappearance. The burden of proof should not be on the victims or relatives.	35. The Committee recalls that the obligations to search for disappeared persons, conduct an effective investigation into alleged disappearances, including those falling within article 3 of the Convention, and prosecute and punish the perpetrators, are fundamental to ending this heinous crime and preventing its re-occurrence. In migration contexts, disappearances are often not reported, due to obstacles faced by relatives living in another country, language, cultural or knowledge barriers, as well as fear to report by relatives or witnesses who may themselves have an irregular migratory status, <b>or fear to be subjected to discrimination based on sexual orientation, gender identity, gender expression and/or sex characteristics</b> [22]. Authorities should initiate the search and investigation <i>ex officio</i> as soon as they become aware of or have indications that a person has been subjected to a disappearance. The burden of proof should not be on the victims or relatives.	[22] For more information see eg María Camila Sánchez y Emilio Gallón, <a href="#">Alguien te busca: Herramientas para la búsqueda de personas LGBT dadas por desaparecidas</a> (Colombia Diversa 2022); Colombia Diversa, <a href="#">¿Quién nos va a contar? Informe para la Comisión de la Verdad sobre experiencias de personas LGBT en el conflicto armado colombiano</a> (2020); Fundación GAAT, <a href="#">Trans-migraciones. Caminos posibles. Informe sobre derechos de personas Trans migrantes en Colombia</a> (2020).
37. To ensure effectiveness of the search, States parties should implement the Committee’s <i>Guiding Principles</i> and other international standards. Therefore, the search should be conducted under the presumption that the person is alive; respect human dignity at every stage; be governed by a public policy; follow a differential approach; respect the right to participation; begin	37. To ensure effectiveness of the search, States parties should implement the Committee’s <i>Guiding Principles</i> and other international standards. Therefore, the search should be conducted under the presumption that the person is alive; respect human dignity at every stage; be governed by a public policy; follow a differential, <b>intersectional and intercultural</b> approach; respect the right to participation;	

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<p>without delay; continue until the disappeared person's fate and whereabouts have been determined with certainty; be conducted on the basis of a comprehensive strategy; take into account the particular vulnerability of migrants; be organised efficiently; use information in an appropriate manner; be coordinated; reinforce the criminal investigation; be carried out safely; be independent and impartial; and be governed by public protocols.</p>	<p>begin without delay; continue until the disappeared person's fate and whereabouts have been determined with certainty; be conducted on the basis of a comprehensive strategy; take into account the particular vulnerability of migrants; be organised efficiently; use information in an appropriate manner; be coordinated; reinforce the criminal investigation; be carried out safely; be independent and impartial; and be governed by public protocols.</p>	
<p>39. To facilitate search and investigations, States parties should ensure effective inter-institutional cooperation and coordination at national level and among institutions from countries of origin, transit, or destination. Moreover, they should strive to create standardised protocols for the search and investigation of disappeared migrants across States and enable the exchange of all relevant information, including, but not limited to, (national) registers of disappeared persons and DNA databases, while respecting international standards for data protection and privacy. Finally, States parties must ensure that all competent institutions are adequately funded, equipped, and have the necessary, properly trained human resources.</p>	<p>39. To facilitate search and investigations, States parties should ensure effective inter-institutional cooperation and coordination at national <b>and regional</b> level, <b>considering all the states involved</b> and among institutions from countries of origin, transit, or destination. Moreover, they should strive to create standardised protocols for the search and investigation of disappeared migrants across States and enable the exchange of all relevant information, including, but not limited to, (national) registers of disappeared persons and DNA databases, while respecting international standards for data protection and privacy. Finally, States parties must ensure that all competent institutions are adequately funded, equipped, and have the necessary, properly trained human resources.</p>	
<p>40. Additionally, States parties must ensure that relatives of disappeared migrants, their representatives, and any other person with a legitimate interest, irrespective of where they reside, are able to access information without delay and take part in all stages of the search and investigation if they so wish. In the course of the search and investigation</p>	<p>40. Additionally, States parties must ensure that relatives of disappeared migrants, <b>including social families and forms of partnerships not recognised by the state of origin, transit and/or destination</b> [23], their representatives, and any other person with a legitimate interest, irrespective of where they reside, are able to access information without delay and take part in</p>	<p>[23] See comment 14 above.</p>



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<p>process, States parties should use information provided by relatives, civil society organisations, international organisations or other States that was gathered through innovative uses of information and communication technology.</p>	<p>all stages of the search and investigation if they so wish. In the course of the search and investigation process, States parties should use information provided by relatives, civil society organisations, international organisations or other States that was gathered through innovative uses of information and communication technology.</p>	
<p>43. Access to compensation and reparation shall be sensitive to the specific needs of victims, taking into account, <i>inter alia</i>, their sex, sexual orientation, gender identity, age, nationality, ethnic origin, social status, disability, migration status or other characteristics of the person or their relatives. Among others, this should also apply to marriages, or any other form of unions outside of marriage not recognised under the law of the State party or in the country where relatives are located.</p>	<p>43. Access to compensation and reparation shall be sensitive to the specific needs of victims, taking into account, <i>inter alia</i>, their sex, sexual orientation, gender identity, <b>gender expression, sex characteristics</b>, age, nationality, ethnic origin, social status, disability, migration status or other characteristics of the person or their relatives. Among others, this should also apply to marriages, or any other form of unions outside of marriage not recognised under the law of the State party or in the country where relatives are located [20].</p>	<p>[24] As established by the Committee on the Elimination of Discrimination against Women, ‘the rights enshrined in the [CEDAW] Convention belong to all women, including lesbian, bisexual, transgender and intersex women, and that article 16 of the Convention applies also to non-heterosexual relations’. <a href="#">Rosanna Flamer-Caldera v Sri Lanka</a> Communication no 134/2018 (Committee on the Elimination of Discrimination against Women, 21 February 2022) para 9.7.</p>
<p>45. States parties should remove or simplify administrative procedures for migrant victims of enforced disappearance found alive and for the relatives of forcibly disappeared persons to access appropriate victim support services before, during, and, for an appropriate time, after proceedings. To achieve this, the creation of emergency funds aimed at covering the immediate economic expenses of relatives in the search process is fundamental, as well as the constant training of civil servants belonging to public institutions on issues of psychosocial approach, intersectional and gender perspectives, and the context of forced migration, in order to provide dignified treatment to relatives and avoid their re-</p>	<p>45. States parties should remove or simplify administrative procedures for migrant victims of enforced disappearance found alive and for the relatives of forcibly disappeared persons to access appropriate victim support services before, during, and, for an appropriate time, after proceedings. To achieve this, the creation of emergency funds aimed at covering the immediate economic expenses of relatives in the search process is fundamental, as well as the constant training of civil servants belonging to public institutions on issues of psychosocial approach, intersectional, <b>intercultural</b> and gender perspectives <b>inclusive of diverse sexual orientations, gender identities and expressions and sex characteristics</b>, and the context of forced migration, in order to provide dignified</p>	

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<p>victimisation. Training should also include addressing the specific needs of migrants who disappeared as a result of human trafficking and illegal adoption. Finally, State bodies should have a specialised system of care for relatives to provide social and psychological support, legal advice, and medical care in a language they understand.</p>	<p>treatment to relatives and avoid their re-victimisation. Training should also include addressing the specific needs of migrants who disappeared as a result of human trafficking and illegal adoption. <b>States parties should also train migrants on their rights.</b> Finally, State bodies should have a specialised system of care for relatives to provide social and psychological support, legal advice, and medical care in a language they understand.</p>	
<p>46. States parties should use interstate cooperation mechanisms to ensure continuity in the enjoyment of victims' rights on their way from one State party to another, but also after arriving in the country of destination or upon return to the country of origin. Cooperation instruments should not be limited to the search, but include all processes derived from the investigation, including locating and releasing disappeared persons from deprivation of liberty, as well as exhuming, identifying, and returning remains, ensuring repatriation where necessary. Repatriations of bodies need to be timely, without costs to relatives, and follow strict protocols on notification to avoid revictimization. Whenever requested, consular offices or embassies should play a crucial role in facilitating communication with relatives based abroad. Efficient communication channels should be established between consular authorities in the country where the person disappeared and all national authorities of that country that may deliver information about the disappeared person, including prosecution authorities, places of deprivation of liberty,</p>	<p>46. States parties should use interstate cooperation mechanisms to ensure continuity in the enjoyment of victims' rights on their way from one State party to another, but also after arriving in the country of destination or upon return to the country of origin. <b>For this, it is crucial to promote trainings for migrants on their rights</b> [25]. Cooperation instruments should not be limited to the search, but include all processes derived from the investigation, including locating and releasing disappeared persons from deprivation of liberty, as well as exhuming, identifying, and returning remains, ensuring repatriation where necessary. Repatriations of bodies need to be timely, without costs to relatives, and follow strict protocols on notification to avoid revictimization. Whenever requested, consular offices or embassies should play a crucial role in facilitating communication with relatives based abroad. Efficient communication channels should be established between consular authorities in the country where the person disappeared and all national authorities of that country that may deliver information about the disappeared person, including prosecution authorities, places of deprivation of liberty, shelters, other consular</p>	<p>[25] It is highly probable that migrants do not know their rights. Thus, it is crucial to promote training on this. See on this eg Caribe Afirmativo, <a href="#">“Yo no quiero esto para mi vida” Informe sobre personas LGBT víctimas de trata de personas en Antioquia, Santander y Norte de Santander</a>’ (2022) 31, 55, 59, 60, 69 and 84.</p>

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shelters, other consular missions, hospitals, or communities of migrants abroad.	missions, hospitals, or communities of migrants abroad.	
48. States parties shall ensure that the programmes they implement in compliance with article 23 of the Convention include specific elements relating to the prevention, investigation, prosecution, and punishment of enforced disappearances in the context of migration. In this context, particular attention should be paid to the concepts of “enforced disappearance” and non-discrimination, as well as on the particular situation of vulnerability and needs of migrants and their relatives, and international cooperation mechanisms. Such training shall be provided to law enforcement and civil or military security personnel, medical personnel, public officials, border officials and any other persons involved in border control measures and the apprehension or deprivation of liberty of migrants, and any other persons who may be involved in the custody or treatment of migrants deprived of liberty.	48. States parties shall ensure that the programmes they implement in compliance with article 23 of the Convention include specific elements relating to the prevention, investigation, prosecution, and punishment of enforced disappearances in the context of migration. In this context, particular attention should be paid to the concepts of “enforced disappearance” and non-discrimination, as well as on the particular situation of vulnerability, <b><u>such as based on race, disability, status, age, class, ethnicity, religion or belief, sexual orientation, gender identity, gender expression, sex characteristics</u></b> , and needs of migrants and their relatives, and international cooperation mechanisms. Such training shall be provided to law enforcement and civil or military security personnel, medical personnel, public officials, border officials and any other persons involved in border control measures and the apprehension or deprivation of liberty of migrants, and any other persons who may be involved in the custody or treatment of migrants deprived of liberty.	
51. Given the often transnational nature of migration and the focus of articles 15, 24, and 25 (2-3) of the Convention on assisting victims, States parties should take all necessary measures to ensure mutual assistance from all States, especially in the context of searching and gathering information contained in registers and databases of other States, notwithstanding the ratification status. In addition, States parties should seek and provide assistance in	51. Given the often transnational nature of migration and the focus of articles 15, 24, and 25 (2-3) of the Convention on assisting victims, States parties should take all necessary measures to ensure mutual assistance from all States, especially in the context of searching and gathering information contained in registers and databases of other States, notwithstanding the ratification status. In addition, States parties should seek and provide assistance in the collection of data, <b><u>including data disaggregated</u></b>	[26] See eg Committee on Enforced Disappearances: List of Issues: Cambodia, <a href="#">CED/C/KMH/Q/1</a> (3 May 22) para 5; Report on follow-up to the concluding observations: Colombia, <a href="#">CED/C/23/3</a> (12 October 2022) paras 17 and 27; Concluding observations: Czechia, <a href="#">CED/C/CZE/CO/1</a> (20 October 2022) paras 15-16; List of Issues: Gambia, <a href="#">CED/C/GMB/Q/1</a> ; (3 May 2022) paras 4 and 12; Concluding Observations: Greece, <a href="#">CED/C/GRC/CO/1</a> (12 May 2022) paras 10-11; Concluding Observations: Mali, <a href="#">CED/C/MLI/CO/1</a> (4 October 2022) para 17); List of Issues: Morocco, <a href="#">CED/C/MAR/Q/1</a> (5 October 2022) para 7; Concluding Observations: Niger, <a href="#">CED/C/NER/CO/1</a> (5 May 2022) paras 14-15; List of Issues: Ukraine, <a href="#">CED/C/UKR/Q/1</a> (14 October 2022) para 6.

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<p>the collection of data relevant to the disappearance of migrants and efforts to protect their human rights by United Nations and regional mechanisms, as well as international organisations with special expertise in this area.</p>	<p><u>by sexual orientation and gender identity, among other factors</u>, [26] relevant to the disappearance of migrants and efforts to protect their human rights by United Nations and regional mechanisms, as well as international organisations with special expertise in this area.</p>	