

SIDE EVENT OF THE 52nd HUMAN RIGHTS COUNCIL

“Missing Migrants: preventing & addressing loss of life and the risk of going missing in migration routes”

March, 28th, 2023 | 14:00 – 15:00 hrs. | Palais des Nations, Room XXII

Talking Points: Laurel Townhead, QUNO, Representative, Human Rights and Refugees

Main message is that preventing and addressing loss of life and the risk of going missing in migration routes is the business of the Human Rights Council and that there is more the Council can and should do in response to the global situation of widespread, systematic and severe human rights violations connected to missing migrants and related human rights violations at borders and in transit.

The Council has a role to **look**, to **listen**, to **learn** and to **lead**.

To **look**: glad this event is happening, these are human rights violations the Council needs to be able to look at, to not turn away from because of where they happen or who they happen too. This is at the heart of this discussion.

Heightened risk of human rights violations because of location (not which part of the world, this is, sadly, a global phenomenon) but locations that create and exacerbate situations of vulnerability – transit, borders, detention.

To **listen** and to **learn**: in preparing for this event, I contacted several organisations that work much closer to borders and to migrants than I do or that have extensive research on human rights violations in transit, including those related to missing migrants. These organisations and the migrants and communities they serve and are part of and should be front and centre of discussions on this and of follow up within the Council.

I asked about gaps and challenges and about recommendations.

Responses covered immediate assistance, support to family members when loved ones are missing, and actions to address the framing and frameworks that contribute to migrants going missing. There is a wealth of knowledge and analysis out there to be **listened** to and **learned** from as the Council considers how better it can respond.

Gaps and challenges raised (many of which have already been covered from the panel today), included:

- Criminalization of assistance
- Lack of official data
- Barriers to family members searching for loved ones
- Militarisation of border management
- Externalisation of borders
- Impunity and the lack of accountability

Recommendations included:

- Develop a specific methodology and protocols for cases of missing migrants from a transnational and regional perspective and improving consular assistance and support.
- Standardise the reporting system for missing and unidentified remains and sharing of information with consular offices.
- Provide emergency humanitarian visas for families to travel to repatriate

remains and for witnesses who know where remains are located to assist in searches.

These are specific, concrete actions needed when someone has gone missing, recommendations also covered the context:

- Create emergency response systems independent of immigration enforcement and border control; firewalling border enforcement from search and rescue
- Create long-term rights-centered channels for regular migration (as has been referred to consistently by other panellists)

Gaps and challenges and recommendations are well documented, covering the specific and practical and immediate and issues of framing in migration policy that put people at risk. This is well documented today, well documented by the Special Procedures, well-articulated in the intersessional panel last year. As the HRC increases how is **looks** and **listens** it needs to **learn** from this wealth of knowledge and to **lead**.

Focus on a point that was common across the messages that I received and read and which comes back to the question of what creates situations of vulnerability and risk: border zones that are shut off from civil society and the media and the use of different types of emergency or special legal orders to curtail access to provision of assistance to people on the move and to monitoring.

The key recommendation is to take down the barriers – literal and figurative – that create apparent zones of exclusion for human rights around borders, in corridors of transit, in places of detention.

What can the Council do in response? Complementing and building on the work of the Special Rapporteur and responding to this challenge of borders and transit zones be treated as zones of exclusion for human rights protection:

- **To Look** – not being afraid to address the issue collectively because of where violations are happening or who they are happening to. Through side events and statements, but, crucially, through resolutions (thank Mexico for their leadership on this to date)
- **To Listen** – for example with a Panel to hear directly from migrants and family members and to report on their recommendations
- **To Learn** – for example with an intersessional workshop to enable detailed discussion with existing human rights monitoring mechanisms operating at borders and in areas of transit, in order to identify good practices and challenges in helping address impunity
- **To Lead** – for example with an independent expert mechanism looking at human rights violations in migration corridors in different regions with an emphasis on prevention (the preventability deaths and disappearances in transit has been stressed by all speakers today), examining not only specific incidents but also the policy frameworks that underpin and facilitate lethal disregard for people in transit

Look forward to working with all of you to deliver relevant and credible leadership from the Human Rights Council in preventing and addressing deaths and the risk of going missing in migration routes.
