

Concept Note

Stakeholder Consultation

Enforced Disappearances in the context of Migration in the Asia Pacific Region

18 August 2022 15h-17h Bangkok time (MS Teams)

1. Introduction

Enforced disappearances are an egregious violation of human rights. Within the context of precarious migration in the Asia Pacific region, migrants are at risk of human rights violations and abuse including enforced disappearances. Yet, disappearances and deaths of migrants are often underreported, particularly of those moving irregularly, and many governments do not record them systematically nor disaggregate such data by age or gender¹. While the International Organization for Migration (IOM) has recorded 3,724 deaths during migratory journeys in the region between 2014 and June 2021 among which deaths at sea were most documented², disappearances may also occur without the death of the victim. This way, in its [2017 report to the United Nations \(UN\) Human Rights Council](#), the Working Group of Enforced or Involuntary Disappearances (WGEID) documented instances of enforced disappearances of migrants in many parts of the world, including in Asia, caused by situations of vulnerability faced by migrants such as abductions or smuggling and trafficking of human beings as well as the risk of such disappearances through migration management processes such as immigration detention or deportation and arbitrary expulsions and pushbacks. The scope of the issue and the actual scale of disappearances of migrants in Asia Pacific remain unknown.

Article 2 of the [International Convention for the Protection of All Persons from Enforced Disappearance](#) (ICPPED) defines an ‘enforced disappearance’ as the *arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.*

The [Committee on Enforced Disappearances \(CED\)](#) is the body of ten independent experts which monitors the implementation of the ICPPED by States parties³. Its responsibilities include the considerations of States parties’ reports, urgent actions, individual communications, as well as undertaking country visits. The Committee has observed that enforced disappearances in the context of migration have become increasingly prevalent throughout various migration routes around the world. In order to provide authoritative guidance on State legal obligations under the ICPPED applicable to this human rights violation and on measures required for States parties to implement to ensure full compliance with the Convention, the Committee decided to elaborate its first **General Comment on “enforced disappearances**

¹ United Nations, Economic and Social Commission for Asia and the Pacific (ESCAP) (2020). Asia-Pacific Migration Report 2020: Assessing Implementation of the Global Compact for Migration (ST/ESCAP/2801), page 100, available at: https://www.unescap.org/sites/default/d8files/knowledge-products/APMR2020_Full%20Report.pdf

² International Organization for Migration (IOM), Asia Regional Overview of Missing Migrants Project data, Jan.2014– Jun. 2021, page 1, available at: https://missingmigrants.iom.int/sites/g/files/tmzbdl601/files/publication/file/MMP_Asia_Q2_2021.pdf

³ In the Asia Pacific region, Cambodia, Fiji, Japan, Mongolia, Samoa and Sri Lanka have ratified the Convention. India, Indonesia, Lao People's Democratic Republic, the Maldives, Thailand and Vanuatu are signatories to the Convention but have not ratified it, as of 6 June 2022.

in the context of migration”. At its 22nd session in April 2022, the Committee adopted a [concept note](#) and [issued a call for written contributions](#) from stakeholders including victims, civil society organizations (CSOs), national human rights institutions (NHRIs), academia and others, for the drafting of the General Comment.

The UN Human Rights Office (OHCHR) is the leading UN entity on the human rights of migrants in line with its mandate to promote and protect the enjoyment and full realization, by all people, of all human rights. The [OHCHR Principles and Guidelines on Migrants in Vulnerable Situations \(2018\)](#) draw attention to the particular vulnerability of some migrants to human rights violations as the result of multiple and intersecting forms of discrimination, inequality and structural and societal dynamics that lead to diminished and unequal levels of power and enjoyment of rights. [Through its regional office](#), the UN Human Rights Office has drawn attention to the specific dynamics and risks associated with migration in the Asia Pacific region, highlighting also [how the COVID-19 pandemic has exacerbated existing vulnerabilities](#).

In cooperation with the Committee, the UN Human Rights Office is organizing a consultation with stakeholders in the Asia Pacific region in order to understand the current dynamics and State responsibilities around disappearances and enforced disappearances in the migration context in the region, highlight good practices and promising partnerships, and support the elaboration of the General Comment.

2. Objectives

The consultation aims to provide a forum for stakeholders in the Asia Pacific region, including victims, CSOs, NHRIs, academia, UN agencies and other international organizations, to inform the Committee on the regional and national experiences related to the enforced disappearance of migrants, and to share information on the challenges and efforts in addressing these human rights violations. This direct exchange between CED experts and actors of the region shall provide an opportunity for the Committee and stakeholders to engage further in the drafting process of the General Comment. All in all, such space of interaction is essential to enable the Committee to take into account and reflect the situations specific to the region in its General Comment.

The UN Human Rights Office will prepare a summary of the consultation. Participants are encouraged to submit written inputs.

3. Date

The consultation takes place on 18th August 2022 for 2 hours. The applicable hours in different time zones are indicated below.

- Geneva (UTC+2): 10h00 – 12h00
- Colombo, New Delhi (UTC+5:30): 13h30 – 15h30
- Bangkok, Jakarta, Phnom Penh (UTC+7): 15h00 – 17h00
- Seoul, Tokyo (UTC+9): 17h00 – 19h00
- Auckland, Suva (UTC +12): 20h00 – 22h00

4. Format

The consultation will be held online through MS Team in the following format. After brief presentations by the resource speakers on CED General Comment project and the situation of enforced disappearances of migrants in the region, the floor will be opened for participants.

Moderator – Ms. Pia Oberoi, Senior Advisor on Migration and Human Rights, OHCHR South-East Asia Regional Office

- 1) Opening remarks – Office of the UN High Commissioner for Human Rights (OHCHR)
- 2) Introduction – Ms. Milica Kolakovic-Bojovic or Ms. Barbara Lochbihler, CED members and the rapporteurs for the General Comment
- 3) Resource speakers
 - International Committee of the Red Cross
 - Mixed Migration Centre, Asia
 - International Organization for Migration
 - International Detention Coalition
- 4) Follow-up discussion with participants
- 5) Next steps and the way forward – Ms. Milica Kolakovic-Bojovic or Ms. Barbara Lochbihler
- 6) Concluding remarks – Ms. Cynthia Veliko, OHCHR Regional Representative for South-East Asia

5. Modalities

The consultation will be held in an online format via Microsoft Teams and in English without interpretation services.

Following the presentations by resource speakers, the floor will be opened for participants to make an intervention to share information on the enforced disappearances of migrants in the country and/or the region, as well as their work and challenges in addressing these violations. **Each intervention should be limited to 3 minutes.**

Participants are strongly encouraged to submit a written copy of their intervention via email to taisuke.komatsu@un.org and ohchr-ced@un.org prior or on the day of the consultation.

6. Registration

If you wish to participate in the consultation, please register via the online form from the link below **before COB on Monday 9 August 2022**. The meeting link will be shared closer to the date.

Registration link: <https://forms.office.com/r/tpDULwWnUt>