**Comments by the Government of Finland on the draft General Comment on enforced disappearances in the context of migration**

**15 June 2023**

The Government of Finland welcomes this opportunity to contribute to the preparation of a General Comment on enforced disappearances in the context of migration. The Government considers the General Comment highly important and supports the Committee’s work in this regard.

The Government conveys the following comments on the draft General Comment.

**Paragraph 28** of the draft General Comment deals with the criminalisation of both migrants and persons who assist them. The Government notes that the paragraph does not distinguish between legal and illegal activities. The maintenance of law and order, public security and similar reasons involve generally criminalisations by states of certain forms of illegal entry, the organisation of illegal immigration, illegal stay and the facilitation thereof. Such legislation is also considered acceptable and justified, as long as the restrictions imposed on the movement and residence of persons are appropriate and do not violate their fundamental and human rights and the right to international protection on humanitarian grounds. The draft would benefit if the paragraph were clarified and opened up in more detail.

Concerning **paragraph 40**, the Government notes the wide scope of the wording of the first sentence concerning accessing information without delay and participation in all stages of the search and investigation by relatives of disappeared migrants, their representatives, and any other person with a legitimate interest. Detailed conditions and procedural rules concerning search and investigation are laid out in national-level legislation. The Government would suggest adding “as appropriate and in accordance with national legislation” to the sentence.

In the second sentence of **paragraph 42** concerning reparations, the Government would suggest following the wording of article 24 (5) of the Convention more closely in order to avoid confusion concerning the content of reparations.

Concerning **paragraph 43**, the Government notes that the wording “any other form of unions outside of marriage not recognised under the law” is somewhat vague although the idea itself is to be supported. The Government would suggest clarifying the wording in this paragraph, for example by replacing the wording “outside of” with “comparable to”.

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