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Chair: Mr. Yaremenko (Vice-Chair) (Ukraine)

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In the absence of Mr. Braun (Luxembourg), Mr. Yaremenko (Ukraine), Vice-Chair, took the Chair.

The meeting was called to order at 10.05 a.m.

Agenda item 70: Promotion and protection of human rights (continued)

- (a) Implementation of human rights instruments (continued)** (A/74/40, A/74/44, A/74/48, A/74/55, A/74/56, A/74/146, A/74/148, A/74/179, A/74/233, A/74/254 and A/74/256)
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- (c) Human rights situations and reports of special rapporteurs and representatives (continued)** (A/74/166, A/74/188, A/74/196, A/74/268, A/74/273, A/74/275, A/74/276, A/74/278, A/74/303, A/74/311 and A/74/342)
- (d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (continued)** (A/74/36)

1. **Mr. Ayat** (Chair of the Committee on Enforced Disappearances), introducing the report of the Committee on Enforced Disappearances (A/74/56), said that Member States reasonably expected the human rights treaty body system to function in a simple, predictable and transparent manner. The Committee on Enforced Disappearances was the most recently established treaty body and its procedures had been designed with flexibility in mind. Rather than requiring the submission of periodic reports, the Committee requested specific States parties to submit reports as necessary. It also had recourse to an urgent action procedure, which had enabled it to save the lives of many victims of enforced disappearance. The Committee fully supported the 2020 treaty body review and the common vision of the Chairs of the treaty bodies in that regard.

2. At its sixteenth session, the Committee on Enforced Disappearances had adopted a set of guiding principles for the search for disappeared persons, which were based on the best practices for conducting investigations and searches. The principles did not establish any new obligations; they were simply intended to facilitate the search for victims.

3. He hoped that Member States would be able to address the resource constraints currently faced by the treaty bodies. The success of the 2020 review would depend on the provision of sufficient financial and human resources. The Committees would not be able to handle increased workloads if their resources diminished. He urged Member States to advocate universal ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, in particular through regional groups, in a spirit of solidarity with victims around the world. States should also encourage action by civil society that would promote implementation of the Convention. He concluded by commending the remarkable progress made by a number of States parties in strengthening the rule of law, in particular through transitional justice measures.

4. **Mr. Leval** (France) said that the International Convention for the Protection of All Persons from Enforced Disappearance was a valuable tool for preventing enforced disappearance and combating impunity. France, which had actively supported the elaboration of the Convention, welcomed the recent ratifications by three new States parties and urged all States that had not yet done so to ratify the text. His country, along with Argentina, would continue to work for the universal ratification. France commended the Committee on Enforced Disappearances for its vital contribution to combating unacceptable human rights violations and called on all Member States to recognize the competence of the Committee.

5. **Mr. Roijen** (Observer for the European Union) said that enforced disappearance was occurring too often, sometimes as part of a strategy to spread fear in conflict situations. His delegation commended the efforts of the Committee on Enforced Disappearances to combat unacceptable human rights violations. Member States that were not yet parties to the International Convention for the Protection of All Persons from Enforced Disappearance, which was a crucial tool for preventing enforced disappearance and combating impunity, should consider signing and ratifying the text and recognizing the competence of the Committee. His delegation welcomed the adoption of the guiding principles for the search for disappeared persons. He asked what the emerging trends were with regard to enforced disappearance and what the Committee was

doing to address them. He would also be interested to hear how the Committee was engaging with the other treaty bodies and regional human rights mechanisms in the context of the upcoming treaty body review and asked if there were any best practices that should be promoted in that regard.

6. **Ms. Bouchikhi** (Morocco) said that the objective behind the draft resolution on the International Convention for the Protection of All Persons from Enforced Disappearance, of which her delegation was one of the main sponsors, was to promote universal ratification of the Convention and support the mandate of the Committee on Enforced Disappearances. She asked how that Committee intended to address complaints from States parties that they were repeatedly required to submit the same information to the treaty bodies. She also wished to know why and how situations of States that did not participate in their reviews were examined.

7. **Mr. Driuchin** (Russian Federation) said that the Ukrainian authorities were not providing a timely response to the issue of enforced disappearance in their country. The law enforcement authorities of Ukraine frequently kidnapped and unlawfully detained citizens, often violating their procedural rights and ill-treating or torturing them before causing them to disappear. The situation was exacerbated by an atmosphere of impunity and a lack of political will to bring perpetrators to justice. The situation in Ukraine had been brought to the attention of international monitoring mechanisms, such as the human rights monitoring mission in Ukraine, and relevant non-governmental organizations.

8. **Mr. Zaki** (Maldives) said that his delegation commended the Committee on Enforced Disappearances for its efforts to establish direct contact with the submitters of urgent action requests and the authorities of the State concerned. The recently developed follow-up procedure for considering additional information submitted by States parties would further enhance the work of the Committee. His Government had established an independent commission to investigate murders and enforced disappearances, in an effort to avoid the dire consequences that could arise from the inability to submit timely reports to the Committee and to strengthen and reaffirm his country's adherence to its international obligations.

9. **Mr. Furumoto** (Japan), welcoming the increase in States parties to the International Convention for the Protection of All Persons from Enforced Disappearance, said that universal ratification was crucial to preventing enforced disappearance, which was a violation of human rights. His Government would continue to support the

Committee on Enforced Disappearances in fulfilling its obligation to conduct thorough and balanced assessments. He encouraged the Chair of the Committee on Enforced Disappearances to demonstrate leadership in steering the Committee.

10. **Mr. Ayat** (Chair of the Committee on Enforced Disappearances) said that the Committee on Enforced Disappearances took all possible measures to prevent States from needlessly receiving repeated requests for the same information, which created a burden for the Committee and States, by coordinating with the other treaty bodies. However, in some cases repetition was used as a means of highlighting particularly important issues. States parties were examined without their participation only on an exceptional basis, in cases where a report was long overdue. As with reporting States, the process involved the adoption of a list of questions for the State in question. Thus, the aim was not to carry out an assessment of a State without its involvement but rather to begin a dialogue.

11. With regard to cooperation, his Committee was in regular communication with other relevant bodies and worked particularly closely with the Working Group on Enforced or Involuntary Disappearances and the Committee against Torture. The Chairs of all the treaty bodies also held an annual meeting in New York. As for the new forms of enforced disappearance, they were largely related to migration and human trafficking.

12. **Mr. Hazan** (Chair of the Working Group on Enforced or Involuntary Disappearances) said that the Working Group welcomed the voluntary contributions received from a number of States. The Working Group had been established nearly 40 years previously, at a time when Member States were becoming increasingly concerned about the enforced disappearances occurring under authoritarian regimes. Unfortunately, despite the spread of democracy around the world, enforced disappearance was still a serious problem. During the reporting period, the Working Group had had to condemn a number of countries for seeking the cooperation of other States to arrest, often in undercover operations, members of ethnic minorities or suspected members of opposition groups who were living outside their countries of origin, some as refugees and asylum seekers. Reports received by the Working Group indicated that individuals often disappeared during those operations or once they arrived in the country of destination.

13. Another troubling development was the adoption by certain States of measures and legislation that had a negative impact with regard to the right to truth and justice of victims of enforced disappearance. State institutions responsible for overseeing transitional

justice processes and investigating enforced disappearances were increasingly met with a lack of support, funding and human resources from their Governments. Some States were attempting to legitimize the use of enforced disappearances as part of their counter-terrorism activities, including through the adoption of legal provisions that facilitated enforced disappearance and incommunicado detention. The international community's failure to respond could be interpreted as a normalization of those practices, which were in clear breach of international human rights law. Reprisals against relatives and civil society organizations, and the increasingly open and shameless nature of such acts, also gave cause for concern. It was particularly alarming that State authorities were pressurizing families not to report their cases to the Working Group or other United Nations representatives and mechanisms. The Working Group was also gravely concerned about the disappearances of migrants. During the reporting period, the Working Group had transmitted 768 new cases of enforced disappearance to 40 States. Of those, 177 had been transmitted under the urgent action procedure. It should be borne in mind that the cases reported to the Working Group represented only a fraction of all enforced disappearances.

14. Country visits, such as the one conducted to Ukraine in 2018, provided an invaluable opportunity for the Working Group to take stock of the situation on the ground, communicate directly with victims and their families and provide the necessary technical assistance to enable States to implement the Declaration on the Protection of All Persons from Enforced Disappearance. It was therefore unfortunate that the Committee on Enforced Disappearances was receiving fewer and fewer positive responses to its requests for visits. States that had received requests were asked to extend an invitation to the Working Group as soon as possible. The 117th session of the Working Group had been held in Sarajevo, in accordance with its practice of holding of one of its three annual sessions outside Geneva in order to facilitate interaction with the families of disappeared persons and raise awareness of its mandate and activities at the local and regional levels. In that connection, he asked States to consider hosting a session of the Working Group.

15. The Working Group wished to express its solidarity with the victims of forced disappearance, who included the families of disappeared persons. Their suffering was proof that enforced disappearance continued to be a human rights violation until the fate and location of the disappeared person was ascertained. He urged all Member States to ratify the International Convention for the Protection of All Persons from Enforced Disappearance as soon as possible as a first

but crucial step towards the eradication of enforced disappearance.

16. **Mr. García Moritán** (Argentina) said that his delegation was pleased to be a main sponsor of the draft resolution on the International Convention for the Protection of All Persons from Enforced Disappearance, which was aimed at raising awareness of the Convention and promoting its universal ratification. He asked what could be done to ensure that States that signed the Convention proceeded to ratify it. He also wished to know how Member States and the United Nations system could work together to promote wider ratification and ensure that ratification led to concrete results.

17. **Mr. Driuchin** (Russian Federation) said that the Guantanamo Bay detention camp was evidence of the double standards applied by the United States of America in relation to human rights issues. Some 40 persons had been held at the camp, without due process, by the United States for approximately 17 years. Detainees had been subjected torture, enforced disappearance had occurred during detention and transfer, and the officials responsible had not been held accountable. Furthermore, the United States had established secret Central Intelligence Agency prisons, where inhuman treatment and torture took place, in the territory of States members of the European Union. In 2017, the Committee on Enforced Disappearances had called for an investigation into the existence of secret prisons, prosecution of those responsible and the provision of due legal protection to the victims. In 2018, the European Court of Human Rights had ruled in *Abu Zubaydah v. Lithuania* and *Al Nashiri v. Romania* that both plaintiffs had been transferred to Guantanamo Bay as part of a secret rendition and detention programme and had suffered inhuman treatment while there. However, the States in question had not complied with the decisions of the Court in those cases, in part because of the actions of the United States.

18. **Mr. Roijen** (Observer for the European Union) said that the increase in cases of enforced disappearance was cause for concern. Member States should respond favourably to urgent action requests and visit requests from the Working Group. The European Union condemned all reprisals against those who reported crimes and human rights violations. He asked what could be done to combat extraterritorial abduction.

19. **Mr. Leval** (France) said that the trends set out in the report (A/74/56) were troubling. All States should cooperate with the Working Group, including by acceding to requests for visits. Dialogue between the Working Group and States was crucial to prevent enforced disappearance. All Member States that had not yet done

so should ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

20. **Mr. Mack** (United States of America) said that enforced disappearance not only had a devastating impact on victims and their families but could also deprive societies of voices that advocated human rights. All Member States should cooperate with the Working Group, including by facilitating country visits as requested. His Government was particularly troubled by reports of the enforced disappearance of leaders of labour, civil society and political opposition organizations in Zimbabwe and called on the Government of that country to take swift action to account for their whereabouts. The failure to make any arrests in connection with those cases was denying justice to victims' families and creating a culture of impunity for human rights abuses.

21. His Government called on China to end the unlawful detention of Uighurs, ethnic Kyrgyz, ethnic Kazakhs and members of other Muslim minority groups in Xinjiang. Since April 2017, more than 1 million such persons had been detained in camps and denied contact with their families and access to legal counsel. His Government also had concerns about the way in which the Maduro regime was using enforced disappearance, extrajudicial killing and arbitrary detention to stifle opposition voices in Venezuela. He asked what could be done to ensure that Governments responsible for enforced disappearances were held accountable.

22. **Mr. Hazama** (Japan) said that the extraterritorial abduction of Japanese citizens by the Democratic People's Republic of Korea was a serious issue that had undermined the sovereignty of Japan and the safety of its citizens. Decades after the abductions, the ageing family members of the disappeared persons were still waiting for information. His Government called for the immediate return of all abductees and urged the international community to lend its support to Japan in that regard.

23. **Mr. Geng** (China) said that his country had consistently supported international efforts to eradicate enforced disappearance. His delegation strongly condemned the United States practice of singling out other States for blame while ignoring the facts. The claim that members of ethnic minorities in China were being detained against their will was baseless. The centres in Xinjiang delivered vocational training and deradicalization programmes as part of his country's counter-terrorism strategy. Diplomats, journalists and academics had been invited to visit the centres and were convinced that they were an effective means of deradicalization. Such programmes helped to protect the

rights of all ethnic minorities. The United States should respect the facts, cease to put pressure on China and engage in constructive dialogue and cooperation with all States, rather than using alleged human rights concerns as a pretext for interfering in the internal affairs of other States.

24. **Mr. Kyong** (Democratic People's Republic of Korea) said that his delegation totally rejected the provocative remarks made by the representative of Japan. His country had fulfilled its commitments under the 2002 Japan-DPRK Pyongyang Declaration; all survivors had been returned to Japan and information concerning the deceased, including their causes of death, had been provided to their family members. Japan was manipulating the issue for political purposes. Japan should officially apologize and make reparations for the heinous crimes against humanity that it had committed in the past against the Korean people and others, which included massacring 1 million people and forcing 200,000 Korean women into sexual slavery for the Japanese army. His delegation also rejected the allegations that had been made against China and Venezuela.

25. **Mr. Hazan** (Chair of the Working Group on Enforced or Involuntary Disappearances), calling on all States that had not yet ratified the International Convention for the Protection of All Persons from Enforced Disappearance to do so, said that States should work at the bilateral and regional levels to increase the number of ratifications. The Working Group would also hold events to raise awareness of the Convention and enforced disappearance in 2020, on the occasion of the Working Group's fortieth anniversary.

26. The Working Group had previously addressed the Guantanamo Bay question, including by issuing a joint open letter with other special procedures in 2016. The situation involved extraterritorial disappearances, which the Working Group was working actively to combat. The practice must be brought into the open so that the international opportunity could examine the facts and work together to put a stop to it. Collective action would be needed to prevent inter-State cooperation in the commission of such crimes and ensure that perpetrators were held accountable. A number of well-established principles of international law, such as the principle of non-refoulement, existed to help prevent such situations. The Working Group welcomed the readiness expressed by China to have academics and diplomats visit the centres in Xinjiang and would readily accept an invitation to conduct a visit and communicate directly with the persons residing there.

27. He welcomed the adoption of the guiding principles for the search for disappeared persons, which

would be of great service to the Working Group in its efforts to trace disappeared persons. Stressing the humanitarian nature of the Working Group's mandate, he called on States and the international community as a whole to enhance their efforts to trace victims of enforced disappearance and provide support and resources to victims and their families.

28. **Ms. Marin** (Special Rapporteur on the situation of human rights in Belarus), introducing her report (A/74/196), said that it focused on the issue of elections, as parliamentary elections would be held in Belarus in November 2019 and presidential elections in 2020. Elections had in the past been a catalyst for human rights violations in the country, with Belarus receiving criticism for its lack of compliance with international standards for genuine and free elections. Repeated calls had been made for reforms in relation to voter registration, the composition of electoral commissions and early voting arrangements. However, in the three years that had passed since the previous parliamentary elections, no amendments had been made to the Electoral Code. Even simple measures such as showing every ballot paper to observers had not been considered.

29. Respect for fundamental freedoms was essential to enable electoral candidates to debate freely and voters to seek information, but in Belarus those freedoms were undermined by an unfavourable legal framework. Journalists and bloggers faced obstacles that prevented them from operating, fines for cooperating with foreign media without accreditation, and even criminal prosecution. In 2018, a criminal investigation had been launched against several editors and journalists for allegedly sharing passwords to access an online paid subscription outlet, and the Minsk office of a Polish television station had been raided as part of a preliminary investigation into an alleged instance of libel. Such disproportionate actions encouraged self-censorship by journalists and, more broadly, raised fears of a return to the repression of those who expressed dissenting views, whether in the media, in the streets or online. In that connection, the unclear legal definition of "extremist" in the country's legislation left room for selective interpretation that in practice led to the targeting of individuals who expressed views that were not in line with those of the Government. In 2018, amendments to the already very restrictive law on mass media had been adopted to prevent media outlets, journalists and bloggers that were not duly registered from publishing online and to make it possible to hold the owners of duly registered websites criminally liable for content posted by others on their websites. Critical thinking and dissent were essential aspects of the right

to freedom of opinion and expression and should be given particular protection during electoral campaigns.

30. Belarus had ostensibly taken positive steps in relation to freedom of association and freedom of assembly by decriminalizing participation in unregistered organizations. However, such organizations were now subject to administrative liability and heavy fines, and in practice it remained extremely difficult to register an organization or political party that promoted ideas that were not aligned with those of the Government. Similarly, amendments to the law on mass events apparently loosened restrictions, but places where mass events could be held without specific authorization – which was selectively granted – were apparently located far from city centres, and the organizers were required to pay significant amounts for public service expenses associated with mass events, such as the police presence and street cleaning. Thus, legislative amendments had not led to real change in practice.

31. The environment in Belarus remained hostile to political pluralism, and civil and political rights were unduly restricted. The reforms that had been made to electoral laws were purely cosmetic. There were still no provisions guaranteeing equal voting rights, pluralism within electoral commissions, transparency in vote-counting processes or the implementation of safeguards to ensure the secrecy of the vote. It was unfortunate that she had not been permitted to visit Belarus since her appointment as Special Rapporteur. In spite of the continued lack of cooperation by the Government of Belarus with her mandate, she remained ready to engage constructively with that Government in an effort to promote and protect human rights in the country.

32. **Ms. Vasilevskaya** (Belarus) said that her Government had no interest whatsoever in cooperating with the Special Rapporteur. The mandate and the Human Rights Council resolutions on the situation of human rights in Belarus were a politically motivated abuse of Human Rights Council procedures that did nothing to promote or protect human rights.

33. Belarus had a high level of human development and was an open country; citizens of more than 80 States could enter without a visa. It cooperated with all the universal human rights mechanisms and regularly engaged in bilateral dialogue on human rights with the European Union and other partners. It therefore could not understand why the Special Rapporteur's mandate existed. Allocating funds to the mandate, including for the Special Rapporteur's travel and the preparation and publication of the essentially fictional reports, seemed extravagant in the light of the woeful financial situation of the United Nations.

34. The Special Rapporteur had painted a dark picture of future events in an effort to cast Belarus in an unfavourable light. She had no business casting aspersions on the country's electoral processes, which fell within the scope of the internal affairs of a sovereign State. Moreover, the reality was that elections in Belarus were conducted in strict compliance with national legislation, and a wide range of international observers, including the Organization for Security and Cooperation in Europe (OSCE), were invited to observe them. Belarus was willing to cooperate with its partners on electoral matters but did not see any point in engaging in a dialogue with the Special Rapporteur and welcomed the fact that the friends of Belarus were not wasting their time in doing so either.

35. **Mr. Poveda Brito** (Bolivarian Republic of Venezuela), speaking on behalf of the Movement of Non-Aligned Countries, said that at the Ministerial Meeting of the Coordinating Bureau of the Non-Aligned Movement held in Caracas in 2019, ministers had reaffirmed their commitment to the promotion and protection of universally recognized human rights and had unequivocally condemned the flagrant and systematic violations of human rights and fundamental freedoms. They had expressed their deep concern at the continued and proliferating practice of the selective adoption of country-specific resolutions in the Third Committee and the Human Rights Council, which was a means of exploiting human rights for political purposes and, as such, breached the principles of universality, impartiality, objectivity and non-selectivity. They had also indicated that they were concerned about the increasing politicization of human rights and the application of double standards within those bodies.

36. The universal periodic review was the main intergovernmental mechanism for examining human rights issues at the national level in all countries without distinction and was conducted with the full involvement of the country concerned and with due consideration for its capacity-building needs. As an action-oriented, cooperative mechanism, based on objective and reliable information and interactive dialogue, the review must be conducted in an impartial, transparent, non-selective, constructive, non-confrontational and non-politicized manner.

37. **Mr. Roijen** (Observer for the European Union) said that the European Union commended the Special Rapporteur for her work in the past seven years, despite the lack of cooperation from the country concerned. His delegation called on Belarus to cooperate with the Special Rapporteur; respect human rights and fundamental freedoms before, during and after the upcoming elections; and establish an environment

conducive to the participation of citizens in the conduct of public affairs. The efforts made by the Government of Belarus to ensure respect for fundamental freedoms, the rule of law and human rights would be key factors in determining the European Union's future policy towards Belarus. He asked what immediate steps Belarus could take to establish an environment favourable to the holding of free and fair elections and what Member States could do to better support the mandate of the Special Rapporteur.

38. **Mr. Lobo** (Norway) said that his delegation supported the recommendations set out in the report (A/74/196). It welcomed the positive steps that had been taken by Belarus, including its recent engagement with the Human Rights Council for the first time in 20 years. Norway urged Belarus to abolish the death penalty, regardless of public opinion, and make further progress with regard to the draft law on domestic violence. His Government was concerned about the situation of the Roma minority and lesbian, gay, bisexual and transgender persons in the country, and also the harsh sentences handed down to juveniles convicted of drug-related offences. While there were some positive signs with regard to safeguarding the space for civil society, it was important to ensure that any change in practice was enshrined in the law. Legislative reforms should be implemented in accordance with the recommendations of the OSCE Office for Democratic Institutions and Human Rights. Independent media, human rights defenders and opposition bodies must not be subjected to repression, violence or undue restrictions. His delegation would be interested to hear how the Special Rapporteur expected the electoral process to unfold.

39. **Ms. Arndt** (United States of America) said that it was disappointing that Belarus would not cooperate with the Special Rapporteur and continued to restrict human rights and fundamental freedoms. It must cease to obstruct the work of independent journalists in order to ensure access to information and the free exchange of ideas in the run-up to the elections. The Government of Belarus should also ease the burdensome registration process for civil society organizations, including human rights organizations and political parties. The United States urged Belarus to seize opportunities to demonstrate progress in the area of human rights and looked forward to continued improvements in its bilateral relations with the country. She asked what the most important steps were for Belarus to take in order to ensure full participation in democratic processes.

40. **Ms. Duda-Plonka** (Poland) said that it was regrettable that Belarus had not allowed the Special Rapporteur to visit the country. Poland called on Belarus

to refrain from detaining and prosecuting journalists, human rights activists and peaceful protesters; review its legislation on mass events; implement the recommendations of the Organization for Economic Cooperation and Development for addressing the shortcomings identified during the previous elections; and enhance its efforts to ensure that persons with disabilities were able to vote. She asked what steps Member States could take to provide support and advice to Belarus in the implementation of electoral reform.

41. **Mr. Luhan** (Czechia) said that his delegation was concerned about restrictions on the freedom of expression, assembly and association in Belarus. He also enquired about the current stage of the draft law on strengthening efforts to combat Nazi and extremist propaganda.

42. **Mr. Reed** (United Kingdom) said that Belarus should cooperate fully with the Special Rapporteur and ensure that the elections were conducted with full respect for fundamental freedoms and in accordance with the State's international obligations. International and national observers should be given free and unrestricted access to observe the election process. The United Kingdom, which worked with partners in Belarus to promote free and independent media, called on Belarus to respect freedom of expression. He also called for a moratorium on the death penalty as a first step towards its abolition. He asked what progress Belarus had made with regard to the Convention on the Rights of Persons with Disabilities.

43. **Mr. Rohland** (Germany) said that Belarus should cooperate with the Special Rapporteur, foster an environment that enabled its citizens to exercise their fundamental rights and freedoms during the electoral process, abolish the fees payable by the organizers of mass events and allow such events to be held in city centres. His delegation welcomed the discussions on the possible amendment of the law on political parties to simplify registration procedures. It was a positive sign that representatives of the opposition and civil society had been included in that process. The authorities should ensure that the amended law was aligned with international standards. Germany urged Belarus to accord national and international observers unrestricted access to all stages of the electoral process, including the vote count.

44. His delegation welcomed the shortening of prison terms for drug-related offences but encouraged the authorities to further reduce terms and apply alternative penalties for minors. It also called on Belarus to ensure that detainees were safe and to investigate any mistreatment. He would be interested to know what

opportunities there were for the international community to engage constructively with the Belarusian authorities with a view to improving the human rights situation in the country, particularly in the short term.

45. **Ms. Jakstiene** (Lithuania), noting that the human rights situation in Belarus had deteriorated over the past 25 years, urged the Government to engage in constructive dialogue with the Special Rapporteur and allow her to visit the country without preconditions. She asked what the international community could do to encourage Belarus in that regard and otherwise support the Special Rapporteur in fulfilling her mandate.

46. **Ms. Marin** (Special Rapporteur on the situation of human rights in Belarus) said that her report was based on verified facts and had been drawn up in compliance with the principles of independence, objectivity and impartiality enshrined in the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council. Creating an environment conducive to genuine and free elections required comprehensive reforms that could not be implemented only a few weeks before the elections. The Government could begin by refraining from detaining journalists, human rights activists and peaceful protestors. However, such actions were not enough to bring Belarus into compliance with its positive obligation to give effect in practice and in law to the rights set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. To promote compliance with those standards in Belarus, Member States could help to compensate for the Government's failure to cooperate with the Special Rapporteur by providing her with any first-hand information they had that could inform her assessment of the situation. Member States could also support organizations and individuals conducting human rights research in Belarus.

47. It was likely that the Government of Belarus would attempt to disincentivize opposition, rather than resorting to outright repression, during the electoral process. If citizens were afraid of asserting their rights and freedoms, they would not violate the law. Unduly restrictive laws must therefore be changed in order to allow the exercise of fundamental freedoms. Constructive engagement and dialogue between Belarus and other Member States would be a crucial element of that process. Specifically, interested Member States could offer to help Belarus to align its legislation with international human rights standards.

The meeting rose at 11.40 a.m.