



WOMEN, GIRLS AND ENFORCED DISAPPEARANCES

SUBMISSION TO THE UN COMMITTEE ON ENFORCED
DISAPPEARANCES ON DRAFT GENERAL COMMENT NO. 2

**AMNISTÍA
INTERNACIONAL**



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1. INTRODUCTION

Following the Committee on Enforced Disappearances finalization of its first Draft of the General Comment No. 2 on Women, Girls and Enforced Disappearances, Amnesty International welcomes the opportunity to provide the following submission commenting on the Committee's draft text.

This General Comment provides a key opportunity for the Committee to clarify state obligations regarding the commission of acts of enforced disappearances against women and girls, as well as the differentiated impact of enforced disappearances on them, including the specific forms of violence that they endure as victims of this crime under international law. It is also an opportunity to clarify the need for a gender approach in all the measures states must adopt for the protection of women and girls from enforced disappearance.

Rather than commenting on every issue addressed in the draft General Comment, Amnesty International's main observations and recommendations will focus on the work performed by women searchers, including their work as human rights defenders, since they have played a crucial and leading role in guaranteeing the rights of forcibly disappeared persons.¹ They have searched in the midst of armed conflicts, under governments with systematic policies to forcibly disappear dissidents, in places marred by organized crime and marked by human mobility. The information of the present submission is the result of the research and the campaign lead by the organization to protect women searchers from the risks, threats and attacks they face in different countries of the Americas and demand changes in state policies to protect their human rights.²

The present submission follows, to the maximum extent possible, the order of the revised draft and should therefore not be seen as implying the prioritization of the issues commented on over others.

2. OBSERVATIONS IN RELATION TO SPECIFIC PARAGRAPHS AND THEMES

2.1 WOMEN SEARCHERS AS HUMAN RIGHTS DEFENDERS (PARAGRAPHS 10 AND 19)

The draft General Comment recognizes women searchers as human rights defenders. It also highlights the importance of guaranteeing their rights and providing them with protection, taking into account their roles in different societies. Amnesty International welcomes this recognition.

The organization recommends strengthening it by providing greater clarity with regard to states' obligations to protect human rights defenders, including women searchers, which at minimum should consist in:³ i) providing the necessary means for defenders to freely carry out their activities,⁴ including by giving them full access to information available regarding the concrete measures taken to clarify the fate and whereabouts of the disappeared person;⁵ ii) protecting them from threats to and attacks on their life and integrity;⁶ iii) refraining from hindering their work;⁷ and iv) effectively investigating human rights violations committed against them.⁸

¹ For example, in Mexico it is estimated that 90% of the collectives are made up of women. Amnesty International, Disappearing again: Violence and impacts experienced by women searchers in Mexico (Index number: AMR 41/9374/2025), p. 14.

² Amnesty International, Searching without fear, International Standards for protecting women searchers in the Americas (AMR 01/8458/2024); Amnesty International, Colombia: Transforming pain into rights (AMR 23/8752/2024); Amnesty International, Disappearing again: Violence and impacts experienced by women searchers in Mexico (Index number: AMR 41/9374/2025).

³ Amnesty International, Searching without fear, International Standards for protecting women searchers in the Americas (AMR 01/8458/2024), p. 27.

⁴ IACtHR. Case of Digna Ochoa and relatives Vs. Mexico, judgment of 25 November 2021, para. 100.7.

⁵ UN. Human Rights Council. WGEID report. A/HRC/16/48. 26 January 2011, p. 15; Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, article 6.

⁶ IACtHR. Case of Digna Ochoa and relatives Vs. Mexico, judgment of 25 November 2021, para. 100; Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, article 12.2.

⁷ IACtHR. Case of Nogueira de Carvalho et al. v. Brazil, judgment of 29 November 2006, para. 77.

⁸ IACtHR. Case of Nogueira de Carvalho et al. v. Brazil, judgment of 29 November 2006, para. 77.

2.2 PREVENTION (PARAGRAPHS 22 – 25)

Amnesty International welcomes the inclusion of measures for the prevention of enforced disappearances, as stated in articles 17 and 18 of the International Convention for the Protection of All Persons from Enforced Disappearance. The organization agrees with the Committee on the importance of having systematic and disaggregated data with a gender and intersectional perspective for the implementation of effective public policies. The draft General Comment focuses on the need for data collection on women and girls who are forcibly disappeared and the context in which they occur, the underlying causes and the particular characteristics of the victims, such as their age, marital status, ethnic or social affiliation and their role within the community.

Amnesty International recommends adding “migration situation” and “race” to the list of relevant characteristics of the victims.

The organization considers the General Comment to be a unique opportunity to raise the need for systematic and disaggregated data on the different forms of violence against victims of enforced disappearance, including women searchers, and the impacts that enforced disappearances have on them, as well as the response of authorities to those forms of violence and impacts. Such data is key for the implementation and improvement of public policies to protect women searchers.

Additionally, as stated in the draft General Comment, gender stereotypes are common for both women and girls who are forcibly disappeared as well as families and women searchers. Currently, the draft General Comment only stresses the importance of the judicial system to identify and eradicate these stereotypes.

Amnesty International recommends including in the draft General Comment references to informative and educational campaigns directed to the society in general as tools to counteract stereotypes that come not only from the authorities, but also from women and girls’ own families and communities.⁹

2.3 INVESTIGATION AND PROSECUTION (PARAGRAPHS 26 – 30)

In their work, women searchers face flawed investigations into enforced disappearances by state authorities as well as a pattern of impunity with respect to the threats and attacks they experience, which are often gender-based.¹⁰

Amnesty International recommends including in the draft General Comment a reference to the state’s obligation to investigate, prosecute and punish both enforced disappearances and threats and attacks against people undertaking search efforts, including women searchers. There should also be a clear indication that these actions should be guided by a gender-based and intersectional approach that recognizes and helps overcome women’s structural and historical barriers to accessing justice, especially the barriers for Black and Afro-descendant women, Indigenous women, migrants, women with disabilities, and women with diverse sexual orientations and gender identities.¹¹

Impunity for perpetrators of threats and attacks against people undertaking search efforts, including women searchers, may create a chilling effect, deterring people from exercising their rights, including their right to defend human rights¹² for fear of reprisals. Impunity for such acts further entrenches a culture of acceptance of the most extreme forms of gender-based violence against women.¹³

Amnesty International recommends that the draft General Comment be strengthened through the incorporation of the obligations to combat impunity for enforced disappearances as well as the human rights violations faced by women searchers, including by: i) taking specific actions to improve the trust of women searchers in the authorities, in order to encourage them to report and request support for

⁹ Amnesty International, Searching without fear, International Standards for protecting women searchers in the Americas (AMR 01/8458/2024), p. 36.

¹⁰ Amnesty International, Searching without fear, International Standards for protecting women searchers in the Americas (AMR 01/8458/2024), p. 52 – 54.

¹¹ Amnesty International, Searching without fear, International Standards for protecting women searchers in the Americas (AMR 01/8458/2024), p. 53.

¹² IACtHR. Case of Members of the “José Alvear Restrepo” Lawyers’ Collective Corporation v. Colombia, judgment of October 18, 2023, para. 977; Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, article 1.

¹³ UN, CEDAW, Views of the Committee under article 7, paragraph 3, of the Optional Protocol in respect of communication No. 153/2020, 22 November 2022, CEDAW/C/83/D/153/2020, para. 7.3

the violence and impacts they experience without fear of reprisals or further violence and revictimization;; ii) carrying out prompt, effective, impartial and independent investigations into enforced disappearances and human rights violations against women searchers with a gender-sensitive and differentiated perspective; iii) eliminating all *de jure* or *de facto* obstacles hindering proper investigations into enforced disappearances and human rights violations faced by women searchers and allocating sufficient material, financial and human resources to those investigations; iv) establishing mechanisms for coordination between different state bodies and institutions, and even coordination with international bodies¹⁴ and transnational mechanisms for persons who have disappeared across borders;¹⁵ v) identifying and sanctioning public officials who commit regularities;¹⁶ vi) ensuring full reparation for the harm caused by both acts of enforced disappearance and human rights violations suffered by those searching for forcibly disappeared people, in close coordination with victims and taking into account the obligation to repair violence against women, in this case the violence that can occur during searches.¹⁷

2.4 DUTY TO IDENTIFY AND ERADICATE GENDER STEREOTYPES (PARAGRAPH 27)

Amnesty International shares the Committee's concern regarding gender stereotypes towards women and girls, including women searchers, as one of the main obstacles to access to justice. However, the current draft General Comment only considers that judicial officials have a duty to identify and eradicate these stereotypes. The organization considers that it is necessary to extend this obligation to other authorities outside the judicial system, especially since the first authorities that are in touch with women searchers normally are the prosecutors' offices or other authorities tasked with the search of missing persons, such as search commissions, victim assistance commissions or even police authorities. The use of gender stereotypes can prevent cases of enforced disappearances or human rights violations faced by women searchers to even proceed to court.

The draft General Comment should clarify that it is the responsibility of all state authorities, not only the judiciary, to identify and eradicate gender stereotypes towards women and girls and to assist the families and loved ones of the enforced disappeared person.¹⁸

2.5 PARTICIPATION IN SEARCH PROCESSES AND THE RIGHT OF ASSOCIATION (PARAGRAPHS 37 – 41)

Amnesty International welcomes the recognition of the right to participate in the investigation and search processes, highlighting the necessity that search protocols incorporate a gender perspective in order to tackle the institutional challenges that searchers of disappeared persons face. The organisation also welcomes the focus on the rights to truth, access to information, and freely form and participate in organizations and associations.

Amnesty International considers that the draft General Comment should go further by acknowledging the right of forcibly disappeared person's families, loved ones and communities to search by their own initiative as well as the right to participate in state-sponsored searches, while clearly setting out the obligations of states as the sole and main actors responsible for the search.¹⁹ That is, even though searching for a disappeared person is a right, it does not replace a state's obligation to search for those who have been reported as disappeared.

This interpretation is anchored on the rights to truth (article 24), to seek and receive information (article 18) and to judicial protection (article 11.3), recognized in the International Convention for the Protection of All Persons from Enforced Disappearances. These rights are combined in a unique way in the context of searches of people subjected to enforced disappearance. The search carried out by a

¹⁴ For example the International Committee of the Red Cross and The International Commission on Missing Persons.

¹⁵ Corte IDH. Caso González y otras ("Campo Algodonero") vs México, sentencia de 16 de noviembre de 2009, párr. 455

¹⁶ Corte IDH. Caso Gómez Palomino vs. Perú, sentencia de 22 de noviembre de 2005, párr. 100.

¹⁷ CIDF, art. 24.4 y 24.5.

¹⁸ Amnesty International, Searching without fear, International Standards for protecting women searchers in the Americas (AMR 01/8458/2024), p. 33-36.

¹⁹ Guiding principles for the search for disappeared persons, Principle 5.

person's family, loved ones and communities in such circumstances is a combination of these three human rights that need to be named and recognized as the right to search,²⁰ since this activity is part of the very identity of the searchers.²¹ The recognition of the right to search by their own initiative has many consequences, but the primary one is that states are obligated to respect, guarantee and protect the right to search. For example, they must refrain from impeding the exercise of the right or hindering it; they must provide people with the institutional support necessary to exercise such a right; and they must prevent third parties from impeding the exercise of this right or violating it.²²

2.6 PROTECTION (PARAGRAPH 42)

Amnesty International welcomes the recognition of the obligation of states to protect women searchers from threats, assaults, and other forms of violence.

Amnesty International recommends adding the obligation of states to refrain from any type of attack or retaliation against women searchers through state agents or third parties, and take legal, political, administrative and cultural steps to prevent any type of attack and safeguard women searchers' rights. Additionally, the state should bring those allegedly responsible of those attacks to justice.

2.7 LIFE PROJECT (PARAGRAPHS 53 – 56)

Amnesty International welcomes the section on the life project, especially the need to attend to the integral realization of the affected person, considering their vocation, aptitudes, circumstances, potential and aspirations, which allow them to reasonably establish expectations of personal fulfillment.

The organization suggests adding in paragraph 55 that, when the disappeared persons have children, generally the care of the children is assumed by the women of the family, who normally take responsibility for care related work, whether grandmothers, sisters, or aunts of the disappeared persons.²³ They often face legal barriers in order to obtain custody of the children. In addition to the work of caring for children and other family members, women also bear the burden of searching for the disappeared person, an activity which severely impacts a person's plans, projects and future in general. For example, Amnesty International received information of two cases of women who, faced with the State's omissions with respect to their obligations on enforced disappearances and feminicides, gave up their life projects to study law to be able to demand their rights from the State.²⁴

2.8 ENFORCED DISAPPEARANCES AND ECONOMIC, SOCIAL AND CULTURAL RIGHTS (PARAGRAPHS 57 – 62)

Amnesty International welcomes the focus on the impacts that enforced disappearances have on economic, social and cultural rights, including with reference to reparations. These rights are constantly violated in the context of enforced disappearances in relation to both the disappeared person and families, loved ones and communities. However, the organization considers that the draft General Comment should reflect the developments in international law regarding state obligations with respect to economic, social and cultural rights.

²⁰ Amnesty International, Searching without fear, International Standards for protecting women searchers in the Americas (AMR 01/8458/2024), p. 21, 22.

²¹ Jomary Ortégón Osorio, "Mujeres buscadoras: elementos de reflexión para contribuir a su reparación integral", Pensamiento Jurídico, No. 55, Bogotá, 28 March 2022, p. 24.

²² UN HRC General Comment No. 31, The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, CCPR/C/21/Rev.1/Add.13, 26 May 2004.

²³ Amnesty International, Juicio a la Justicia, Deficiencias en las investigaciones penales de feminicidios procedidos de desaparición en el Estado de México (AMR 41/4556/2021), p. 43

²⁴ Amnesty International, Disappearing again: Violence and impacts experienced by women searchers in Mexico (Index number: AMR 41/9374/2025), 7 July 2025; Gatopardo, Araceli Rodríguez, madre buscadora, denuncia un atentado en su contra, 5 de mayo de 2023, [//www.gatopardo.com/articulos/araceli-rodriguez-madre-buscadora-denuncia-un-atentado-en-su-contra](http://www.gatopardo.com/articulos/araceli-rodriguez-madre-buscadora-denuncia-un-atentado-en-su-contra)

In the section on reparations (paragraph 45), Amnesty International recommends adding the need to take into account economic, social and cultural rights when reparations are provided to victims. This paragraph should include references to the victims' need to receive social security benefits and other social support measures, including the attainment of highest standard of physical and mental health for women searchers and their families, education and psychological assistance.²⁵

Additionally, in the specific section on economic, social and cultural rights, Amnesty International considers that the draft General Comment should not only recognize the ways in which enforced disappearances impact victims' families and loved ones, but also clarify state obligations relating to the mitigation of such impact.

The UN Working Group on Enforced or Involuntary Disappearances has stated that “the issue of reparation and monetary compensation should be clearly distinguished from the social and other protection measures provided to the families to cope with the dire consequences of the absence of the main breadwinner, such as, for instance, the provision of legal aid to be able to seek justice, to search for the whereabouts of the person or to seek reparation”.²⁶

States indeed have several obligations regarding the way in which impoverishment is associated with enforced disappearance and the search for disappeared persons can impact economic, social and cultural rights. These obligations all match their duties under the International Covenant on Economic, Social and Cultural Rights and other similar instruments, such as the Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights. First, states must provide comprehensive reparations that include compensation for past, present and future economic losses and access to rehabilitation mechanisms. Second, they must ensure that the status of the property of forcibly disappeared persons and their relatives and loved ones is resolved in a way that respects the rights of all parties, with a gender approach regarding property rights when needed, and guarantees continued access to resources needed for decent living conditions. Third, they must implement protection and social assistance mechanisms for relatives, loved ones and communities of forcibly disappeared persons, considering how the act of enforced disappearance has left them vulnerable and how it intersects with other vulnerability factors like sexism, racism, classism or homophobia. Fourth, they must provide financial support to searchers so they can conduct their own search or participate in state search processes.²⁷

Regarding the right to health (paragraph 59), it is important to recognize that the suffering caused by enforced disappearances has been associated with a violation of the right to not be subjected to torture or other cruel, inhuman or degrading treatment or punishment.²⁸ For example, the Inter-American Court of Human Rights has held that the effects ensuing from acts of enforced disappearance may amount to cruel and inhuman treatment against family members,²⁹ and the Working Group on Enforced or Involuntary Disappearances considers it to be on “(...) the threshold of torture”.³⁰

²⁵ UN, WGEID, Study on Enforced or Involuntary Disappearances and Economic, Social and Cultural Rights, A/HCR/30/38/Add.5, 9 July 2015, para. 60.

²⁶ UN, WGEID, Study on Enforced or Involuntary Disappearances and Economic, Social and Cultural Rights, A/HCR/30/38/Add.5, 9 July 2015, para. 69.

²⁷ Amnesty International, Searching without fear, International Standards for protecting women searchers in the Americas (AMR 01/8458/2024), p. 46.

²⁸ Bernard Duhaime, Juan Méndez and Pau Pérez-Sales, “Current debates, development and challenges regarding enforced disappearance as torture”, *Torture*, Volume 31, Number 2, 2021, p. 3-13.

²⁹ IACtHR. Case of Rochac Hernandez et al. v. El Salvador, judgment of October 14, 201, para. 122. IACtHR. Case of Radilla Pacheco v. Mexico, judgment of November 23, 2009, para. 166. IACtHR. Case of Bámaca Velásquez Vs. Guatemala, Judgment of November 25, 2000, para. 165.

³⁰ UN. Human Rights Council. WGEID report. A/HRC/16/48. 26 January 2011, p. 15.

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