

Submission to the Committee on Enforced Disappearances

Comments on the First Draft of General Comment No. 2

Older women, enforced disappearance and the Sudan conflict

Confidentiality: Public submission. Identifying case material is withheld; Just Access holds full testimony and consent material on file and may share it confidentially upon request that appear in Annex I.

Submitted by: Just Access e.V.

I. Introduction and purpose

Just Access e.V. is an international non-governmental organisation working on access to justice and accountability for victims of serious human rights violations. This submission draws on Just Access's first-hand documentation of Sudanese victims of the Sudanese Armed Forces (SAF) now residing as refugees in Uganda, gathered through direct interviews with survivors, witnesses and family members.

Just Access welcomes the Committee's first draft of General Comment No. 2. The draft recognises that women and girls may be disappeared, and that women bear many of the search, care, legal and economic consequences when relatives are disappeared. This submission asks the Committee to make one further matter explicit throughout the General Comment: the position of older women. The draft refers to them only three times in passing (paras. 24, 31, 83), without naming the mechanism that makes them differently affected or attaching obligations to it.

That mechanism is structural. The persons subjected to enforced disappearance are overwhelmingly men; the draft records this at paragraph 30. The ICRC observes that, because most missing persons are men, it is generally the women of the family who bear the consequences, including the search.¹ Where husbands, sons and brothers are killed, detained or disappeared, the burden of household survival, the care of dependants and the search passes to the women who remain – in protracted conflict, to older women in particular. This submission sets out the legal basis for treating older women as victims and rights-holders under the Convention, illustrates it with the Sudanese conflict, and proposes specific wording keyed to the paragraphs of the draft (Section IV).

II. Context: the Sudan conflict and its effect on older women

The armed conflict in Sudan, ongoing since April 2023, shows how disappearance and related detention practices create gendered and age-specific harm. Sudanese refugees informed Just Access of severe abuses by the SAF and SAF-aligned actors. Territorial control remains fluid, but interviewees detailed areas where the SAF or its aligned forces exercised effective control through checkpoints, patrols, service provision and detention – the factual matrix for the legal analyses of State responsibility below. The wider record is consistent: the Independent International Fact-Finding Mission for Sudan has found that both parties committed serious violations, and has documented enforced disappearance, arbitrary detention and siege conditions causing deaths from starvation, including among older persons.²

Just Access's interviews indicate that disappearance-related violations arise through ordinary points of control, not only formal detention sites, and that the burden falls on relatives left behind, who are mostly women. Witnesses described checkpoints, phone searches, ethnic profiling, home raids, intelligence accusations and the public labelling of civilians as RSF supporters. One declarant was detained at a checkpoint for several days after soldiers treated his ethnicity as proof of RSF affiliation. Another was

¹ ICRC, "Protected persons: Women," [icrc.org/en/law-and-policy/protected-persons-women](https://www.icrc.org/en/law-and-policy/protected-persons-women) (accessed June 2026); International Commission on Missing Persons, "Gender and Armed Conflict" (24 May 2024).

² Independent International Fact-Finding Mission for the Sudan, "Sudan: Hallmarks of Genocide in El-Fasher," UN Doc. A/HRC/61/77 (17 February 2026), advance unedited version; OHCHR, "'A war of atrocities': Sudan civilians deliberately targeted" (5 September 2025).

detained at a checkpoint after soldiers took his phone to check which party he supported. In a separate incident, soldiers detained two sisters, searched their phones, and accused them of spying for the RSF on account of their ethnicity. These accounts show how mere perceptions of affiliation trigger detention; that people are disappeared or kept in incommunicado detention, imposing on women additional burdens of search and caregiving.

For older women that burden is acute, and Just Access's evidence is direct. Where a husband disappears, an older wife may be left without income, documents or information. One declarant's husband went to the market after bombing began and never returned, leaving her, a mother of five, unable to say whether he was alive; and her children, in her words, 'like orphans without his support' (Victim Statement 1). Another, now in Uganda while her husband's family remains in Sudan, is solely responsible for her daughter after losing her home and income, her husband's relatives having searched detention centres for him (Victim Statement 2). A third searched hospitals and morgues for a husband who had gone to buy medicine, later learning he had been detained solely due to his ethnicity (Victim Statement 3). In one family, a teenage grandson disappeared in the capital. The family could not report it, because the authorities had classified them as RSF supporters (Victim Statement 4). These cases show the older woman as searcher, sole provider and head of household at once, often barred from the very mechanisms that might assist her.

Conflict also produces age-related vulnerability. Just Access represents an older woman unable to flee after her adult son – her primary source of support – was severely injured by SAF members on suspicion of RSF affiliation and left dependent on continuous medical care, including dialysis (Victim Statement 5). That case is not an enforced disappearance, but it illustrates the mechanism by which violence against men immobilises older women through care, poverty and fear.

III. Legal analysis: older women as victims and rights-holders under the Convention

Older women in the situations described above are victims within the meaning of the Convention, and CED's draft should say so. Article 24(1) defines a victim as the disappeared person and any individual who has suffered direct harm as a result of the enforced disappearance. The harm to an older woman left to search, provide and care is direct, not incidental.

This reading is well-established. The Human Rights Committee held in *Quinteros v. Uruguay* that the mother of a disappeared person, suffering anguish from the disappearance and the continuing uncertainty as to her daughter's fate, was "herself a victim" of the violations, in particular of the prohibition on torture and ill-treatment.³ The European Court of Human Rights reached the same result in *Kurt v. Turkey*, finding the disappeared man's mother a victim of ill-treatment by reason of the authorities' complacency in the face of her anguish.⁴ The factors those courts treated as decisive, the closeness of the tie, the relative's active search, and the State's failure to respond, match precisely the features of the older woman's position in Sudan. Where the disappearance was carried out by State forces or by actors exercising effective governmental control, that responsibility is direct.

Two further bodies of law sharpen the obligation. First, the position of older women specifically: the Convention should be read with CEDAW General Recommendation No. 27 on older women, which recognises the cumulative disadvantage older women face through lifelong patterns of unpaid care and economic dependency; and General Recommendation No. 30 on women in conflict prevention, conflict

³ Human Rights Committee, Almeida de Quinteros v. Uruguay, Communication No. 107/1981 (21 July 1983), para. 14, [juris.ohchr.org/casedetails/339](https://www.ohchr.org/casedetails/339).

⁴ ECtHR, Kurt v. Turkey, App. no. 24276/94 (25 May 1998), paras. 130–134, hudoc.echr.coe.int. In *Çağıcı v. Turkey* the Court clarified that relative-victim status depends on special factors, including the proximity of the family tie, the relative's involvement in seeking information, and the authorities' response — factors that are present, not absent, in the case of an older woman who searches and is rebuffed.

and post-conflict situations, alongside the United Nations Principles for Older Persons.⁵ Second, the Working Group on Enforced or Involuntary Disappearances has recognised in its General Comment on women affected by enforced disappearances that female relatives bear distinct and gendered consequences. The Committee's Guiding Principles for the Search for Disappeared Persons require the search to account for the situation of those who conduct it.⁶

We recommend updating these authorities with a functional understanding of age. Human rights analysis should not treat older women only by chronological threshold: conflict, malnutrition, displacement, chronic illness, disability and trauma can produce age-related vulnerability earlier. The Independent Expert on the enjoyment of all human rights by older persons has emphasised that ageing is shaped by social, economic and health realities across the life course, and that displacement and the breakdown of support systems produce accelerated ageing.⁷

It follows that the direct harm to older women takes specific, foreseeable forms that the Convention's obligations on search, protection, legal status and reparation must address. The disappearance may transfer to an older woman responsibility for grandchildren or injured relatives; deprive her of the income, documents and property held in the disappeared man's name; and physically prevent her from fleeing or attending proceedings because she cannot leave dependants behind, as Victim Statements 1, 2 and 5 exemplify. She may be compelled to declare the disappeared person dead, or present herself as a widow, in order to reach pensions, bank accounts or property, while still searching for the truth. She may face the appropriation of those assets by relatives: a pattern documented in other post-conflict settings.⁸ Care responsibilities can also create risk: an older woman tied to dependants cannot flee danger, reach aid that requires physical presence or documents, or travel to report. The Draft's recognition of the right to care (para. 22) is therefore directly engaged: for older women, disappearance can collapse the right to care, the right to be cared for, and the ability to practise self-care, at once.

A further dimension is absent from the Draft. Paragraph 21 describes the search passing down from mother to daughter. In sustained conflict it also runs upward, reverting to the older generation when the searching adult woman is herself disappeared or killed, so that the older woman becomes the recipient of the search, not only its origin.

IV. Proposed amendments to the Draft General Comment

Just Access proposes the following additions, keyed to the paragraphs of the draft.

Differentiated approach (paras. 30–31). We recommend requiring an explicit, functional treatment of age:

States must recognise the specific situation of older women, including women whose biological ageing and age-related vulnerability are intensified by conflict, displacement, disability, malnutrition, trauma or deprivation. Older women may be direct victims, searchers, caregivers,

⁵ CEDAW, General Recommendation No. 27 on older women and protection of their human rights, UN Doc. CEDAW/C/GC/27 (2010), paras. 11–13, 19–20; General Recommendation No. 30, UN Doc. CEDAW/C/GC/30 (2013); United Nations Principles for Older Persons, GA Res. 46/91 (1991).

⁶ WGEID, General Comment on women affected by enforced disappearances, digitallibrary.un.org/record/768006; CED, Guiding Principles for the Search for Disappeared Persons, UN Doc. CED/C/7 (2019), docs.un.org/en/CED/C/7.

⁷ Independent Expert on the enjoyment of all human rights by older persons, "Human rights of older women: the intersection between ageing and gender," UN Doc. A/76/157 (16 July 2021), paras. 5–8; and "Older persons in armed conflict and peacebuilding," UN Doc. A/80/203 (18 July 2025), paras. 1–3.

⁸ Queen's University Belfast, "Life on Hold" (Nepal), reparations.qub.ac.uk/life-on-hold; ICTJ, as summarised in ICMP, "Gender and the missing."

heads of household, witnesses and human rights defenders, and may face specific barriers to mobility, reporting, participation and access to remedies.

Victims (Art. 24(1); para. 5). We propose asserting older women's status as direct victims, consistent with *Quinteros and Kurt*:

Where the person subjected to enforced disappearance is the primary provider or caregiver of an older woman, that woman suffers direct harm within the meaning of Article 24(1). The disappearance may transfer to her responsibility for dependent children or other relatives, deprive her of her means of subsistence, and restrict her freedom of movement through caregiving obligations. States must recognise older women in this position as victims entitled to the full range of rights and remedies under the Convention.

Contextual analysis (para. 32). We propose mandating an analysis of the family consequences of disappearance:

Contextual analysis should identify the family and care consequences of disappearance, including whether older women have assumed responsibility for children, grandchildren, injured relatives or other dependants, and whether such responsibilities restrict their ability to flee, search, report, participate in proceedings or access humanitarian assistance.

Search and the transmission of the search (paras. 21, 62, 78, 83). We recommend rendering the protection of older searchers operational and recognising upward transmission (a point the draft omits):

States should recognise that, in sustained conflict, responsibility for the search and for orphaned children may pass upward to older women when the adult relative conducting the search is herself disappeared or killed. Search-support and protection measures must assess age, health and caregiving responsibilities as risk factors, and must accommodate the mobility, rest, health and care needs of older searchers, including safe transport, accessible reporting and access to medication.

Participation of older women, including in displacement (paras. 33–35). We suggest addressing barriers that exclude older women who hold evidence:

States and relevant actors should ensure that older women who hold information relevant to truth and justice processes can participate safely and effectively, including where they are displaced or in exile, through accessible, mobile and confidential means that account for cost, mobility, health, language, digital access and fear of reprisal.

Data collection (paras. 40–41). We propose rendering data on affected relatives usable:

Registers of direct harm should record age, sex, disability, displacement status, relationship to the disappeared person, care responsibilities and barriers to participation, subject to informed consent and confidentiality. Analysis should surface the age profile of those who conduct the search, so that older women are recorded rather than subsumed.

Legal status (paras. 25, 82). We recommend redefining declarations of absence:

Declarations of absence due to disappearance, and the legal-status regime required by Article 24(6), must be accessible, prompt and free or low-cost, must not require older women to declare themselves widows or to presume death, and must extend to pensions, survivor benefits, inheritance, property, bank accounts, humanitarian registration, housing and school enrolment. States must prevent the appropriation of a disappeared person's assets by relatives to the detriment of his widow or mother.

Comprehensive reparation (paras. 92–93). We propose addressing the care economy of disappearance:

Reparation should recognise unpaid search and care work, and provide livelihood restoration, health care for chronic conditions, mental-health support, support for grandchildren and dependants, accessible housing, and safe participation for older women in displacement, refugee camps or exile.

State responsibility in conflict (paras. 36–37). We recommend addressing disappearance by State and *de facto* forces, as documented in Sudan:

The obligation of enhanced due diligence applies with full force where enforced disappearance is committed by State armed or security forces, or by actors exercising effective governmental control, including where persons are targeted on grounds of ethnicity or perceived affiliation with a party to the conflict. The State continues to bear direct responsibility in such cases, and must ensure that relatives, including older women, are not criminalised, detained or accused of collaboration as a consequence of searching or reporting.

V. Conclusion

The Draft General Comment is a compelling text because it treats enforced disappearance as a continuing violation affecting families, not only the person taken. Its treatment of older women should be made explicit. As Sudan shows, when men are killed, detained or disappeared, older women are left to hold the family together, to search, and to absorb the legal and economic consequences, while authorities deny acknowledgement, protection or remedy. The law already recognises such relatives as victims. Just Access urges the Committee to adopt the amendments in Section IV and to name older women, as searchers, caregivers and direct victims, throughout the General Comment.