**UNHCR statement at the launch of the CED General Comment on**

**“Enforced Disappearances in the Context of Migration”**

28 September 2023 – 3pm-6pm

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**Panel 2: Way forward: Existing and future projects to promote the implementation of the General Comment**

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I wish to begin by expressing UNHCR’s deep appreciation to the Committee for the invitation extended to us to join you all in discussing the serious issues that bring us together.

Many of the speakers spoke about the numbers of people who have died and who have disappeared in the context of migration. Let us be clear: 59,000 people is a quarter of the population of Geneva, just to put it in perspective.

These deaths, in all regions of the world, are the result of pushbacks, and restrictive border enforcement policies and practices. Everywhere, such practices cost lives.

Preventing and responding to these disappearances is for all a legal obligation, it is a human rights imperative, but it is also a call to our collective humanity.

UNHCR welcomes the adoption of the General Comment on Enforced Disappearances in the Context of Migration as a key and important tool that can contribute to addressing this tragedy that leaves thousands of refugees and migrants missing and dead every year along migration routes.

The GC is a reminder of the urgency to act. UNHCR considers that the deaths and missing migrants is a phenomenon that is totally avoidable. It will take States and other stakeholders to show political will in doing three basic things: (1) to strengthen the asylum system; (2) to enhance burden and responsibility sharing for migration and asylum; and (3) to create safe and legal pathways for migration so that people don’t have to resort to unseaworthy boats, to smugglers and to traffickers, losing their lives in the process. Unfortunately, across the world such political will is too rare, too limited.

UNHCR believes that the GC can support our advocacy in the work that we are doing on protection across the 135 countries and territories where we work.

As the purpose of this panel is to reflect on how we can contribute to disseminate and advance the implementation of these GCs. UNHCR would like to highlight three discrete areas where we believe that these GC can bring value:

1. *Protection at sea*. UNHCR and IOM recently launched a new course focusing on the protection of migrants and refugees moving by sea, to enhance understanding by all sectors and actors involved in search and rescue, but also to help address some of the most negative forms of practices that we are seeing across the world. As part of this course and this effort, we will seek to further shed light and disseminate this GC.
2. *Immigration and detention*. In many countries, our colleagues at UNHCR conduct monitoring visits and engage in advocacy and other protection interventions in the context of immigration detention. In these facilities, we see that refugees and migrants are particularly vulnerable to enforced disappearances. UNHCR will continue to step up its efforts to address this issue and to advocate for alternative care arrangements, particularly for children. UNHCR’s position is that the detention of children in the context of immigration is never and can never be deemed to be in the best interest of the child. We consider and appreciate the recommendation that the GC makes to States to ensuring that they do not resort to detention (in particularly paragraph 17).
3. *Trafficking*. UNHCR has been engaged with States and other stakeholders and other initiatives seeking to address trafficking, particularly the worst forms of trafficking. UNHCR has helped establish the inter-agency platform of action against trafficking and aggravated smuggling, together with IOM and UNODC.

So we see several areas where we can collaborate and contribute to the promotion and dissemination of this useful tool that we see in this GC.

I would be remiss if I also did not use the opportunity of today’s dialogue to stress an issue that is particularly relevant to UNHCR. It is the reality that unfortunately there is still conflation around the situation of migrants and refugees. UNHCR considers that migrants and refugees are two distinct groups governed by two separate legal frameworks. This distinction is of particular importance in relation to the application of this GC to ensure that responses to disappearances of asylum-seekers and refugees take into account their particular situation. This is because of the impossibility for asylum-seekers and refugees to return to their country of origin. One of the approaches that is being used to trace missing migrants consists of approaching the ambassies and consulate services and facilities in different countries. Doing so in the context of refugees and asylum-seekers can lead to death. Sometimes and often, they are fleeing because of persecution that they experience in their countries at the hand of their own government. So, ensuring that we distinguish in understanding and our approaches in dealing with the situation of disappearances for migrants and refugees is a life-saving and crucial legal distinction that has to be applied. We hope that as the efforts continue on the part of the Committee and other stakeholders to advance the implementation of this critical GC, due regard and due care will be taken in ensuring that the responses for refugees and asylum-seekers are commensurate and reflect the particular vulnerabilities and situation.

Express again UNHCR’s deep appreciation for this important GC and UNHCR looks forward to engaging with the Committee as it seeks to disseminate and support its implementation.