Dear colleagues,

We are reaching out in the context of the call for input on enforced disappearances in the context of migration.

The issue of protecting migrants' rights at borders has been central to the work of European NHRIs over the last few years. Their work has covered several issues overlapping with the scope of the general comment on enforced disappearances in the context of migration. While we are unable to provide a full written input this time, we hope that the information and resources below, which relate directly to the topic of the report, can be of use to the work of the Committee. We would be delighted to continue to exchange on this topic in the future.

Several European NHRIs have published reports focused on enforced disappearances in the context of migration.

The **German NHRI**, published a report on[Disappeared Migrants and Refugees: The Relevance of the International Convention on Enforced Disappearance in their search and protection](https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Analyse_Studie/Analysis_Disappeared_Migrans_and_Refugees.pdf). The paper analyses obligations arising from the ICPPED in the context of migration specifically, prohibition to expel, return, surrender, or extradite; obligation to undertake an ex officio investigation); right to report), obligation to cooperate and afford greatest measure of mutual assistance; and protection provided to children. It concludes with areas that may merit interpretive clarification by the CED.

The **Greek NHRI** recently submitted its [report](https://www.nchr.gr/images/pdf/apofaseis/ellinikes_ektheseis_en_ell_org/OHE/INT_CED_IFN_GRC_48023_E.pdf) to the United Nations Committee on Enforced Disappearances on the examination of the initial report of Greece. It includes information on the impact of Covid-19 on the subject, non-refoulement, legal safeguards in detention, child trafficking, and missing migrants and migrant children.

The **Spanish NHRI** has monitored enforced disappearances within its wider work on migration. In this context, they have included relevant information in their [report](https://www.defensordelpueblo.es/en/wp-content/uploads/sites/2/2021/04/INFORME_Canarias-EN.pdf) following a visit to the Canary Islands, outlining work on identification of vulnerable individuals and the search for missing persons. Additionally, in their [annual report](https://www.defensordelpueblo.es/wp-content/uploads/2022/03/Informe_anual_2021.pdf) (see p. 122), the NHRI covers human rights concerns arising from the interception and treatment of irregular migration on the sea. The NHRI has received complaints regarding difficulties of relatives to locate their families as well as to file complaints about their disappearance.

More broadly, European NHRIs, working through ENNHRI, have contributed to several relevant reports. Focusing on monitoring of the human rights of migrants at borders, ENNHRI published a [statement](https://ennhri.org/our-work/topics/asylum-and-migration/opinion-on-independent-human-rights-monitoring-mechanisms-at-borders-under-the-eu-pact-on-migration-and-asylum/) containing ten recommendations on the establishment and functioning of human rights monitoring mechanisms at borders. Our focus on monitoring at borders culminated in a [regional report](https://ennhri.org/news-and-blog/ennhris-regional-report-examines-the-human-rights-of-migrants-at-borders/), which highlighted trends, challenges and good practices relating to **four key areas**: returns and violence, access to relevant procedures, reception conditions and deprivation of liberty, and human rights accountability.

Building on this, NHRIs observed significant gaps in human rights accountability across European borders; these were presented in an ENNHRI [report](https://ennhri.org/news-and-blog/report-human-rights-accountability-at-borders/) analyzing the underlying causes of shortcomings in accountability in **five key areas**: structural gaps, gaps in investigations, gaps in access to justice, gaps in revision and prevention, and gaps in promoting a culture of rights.

ENNHRI remains available to further discuss the issues relevant to the Committee's General Comment. We would be pleased to continue to exchange on NHRIs’ findings on this issue. In this regard, we are also able to facilitate your contact with European NHRIs, if this would be of interest.

Kind regards,



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