Dear UN OHCHR Committee on Enforced Disappearances,

Circle Green Community Legal provides advice and assistance to people who are culturally and linguistically diverse, who have recently arrived in Western Australia, have limited financial capacity and are disadvantaged in their access to justice.

As an organisation that provides legal assistance to many humanitarian arrivals, we see and hear stories of disappearances perpetrated by Non-State Actors. Therefore, we welcome any expansion of the definition given to the term "enforced disappearances by Non-State actors”. However, in addition to the expansion we would like to see the future accommodation of some acts regulated under Article 3 of the *Convention on the Protection of all Persons against Enforced Disappearances* under the notion of *enforced disappearances.* Even though perpetrated by Non-State Actors without the authorisation, support or acquiescence of the State.

We are optimistic that this clarification will have a positive impact on the future applicability of the Convention, and consider the broader interpretation given to the notion of “enforced disappearance by Non-State actors” as justified in light of the developments in International Law since the Convention’s first entry into force.

However, we do regret that the three “scenarios” newly covered under the “enforced disappearance” umbrella (‘Crimes Against Humanity scenario’, ‘non-international armed conflict scenario’ and ‘effective control over a territory scenario’) seem to be mostly an affirmation of customary law.

Additionally, both the threshold for a conflict of non-international character to be considered a non-international armed conflict under International Humanitarian Law as well as the requirements to fulfill the contextual element of a Crime Against Humanity under Article 7 of the Rome Statute are difficult to attain. Therefore, a vast number of cases of disappearances will continue to not be covered under the broader interpretation given to Article 3.

For these reasons, in our opinion the draft statement is limited. While we appreciate any development that extends the definition, we would welcome an even more progressive definition given to the term “enforced disappearance by non-state actors” in the future.

Yours faithfully

**Circle Green Community Legal – Humanitarian**

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