Call for Input on "women, girls and enforced disappearances"

Joint Submission of the European Human Rights Advocacy Centre and Stichting Justice Initiative

1. Introduction

1.1. These submissions are communicated by the European Human Rights Advocacy Centre ['EHRAC'][1] and Stichting Justice Initiative ['SJI'][2] to the United Nations Committee on Enforced Disappearances ['the Committee'] to inform its adoption of a General Comment on women, girls and enforced disappearances. They rely on each organisation's experience over more than two decades working alongside domestic partner lawyers to represent hundreds of victims of enforced disappearances before domestic, regional and international mechanisms. Each organisation has worked on cases of enforced disappearances perpetrated by Russian forces in the North Caucasus region and in Ukraine and will focus its submission on these two contexts. They request that this submission is made public.

1.2. The submissions are set out in three parts.

Part I outlines how enforced disappearances against women have manifested in the Chechen Republic and broader North Caucasus region focusing on the thousands of disappearances perpetrated by Russian forces during the second Russian-Chechen war and the continued use of disappearances to date by Russian-established Chechen and other North Caucasus authorities in the regions against women and LGBTQI+ communities;

Part II outlines each organisation's experience working on cases of enforced disappearances perpetrated against Ukrainian women and girls in occupied territories of Ukraine by Russian forces; and,

Part III sets out recommendations for what the Committee may want to consider including in its General Comment.

[1] EHRAC was set up in 2003 by a team of human rights lawyers and experts with experience of taking cases to the European Court of Human Rights. Working in support of civil society organisations, we bring strategic cases of human rights violations before international fora, raise awareness of violations and means of redress for victims, and build the capacity of individuals and organisations through mentoring, training and advocacy. EHRAC, along with our partner Human Rights Centre Memorial Human Rights Centre, has represented relatives from the North Caucasus region in 75 cases before the ECtHR involving hundreds of disappeared victims. EHRAC regularly represents Ukrainian victims of enforced disappearances including child victims who have been deported from occupied territories in Ukraine to Russia.

[2] SJI is a legal human rights organization established in 2001, with a core focus on addressing enforced disappearances in the Russian North Caucasus. SJI documents these violations, represents families before national and international bodies, and works to ensure truth and accountability in cases where the state has failed to act. Beyond this work, SJI provides legal assistance to victims of gender-based and domestic violence, conducts research on the rights of women and children in Russia, and pursues strategic litigation to strengthen protections. In 2019, SJI won landmark cases before the European Court of Human Rights – including Russia's first rulings on domestic violence and stalking – and secured the first decision by the CEDAW Committee on behalf of a North Caucasus survivor.

PART I

2. Enforced disappearances perpetrated against women by Russian authorities in the North Caucasus region

2.1. *Enforced disappearances perpetrated during the two Russian-Chechen wars by Russian authorities*

2.1.1. Enforced disappearances were a hallmark of the human rights violations perpetrated by Russian forces during the two Russian-Chechen wars with the vast majority of disappearances occurring between 1999 – 2006 in the Chechen Republic (and broader North Caucasus region) ['the Region'] Estimates indicate that more than 7000 people were disappeared by the Russian Federation in the Region during this time.[3]

2.1.2. Disappearances perpetrated by Russian security forces during this time followed a clear pattern, including being perpetrated by six or more armed men during large-scale "sweeping-up" operations;[4] camouflage uniforms without insignia,[5] or military markings such as chevron symbols;[6] no warrant or legal reason for the arrest;[7] forcibly entering the victim's house, search the home, use physical force to search or otherwise compel cooperation; and force the disappeared victim into the trunk or backseat of unmarked vehicles,[8] passing freely through areas and checkpoints controlled by security services.[9] Detainees were rarely brought before any court of law or provided with any recourse to challenge their abduction and the detention was almost never recorded.[10]

2.1.3. As the vast majority of those disappeared were never seen or heard from following their abduction, accounts of torture and ill-treatment during detention are underreported. However, those victims who were able to testify to their treatment during detention revealed that they witnessed detainees frequently subjected to agonising and extended periods of torture for the purpose of investigation or to force detainees to sign confessions.[11]

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[3] Council of Europe ['COE'], Committee of Ministers ['COM'], Decision, CM/Del/Dec(2021)1411/H46-31, available at: https://hudoc.exec.coe.int/eng?i=HEXEC(2022)11-RUS-GROUP-KHASHIYEVA-AKAYEVA-ENG. It should be noted that the number of disappearances may be higher than this due to limited NGO capacity and the fact that the active monitoring phase was also roughly limited to the period between 2000 and 2006 due to objective obstacles caused by the local authorities. In this connection, refer to e.g.: Memorial Human Rights Defence Centre (Cherkasov A., Golubev O., Malykhin V.), "A chain of wars, a chain of crimes, a chain of impunity: Russian wars in Chechnya, Syria and Ukraine"., 2023, available at: https://ruswars.org/report/Report_Memorial.pdf; International Crisis Group, "The North Caucasus: The Challenges of Integration (I), Ethnicity and Conflict," Europe Report No. 220, 2012, available at: https://icg-prod.s3.amazonaws.com/220-the-north-caucasus-the-challenges-of-integration-i-ethnicity-and-conflict.pdf; Human Rights Watch, "The "Dirty War" in Chechnya: Forced Disappearances, Torture, and Summary Executions", 2001, available at: https://www.hrw.org/report/2001/03/01/dirty-war-chechnya-forced-disappearances-torture-and-summary; Human Rights Watch, "Worse than a War: Disappearances in Chechnya – a Crime against Humanity", 2005, available at: https://www.hrw.org/legacy/backgrounder/eca/chechnya0305/; Amnesty International, "Rossiyskaya Federatsiya: gde pravosudiye po otnosheniyu k ischeznuvshim v Chechne?" [Russian Federation: Where Is Justice for Those Who Disappeared in Chechnya?], 2007, available at: https://www.https://www.amnesty.org/en/wp-content/uploads/2021/07/eur460152007ru.pdf; International Federation of Human Rights and Memorial Human Rights Defence Centre, "Torture in Chechnya: "stabilization" of a nightmare", 2007, available at: https://www.fidh.org/ru/regiony/evropa-i-central-naya-aziya/rossiya/chechnya/Pytki-v-CHechne-stabilizaciya.

[4] See e.g. European Court of Human Rights ['ECtHR'], Dzhabrailov v Russia, Application no. 8620/09, Judgment, 7 July 2014.

[5] See e.g., ECtHR, Mutayeva v. Russia, Application No. 43418/06, Judgment, 22 April 2010, para. 8; ECtHR, Tasatayevy v. Russia, Application No. 37541/05, Judgment, 8 April 2010, paras. 42 and 44; and ECtHR, Alapayevy v. Russia, Application No. 39676/06, Judgment, 3 June 2010, para. 57.

[6] See e.g. ECtHR, Batayev and Others v. Russia, Applications Nos. 11354/05 and 32952/06, Judgment, 17 June 2010, para. 120; and ECtHR, Khakiyeva, Temergeriyeva and Others v. Russia, Application Nos. 45081/06 and 7820/07, Judgment, 17 February 2011, paras. 138 and 140.

[7] See e.g. ECtHR, Imakayeva v Russia, Application no. 7615/02, Judgment, 9 February 2007, para 171.

[8] See e.g. ECtHR, Dzhabrailov v Russia, Application no. 8620/09, Judgment, 7 July 2014.

[9] See e.g., ECtHR, Mikiyeva and Others v. Russia, Applications Nos. 61536/08 and others, Judgment, 30 January 2014, paras. 11 and 69.

[10] See e.g. ECtHR, Imakayeva v Russia, no. 7615/02, Judgment, 9 February 2007, para 176.

[11] See e.g. ECtHR, Chitayev and Chitayev v Russia, Application no. 59334/00, Judgment, 18 January 2007, paras. 19 and 27; and ECtHR, Makayeva v Russia, Application no. 37287/09, Judgment, 16 February 2015.

2.1.4. Evidence demonstrates that Russia has used the practice of enforced disappearances to create a climate of profound fear within the minority communities within the Region and, thereby, dismantle civic participation and dissent.[12]

2.1.5. While men constituted the majority of victims, a significant number of women were also disappeared by state agents often due to their own civic engagement, political activity, or familial ties to young men alleged by the State to be involved in militant groups. Examples of disappearances of women during this period include:

2.1.5.1. In June 2000, Nura Luluyeva, a mother of four, was taken from a market in Grozny by masked, armed men later linked to the Federal Security Service (FSB). She and several relatives were never officially registered in custody. Months later, their bodies were discovered in a mass grave near a military base. The investigation was closed on the grounds of "insufficient evidence."[13]

2.1.5.2. A similar pattern emerged in the case of Zura Bitiyeva, a prominent human rights activist and former detainee of the infamous Chernokozovo filtration camp. In 2003, after returning to Chechnya and openly demanding justice for past abuses, Zura and her family were abducted during a night raid. They were later found executed and buried in secret. The European Court of Human Rights ['ECtHR'] ruled that they were victims of extrajudicial execution by Russian state agents.[14]

2.1.5.3. Zarema Gaisanova, a humanitarian worker with the Danish Refugee Council, was abducted during a 2009 "special operation" in Grozny. The ECtHR found the state responsible for her presumed death.[15]

2.1.5.4. That same year, Natalya Estemirova, a leading human rights defender working for Memorial Human Rights Centre, was disappeared and later murdered as a result of her work documenting cases of enforced disappearances by state forces in Chechnya. Despite eyewitness testimony, no one has been held accountable for her disappearance and murder.[16]

2.1.6. Beyond these individual cases, similar patterns of disappearance have been used as tools of repression targeting broader groups of ethnic minority women. According to the World Organisation Against Torture, at least 12 women were arbitrarily detained or disappeared between January and February 2004 in Chechnya and Ingushetia. These incidents followed Operation "Fatima" (Order No. 12/309, issued on July 9, 2003), a directive specifically aimed at Muslim women suspected of involvement in suicide attacks. Many of these women were taken during house raids or in the presence of family members, with no official record of arrest or detention ever provided by the State.[17] No charges were ever brought against them and no evidence was adduced of their suspected involvement in any form of violent action.

2.1.7. Despite the obligation on the Russian Federation to uncover the fate and whereabouts of the disappeared victims in each and every one of these cases and the thousands of others from the war period, to date it has taken no steps whatsoever to remedy the ongoing violations perpetrated

[12] United Nations Committee on the Elimination of Racial Discrimination ['CERD'], Concluding Observations, CERD/C/62/CO/7, para. 13; see also e.g. Amnesty International, "Russian Federation: What future for Chechens – citizens or a subjugated people?", 2000, citing Alexander Oboidikhin, "Cops are counting arrested Chechens", Oksana Yablokova for the Moscow Times, 2000, available at: https://www.amnesty.org/en/wp-content/uploads/2021/06/eur460442000en.pdf; Amnesty International, "Russian Federation (Chechnya): For the Motherland: Reported grave breaches of international humanitarian law. Persecution of ethnic Chechens in Moscow", 1999, available at: https://www.amnesty.org/en/documents/EUR46/046/1999/en/.
[13] ECtHR, Luluyev and Others v. Russia, Application No. 69480/01, Judgment, 9 November 2006.
[14] ECtHR, Bitiyeva and X v. Russia, Application Nos. 57953/00 and 37392/03, Judgment, 21 June 2007.
[15] ECtHR, Gaysanova v. Russia, Application No. 62235/09, Judgment, 12 May 2016.
[16] ECtHR, Estemirova v Russia, Application No. 42705/11, Judgment, 31 August 2021.
[17] See e.g. OMCT, "Russia: Disappearances and arbitrary detentions of women in Chechnya" 2004, available at: https://www.omct.org/en/resources/urgent-interventions/russia-disappearances-and-arbitrary-detentions-of-women-in-chechnya?utm.

against the disappeared persons and their families by searching for the disappeared victims, investigating the disappearances or holding perpetrators accountable. As will be discussed below, the systemic impunity surrounding these crimes has had enduring effects, both on individual victims and on the broader impacted communities.

2.2. *Enforced disappearances perpetrated as a form of repression on the basis of gender and LGBTQI+ identity*

2.2.1. The impunity upheld by the failure to resolve the thousands of disappearances perpetrated by Russian forces in the Region during the war periods has resulted in the ongoing and widespread practice of enforced disappearances in the Region which has increasingly been targeted against political dissidents, women and members of the LGBTQI+ community.

2.2.2. The Russian-established regional North Caucasus authorities use the same *modus operandi* to commit enforced disappearances against the local community as were relied on by Russian security forces during the war periods and beyond. In the autumn of 2020, the Chechen opposition channel 1ADAT published statistics on their observations of enforced disappearances finding that, between April and October of that year alone, security forces in the republic kidnapped more than 1,500 people.[18]

2.2.3. In the case of women and LGBTQI+ people, impunity for enforced disappearances contributes to what the CEDAW has called the "culture of acceptance of the most extreme forms of gender-based violence against women in society". This in turn feeds the continued commission of these crimes against women and LGBTQI+ people.[19]

2.2.4. In the context of the North Caucasus, private parties often benefit from the acquiescence, authorisation and support of State-established regional authorities to disappear women and girls fleeing domestic violence, forced marriage, or otherwise repressive home environments. SJI has previously documented this use of enforced disappearances in the report *Killed by Gossip: Honour Killings in the North Caucasus* (2018), which details the state complicity in the enforced disappearance of women under the pretext of preserving family "honour". The report reveals how women are killed or disappeared for perceived disobedience, behaviour deemed "shameful" or attempts to escape abuse and how state authorities actively support private parties to control women's lives through the threat of enforced disappearances.[20]

2.2.5. Enforced disappearances in this context are a particularly effective way to exert control over women and LGBTQI+ people's lives because, in a region where nearly 7000 people remain disappeared and where almost all families know of someone who has been disappeared, the terror they cause has been woven deeply into the fabric of the community. Enforced disappearances also have deep roots in inequality: disappearances were perpetrated by Russian forces particularly to subjugate and repress ethnic minority communities.

2.2.6. The following cases illustrate how enforced disappearance and related abuses are perpetrated against women in ways that reflect and reinforce gender-based violence and patriarchal control:

2.2.6.1. In 2022, Seda Suleimanova, a 26-year-old woman who fled Chechnya to escape domestic violence, was abducted in St. Petersburg by various individuals including

[18] Kavkaz. Realii "The 1ADAT movement told of 1,500 people kidnapped in Chechnya in six months" [translated], 2020: available at: https://www.kavkazr.com/a/30917066.html; see also, Fourth Opinion on the Russian Federation (2018), the Framework Convention for the Protection of National Minorities Advisory Committee, p. 14.
[19] Committee on the Elimination of Discrimination against Women ['CEDAW'], Román Jaimes v. Mexico, 2022, para. 7.3.
[20] SJI, "Killed by Gossip: "Honor killings" of women in the North Caucasus", 2018, available at: https://www.srji.org/upload/medialibrary/a3d/PPI-2018-12-18-Honor-killings-Eng-final.pdf?utm

Chechen law enforcement. Her whereabouts remain unknown, and there is credible fear that she was killed by those who disappeared her.[21]

2.2.6.2. In 2023, Selima Ismailova, a young Chechen woman attempting to leave Russia to escape family violence, but was intercepted by state authorities at Moscow's Vnukovo airport. She disappeared shortly thereafter.[22]

2.2.6.3. In late October 2022, four sisters from a small Dagestani village (Khadizhat and Patimat Khizriyeva and their cousins Aminat Gazimagomedova Patimat Magomedova), fled home to escape forced marriage (including to relatives), domestic violence, and female genital mutilation. They were detained by Russian authorities whilst fleeing to Georgia, but later managed and applied for asylum. SJI documented their testimonies which included repeated death threats and torture, which local authorities treated as a "family matter", refusing to intervene.[23] The sisters feared they would be disappeared with the support of State authorities, and killed.[24]

2.2.6.4. In June 2024, a Chechen woman live-streamed her own attempted abduction. In the recording, she stated: "I did not want to disappear in silence." Her words capture the core fear shared by many women: that they may vanish not just without protection but without recognition.[25]

2.2.7. In all these cases, enforced disappearance operates as a cover for gender-based violence, including killings, a means of silencing women, and punishment for challenging patriarchal norms. It is often carried out with the complicity or acquiescence of State structures, including the police and judiciary.

2.2.8. SJI's field documentation also demonstrates the emergence of a pattern of short-term enforced disappearances of women in the North Caucasus lasting from one week to up to a year. These are cases in which women are forcibly taken and held incommunicado for a limited period - typically until they comply with coercive demands, such as relinquishing parental rights or ceasing professional activities.

2.2.9. These cases are not publicly reported, and identifying details are withheld for security reasons including that the victims/survivors generally fear consenting to the disclosure due to reprisals. However, SJI staff operating in the region have gathered consistent and credible accounts pointing to the use of short-term enforced disappearances as a tool of intimidation, control, and punishment. In incidents reported in 2023, SJI staff found:

2.2.9.1. Women were regularly disappeared and held without charge or access to legal counsel, often in temporary detention facilities operated by the Chechen Ministry of Internal Affairs;

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[21] Moscow Times, "Interior Ministry Officially Declares Abducted Chechen Woman Missing", 2025, available at: https://www.srji.org/upload/medialibrary/a3d/PPI-2018-12-18-Honor-killings-Eng-final.pdf?utm

[22] RFE/RL, "Woman Fleeing Domestic Violence Missing After Being Forcibly Returned to Chechnya", 2023, available at: https://www.rferl.org/a/chechnya-fleeing-domestic-violence-returned/32460892.html?utm

[23] OC-Media, "Four Daghestani women flee to Georgia citing domestic abuse", 2022, available at: https://oc-media.org/four-daghestani-women-flee-to-georgia-citing-domestic-abuse/?utm;
SJI, Submission to Committee on General Comment 27, 2024, available at download at: https://www.ohchr.org/sites/default/files/documents/hrbodies/crc/gcomments/gc27/cfi/subm-general-comment-othe-stak-stichting-justice-initiative.doc

[24] See e.g. 63.RU, "Honour killing is not a myth": the first candid interview of the sisters from Dagestan who escaped domestic violence and incest in the family" [translated], 2022, available at: https://63.ru/text/family/2022/11/11/71808671/

[25] See e.g. The Guardian, "'I did not want to disappear in silence': Chechen woman livestreamed attempted abduction by her family", 2024, available at: https://www.theguardian.com/world/article/2024/jun/10/i-did-not-want-to-disappear-in-silence-chechen-woman-livestreamed-attempted-abduction-by-her-family?utm

2.2.9.2. The detentions appeared designed to compel them to surrender their legally recognized custody rights or to abandon family law claims;

2.2.9.3. In one case, a woman providing psychological and legal support for survivors of gender-based violence was forcibly subjected to enforced disappearance with the aim of coercing her to discontinue her professional work on women's rights.

2.2.10. Enforced disappearances have also been used to repress LGBTQI+ people. In 2017 and 2018, anti-LGBTQI+ raids saw law enforcement rounding up dozens of men on suspicion of being gay, torturing and humiliating the victims before forcibly disappearing some of them. The Rapporteur for the OSCE's "Moscow Mechanism" concluded that Chechen authorities were responsible for very serious human rights violations including torture, enforced disappearances and extrajudicial executions, and found "several waves of violations of human rights and abuses of persons based on their sexual orientation and gender identity...".[26] The Rapporteur concluded that "no evidence could be found about cases where law enforcement officers were brought to justice because of the human rights violations or violations of the law committed by them.[27]

2.3. *Women and girls as relatives of disappeared victims in Chechnya and the broader North Caucasus region*

2.3.1. While men have been disproportionately disappeared, enforced disappearances have had a significant impact on women in Region. Mothers, wives, sisters, and daughters became the primary actors in efforts to bring the stories of their loved ones into the public realm and establish the truth about their fate and whereabouts.[28] However, women have had to assume a dual burden of not only seeking the truth but also rebuilding family and community life in every aspect. They maintain household and caregiving responsibilities in the midst of systemic insecurity and repression, and take on the responsibility of primary breadwinners, with no meaningful State support.[29] Wives of the disappeared grapple with confusion regarding their roles in the disrupted family and societal structure, while children lack due attention, resources, and developmental opportunities. The absence of closure and uncertainty strain relationships and increase their sense of isolation, worsened by the lack of mourning rituals in place for this type of loss. As outlined in this section, the consequences of the protracted period of waiting and searching are manifold, exacerbating the already profound psychological toll caused by the unresolved disappearance.

2.3.2. *Economic and social consequences of enforced disappearances on women relatives*

2.3.2.1. Women, particularly those whose husbands are disappeared or who have lost the main breadwinner in the home, are impacted by the disappearance in a number of critical ways. This includes a higher likelihood of experiencing poverty, precarious employment, and housing insecurity following the disappearance.[30] An ICRC study with relatives of disappeared victims in the North Caucasus regions found that 72% of the families interviewed reported losing their main breadwinner or "potential" future breadwinner placing a heavy burden on women to take up this role.[31]

2.3.2.2. One of the only reports from the region with women relatives of disappeared victims, *"The Abandoned: Socio-economic impact of enforced disappearances on women in*

[26] OSCE, Rapporteur's Report under the Moscow Mechanism on alleged Human Rights Violations and Impunity in the Chechen Republic of the Russian Federation, 2018, available at: https://www.osce.org/files/Moscow%20Mechanism%20Document_ENG.pdf .
[27] OSCE, Rapporteur's Report under the Moscow Mechanism on alleged Human Rights Violations and Impunity in the Chechen Republic of the Russian Federation, 2018, available at: https://www.osce.org/files/Moscow%20Mechanism%20Document_ENG.pdf .
[28] Women made up approximately 70% of the applicants who brought cases on behalf of their disappeared loved ones before the ECtHR.
[29] Bachayeva Z., "Never-healing wound: Long-Term Consequences of Enforced Disappearances for the Families of Missing People in Chechnya", 2024, available at: https://memory-project.org/2024/04/18/never-healing-wound/.
[30] International Committee of the Red Cross ['ICRC'], "Families of Missing Persons: Responding to their Needs", 2010, p. 7, available at: https://www.icrc.org/en/doc/resources/documents/report/russia-publications-300810.htm.
[31] ICRC, "Families of Missing Persons: Responding to their Needs", 2010, p. 7, available at: https://www.icrc.org/en/doc/resources/documents/report/russia-publications-300810.htm.

Chechnya", has found that due to the absence of the family breadwinner, women are forced into roles for which they had no training or experience. They become providers, legal advocates, and caretakers, often without education or prior employment experience. Mothers often face the challenge of finding employment while simultaneously managing their childcare responsibilities.[32] Similar findings were outlined in another report – "*Never-healing wound: Long-Term Consequences of Enforced Disappearances for the Families of Missing People in Chechnya*".[33] These studies demonstrate the gendered impacts and patterns of harm consequent to enforced disappearances, which require specific recognition and redress. [34]

2.3.2.3. Left without the disappeared men's support, women are compelled to provide for their families by any means available; pursuing unskilled work, navigating bureaucracy, and taking on the responsibility of sustaining a household alone. This not only transforms their material circumstances, but deeply affects their mental state, forcing many to adopt roles they had never previously imagined undertaking.

2.3.2.4. Reports from the North Caucasus show that many women were driven to the lowest-paying and most physically demanding jobs, such as cleaning, construction, or working in markets, despite lacking the necessary skills or physical strength. With no consistent income, women often had to piece together a livelihood from scattered sources that included temporary work, humanitarian aid, small trade, or informal labour. These options were unstable and poorly paid. In some cases, children joined the workforce alongside their mothers to help the family survive.[35] The ICRC found that many families had used go-betweens or fortune-tellers in their search for their loved one, which often required the family to sell assets or incur large debts that they spend their lives repaying.[36] This form of indebtedness undermines women's already disproportionate experience of economic insecurity and places women at heightened risk of gender-based violence.

2.3.2.5. In the absence of any formal legal procedures for recognising the absence of a disappeared person without registering them as dead, women are unable to receive any financial support from the State. As a result, families, especially women left alone with small children, are forced to choose between obtaining death certificates in order to access minimal State support or go entirely without any form of financial support. Many women take this step in despair, driven by their dire economic situation, often after years of postponing this decision. This is not a simple administrative step for them, but a forced and devastating admission of their loss.[37]

2.3.2.6. One of the most complex and under-addressed consequences of enforced disappearance is the ambiguous legal and social status of the wives of missing men. In the absence of official death certificates or confirmation of fate, these women are neither recognized as widows nor as spouses. Under Chechen customary law (adats), this leads to contested roles within both marital families. Women may be pressured to leave their in-laws' homes, despite customary rights tied to having children with the missing husband, and consequently, often lose custody of their children, who are considered part of the father's lineage. Many women lose their place in the household of their husband's

[32] Port, M., "The Abandoned: Socio-economic impact of enforced disappearances on women in Chechnya", 2025, available at: https://www.abandonedresearch.info/
[33] Bachayeva Z., "Never-healing wound: Long-Term Consequences of Enforced Disappearances for the Families of Missing People in Chechnya", 2024, available at: https://memory-project.org/2024/04/18/never-healing-wound/
[34] Refer to Part III of this submission.
[35] Port, M., "The Abandoned: Socio-economic impact of enforced disappearances on women in Chechnya", 2025, p. 26, available at: https://www.abandonedresearch.info/.
[36] ICRC, "Families of Missing Persons: Responding to their Needs", 2010, p. 8, available at: https://www.icrc.org/en/doc/resources/documents/report/russia-publications-300810.htm.
[37] Port, M., "The Abandoned: Socio-economic impact of enforced disappearances on women in Chechnya", 2025, p. 11, available at: https://www.abandonedresearch.info/.

family. Some women are pressured to leave their homes with children, and others are threatened with the loss of custody so that in-laws could receive State survivor benefits.

2.3.2.7. Women experience the additional burden of protecting children who may be at risk of disappearances because of their disappeared parents' identity. For example, sons of missing persons are often labelled as security threats, subjected to surveillance, arbitrary detention, and abuse. This places immense pressure on mothers, who fear for their sons' safety while struggling to protect and support them. The stigmatisation and repression of their sons deepens the family's trauma and hinders the children's development and social integration.[38]

2.3.2.8. Without external support, it is extremely difficult for women to provide for their children's education. As a result, most boys receive only secondary education, while girls often marry early and discontinue their studies. Societal expectations tied to the honour and moral character of the missing person's wife and, accordingly, her daughters, also plays as one of the factors why daughters of the disappeared marry off at a young age.[39]

2.3.2.9. Women relatives of disappeared victims are also likely to experience gender-based violence as a result the disappearances.[40] Women who are searching for their loved ones may face disproportionate and different forms of violence and threats of violence, including demands for sexual favours from those who may have information about the disappeared person, political ties or who act as go-betweens promising to uncover the whereabouts of their loved one. The loss of a father, husband or brother may place women at higher risk of abuse including sexual violence from community members, law enforcement and even relatives.[41] This can be related to gendered stereotypes that see men as protectors, and to economic and housing insecurity.[42] In addition to placing women into precarious familial circumstances, disappearances can increase tension and family conflict as a result of the impact of trauma and economic strain.[43]

2.3.2.10. Furthermore, the climate of impunity and deep distrust that has arisen in the Region from the unresolved nature of the violations means that women relatives of the disappeared are far less likely to report gendered-based violence to law enforcement officials or to access State protection.[44]

2.3.2.11. Despite the well-documented prevalence of gender-based violence against relatives of disappeared victims, gender-based violence was almost never raised in interviews with women relatives from the region undertaken by SJI and EHRAC, or in the few reports that have been produced from the region. The most that was reported was that women preferred to search for their missing loved ones collectively, because this gave them a sense of support and safety. Reports of gender-based violence by relatives of

[38] Bachayeva Z., "Never-healing wound: Long-Term Consequences of Enforced Disappearances for the Families of Missing People in Chechnya", 2024, available at: https://memory-project.org/2024/04/18/never-healing-wound/.
[39] Bachayeva Z., "Never-healing wound: Long-Term Consequences of Enforced Disappearances for the Families of Missing People in Chechnya", 2024, p. 20, available at: https://memory-project.org/2024/04/18/never-healing-wound/.
[40] International Center for Transitional Justice, "The Disappeared and Invisible", 2015, available at: https://www.ictj.org/sites/default/files/ICTJ-Global-Gender-Disappearances-2015.pdf.
[41] International Center for Transitional Justice, "The Disappeared and Invisible", 2015, p. 6, available at: https://www.ictj.org/sites/default/files/ICTJ-Global-Gender-Disappearances-2015.pdf.
[42] ICRC, "Families of Missing Persons: Responding to their Needs", 2010, available at: https://www.icrc.org/en/doc/resources/documents/report/russia-publications-300810.htm.
[43] International Center for Transitional Justice, "The Disappeared and Invisible", 2015, pp. 8 and 10, available at: https://www.ictj.org/sites/default/files/ICTJ-Global-Gender-Disappearances-2015.pdf.
[44] See generally, UN Commission on Human Rights, "Report of the Special Rapporteur on violence against women, its causes and consequences", 2006, E/CN.4/2006/61/Add.2, pp. 14-15; see also Memorial Human Rights Centre, "Chechnya 2004: "New" Methods of "Counter-Terror", 2005, available at: https://memohrc.org/ru/reports/chechnya-2004-novye-metody-kontrterrora

disappeared victims in this Region are exceptionally rare, whether perpetrated by family members or by State authorities.[45]

2.3.3. *Psychological harm and physical health consequences*

2.3.3.1. The prolonged absence of a disappeared person causes a particular kind of trauma known as ambiguous loss.[46] Families, especially women, exist in a state of suspended grief, unable to mourn or rebuild their lives. This ongoing uncertainty causes chronic anxiety, sleep disorders, and a suspended state of mourning. For many of these women, daily life became centred around the endless wait for news. Time seemed to freeze, leaving them unable to fully grieve or move forward while still holding onto fragile hope. In addition to prolonged anxiety, these women experience severe stress-related disorders, such as memory impairment and chronic pain. Medical and psychological services were largely absent, and informal emotional support from relatives was often the only form of help available.[47]

2.3.3.2. Many of these women never had access to qualified psychological support. In the absence of trauma-informed care, emotional pain manifested physically, contributing to the broader health crisis among women in affected families. The psychological trauma endured by relatives of the disappeared manifested in severe somatic symptoms and chronic illness. Specifically, many women developed stress-related health conditions. Mothers of the missing persons most commonly report stress-related cardiovascular diseases and diabetes; wives and sisters report having chronic fatigue, memory loss, and migraines. Women usually trace the onset of their symptoms directly to the period following the disappearance.[48]

2.3.3.3. Furthermore, this trauma extended to younger family members. Children who witnessed the arrest of their fathers or uncles, even at a young age, reportedly developed a range of physical and psychological ailments, indicating the multi-generational impact of enforced disappearances on health. Even those who did not witness the disappearance first hand were not spared its consequences, often growing up in conditions of economic hardship and social stigmatisation that limited their educational and developmental opportunities. [49]

2.3.3.4. In the context of the North Caucuses, these profound life changes unfolded at a time of near-total institutional collapse. With the social welfare system in ruins, high unemployment, and basic infrastructure destroyed, women were left to manage extreme stress and grief with virtually no assistance from the state.[50] The unresolved nature of the disappearances, and the complete lack of State support exacerbate these psychological and physical health consequences.

[45] Amnesty International, "Americas: Searching Without Fear: International Standards for protecting women searchers in the Americas", 2024, available at: https://www.amnesty.org/en/documents/amr01/8458/2024/en/; see also Zahedi, A., and Heath, J., "Book of the Disappeared: The Quest for Transnational Justice", 2023, Ann Arbor University of Michigan Press, available at: https://dx.doi.org/10.1353/book.112008.
[46] Boss, P.G., "Ambiguous loss: Learning to live with unresolved grief", 1999, Harvard University Press.
[47] Port, M., "The Abandoned: Socio-economic impact of enforced disappearances on women in Chechnya", 2025, available at: https://www.abandonedresearch.info/
[48] Bachayeva Z., "Never-healing wound: Long-Term Consequences of Enforced Disappearances for the Families of Missing People in Chechnya", 2024, available at: https://memory-project.org/2024/04/18/never-healing-wound/.
[49] Bachayeva Z., "Never-healing wound: Long-Term Consequences of Enforced Disappearances for the Families of Missing People in Chechnya", 2024, available at: https://memory-project.org/2024/04/18/never-healing-wound/.
[50] Bachayeva Z., "Never-healing wound: Long-Term Consequences of Enforced Disappearances for the Families of Missing People in Chechnya", 2024, available at: https://memory-project.org/2024/04/18/never-healing-wound/.

PART II

3. Enforced disappearances perpetrated against women and girls by Russian authorities in Ukraine

3.1. *Enforced disappearances of Ukrainian women by Russian forces*

3.1.1. There is a growing body of cases involving Ukrainian women subjected to enforced disappearance and gender-based violence by Russian authorities in the context of Russia's armed aggression and occupation, including instances of torture. Russian authorities have perpetrated enforced disappearances in Ukraine in a widespread and systemic manner since 2014 and on an exponential scale since 2022.[51] Although likely heavily underreported, available figures demonstrate the extent of their use. Between the establishment of Ukraine's Unified Register of Persons Missing in Special Circumstances in May 2023 and February 2025, nearly 63,000 persons were being searched for in the context of the armed aggression and temporary occupation.[52] Many of these cases will amount to enforced disappearance under international law.[53] Statistics provided for the Committee's country review of Ukraine in 2024 revealed that of the then 59,490 entries in the Register, 48,138 related specifically to disappearances.[54] Official figures provided to the UN by the Government of Ukraine however, place the number of disappeared civilians at nearly 9,500.[55]

3.1.2. The systemic practice of enforced disappearances by Russian forces in occupied parts of Ukraine, namely Crimea, was recognized by the ECtHR in *Ukraine v Russia (re Crimea)* with the Court finding that there was sufficient *prima facie* evidence of the alleged administrative practice of enforced disappearances on the peninsula.[56] More recently, in the case of *Ukraine and the Netherlands v Russia*, the Court found, *inter alia,* that abductions and disappearances have been perpetrated on a "massive scale" following 24 February 2022, with "flagrant, continuous and callous disregard of the obligation to account for the whereabouts and fate" of missing persons.[57] The UN's Commission of Inquiry has also recently concluded that "Russian authorities have committed enforced disappearances for a prolonged period of time as part of a widespread and systematic attack against civilian populations, pursuant to a coordinated policy, which amounts to a crime against humanity".[58]

3.1.3. As regards the profile of those disappeared, victims of enforced disappearances are most often those expressing or perceived to express[59] support for Ukrainian territorial integrity, participating in the Euromaidan protests, opposing the Crimean status referendum or being generally perceived as 'pro-Ukrainian', as well as journalists and former and active Ukrainian servicemen.[60] Speaking

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[51] United Nations Human Rights Council ['UNHRC'], Report of the Independent International Commission of Inquiry on Ukraine, A/HRC/58/67, 2025, para 34.
[52] COE, Commissioner for Human Rights, Memorandum on human rights elements for peace in Ukraine, 2025, para 32, available at: https://rm.coe.int/memorandum-on-human-rights-elements-for-peace-in-ukraine-by-michael-o-/1680b678ec
[53] See e.g. regarding prisoners of war: UNHRC, "Ukraine: Enforced disappearances committed by Russian authorities amount to crimes against humanity, says UN Commission of Inquiry", 2025, available at: https://www.ohchr.org/en/press-releases/2025/03/ukraine-enforced-disappearances-committed-russian-authorities-amount-crimes
[54] Committee on Enforced Disappearances ['CED'], Concluding Observations on Ukraine, CED/C/UKR/CO/1, para 17; see also UNHRC, Report of the Independent International Commission of Inquiry on Ukraine, A/HRC/58/67, 2025, para 8 and fn 4.
[55] UNHRC, Report of the Independent International Commission of Inquiry on Ukraine, A/HRC/58/67, 2025, para 8 and fn 4.
[56] ECtHR, Ukraine v. Russia (re Crimea), Decision, 2020, paras 401-404.
[57] ECtHR, Ukraine and the Netherlands v Russia, Application nos. 8019/16 and others, Judgment, 2025, para. 1081, inter alia.
[58] UNHRC, Report of the Independent International Commission of Inquiry on Ukraine, A/HRC/58/67, 2025, para 35.
[59] UNHRC, Report of the Independent International Commission of Inquiry on Ukraine, A/HRC/58/67, 2025, para 31; see also OMCT, ZMINA and MIHR, "Torture and Other Violations as Crimes Against Humanity by the Russian Army in Ukraine", 2024, p. 23, available at: https://www.omct.org/site-resources/files/Ukraine-Report-18.07.2024_English.pdf.
[60] OSCE, "Human Rights Assessment Mission in Ukraine: Human Rights and Minority Rights Situation", 2014, available at: https://www.osce.org/files/f/documents/d/3/118476.pdf, para 6; Human Rights Watch, "Rights in Retreat: Abuses in Crimea", 2014, available at: https://www.hrw.org/report/2014/11/17/rights-retreat/abuses-crimea; Amnesty International, "One Year On: Violations of the Rights to Freedom of Expression, Assembly and Association in Crimea", 2015, available at: https://www.amnesty.org/en/documents/eur50/1129/2015/en/, p. 8; Office of the Human Rigths Commissioner for Human Rights ['OHCHR'], "Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)",

Ukrainian has been identified as a factor increasing the risk of being disappeared, as has being the relative of "active citizens".[61] It is now well-documented that enforced disappearances in Crimea have been targeted at ethnic communities, particularly Crimean Tatars. PACE, the European Parliament, and the UN Committee on Elimination of Racial Discrimination have all noted the targeting of Crimean Tatars as victims of enforced disappearances in Crimea immediately prior to and following the annexation by the Russian Federation.[62] Civil society groups have characterised the use of enforced disappearance as "a tool of chaotic terror aimed at creating an atmosphere of fear and complete submission".[63] The fear-spreading aim of enforced disappearances as perpetrated in occupied territories across Ukraine is further evidenced by findings by the OHCHR that victims of enforced disappearances have been subjected to torture and other ill-treatment with the aim of identifying and testifying against others who hold similar political positions or as retaliation for the victim's political affiliation or position.[64]

3.1.4. Like in other contexts, it is predominantly men who are disappeared by Russian authorities, with women in Ukraine being those left behind.[65] However, the war context in Ukraine poses an increased risk on women that they themselves are disappeared. By May 2023 the OHCHR had documented 864 arbitrary detentions (many of which amounted to enforced disappearances) and of those detainees, 94 (over 10%) were women.[66] Civil society groups warn that women "have increasingly become victims of enforced disappearances […] due to expressed or fabricated pro-Ukrainian views"[67] and that the number of women disappeared in Crimea has increased in the past year.[68] The increased risk of being subjected to enforced disappearance is particularly concerning because of the heightened risk of being subjected to other brutal forms of violence. For example, in 2025, a woman journalist who was disappeared in 2023 in occupied areas of Eastern Ukraine was found to a have died in Russian custody.[69] The UN's Commission of Inquiry has also recently raised concerns over the gendered risks and impacts on women who are disappeared in Ukraine, finding that Russian authorities have "subjected female detainees to sexual violence, including rape, and inhuman conditions reflecting the gendered nature and impact of the treatment inflicted on women in detention".[70]

3.1.5. SJI currently supports a number of woman-victims of enforced disappearance. These cases reveal a systematic pattern involving the transfer of women from occupied Ukrainian territories to

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2017, para. 101, available at: https://www.ohchr.org/sites/default/files/HRBodies/HRC/RegularSessions/Session36/Documents/A_HRC_36_CRP.3_E.docx

[61] ZMINA, "Enforced Disappearances and Arbitrary Detentions of Active Citizens During the Full-Scale Armed Aggression by Russia against Ukraine", 2023, p. 12 and section 2.2 starting at p. 34, available at: https://zmina.ua/wp-content/uploads/sites/2/2023/07/lost_people_eng_web_03.pdf.

[62] See e.g. Parliamentary Assembly of the Council of Europe, Resolution 2387 (2021), 2021, paras 4 and 13.3.1, available at: https://pace.coe.int/en/files/29360/html; European Parliament, Resolution 2016/2692(RSP)), 2016, para. B, available at: https://www.europarl.europa.eu/doceo/document/TA-8-2016-05-12_EN.html#sdocta1; UN Committee on Elimination of Racial Discrimination, Concluding Observations, Russian Federation, CERD/C/RUS/CO/23-24, para. 19, available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FRUS%2FCO%2F23-24&Lang=en; refer also to para. 2.2.5. of this submission regarding the North Caucasus context.

[63] CrimeaSOS, "When silence becomes a weapon of fear: the enforced disappearances of women in Crimea", 2025, available at: https://krymsos.com/en/koly-tysha-staye-zbroyeyu-strahu-nasylnyczki-znyknennya-zhinok-u-krymu/.

[64] OHCHR, "Enforced disappearances in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation", 2021, pp. 4 and 6, available at: https://ukraine.un.org/sites/default/files/2021-03/BN%20Enforced%20dis%20Crimea%20ENG.pdf.

[65] UNHRC, Report of the Independent International Commission of Inquiry on Ukraine, A/HRC/58/67, 2025, para 30.

[66] OHCHR, "Detention of Civilians in the Context of the Armed Attack by the Russian Federation against Ukraine", 2023, paras 36 and 86, available at: https://www.ohchr.org/sites/default/files/2023-07/2023-06-27-Ukraine-thematic-report-detention-ENG_0.pdf.

[67] CrimeaSOS, "When silence becomes a weapon of fear: the enforced disappearances of women in Crimea", 2025, available at: https://krymsos.com/en/koly-tysha-staye-zbroyeyu-strahu-nasylnyczki-znyknennya-zhinok-u-krymu/.

[68] ZMINA, "In 2024, at least six new cases of enforced disappearances were recorded in the occupied Crimea" [translated], 2025, available at: https://zmina.info/news/za-2024-rik-v-okupovanomu-krymu-zafiksuvaly-shhonajmenshe-shist-novyh-vypadkiv-nasylnyczkyh-znyknen/

[69] See e.g. UNHRC (various Special Procedures), "Russia must confirm news of Ukrainian journalist's death in custody: UN experts", 2024, available at: https://www.ohchr.org/en/press-releases/2024/10/russia-must-confirm-news-ukrainian-journalists-death-custody-un-experts; Human Rights Watch, "Torture, Death of a Ukrainian Journalist in Russian Custody", 2025, available at: https://www.hrw.org/news/2025/05/05/torture-death-ukrainian-journalist-russian-custody.

[70] UNHRC, "Ukraine: Enforced disappearances committed by Russian authorities amount to crimes against humanity, says UN Commission of Inquiry", available at: https://www.ohchr.org/en/press-releases/2025/03/ukraine-enforced-disappearances-committed-russian-authorities-amount-crimes; see also UNHRC, Report of the Independent International Commission of Inquiry on Ukraine, A/HRC/58/67, 2025, paras. 48 and 55 and section C.

detention facilities inside the Russian Federation, following initial incommunicado detention by Russian military or proxy forces. The following cases represent only a few examples of how enforced disappearance is being perpetrated against women in this context:

3.1.5.1. In 2019, Nataliya Vlasova was detained by forces of the self-proclaimed "Donetsk People's Republic" and was held for months in clandestine detention. She was subjected to systematic torture and repeated sexual violence, including being stripped, bound, electrocuted, raped, and physically mutilated, including having her teeth filed down by hand. One of her torturers was later listed as a "victim" in her criminal trial. In 2023, after years of unacknowledged detention, she was transferred to a pretrial detention center in Russia and, in 2024, sentenced to 18 years in prison by a Russian military court.[71]

3.1.5.2. In April 2024, Kateryna Korovina was abducted by plainclothes Russian officers in the occupied Luhansk region. The month before, she had been detained, interrogated about her views, and coerced into revealing personal information and signing a confession out of fear of torture. After having been released under a travel ban, she was summoned repeatedly over the following weeks and later re-arrested by masked officers, filming a coerced confession at gunpoint, and transferring her to a detention centre in Russia, where she was held in near-total isolation for approximately one month, during which time, she underwent psychiatric assessments, was subjected to other forms of torture and forced to sign documents without legal representation. This period was marked by incommunicado detention including lack of access to legal counsel and no notification to her family of her whereabouts. In court, she retracted her confession but was still sentenced to 10 years in prison.[72]

3.1.6. The above cases reflect a broader pattern in which Russia has used enforced disappearance as a tool of political and gendered repression across occupied territories and within its judicial system against Ukrainian women. The ECtHR has recently examined several brutal accounts of disappearances and arbitrary detentions, including sexual violence, finding that sexual violence and rape has been "carried out with complete impunity" by the Russian Federation, which has deployed it against women as a "weapon of war".[73] These tactics emphasise the connection between enforced disappearance and gender-based violence. The patterns of enforced disappearance in Ukraine further echo long-standing practices documented in the North Caucasus, including the involvement of the same courts and detention facilities and thus suggest that impunity for enforced disappearances in the North Caucasus region upholds the current practice of disappearances in Ukraine by Russian forces.

3.2. *Enforced disappearances against girls in occupied territories in Ukraine as part of the systemic practice of the forced deportation of Ukrainian children to Russia*

3.2.1. EHRAC has further encountered the use of enforced disappearances by Russian forces in Ukraine when representing child victims of forced deportations from occupied territories in Ukraine to Russia. Litigation of cases of forced deportations of children has revealed the complex nature of

[71] Media Initiative for Human Rights, "Natalia Vlasova", 2025, available at: https://mipl.org.ua/en/natalia-vlasova/; Kharkiv Human Rights Protection Group, "Russia acknowledges part in torture and rape through 'trial' and horrific sentences against three Donbas hostages", 2025, available at: https://khpg.org/en/1608814261, Euromaidan Press, "15 Russians raped her for false confession", 2025, available at: https://euromaidanpress.com/2025/01/06/15-russians-raped-her-for-false-confession-ukrainian-mother-gets-18-year-sentence-after-years-of-torture-in-secret-russian-prison/; Media Initiative for Human Rights, "In Rostov, Three Ukrainians Were Sentenced to 18 Years and More for the Attempted Assassination of Lenin, a DPR Fighter", 2024, available at: https://mipl.org.ua/en/in-rostov-three-ukrainians-were-sentenced-to-18-years-and-more-for-the-attempted-assassination-of-lenin-a-dpr-fighter/.

[72] Kharkiv Human Rights Protection Group, "Forced 'to wake up a foreign citizen in her own country'. Kateryna Korovina sentenced to 10 years for opposing Russia's occupation", 2025, available at: https://khpg.org/en/1608814482.

[73] ECtHR, Ukraine and the Netherlands v Russia, Application nos. 8019/16 and others, Judgment, 2025, see para. 1078; see also e.g. paras. 887, 938, 1073-1079.

these practices and the need for clarity regarding when these cases constitute enforced disappearances under international law.

3.2.2. Since at least June 2014, Russian and separatist authorities have abducted children from Ukrainian territory, forcibly transferred them to Russia, and prevented their return to Ukraine; this practice has escalated substantially since the full-scale invasion commencing in February 2022.[74] While the exact number of forced deportations is difficult to confirm, Ukraine has documented cases of nearly 20,000 unaccompanied children who were displaced or deported between 24 February 2022 and 10 October 2023. Russia itself has acknowledged that over 700,000 Ukrainian children have been relocated to its territory[75] though it denies these relocations amounted to forced deportation.

3.2.3. Forced abductions and deportations of Ukrainian children by Russian and separatist forces have been widely documented by researchers,[76] international organisations,[77] independent news agencies,[78] and NGOs[79] with three main practices identified:

3.2.3.1. The abduction of orphans and the abduction of children deemed orphans[80], resulting in their indefinite separation from their parents. Many of these children were taken from Ukrainian State-run institutions and transferred to Russian camps or foster families without any effort to verify their family situations.

3.2.3.2. The separation of children from their families at "filtration" centres or hospitals who were later put up for adoption by Russian families.[81] The Organization for Security and Co-operation in Europe has documented numerous instances where parents, suspected of having ties to Ukrainian armed forces or holding pro-Ukrainian views, were separated from their children during filtration processes. These parents are often interned, transferred to penal colonies, or pre-trial detention centres, with limited or no

[74] See e.g. ECtHR, Ukraine and the Netherlands v Russia, Application nos. 8019/16 and others, Judgment, 2025, paras. 1567-1599; see also e.g. para. 1542.
[75] Bisset A., "The UN Committee on the Rights of the Child and Russia's Deportation of Children from Ukraine", Opinio Juris, 2024, available at: https://opiniojuris.org/2024/04/12/the-un-committee-on-the-rights-of-the-child-and-russias-deportation-of-children-from-ukraine/; RFE/RL, "Russia Denies Deporting Ukrainian Children But Admits Hundreds Of Thousands Are On Its Territory", 2024, available at: https://www.rferl.org/a/russia-deporting-ukrainian-children-un-committee/32788804.html.
[76] Yale Humanitarian Research Lab, "Russia's Systematic Program for the Re-Education & Adoption of Ukraine's Children", 2023, available at: https://files-profile.medicine.yale.edu/documents/8c54abb4-3c6d-4b5c-be05-727f612afccc; International Centre for Defence and Security, "The Stolen Children: How Russia Attempts to Kidnap Ukraine's Future", 2023, available at: https://icds.ee/en/the-stolen-children-how-russia-attempts-to-kidnap-ukraines-future/; New Lines Institute and Raoul Wallenberg Centre for Human Rights, "An Independent Legal Analysis of the Russian Federation's Breaches of the Genocide Convention in Ukraine and the Duty to Prevent", 2022, available at: https://newlinesinstitute.org/rules-based-international-order/genocide/an-independent-legal-analysis-of-the-russian-federations-breaches-of-the-genocide-convention-in-ukraine-and-the-duty-to-prevent/; OHCHR, Report on the Human Rights Situation in Ukraine, 1 August 2022 – 31 January 2023, 2023, available at: https://www.ohchr.org/en/documents/country-reports/report-human-rights-situation-ukraine-1-august-2022-31-january-2023; International Criminal Court, "ICC Judges Issue Arrest Warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova", 2023, available at: https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and.
[77] OHCHR, HRMMU Update on the Human Rights Situation in Ukraine, 1 August – 31 October 2022, 2022, available at: https://www.ohchr.org/en/documents/country-reports/hrmmu-update-human-rights-situation-ukraine-1-august-31-october-2022.
[78] Associated Press, "How Moscow Grabs Ukrainian Kids and Makes Them Russians", 2023, available at: https://apnews.com/article/ukrainian-children-russia-7493cb22c9086c6293c1ac7986d85ef6; Reuters, "Ukraine Probes Deportation of Children to Russia as Possible Genocide", 2022, available at: https://www.reuters.com/world/europe/exclusive-ukraine-investigates-deportation-children-russia-possible-genocide-2022-06-03/.
[79] Amnesty International, "Like a Prison Convoy: Russia's Unlawful Transfer and Abuse of Civilians in Ukraine During 'Filtration'", 2022, available at: https://www.amnesty.org/en/documents/eur50/6136/2022/en/; ZMINA, "Forcible Transfer and Deportation of Children from the temporarily Occupied Territories of Ukraine to the Russian Federation: Analytical Report", 2023, available at: https://zmina.ua/wp-content/uploads/sites/2/2023/06/children_eng_web.pdf; 5 AM Coalition, "Analytical Report: Deportation of Ukrainian citizens from the territory of active military operations or from the temporarily occupied territory of Ukraine to the territory of the Russian Federation and the Republic of Belarus", 2023, available at: https://zmina.ua/wp-content/uploads/sites/2/2023/01/deportation_eng.pdf.
[80] This refers to children who have living parents or relatives but are misclassified as orphans by Russian authorities due to lack of verified documentation or through deliberate misrepresentation, resulting in their indefinite separation from their families. Many of these children were taken from Ukrainian State-run institutions and transferred to Russian camps or foster families without any effort to verify their family situations.
[81] International Centre for Defence and Security, "The Stolen Children: How Russia Attempts to Kidnap Ukraine's Future", 2023, p. 11, available at: https://icds.ee/en/the-stolen-children-how-russia-attempts-to-kidnap-ukraines-future/; ZMINA, "Forcible Transfer and Deportation of Children from the temporarily Occupied Territories of Ukraine to the Russian Federation: Analytical Report", 2023, p. 24, available at: https://zmina.ua/wp-content/uploads/sites/2/2023/06/children_eng_web.pdf.

information provided to their families. Some parents are released after one or two months, while others remain detained indefinitely.[82] During these processes, children are unlawfully taken into the care of regional institutions, the parents' guardianship rights removed and, in many cases, deported to Russia.

3.2.3.3. The transfer of Ukrainian children to so-called "summer camps" with the alleged aim being to escape the invasion's horrors. In these cases, parents are convinced or coerced into letting their children attend summer camp on a presumptively short-term basis and, once integrated into the vast network of camps and facilities, the children are then indefinitely detained in the Russian Federation or occupied territories. The aim of this programme is to integrate Ukrainian children into Russian society.[83] Over 6,000 Ukrainian children within Russia-occupied Crimea and mainland Russia have been held in these 'summer camps' since the launch of the full-scale invasion in 2022. Forty-three facilities, verified by Yale's Humanitarian Research Lab, serve purposes ranging from "re-education" to adoption or foster care. Children are divided into groups, including those with clear guardianship, orphans, those from Ukrainian state institutions, and those with 'unclear' custody.[84]

3.2.4. While the situation of children who have been deported through the above streams varies including what is known of these children's whereabouts and fate, there seems to be a general trend toward adoption. In fact, in May 2022, Russian laws were amended to facilitate the swift adoption of Ukrainian children by Russian families, bypassing international legal standards.[85] The newly passed legislation established a simplified and expedited procedure allowing Russian nationals to adopt orphans and children without parental care from occupied areas of Ukraine. Pursuant to this legislation, heads of orphanages and State institutions can apply for Russian citizenship on behalf of the children placed under their care. The law also grants Russian authorities and occupation administrations broad discretion to determine the status of children as orphaned or without parental care.

3.2.5. Children, particularly those in institutional care such as orphanages and hospitals, and those who have been forcibly separated from their parents where the latter are detained in filtration camps, are at a significantly heightened risk of being disappeared through concealed transfers. The concealed nature of the transfer of children allows their whereabouts to be easily hidden, making the task of tracing them and securing their safe return extremely challenging. This deliberate concealment is then relied on to erase their identities through the imposition of Russian nationality and new family affiliations, severing ties to their heritage and loved ones. Frequently, children's names are changed, making the process of locating them much more difficult and contributes to the erasure of their identity. A number of reports have documented these practices in detail, revealing systematic efforts to erase not only the children's personal histories, but also the cultural and national ties that bind them to Ukraine.[86]

[82] ZMINA, "Forcible Transfer and Deportation of Children from the temporarily Occupied Territories of Ukraine to the Russian Federation: Analytical Report", 2023, p. 24, available at: https://zmina.ua/wp-content/uploads/sites/2/2023/06/children_eng_web.pdf.
[83] Yale Humanitarian Research Lab, "Russia's Systematic Program for the Re-Education & Adoption of Ukraine's Children", 2023, p. 11, available at: https://files-profile.medicine.yale.edu/documents/8c54abb4-3c6d-4b5c-be05-727f612afccc.
[84] Yale Humanitarian Research Lab, "Russia's Systematic Program for the Re-Education & Adoption of Ukraine's Children", 2023, pp. 4-5, available at: https://files-profile.medicine.yale.edu/documents/8c54abb4-3c6d-4b5c-be05-727f612afccc.
[85] Yale Humanitarian Research Lab, "Russia's Systematic Program for the Re-Education & Adoption of Ukraine's Children", 2023, p. 11, available at: https://files-profile.medicine.yale.edu/documents/8c54abb4-3c6d-4b5c-be05-727f612afccc; RIA Novosti, "Putin Signs Decree on Simplified Admission of Orphaned Children from DPR, LPR and Ukraine to Russian Citizenship" [translated], accessed February 8, 2023, available at: https://archive.ph/avsev and https://t.me/rian_ru/165351.
[86] Yale Humanitarian Research Lab, "Russia's Systematic Program for the Re-Education & Adoption of Ukraine's Children", 2023, available at: https://files-profile.medicine.yale.edu/documents/8c54abb4-3c6d-4b5c-be05-727f612afccc; International Centre for Defence and Security, "The Stolen Children: How Russia Attempts to Kidnap Ukraine's Future", 2023, available at: https://icds.ee/en/the-stolen-children-how-russia-attempts-to-kidnap-ukraines-future/; New Lines Institute and Raoul Wallenberg Centre for Human Rights, "An Independent Legal Analysis of the Russian Federation's Breaches of the Genocide Convention in Ukraine and the Duty to Prevent", 2022, available at: https://newlinesinstitute.org/rules-based-international-order/genocide/an-independent-legal-analysis-of-the-russian-federations-breaches-of-the-genocide-convention-in-ukraine-and-the-duty-to-prevent/; OHCHR, Report on the Human Rights Situation in Ukraine, 1

PART III

4. Recommendations

4.1. EHRAC and SJI support the aims the Committee has identified for the upcoming General Comment. The experiences of women victims and survivors of enforced disappearances provided in this submission underscore that: the specific gendered impacts of enforced disappearances including that women and girls are very often victims of enforced disappearances both as disappeared persons and as relatives; women play an important role in responding to enforced disappearances including by leading search efforts, taking over family responsibilities and supporting community healing yet they face significant barriers, risks and challenges in undertaking this effort as a result of systemic intersecting forms of discrimination; enforced disappearances against women and girls constitute one of the most extreme forms of gender-based violence; states must take enhanced due diligence measures to eradicate enforced disappearances against women and girls.

4.2. Additionally, we outline three specific recommendations for the Committee to consider when developing the General Comment:

4.3. **Recommendation 1:** *Recognise the link between impunity for enforced disappearances and the perpetration of enforced disappearances against women and LGBTQI+ people and outline the prevention measures States must put in place to meet Convention obligations.*

4.3.1. As has been outlined in Part I of these submissions, there exists a strong link between impunity for enforced disappearances and the risks posed to marginalised communities. The UN CAT has recognised the link between impunity and the risk of human rights violations against marginalised groups and has called on States to "ensure the protection of members of groups especially at risk of being tortured, by fully prosecuting and punishing all acts of violence and abuse against these individuals".[87]

4.3.2. The UN Working Group on Enforced or Involuntary Disappearances ['WGEID'] has found that States are obligated to remedy not only existing instances of enforced disappearances, but also adopt measures to eradicate the circumstances that permitted the disappearances to occur, and which may permit similar events to occur again in the future. It has deemed that the guarantee against non-repetition is vital not only to protect the safety of victims in the future, but also to prevent more people and women in particular from becoming victims at all. It has further specifically noted the risk that impunity for enforced disappearances poses where there exist gender inequalities stating: "Particularly in societies where violence against women in general, and enforced disappearances in particular, are embedded in deep inequality roots, States need to take measures to overcome those disparities as a preventive measure".[88]

4.3.3. The CEDAW, in considering State's obligations, and specifically, a State's failure to act with due diligence to prevent, investigate, punish and compensate acts of violence against women, including by non-State actors, has found that "impunity for such offences contributes significantly to the entrenchment of a culture of acceptance of the most extreme forms of gender-based violence against women in society, which feeds their continued commission".[89] This Committee has noted that States have strict obligations with regard to due diligence when

August 2022 – 31 January 2023, 2023, available at: https://www.ohchr.org/en/documents/country-reports/report-human-rights-situation-ukraine-1-august-2022-31-january-2023.

[87] UN Committee Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ['UNCAT'], General Comment 2, CAT/C/GC/2, para 22: ["States parties should, therefore, ensure the protection of members of groups especially at risk of being tortured, by fully prosecuting and punishing all acts of violence and abuse against these individuals and ensuring implementation of other positive measures of prevention and protection, including but not limited to those outlined above."]; see also UN Working Group on Enforced and Involuntary Disappearances ['WGEID'], Report of the Working Group on Enforced or Involuntary Disappearances, E/Cn.4/1985/15.

[88] UNWGEID, General Comment on Women Affected by Enforced Disappearances, A/HRC/WGEID/98/2, 2013, para. 40.

[89] CEDAW, Román Jaimes v. Mexico, 2022, para. 7.3

there exists a real and imminent risk of disappearances perpetrated by a non-State actor and that these obligations are particularly strict where women or girls may be involved.[90]

4.3.4. In line with the State's due diligence obligations, it is recommended that the Committee recognise the link between prevailing impunity for enforced disappearances and the risk this impunity poses to women and LGBTQI+ people who may be subjected to enforced disappearances by private parties as a severe form of manifestation of gender-based violence. It is further submitted that the Committee should outline what preventative measures in line with the State's due diligence obligations States must take where there exists a pattern of unresolved disappearances.

4.4. **Recommendation 2:** *Clarify generally when the suffering of relatives of disappeared victims reaches the threshold of torture and recognise the specific impact on women, in order to both accurately reflect their suffering, as well as to ensure the comprehensive fulfilment of their rights under the Convention.*

4.4.1. It is well-established under international law, including article 24 of the Convention, that relatives are direct victims of enforced disappearances. The suffering experienced by relatives has been found by the WGEID to attain the threshold of torture. In its General Comment on the right to truth – interpreting the UN Declaration on the Protection of All Persons from Enforced Disappearances which is now understood to largely codify and consolidate customary international law,[91] the WGEID found that "enforced disappearance causes "anguish and sorrow" […] to the family, a suffering that reaches the threshold of torture".[92]

4.4.2. International and regional jurisprudence is consistent in its recognition that the relatives' suffering amounts to violations of relevant articles prohibiting torture and other ill-treatment but generally diverges in assessing when the threshold for the violation is met and when the suffering reaches the threshold of torture. For example:

4.1.1.1. The UN Human Rights Committee ['CCPR'] is consistent in finding that the "anguish and stress" experienced by the relatives of a disappeared person and the "continued uncertainty" over their fate and whereabouts amounts to a violation of article 7 of the International Covenant on Civil and Political Rights.[93] The CCPR has stated that the distinction between torture and other ill-treatment under article 7 depends on the "nature, purpose and severity of the treatment applied"[94] yet, it has not applied this analysis to the suffering of relatives of disappeared victims.

4.1.1.2. In the European context, whether a family member of a "disappeared person" is a victim of treatment contrary to article 3 of the European Convention on Human Rights (the prohibition on torture) depends on the existence of special factors which gives the suffering of the applicant a dimension and character distinct from the emotional distress which may be regarded as inevitably caused to relatives of a victim of a serious human-rights violation.[95] The Court has found that the essence of such a violation lies in the authorities' reactions and attitudes to the situation once it is brought to their attention.

4.1.1.3. Litigants before the ECtHR have had to adduce significant evidence to substantiate an article 3 violation including evidence relating to the proximity of the family tie, particular circumstances of the relationship, the extent to which the family member

[90] CED, Statement on non-State actors, CED/C/10, para. 22.
[91] WGEID, Thirtieth anniversary of the Declaration on the Protection of All Persons from Enforced Disappearance, A/HRC/51/31/Add.3, 2022, para. 73.
[92] WGEID, General Comment on the right to truth in relation to enforced disappearance, A/HRC/16/48, 2011, para. 4.
[93] See e.g. Human Rights Committee ['CCPR'], Boucherf v Algeria, 2006, para. 9.6
[94] CCPR, General Comment No. 20, 1992, para. 5.
[95] See e.g. ECtHR, Orhan v. Turkey, Application no. 25656/94, Judgment, 2002, para. 358; ECtHR, Çakıcı v. Turkey, Application no. 23657/94, Judgment, 1999, para. 98; and ECtHR, Timurtaş v. Turkey, Application no. 23531/94, Judgment, 2000, para. 95.

witnessed the events in question; the involvement of the family member in attempts to obtain information about the disappeared person; and the way in which authorities responded to those enquiries.[96] It is only in exceptional circumstances where the Court has been satisfied of the systemic practice of enforced disappearances and other horrific violence against detainees that the Court has found the suffering of relatives generally to reach the threshold of an article 3 violation; as was the case in its most recent *Ukraine and the Netherlands v Russia* judgment.

4.1.1.4. This approach has posed particular challenges in cases where family members were not present at the abduction or for medical or other reasons including fear of reprisal were not involved in engaging authorities. It has also posed specific challenges in cases where children of disappeared persons, particularly those who were young at the time the parent was disappeared, have sought to have their suffering recognised by the Court.

4.4.3. The determination of when the suffering of relatives of disappeared victims amounts to a violation of the prohibition of torture and other cruel, inhuman or degrading treatment is an issue that disproportionately and differently impacts women relatives, especially mothers of disappeared victims. As acknowledged by this Committee in its concept note for this General Comment, although most disappeared persons are men, those left behind and those who lead search efforts are overwhelmingly women: namely, mothers, wives, sisters and daughters. This fact is reflective of the North Caucasus context, where two-thirds of litigants before the ECtHR were women. Because it is predominantly women who are left behind to pick up the pieces and find out the truth of what happened to their loved one, women-relatives are at specific risk of being exposed to the severe and prolonged suffering imposed on relatives of disappeared victims.

4.4.4. In addition to women being at a disproportionate risk of experiencing torture as relatives of disappeared victims, women also experience this suffering differently. First, women's role in the search for disappeared victims places an additional mental, physical and social, including economic, burden on them. In the search for disappeared loved ones, women are more likely to experience violence and exploitation especially sexual violence from authorities and are less likely to access justice for these violations. The UN Special Rapporteur on Torture has noted the fact that "victims' marginalized status tends to render them less able to seek accountability from perpetrators, thereby fostering impunity"[97] and that powerlessness may be relevant in assessing the threshold of torture, based on an assessment of "the specific status of the victim, […] such as sex, age and physical and mental health".[98]

4.4.5. Second, the socio-economic and legal consequences which women face following the disappearance are multiple, gendered, and intersecting. As has been outlined above, economically, women are often uniquely impacted by the loss of a relative, especially the family's breadwinner; are at a heightened risk of poverty due to inability to find work and lack of State support; and are often forced to take on dangerous or precarious employment in order to sustain their family financially. Mothers are often faced with a dual responsibility of earning for the family, whilst caring for her children. They may also be judged by those around them for failing to protect their disappeared child.[99] Women are also at an increased risk of other forms of gender-based violence following the disappearance including as resulting from having to find precarious housing. These impacts are further affected by the woman-relative's other circumstances, needs and identities, such as her age and health status, ethnicity, sexual orientation or gender identity.

[96] See e.g. ECtHR, Orhan v. Turkey, Application no. 25656/94, Judgment, 2002, para. 358; ECtHR, Çakıcı v. Turkey, Application no. 23657/94, Judgment, 1999, para. 98; and ECtHR, Timurtaş v. Turkey, Application no. 23531/94, Judgment, 2000, para. 95.
[97] Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment ['UNSR Torture'], Report, A/HRC/31/57, 2016, para. 9.
[98] UNSR Torture, Report, A/HRC/7/3, 2008, paras. 33 and 29, respectively.
[99] WGEID, General Comment on Women Affected by Enforced Disappearance, A/HRC/16/48, 2013, para. 11.

4.4.6. These factors, among others, compound the already severe psychological pain women are forced to experience, whilst they navigate their new reality within existing patriarchal structures. The severe and often prolonged mental pain and burden placed on women requires specific redress. There is however, a lack of consistency in acknowledging the scope of this suffering across regional and international institutions. As such, there is a need to clarify generally when the suffering of relatives reaches the threshold of torture and recognise the specific impact on women, in order to both accurately reflect their suffering, as well as to ensure the comprehensive fulfilment of their right to reparation, including rehabilitation, under international law. This acknowledgement is imperative especially given the way that "[g]ender stereotypes [often] play a role in downplaying the pain and suffering" experienced by women, girls and LGBTQI+ persons.[100]

4.4.7. EHRAC and SJI respectfully urge this Committee to clarify generally when the suffering of relatives of disappeared victims reaches the threshold of torture and recognise the specific impact on women, in order to both accurately reflect their suffering, as well as to ensure the comprehensive fulfilment of their rights under the Convention. This finding can be made under the Committee's interpretation of article 24, particularly 24(2) concerning the right to truth, in line with the WGEID's findings in its General Comment on the right to truth.

4.5. **Recommendation 3:**

Consider finding that when unaccompanied minors are victims of forced deportations or transfers they must also be presumed to be victims of enforced disappearances.

In the alternative, clarify when forced deportations and transfers of children particularly unaccompanied minors amount to enforced disappearances.

Further, specify the enhanced legislative, administrative and other measures all States but particularly occupying States must put in place to protect unaccompanied minors from enforced disappearances in conflict contexts and outline the specific impact on girls and any measures that must be taken to ensure a gender-sensitive approach.

4.5.1. This Committee among other human rights mechanisms has recognised the particular risk to children of being disappeared in times of conflict and the need to apply a human rights-based and gender-sensitive approach to preventing and eradicating the transfer of children especially where there exists a risk to illegal intercountry adoptions. Within this context and within the framework of article 25 of the Convention, there is an urgent need to examine the relationship between the forced deportation of children and enforced disappearances.

4.5.2. Forced deportations can serve as a precursor to the long-term disappearance of children, for example, by enabling illegal intercountry adoptions or trafficking in children. However, they may also result in short-term disappearances, often under the pretext of protecting children during periods of active conflict or housing children who have been displaced or otherwise separated from their guardians. In some cases, official registers of the occupying State may contain information about the location of forcibly deported children. Yet, this information is often not shared with the child's parents or guardians or, in the case of children in care institutions or those experiencing housing insecurity, with the relevant authorities of the child's country of origin.

4.5.3. Children experiencing housing insecurity or those in care institutions are at a heightened risk of becoming victims of enforced disappearances during forced deportations. Similarly, children of parents who have been arrested or held in incommunicado detention may be at a heightened risk of being disappeared on a short- and long-term basis because of the barriers their legal

[100] UNSR Torture, Report, A/HRC/31/57, 2016, para. 9.

guardians face in locating them. In these types of cases, there exist legal and practical challenges with establishing when there has been a refusal by the State to acknowledge the deprivation of liberty or concealment of the fate or whereabouts of the disappeared child and, therefore, that the forced deportation amounts to an enforced disappearance.

4.5.4. Children in vulnerable caregiving situations, especially orphaned children, are not only at a heightened risk of being disappeared in the context of forced deportations, they are also less likely to be found and to access justice. Because of the lack of parental ties and a reduction in State and community-based services in times of conflict, among other systemic factors, there may not be anyone actively searching for these children or advocating for their rights. Where community groups do take up this effort, they may be found to lack the requisite legal standing to initiate proceedings on the children's behalf. Yet, it is well recognised that enforced disappearance creates a network of victims that extends far beyond the individuals that are directly subjected to the disappearance, and that children's right to identity encompasses several elements including their nationality. This underscores the need to clarify who may hold legal standing to act on behalf of children in these situations, and under what circumstances communities or third parties may be recognised as victims for the purposes of legal action. Where gaps in standing exist, alternative legal or institutional measures should be put in place to ensure the prompt identification and return of these children to their community.

4.5.5. Finally, enforced disappearances in the context of involuntary or forced population movements often involve specific patterns of harm that disproportionately affect women and girls, including the psychological trauma experienced by mothers, heightened risks and severity of gender-based violence against children in transit, care, foster or adoptive situations, and systemic barriers to accessing justice. In cases of forced deportation or transfer, children – especially girls – face heightened risks of trafficking, exploitation (including sexual exploitation) and forced marriage. Girls may be subjected to forced pregnancy, abortion or other violations of their reproductive rights. It is also well documented that girls' right to education is often disproportionately affected in cases of forced deportation with many girls being forced to drop out of school and, instead, taking on work in the adopting family's home.

4.5.6. Given the above risk factors, EHRAC and SJI take the position that when unaccompanied minors are victims of forced deportations or transfers they must also be presumed to be victims of enforced disappearances. The burden then should shift to the State to disprove the elements of the disappearance. Such a presumption is necessary to give meaningful recognition to children's inherent vulnerability in situations of deportation or transfer, including their inability often to act on their own behalf and the irreparability of harm caused by disappearances. It is also essential to give concrete effect to the strict due diligence obligations placed on all States under international law vis-à-vis children especially given the heightened risk of disappearance in the context of forced deportations or transfers of unaccompanied minors and the significant challenges to the determination of the child's fate and whereabouts.

4.5.7. EHRAC and SJI recommend that this Committee consider finding that when unaccompanied minors are victims of forced deportations or transfers they must also be presumed to be victims of enforced disappearances. In the alternative, we ask the Committee to clarify when forced deportations and transfers of children particularly unaccompanied minors amount to enforced disappearances. We further ask that the Committee specify the enhanced legislative, administrative and other measures all States but particularly occupying States must put in place to protect unaccompanied minors from enforced disappearances in conflict contexts and outline the specific impact on girls and any measures that must be taken to ensure a gender-sensitive approach.





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