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Chair: Mr. Braun (Luxembourg)

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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](#), [A/74/342](#) and [A/74/507](#))
- (d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (continued)** ([A/74/36](#))

1. **Mr. Salvioli** (Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence), introducing his report ([A/74/147](#)), said that it focused on apologies for gross human rights violations and serious violations of international humanitarian law. Apologies were essential measures for consolidating the rule of law, restoring society's trust in its institutions and fully respecting and guaranteeing human rights without discrimination. However, apologies should never be used as an excuse for non-compliance with obligations related to the truth, justice, institutional reforms, guarantees of non-recurrence, memorialization and financial compensation. Apologies implied acknowledging a wrong inflicted, admitting responsibility, making a sincere and unreserved statement of remorse and guaranteeing non-recurrence.

2. The report identified the international legal framework and jurisprudence regarding apologies and highlighted their past and future effects. Acknowledgement of the truth of past wrongdoing was a fundamental prerequisite for an effective apology and a

fundamental part of humanizing those who had suffered past abuses. Events must be acknowledged unequivocally, without justification or explanation, and the victims must be named to avoid general or vague apologies.

3. It was unacceptable to give an apology in order to avoid guilt or responsibility, or to move forward with subsequent policies of oblivion and denial. The timing of apologies was important. Symbolic dates were propitious for offering apologies, which should be made by individuals with the necessary authority to speak on behalf of the State or entity they represented. Moreover, the participation of victims in the apology process was imperative, and they must give their consent. In no way could apologies insult or revictimize the victims.

4. The apology given must be clear, unequivocal and expressed in a way that could be understood by society, avoiding unnecessary technicalities. Apologies required planning and should be given in a suitable location, and ceremonies must be dignified, solemn and serious. His report emphasized a victim-centred approach and due consideration for the gender perspective. However, the obligations of the State and other institutions did not end with the presentation of the apology. Important post-apology work could include the construction of memorials, the trial and conviction of those responsible and the provision of financial compensation to victims.

5. Apologies must constitute an institutional policy, which must be publicly and unequivocally sustained and upheld by high-ranking authorities and other State authorities. They must not be subsequently distorted by counteractions carried out by State officials as that would revictimize the victims, lead to new violations of the State's human rights obligations and contravene the principle of non-regression.

6. **Ms. Sánchez García** (Colombia) said that public apologies had been given in her country under the Colombian peace process. Apologies included recognition by the State of responsibility for the violation of rights to judicial guarantees and judicial protection. In the context of transitional justice, she hoped that the progress made in restorative justice by the Special Jurisdiction for Peace would be beneficial to the work of the Special Rapporteur. In that context, it was important for perpetrators to recognize responsibility for violent acts in a manner that showed empathy towards the victims. Her Government considered that the provision of satisfaction to victims was central to the reparations process, in particular during the act of recognition and apology, and therefore each aspect of the apology ceremony was discussed with victims and their representatives. In most acts in which responsibility had been acknowledged and public

apologies had been issued, victims had accepted the apologies given by the State and said that they constituted an important part of the reparation process. The experience of Colombia demonstrated that, in order for a public apology to be adequate and to fulfil the right to the reparation measure, it needed to include consultations with victims and their representatives; recognition of full responsibility, expression of regret and request for pardon by senior officials; participation of the victims and their families; participation of senior officials at the national and local levels; media presence; participation of the community and human rights organizations; and the other reparations measures.

7. **Mr. Verdier** (Argentina) said that his Government had supported the promotion of truth and initiatives on forensic genetics, human rights, transitional justice and enforced disappearances on the international agenda. The exhaustive report of the Special Rapporteur provided a description of the international legal framework and best practices for giving public apologies in order to maximize their effectiveness in contexts of transitional justice. It also highlighted the importance of integrating a gender perspective into the transitional justice process. He asked what the most effective measures were for removing barriers to the participation of women at all stages of the apology process.

8. **Mr. Potter** (Ireland) said that his delegation welcomed the emphasis of the Special Rapporteur on adopting a victim-centred approach, including the need to consult with victims. It also commended the recommendation on the need to incorporate a gender perspective, recognizing that gender-specific harms might be obscured if they were referred to under the broad umbrella of general human rights violations. The report contained numerous examples of good practices for issuing public apologies, as well as recommendations for the design and implementation of effective apologies. It also highlighted some less-than-successful instances. It would be useful to learn of the pitfalls to be avoided when there was a sincere desire to deliver a public apology.

9. **Mr. Giordano** (United States of America) said that the inclusion of victims and civil society was critical to the design and implementation of meaningful reparations programmes. His delegation appreciated the attempts made to highlight the specific needs of victims of sexual violence when considering appropriate and safe means for victims to participate in the design and implementation of reparations programmes. More needed to be done to support victims and to hold those responsible accountable, including members of Governments or security forces. The United States strongly supported efforts to promote justice and

accountability in Syria and continued to urge the Assad regime to refrain from arbitrary detentions, torture and extrajudicial killings and to release those arbitrarily detained with a view to rebuilding trust. Accountability and justice were integral steps required for there to be progress towards a long-term sustainable political solution to the conflict.

10. His delegation urged the Government of Myanmar to pursue justice for human rights violations and abuses across Myanmar, including by holding those responsible to account and providing victims with meaningful reparations. The Government of Myanmar must create the conditions for the voluntary, safe, dignified and sustainable return of Rohingya refugees from Bangladesh and must guarantee their rights in accordance with the recommendations of the Advisory Commission on Rakhine State. The United States supported the Colombian transitional justice process and recognized its importance in securing long-lasting peace. His Government called on the Government of Sri Lanka to continue its progress in implementing the recommendations of its national Constitution task force and the processes set out in Human Rights Council resolution 30/1, including those related to transitional justice, reconciliation and accountability. He asked how countries should deal with the tension between the often urgent need of victims for reparations and the desire to ensure that reparations programmes were comprehensive and addressed victims in a meaningful way.

11. **Mr. Leval** (France) said that French national law prioritized the duty to remember in order to ensure the non-recurrence of human rights abuses. The recognition of responsibility by States was necessary to guarantee the right to justice and truth for victims. France was committed to combating impunity, which was essential for supporting transitional justice mechanisms, and supported the work of the Special Rapporteur in that regard. The recommendations set out in the report would enable Member States to support transitional justice and reconciliation efforts in States undergoing post-conflict or transitional processes. He asked what measures States could adopt to facilitate apologies in cases of mass violations by non-State parties.

12. **Mr. Roijen** (Observer for the European Union) said that a victim-centred and gender-sensitive approach was key to delivering a meaningful apology. Restoring the dignity of victims through truthful apologies and guarantees of non-recurrence remained a vital tool for transitional justice. Given that those seeking apologies must understand the motivation of apologizing States and non-State groups, it would be useful to learn how such an understanding might be gained and better communicated. Noting the importance of accompanying

a public apology by appropriate follow through, he asked what steps should be taken to ensure that further State actions would follow, and which actors should be involved in that process.

13. **Ms. Fontana** (Switzerland), speaking on behalf of the Group of Friends of the Mandate of the Special Rapporteur, said that transitional justice was an integral part of a comprehensive approach to sustaining peace and could, in relevant contexts, contribute to the achievement of Sustainable Development Goal 16, on peaceful and inclusive societies. The mandate of the Special Rapporteur had relevance not only for human rights but also for development and peace and security and should therefore receive the attention that it deserved.

14. It was particularly important and challenging to ensure appropriate resonance of public apologies in the constituencies of both those making and those receiving them. In that regard, she asked how the relevant constituencies could be consulted most effectively. The report stressed the importance of carefully considering the timing for the delivery of public apologies. Considering that transitional justice processes usually progressed gradually over lengthy periods of time, it would be useful to receive further guidance on how to ensure a lasting positive effect of apologies in long-term reconciliation efforts.

15. **Mr. Lavalle Merchán** (Spain) said that the historical memory process in Spain had been strengthened in 2018 with the creation of a directorate general for historical memory within the Ministry of Justice, aimed at channelling the demands of civil society and implementing the memory-related policies that were promoted by international institutions. His Government was drawing up a State plan to create a census of mass graves, undertake exhumations and identifications and return remains to families. The Ministry of Justice had identified around 2,470 mass graves, which were estimated to contain the remains of over 100,000 people from the time of the Franco dictatorship. Identifying those remains was a complex task that required anthropological and genetic studies. A national census was being conducted to create a database of DNA profiles so that families of victims could find the remains of their loved ones.

16. **Ms. Carlé** (Belgium) said that a victim-centred approach and a gender perspective were essential for a meaningful apology to be given. Apologies could serve to establish an accurate public record of the past and were therefore an important method of truth recovery. The “moral authority” of the person giving the apology signalled the level of recognition that was being accorded to the victims. Extensive prior engagement

with victims was important to understand what they expected to hear from an apology. No public apology could yield tangible results unless it was followed up by concrete actions that constituted effective guarantees of non-recurrence. Memory work and reconciliation were important measures in that regard. In order to deliver a meaningful apology, apologizers should consult widely within their own constituencies. Since apologies were closely associated with notions of honour and reputation, she asked which approach should be used to convince constituencies of the need to make such an apology.

17. **Ms. Bouchikhi** (Morocco) said that her Government remained fully committed to reforming its justice system and strengthening the independence of the judiciary and judicial institutions. As one of the constitutional institutions charged with the protection and promotion of human rights, the Moroccan authority on equity and fighting all forms of discrimination submitted regular recommendations to the Government and to the justice system in an effort to guarantee the consolidation of the principles of transparency and integrity.

18. Noting the importance of timing in the delivery of public apologies, and considering that transitional justice processes could take place over lengthy periods of time, she asked what criteria defined a timely apology. In the context of the review of the treaty body system in 2020, she asked how the Special Rapporteur would coordinate with other mandate holders to increase coherence and harmonization.

19. **Ms. González López** (El Salvador) said that one of the recommendations that had been made by the Special Rapporteur during his recent visit to El Salvador was not to pay tribute to those accused of committing serious human rights violations during the civil war. Consequently, the new Salvadoran President, Nayib Bukele, had ordered the removal of Colonel Domingo Monterrosa’s name from the Third Infantry Brigade for his role in the 1981 El Mozote massacre. There could be no peace in a society without recognition of past mistakes, sincere repentance and due reparation for victims. Structural changes were also needed to ensure non-recurrence. However, there was still a long way to go to achieve true reconciliation. The peace that Salvadorans dreamed of would only be achieved through truth and justice. Her Government had reiterated its commitment to the promotion of truth, justice and reparation to victims.

20. **Ms. Xu Daizhu** (China) said that the right to truth and reparations should be enjoyed by everyone. Apologies as a means of providing remedy to victims were an important complement to reparations and helped to address disputes, ease tensions and achieve

reconciliation. In accordance with Chinese legislation, apologies were a central element in guaranteeing redress and reparations for victims.

21. **Mr. Salvioli** (Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence) said that Colombia had adopted many good practices in delivering apologies. For instance, there had been a hearing at the Inter-American Court of Human Rights in which a Colombian delegate had formally apologized to a victim in an act of recognition of responsibility. As noted by the representative of Colombia, apologies should always be given publicly.

22. With regard to the participation of victims, including victims of sexual violence, in the apology process, it was important to create trust among victims and safe spaces for them to follow the process in order to avoid revictimization. It was also crucial for people specialized in gender violence, indigenous communities and other cultural specificities to participate in those processes. Consultations should not be intimidating, and measures should be in place to protect victims, who should never be forced to participate in consultations with the perpetrators, for instance.

23. Public apologies must be sincere and given on behalf of the State as a whole. For instance, it would not make sense for a State official to apologize one day and for a different official to deny the facts the following day. Such acts were unacceptable and only served to revictimize the victims. In such cases, States should have the obligation to repeat the ceremony and deliver an appropriate apology.

24. Prevention was a central part of his mandate. Peacekeeping went hand in hand with the protection of human rights, as peace was not possible without effective guarantees and respect for human rights without discrimination. Effective consultations with participating groups was key in that regard, particularly in processes involving non-State actors. The State had a duty of due diligence, including to ensure respect for human rights where non-State actors were present. Following armed conflict, it was also important for non-State actors to deliver a solemn apology to victims.

25. He hoped that the measures described by the representative of Spain would be implemented as soon as possible, given the age of the family members of the victims of the Franco dictatorship. Those family members were waiting for the remains of their loved ones to be exhumed from mass graves and receive a dignified burial. The dictator Francisco Franco had been exhumed on 24 October 2019, which was a step that he welcomed, and he hoped that the other recommendations he had made would also be implemented in Spain, in

particular with regard to compliance with the law of historical memory and punishment of those responsible for the violation of human rights.

26. Those presenting an apology might do so for various reasons. Some were motivated by the possibility of being considered for future reintegration into society or as a strategy to achieving some kind of benefit after being sentenced for crimes against humanity, as had been the case in some instances before international courts. However, an apology should never be a pretext for impunity, and it was essential for victims to understand the motivation behind requests to make an apology.

27. With regard to accountability, there should be no impunity for war crimes and crimes against humanity, genocide or war crimes. Transitional justice was historically used as a mechanism for impunity but that was no longer acceptable under international law. Future reports to be presented to the Human Rights Council would focus on memory and accountability for bringing those responsible to justice and sentencing them using transitional mechanisms. In the long-term, it was important to understand apologies as part of a whole, and that apologies alone were of no importance if they were not accompanied by other measures. Issues of memory, accountability and reparations for victims were crucial.

28. He thanked the representative of El Salvador for her intervention. He was pleased that the first measure taken by the President of her country only two hours after having assumed his mandate had been to remove the name of Colonel Domingo Monterrosa, following a recommendation that he had made. During his visit to the county, he had promised the victims of El Mozote that their demands would not be forgotten, he had insisted to the State that it was a necessary measure and the State had reacted appropriately. Other measures were also needed, and he would ensure that all recommendations were taken into account.

29. **Mr. Madrigal-Borloz** (Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity), introducing his report ([A/74/181](#)), said that lesbian, gay, bisexual, transgender and intersex (LGBTI) persons continued to be excluded and marginalized around the world. In all regions, political campaigns, parliamentary debates and public manifestations revealed social prejudice and misconceptions about the nature and moral character of LGBTI persons. There was also a rise in ultraconservative and ultranationalist groups reclaiming so-called identities at the expense of sexual and gender minorities, challenging advances and preventing the development of inclusive laws and policies. LGBTI issues were often instrumentalized by social, political and

religious leaders as a threat to national cohesion, culture and tradition, in particular during periods of political and socioeconomic instability. Those narratives had an impact on the social inclusion of LGBTI individuals and negatively affected their access to health care, education, housing, employment, political participation, personal security and freedom from violence.

30. At school, LGBTI pupils faced abuse, including physical violence, social isolation, humiliation and death threats that resulted in feelings of unsafety, missed school days and reduced chances of academic success, and the response of schools was often poor. As a result, LGBTI youth were more likely to commit suicide. LGBTI persons also faced discrimination and abuse in all regions and in all stages of the employment cycle, which meant that they were often forced to conceal their sexual orientation and gender identity. They also faced discrimination in access to housing, which led to a disproportionate representation of LGBTI persons within the homeless population.

31. LGBTI persons faced higher rates of breast and cervical cancer, HIV infection and mental health concerns, including anxiety, depression, self-harm and suicide. Criminalization of consensual same-sex sexual activities in 69 countries and the pathologization of LGBTI persons too often rendered health services unavailable, inaccessible or unacceptable. LGBTI persons often faced discriminatory attitudes of health-care providers and disrespect or violation of medical privacy that deterred them from seeking services.

32. However, immense progress had been made in recent decades to deconstruct institutionalized discriminatory systems, myths and stereotypes and to foster the inclusion of LGBTI individuals. Over the past 20 years, 29 countries from all regions had taken steps to decriminalize same-sex relationships between consenting adults and more than 50 countries had adopted comprehensive anti-discrimination laws. Many States had also made important strides with respect to gender recognition and the removal of abusive requirements. Social inclusion required dismantling legislation that criminalized sexual orientation and gender identity or expression and negated people's identity. It also required urgent measures to dismantle the systems of repression that enforced the idea that diversity in sexual orientation and gender identity was somehow harmful to society, that LGBTI persons were somehow disordered or that their identities were criminal.

33. States must adopt a robust legal framework that protected LGBTI individuals from discrimination in all sectors and prevented discrimination in the fields of health, education, employment, housing, poverty and

access to justice. They should also adopt comprehensive programmes and plans, and review the policies implemented in all sectors to ensure that they adequately reflected the principles of equality and non-discrimination and were inclusive of LGBTI persons. Measures were also needed to sensitize and train State agents and service personnel. However, none of those measures would have an impact if the perpetrators of violence and discrimination enjoyed impunity for their acts. Access to justice and the provision of effective remedies were an integral part of the process aimed at dismantling deep-rooted discrimination and historical wrongs.

34. He concluded with three key findings: first, LGBTI persons made a significant contribution to the social fabric; second, their aspiration to be themselves and find happiness was an expression of the exercise of their human rights; and third, the satisfaction of their human rights was also the key to unleashing the full potential of their contributions to society.

35. **Ms. Oropeza Acosta** (Plurinational State of Bolivia), speaking on behalf of the LGBTI Core Group, said that the members of the Group welcomed the report and took the recommendations set out therein very seriously. Standing against violence and discrimination was not and should never be a matter of controversy. She asked for recommendations on how to better engage with organized religion and religious leaders, who could play a powerful role in promoting social inclusion for all, including LGBTI persons. Given the intersectional nature of discrimination and exclusion, she asked how a multidimensional analysis could be used to address their root causes.

36. **Mr. Bastida Peydro** (Spain) said that the Independent Expert had provided a number of examples of intersectionality in his report, one of which concerned the needs of older LGBTI persons. They experienced the same difficulties as other older persons, including loneliness, dependency, physical and cognitive deterioration and economic vulnerability, but were also more likely to suffer social rejection. Spain had recently organized an event that focused on support of older LGBTI persons. It would be useful to receive examples of a national strategy or good practices that specifically addressed that group of people.

37. **Ms. McDowell** (New Zealand) said that discriminatory laws and sociocultural norms continued to marginalize and exclude LGBTI and gender-diverse persons from education, health care, housing, employment and other sectors. Under the New Zealand Human Rights Act, it was unlawful to discriminate in those or other sectors on the basis of sex or sexual

orientation, and her Government was planning to add gender identity as a prohibited ground of discrimination. However, despite those protections, discrimination still occurred. A number of organizations in New Zealand, including the Human Rights Commission, the Council of Trade Unions and civil society groups, were actively seeking to prevent discrimination by running national awareness-raising campaigns, among other activities. It would be useful to learn more about impactful measures that could be taken by States to address misconceptions and prejudices that fuelled violence and discrimination.

38. **Mr. Tierney** (Ireland) said that his country remained strongly committed to promoting the rights of LGBTI persons and combating discrimination on the basis of sexual orientation or gender identity both nationally and internationally. A national debate had revealed the unnecessary suffering of LGBTI persons, but also how the creation of a more inclusive society could contribute to the well-being of society as a whole. His Government was developing a national LGBTI inclusion strategy aimed at enabling the full participation of LGBTI persons in social, economic, cultural and political life. Civil society partnerships played a vital role in the successful social inclusion of LGBTI individuals. He asked what Member States and the international community at large could do to facilitate the participation of civil society.

39. **Ms. Calaminus** (Germany) said that no one should suffer from violence or discrimination on the basis of their sexual orientation or gender identity. Ensuring human rights for all was a priority of her Government, which was aware that no country had reached full equality for LGBTI persons. Hate speech and intersecting forms of discrimination targeting LGBTI persons were on the rise, one example being the discrimination faced by migrant LGBTI persons. She asked the Independent Expert to share examples of best practices on how to prevent such messages and better protect LGBTI persons.

40. **Mr. Sigurdsson** (Iceland) said that, as a member of the Human Rights Council, his country had voted to extend the mandate of the Independent Expert. Much needed to be done in a world in which same sex relations remained illegal in close to 70 countries. Iceland firmly believed that all human beings were born free and equal in dignity and rights and it was proud to value diversity and difference. According to a 2017 study by the Organization for Economic Cooperation and Development, Iceland had the highest rate of social acceptance of LGBTI persons. The Icelandic parliament had passed an ambitious law on gender autonomy and gender recognition. However, more was needed to ensure equal rights. He asked how Iceland and other

States could best support efforts to decriminalize same-sex relations globally.

41. **Mr. García Moritán** (Argentina) asked how Member States and United Nations agencies could approach the achievement of the Sustainable Development Goals from a perspective that considered the barriers faced by LGBTI persons.

42. **Ms. Cohen** (Australia) said that her delegation appreciated the focus of the report on the ongoing impact of discriminatory norms, laws and practices on LGBTI persons. It was a timely reminder that all States needed to do more to ensure full, cross-sectoral equality for LGBTI persons, and that the work of the Independent Expert was critical to ensuring the group was not left behind.

43. Australia welcomed the report's detailed analysis of the impact of intersectionality. The global community would not meet the targets of the Sustainable Development Goals if it failed to recognize that LGBTI persons suffered higher levels of discrimination and violence than the general population. Marginalization and exclusion could be cumulative and exacerbated for persons with disabilities, older persons, women and children, and members of racial, ethnic and cultural minorities. Australia had made significant strides towards protecting and promoting equal human rights for LGBTI persons, including introducing measures to strengthen social inclusion and equality.

44. **Mr. Mack** (United States of America) said that, in joining the statement by the LGBTI Core Group, the United States had highlighted its commitment to the dignity and equal protection of LGBTI persons under the domestic laws of each country. His delegation recognized that the use in the statement of the term "discrimination" without a definition was subject to broad-ranging interpretations and would therefore welcome further discussion on that topic. The United States would also welcome a concerted and sustained effort to eliminate systematic barriers that restricted the ability of LGBTI persons to access essential goods and services.

45. Around the world, LGBTI persons were subjected to violence and bias-motivated crime. Governments should seek to ensure equal protection of every person's fundamental freedoms. The underreporting of violence and serious discrimination was a matter of deep concern. Comprehensive and accurate data collection was essential to formulating policy and to holding officials and others accountable for behaviour inconsistent with the equal rights and status of LGBTI persons. He asked what strategies States could implement to improve data collection on violence directed against members of the LGBTI community.

46. **Ms. Eneström** (Sweden), speaking on behalf of the Nordic and Baltic countries, said that the group remained deeply concerned that violence and discrimination based on sexual orientation and gender identity continued to exist worldwide. Under no circumstances could such human rights violations be justified. To respond to discrimination against LGBTI persons, the Independent Expert had recommended that State actors work together with non-State actors. The Nordic and Baltic States supported, cooperated with and defended a wide variety of civil society organizations and actors within their own borders and internationally. Without non-State actors, the international community would not be able to deliver on international human rights commitments. She wondered how State actors could increase synergies between international human rights law and the Sustainable Development Goals.

47. **Mr. Lauer** (Luxembourg) said that the Independent Expert was guided by the principle of dialogue. Given the rise of ultraconservative and ultranationalist groups reclaiming “identities” at the expense of sexual and gender minorities, it would be useful to learn what the international community could do for communication channels to remain open and ensure that the achievements gained were not lost.

48. **Mr. Arbeiter** (Canada) said that despite the progress achieved, stigmatization and discrimination against LGBTI persons still existed and could lead to a lack of access to basic services around the world. All States had an obligation to promote respect and prevent violence. In that context, he thanked the Independent Expert for focusing his report on the factors that contributed to social inclusion and pointing out the tremendous progress achieved in recent years in that regard. He asked for specific examples of public policies that had significantly improved access to health, education and housing for LGBTI persons.

49. **Ms. Kipiani** (Georgia) said that her country condemned all forms of violence and discrimination against LGBTI persons. Her delegation shared the concerns raised regarding discriminatory laws and social and cultural norms that barred LGBTI persons from education, health care, housing and employment. In recent years, Georgia had undertaken significant institutional and legal reforms on gender-related violence and discrimination, including the amendment of normative acts to align domestic laws with the ratified Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence; the adoption of a human rights action plan for 2018–2020; and the implementation of a school violence prevention programme.

50. **Ms. Košir** (Slovenia) said that, despite efforts to improve the legislative framework, LGBTI persons continued to face prejudice, stigma, discrimination, hate speech, violence and criminalization, which in turn resulted in social and economic exclusion and personal distress. Social stigmatization and bullying of LGBTI youth remained a reason for concern in most countries. Older LGBTI persons were often overlooked and faced intersectional discrimination, loneliness and greater exclusion from society. States should make a common commitment to advance human rights and equality for all and leave no one behind. Bearing in mind that in some countries, anti-discrimination measures were already in place, it would be useful to learn how States could achieve social inclusion for the most overlooked LGBTI groups.

51. **Ms. Příkrylová** (Czechia) said that the rights and freedoms enshrined in international human rights law applied equally to all individuals, including LGBTI persons, without distinction of any kind. Measures must be taken to end impunity for violent attacks on gatherings of LGBTI persons, human rights defenders and others, and access to justice must be ensured for such persons. Adequate and timely responses should be taken to human rights violations and abuses, including those against LGBTI and gender-diverse persons. She asked what could be done to support the global use of tools such as the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity.

52. **Ms. Wacker** (Observer for the European Union) said that, in line with the European Union guidelines to promote and protect the enjoyment of all human rights by LGBTI persons and the conclusions of the Council of the European Union on LGBTI equality, the European Union remained committed to equality, non-discrimination and the entitlement of all persons, regardless of sexual orientation or gender identity, to the full enjoyment of human rights. Noting that the Independent Expert had not yet issued any guidance on housing and homelessness for LGBTI persons, she asked what steps could be taken by States to prevent and eliminate discrimination on the basis of sexual orientation and gender identity by stakeholders such as public and private landlords and estate agents.

53. **Mr. Baror** (Israel) said that sexual orientation and gender identity was regrettably one of the most challenging issues faced in discussions in all forums at the United Nations, as had been evident during the renewal of the mandate of the Independent Expert in Geneva in June 2019. His delegation sincerely hoped that the process would be smoother in the future as there should be no doubt about the necessity of the mandate.

54. Israel had a strong system of youth movements, in which more than 30 per cent of young people in Israel took part on a regular basis. Among them was a very active movement of young LGBTI persons, with branches in almost all major cities and towns, including within religious communities. He asked what actions could be taken by authorities to assist young LGBTI persons in the process of revealing their identity and to ensure that the process would not result in social exclusion.

55. **Ms. Manuel** (Angola) said that her delegation would be interested to learn how the Independent Expert worked on the situation of LGBTI persons in countries that did not yet have official databases in that area. She asked how reliable the data were in the report, in particular with regard to cross-checking and comparing data in the case of trans women in Angola. She also asked what measures should be taken to ensure that countries took better account of the different concerns raised by the Independent Expert.

56. **Ms. Xu Daizhu** (China) said that her country was against all forms of discrimination and violence, including violence based on sexual orientation. The international community should respect the historical traditions and cultures of countries and, on the basis of equality and mutual respect, strengthen dialogue and cooperation to eliminate all kinds of discrimination and violence to ensure human rights and promote inclusiveness. Her delegation would be interested to learn of best practices in that area.

57. **Ms. Ruymbeke** (Belgium) said that her delegation commended the Independent Expert for his vital contributions to the policy debate in recent years. His approach, guided by the principles of intersectionality and dialogue, showed how leaders in the social, cultural, political and other fields could have an important role in combating discrimination. In creating narratives and solutions for social integration, States must carefully choose their systems of classification and adopt measures to balance limitations. She would be interested to learn of best practices for cases in which people did not recognize themselves within the group or the system's validity. She asked how leaders in society could help to begin the conversation without causing polarization.

58. **Ms. de Man** (Netherlands) said that her delegation would be interested to learn how the Independent Expert worked together with other special rapporteurs and independent experts to raise awareness of the intersectionality between his work and theirs. As Co-Chair of the LGBTI Core Group and an active member of the Equal Rights Coalition, the Netherlands would continue to address discrimination and violence against LGBTI persons, working together with different

partners to achieve that goal. For example, the Netherlands supported the Free and Equal campaign of the Office of the United Nations High Commissioner for Human Rights (OHCHR), which aimed to enhance equality and counter discrimination by engaging the entire the United Nations system in public advocacy for LGBTI equality.

59. **Mr. Roscoe** (United Kingdom) said that his delegation welcomed the recommendation that States should consider measures to formalize how people reported and addressed violence and discrimination based on sexual orientation and gender identity. It was critical to influence the public narrative in support of non-discrimination to end violence and discrimination based on sexual orientation and gender identity. Furthermore, all States should adopt anti-discrimination legislation in line with international human rights provisions as a primary tool for social inclusion. His Government was proud of its own anti-discrimination laws and was working with civil society groups around the world to support other countries seeking to reform discriminatory legislation through the provision of legal advice, technical capacity-building and the sharing of best practices. The United Kingdom looked forward to working with the Independent Expert in its capacity as Co-Chair of the Equal Rights Coalition.

60. **Ms. Vasquez Muñoz** (Mexico) said that her country was committed to enabling all persons, regardless of their sexual orientation, gender identity or expression and sexual characteristics, to realize their full potential. Its Constitution prohibited all forms of discrimination on grounds of sexual preferences or any other form of discrimination that constituted an attack on human dignity and was intended to nullify or undermine the rights and freedoms of individuals. It would be useful to learn of best practices for the comprehensive identification and reform of discriminatory legal provisions.

61. **Mr. Madrigal-Borloz** (Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity) said that he had endeavoured to inform his work through dynamic, open dialogue. In that regard, he reiterated his thanks to Mozambique, Georgia and Ukraine for receiving him on country visits and to Iceland and other countries that had received him on promotional visits. Dialogue was best when it was well informed and evidence-based. Data was therefore crucial for his work. He had received more than 50 submissions from Member States, civil society organizations, national human rights institutions, academics and one agency of the United Nations for his report. In addition, he had considered every historical submission to the mandate. However, there were

environments in which data were not being disaggregated or in which disaggregation did not help in understanding the impact on intersectionality concerning sexual orientation and gender identity. In such environments, it was often civil society that was endeavouring to gather the data, as reflected in his report to the Human Rights Council on data collection and management as a means to create heightened awareness of violence and discrimination based on sexual orientation and gender identity (A/HRC/41/45). Data needed to comply with a certain threshold of integrity for him to take them into consideration, and the best data were gathered on a national basis in line with standards that respected, for example, informed consent and the different sensitivities of LGBTI populations.

62. In his report, he had taken an intersectional approach by providing visibility to the information received in relation to certain communities, populations and peoples, dedicating separate sections to lesbian, bisexual and trans women; young persons; older persons; asylum seekers, refugees, migrants and internally displaced persons; and victims of humanitarian and natural disasters. He had worked in tandem with special rapporteurs in other areas, such as the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, with whom a joint statement had been issued. Best practices to guide non-discrimination in housing included protecting people from violence and discrimination based on sexual orientation and gender identity in housing legislation; prohibiting housing status as a ground for discrimination; and holding accountable actors who violated the right to adequate housing as a result of discrimination on the basis of sexual orientation and gender identity.

63. Unfortunately, data were available in very few regions of the world. Where data were available, they painted a harrowing picture for older persons. For example, strong predictors for cognitive impairment and Alzheimer's included stressors during youth, adolescence and young age, less contact with biological families, chosen families that were of the same age and therefore had the same vulnerabilities, and prevalence of HIV/AIDS, all of which were present manifold in LGBTI populations at large. Data lay at the source of every good policy in relation to those issues. A good example was the Aged Care Diversity Framework in Australia, which included a public policy to ensure diversity in the design and delivery of services for older LGBTI populations and an accompanying action plan with benchmarks for progress.

64. During his visit to Georgia, he had learned of the readiness of institutions to gather disaggregated data and of the significant efforts made in relation to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence over the past decade. He commended countries that had already taken steps to adopt gendered approaches to violence and discrimination.

65. He was making a very deliberate effort to connect systematically the lived realities of LGBTI persons with progress towards and the furtherance of the Sustainable Development Goals. Eliminating violence and discrimination based on sexual orientation and gender identity and furthering the Goals were inextricably linked. The criminalization of LGBTI persons was a fundamental barrier to furthering the Goals because it not only made integrity in data gathering impossible but also eliminated the visibility of the social problems of an entire tract of the population. He had therefore called for a world free of such criminalization by 2030 as an indispensable and inextricable accompaniment to furthering progress towards the Goals. However, social integration often depended on not only dismantling systems of criminalization but also adopting frameworks conducive to social inclusion, in particular for populations that had been underserved and were therefore condemned to be left behind if effective measures were not taken. He was particularly concerned about the lived realities of trans persons, a sector in which strong investment was required. An example of holistic efforts in that connection was an Argentinian public policy that had been designed to promote the inclusion of trans persons across the gamut of social services and sectors.

66. Good policy measures should be holistic and intersectional in nature and include the affected communities, populations and peoples. There was a lot that formalized sectors still did not understand about the lived realities of particular sectors of the populations within LGBTI communities and peoples. With regard to self-identification in public policy, it was crucial for the aspirations of communities and peoples to allow room for individual participation.

67. During his visit to Iceland, he had learned a great deal from the Bishop of the Church of Iceland about the country's 20 years of experience in interfaith dialogue in relation to ensuring cohesion and dialogue. When they worked from the point of view of inclusion and respect, religious leaders played a very constructive role and were essential voices in the dialogue.

68. **Ms. Callamard** (Special Rapporteur on extrajudicial, summary or arbitrary executions) said

that, through her investigation into the killing of Saudi journalist Jamal Khashoggi, the findings of which had been submitted to the Human Rights Council in June 2019 ([A/HRC/41/CRP.1](#)), she had found that Mr. Khashoggi had been the victim of a planned, organized, well-resourced and premeditated extrajudicial killing for which Saudi Arabia must bear responsibility. To date, the obligation of non-repetition had not been recognized and implemented. Neither Saudi Arabia nor the United Nations decision-making bodies had taken the steps necessary to criminally investigate the chain of command behind the large-scale operation that had led to the execution.

69. The execution of Mr. Khashoggi was emblematic of the global pattern of targeted killings of and violence against journalists, human rights defenders and political activists. Her work had shed light on the normative and policy implications of targeted killings for the international community. She had highlighted the duty of States to warn individuals of credible threats against their life. She would be developing a protocol for the investigation and response to such threats over the coming months. She was working with other special rapporteurs to establish a special procedures task force for rapid joint interventions. She had begun to elaborate on her recommendation that the United Nations equip itself with a standing international instrument to investigate targeted killings based on the model of the independent accountability mechanisms for Myanmar and the Syrian Arab Republic.

70. Introducing her present report ([A/74/318](#)), she said that she had focused on the application of the death penalty to foreign nationals and the provision of consular assistance by the home State. The death penalty fell within the scope of her mandate because it constituted an arbitrary execution when it was imposed in breach of any provisions of the International Covenant on Civil and Political Rights. She had addressed that topic because of the large number of foreign nationals who were on death row around the world and because of a normative gap with regard to the responsibilities of the home State.

71. People charged outside their own country confronted a broader range of challenges owing to their lack of familiarity with the legal system or the language in which it operated. Access to consular assistance mitigated the disadvantages confronted by them. Consular access was a universal human right that included the individual right to be notified of the possibility to request consular assistance and the right to receive that assistance. Both the prosecuting State and the home State of the person concerned therefore had distinct and complementary obligations: prosecuting

States must give foreign nationals access to their consulates in all circumstances; and home States must provide adequate and effective consular assistance, including when notified that one of their nationals was facing the death penalty. Failure to provide consular assistance amounted to a violation of the responsibility of all home States, whether abolitionist or retentionist, to protect the right to life. Given the universal nature of human rights and the obligation to apply those rights without discrimination, home States were required to provide consular assistance to their nationals overseas regardless of the crime for which they had been detained. The refusal by a State to provide consular assistance because of the alleged crime would violate both its obligation to protect the right to life and the prohibition of discrimination.

72. Her report contained guidelines for adequate and effective consular assistance. She acknowledged that States were not always able to provide consular assistance to their nationals in all circumstances, and consular officials should not put themselves in danger to meet that obligation. Some States, mostly middle-income countries, including Mexico and Nigeria, had already adopted sensible measures, such as adequate training of consular officials. The aim of the guidelines was to provide technical support to all States to enable them to provide consular assistance to all their nationals detained overseas and condemned to death. If implemented, the guidelines could protect detainees from arbitrary deprivation of life and ensure that all States upheld their human rights obligations.

73. **Mr. Roijen** (Observer for the European Union) said that the European Union reiterated its strong opposition to the death penalty at all times and in all circumstances. States should take steps towards the progressive abolition of the death penalty. The European Union was committed to preventing and ending extrajudicial, summary and arbitrary executions and to ensuring accountability for such violations of international law, namely, the right to life. He asked what measures could be taken by States for their nationals facing the death penalty. It would also be interesting to learn of the priorities of the planned work and country visits of the Special Rapporteur.

74. **Mr. Elizondo Belden** (Mexico) said that his country had reiterated in various multilateral forums the need to promote a moratorium on executions and, eventually, the abolition of the death penalty. The Mexican consular network was working to protect the rights of all Mexicans abroad, regardless of their legal or migratory status. The Mexican Capital Legal Assistance Programme sought to suspend the execution of Mexicans sentenced to death in the United States or,

where appropriate, to annul the sentence and reinstate the legal proceedings, and had managed to reverse death penalty rulings in 88 per cent of cases. His Government wished to know what additional steps it could take to strengthen such programmes.

75. **Mr. Sparber** (Liechtenstein) said that his delegation welcomed the Special Rapporteur's report to the Human Rights Council on the killing of Mr. Khashoggi ([A/HRC/41/CRP.1](#)). Noting that none of the Special Rapporteur's recommendations in that report had been implemented to date, he asked which measures should be implemented most urgently. Given that the Special Rapporteur had characterized the killing as an international crime, he would be interested to learn of options for universal jurisdiction in that respect. Liechtenstein was following keenly the Special Rapporteur's work on armed groups and non-State actors and would like to learn more about the interplay between the counter-terrorism and the human rights agendas.

76. **Mr. Vorobiev** (Russian Federation) said that equal and constructive dialogue on the death penalty could contribute tangibly to the development of a higher international standard for ensuring the right to life. To enhance international cooperation on that issue, it was of the utmost important to take into consideration the positions of all interested countries, including those whose legislation for one reason or another allowed the application of that extreme punitive measure. Without taking into consideration the historical, cultural, religious and other particularities of States that retained the death penalty, discussions on that issue would be unproductive and the solutions proposed unviable.

77. Only States had the sovereign right to determine punitive measures for the commission of illegal activities on their territory. The Russian Federation was therefore concerned by the skewing of recent discussions on the death penalty exclusively towards its universal abolition or even its prohibition and by the actively promoted approach of equating the death penalty to unlawful deprivation of life. Further movement in that direction would only increase confrontation among States. A clear distinction must be made between the application of the death penalty for the most serious crimes that posed a danger to society, which was the prerogative of the State concerned, and the methods of execution. The use of poor-quality lethal injections or other methods that turned the final hours of the sentenced person's life into unbearable physical suffering should be condemned and reviewed. His Government remained committed to the moratorium on the death penalty that had been in place in the Russian Federation since 1999.

78. **Ms. Nemroff** (United States of America) said that her Government trained thousands of local law enforcement officials across the country regarding the obligations of the United States for consular notification. It was also committed to ensuring fair and humane treatment for United States citizens imprisoned overseas and assisting incarcerated citizens and their families within the limits of international and applicable domestic laws.

79. In Burundi, security forces and members of the ruling party's youth wing reportedly continued to perpetrate unlawful killings against perceived members of the opposition, and the situation appeared to be worsening in the lead up to the country's 2020 elections. In the Philippines, there were credible allegations that security forces, vigilantes and others were conducting extrajudicial killings in the Government's war on drugs. In the Bolivarian Republic of Venezuela, the United Nations reported that the Maduro regime had committed almost 7,000 extrajudicial killings since 2018. With regard to the murder of Mr. Khashoggi, the Government of Saudi Arabia must conduct a fair and transparent judicial process and hold those responsible to account. In the Syrian Arab Republic, the Assad regime was responsible for innumerable atrocities, some of which rose to the level of war crimes and crimes against humanity. In the north-eastern part of the country, reports that Turkish-supported opposition forces had deliberately targeted civilians were troubling. The Government of Turkey should immediately investigate the incidents and ensure that its forces and any other forces under its command and control acted in accordance with the law of armed conflict. Credible reports of extrajudicial killings in Bangladesh, Libya and Nicaragua were also of concern. Governments should conduct thorough and transparent investigations into all reports of extrajudicial killings.

80. She asked how the international community could help to protect civil society actors, such as activists, media workers and political opposition members, from extrajudicial killings.

81. **Ms. Stasinowsky** (Australia) said that, as set out in its strategy for the abolition of the death penalty, her Government opposed the death penalty in all circumstances for all people. Australians facing or potentially facing the death penalty received high-priority, targeted consular assistance. States should meet their obligations under article 36 of the Vienna Convention on Consular Relations in relation to communication with and access to nationals of sending States. Australia did not deport or return individuals to situations in which they faced a real risk of the application of the death penalty, unless the country

concerned provided an undertaking that the death penalty would not be imposed. States should not deliberately or inadvertently share information that might contribute to the imposition of the death penalty. The Australian federal police force applied safeguards to control information-sharing in situations in which a person might face the death penalty. She asked how other States could be supported in introducing reforms to ensure that they did not directly or indirectly facilitate the imposition of the death penalty abroad.

82. **Mr. Verdier** (Argentina) said that his country had ratified all international and regional instruments on the abolition of the death penalty and was fostering various initiatives aimed at achieving that objective. Argentina was firmly committed to working towards the universalization of the International Convention for the Protection of All Persons from Enforced Disappearance. In accordance with international law, all States had the duty to provide an adequate level of consular assistance to their nationals at risk of being condemned to death, for which capacity-building and training might be required for consular officials. He asked what the most effective measures were to ensure that States complied with their obligations regarding communication with nationals of the sending State, as set out in article 36 of the Vienna Convention on Consular Relations.

83. **Ms. Xu Daizhu** (China) said that, as a legislative and judicial issue, the death penalty fell within a country's domestic jurisdiction. There was no consensus among the international community on the merits of the existence or abolition of the death penalty or on what constituted the most serious crimes that warranted the application of the death penalty. When considering whether punishments, including the death penalty, should exist and be used, factors such as the judicial systems, the level of economic and social development, the historical and cultural background and public opinion in the countries concerned should be taken into consideration.

84. Her Government pursued a policy of maintaining the death penalty but exercising strict control over its application. The policy was a prudent choice based on international human rights conventions and the conditions in China. Chinese criminal law stipulated that only criminals committing extremely serious crimes were subject to the death penalty. In 2015 and 2016, the Criminal Code had been amended to remove the death penalty for 22 criminal offences. In 2017, the Supreme Court had issued legal opinions to ensure the proper application of the death penalty and non-discrimination in its application.

85. **Mr. Sigurdsson** (Iceland) said that his Government was opposed to the use of death penalty in

all circumstances and supported efforts towards a moratorium on and, ultimately, the abolition of capital punishment. Unfortunately, intentional State killings of human rights defenders, journalists and dissidents continued. The unlawful killing of Saudi journalist Mr. Khashoggi must be condemned in the strongest possible terms. In her report on her investigation, the Special Rapporteur had highlighted that the extrajudicial killing of Mr. Khashoggi violated a core tenet of the United Nations, namely, the protection of freedom of expression. He asked how that horrible event could help to ensure that freedom of expression was better safeguarded in the future.

86. **Mr. Sylvester** (United Kingdom) said that his Government would continue to work with others in seeking to bring the abhorrent practice of extrajudicial, summary or arbitrary executions to an end and echoed the call to respect the right to life. With regard to the killing of Mr. Khashoggi, anyone found responsible following a credible judicial process must be held to account, and the Government of Saudi Arabia must ensure that such a terrible event never happened again.

87. It was the long-standing policy of the United Kingdom to oppose the death penalty in all circumstances as a matter of principle. Its use undermined human dignity; there was no conclusive evidence of its deterrent value; and any miscarriage of justice leading to its imposition was irreversible and irreparable. He asked what issues in relation to extrajudicial, summary or arbitrary executions had been underexamined and warranted further attention by States.

88. **Ms. Matar** (United Arab Emirates) said that her Government reaffirmed its commitment to comply with its human rights obligations under international law. In accordance with that commitment, the death penalty was applied in the United Arab Emirates only to the most heinous crimes and only after adhering to the due process of the law, which included a fair trial before a judicial body at which a lawyer was present to defend the accused and the right to an appeal. Her delegation was therefore concerned that the Special Rapporteur had exceeded her mandate by reporting on the alleged disproportionate application of the death penalty to foreign nationals in several countries, noting that she had referred to the death penalty in the United Arab Emirates in paragraph 12 of her report. The laws, regulations and policies of the United Arab Emirates, which applied equally and without preference to all persons in its jurisdiction, guaranteed respect for the internationally recognized rights of those facing the death penalty. In particular, consular notification and assistance was a minimum fair trial guarantee in death penalty cases in the United Arab Emirates so as to

ensure that non-citizens were not disproportionately affected. Her delegation took the opportunity to acknowledge the regular and positive engagement between OHCHR and the United Arab Emirates.

89. **Mr. Almanzlawiy** (Saudi Arabia) said that, with regard to the killing of Mr. Khashoggi, his country had taken steps to bring those responsible to justice. A total of 11 people had been arrested and accused, including 5 against whom the prosecution had requested that the harshest punishment be applied. Five meetings had taken place and meetings continued to be held in the justice sector in accordance with the judicial legislation of Saudi Arabia. Representatives of China, France, the Russian Federation, Turkey, the United Kingdom and the United States had been able to attend the trials. The Special Rapporteur had used media information in which negative positions against Saudi Arabia were reflected and had made accusations against Saudi Arabia without any proof whatsoever.

90. **Ms. Callamard** (Special Rapporteur on extrajudicial, summary or arbitrary executions) said that international law should be regarded, at a minimum, as progressively abolitionist in the sense that it required States to move away from the death penalty. The fact that retentionist States could dispense with the full application of article 6 of the International Covenant on Civil and Political Rights should not be interpreted as meaning that the use of the death sentence was strictly speaking legal. There was plenty of evidence, including court decisions, pointing to the fact that the death penalty was in almost all cases a violation of article 7 of the Covenant, the prohibition against torture.

91. Unfortunately, methods that could only be characterized as torturous and that should be repealed immediately continued to be used to implement the death penalty. In 2019, she had worked on two cases of terminally ill people who had been subjected to the death sentence. For one of them, it had taken four to five hours of repeated attempts to kill him.

92. Under international law and the Vienna Convention on Consular Relations, prosecuting States were clearly required to notify detainees of their right to receive consular assistance. The Convention did not, however, specifically impose a duty on the home States of detainees. As a result, there had been a number of cases of foreign nationals being notified of their right to consular assistance by the detaining State but not receiving assistance from their home State. She had been thus compelled to write her report because it appeared that many nationals were not receiving the consular assistance to which they were entitled under international law. There was absolutely no doubt that

foreign nationals were at a disadvantage when detained and charged. She was sorry that some States might disagree with her analysis, but it was based on facts and data: foreign nationals simply were disproportionately affected by the death penalty.

93. She was prepared to go through the guidelines set out in her report with Member States to identify priorities. One step would be for all countries, in particular abolitionist countries, to enshrine in their constitutions or legal frameworks a right to consular assistance for their nationals when detained abroad. Such a right was currently recognized in only a handful of constitutions. It should be enshrined in law that nobody should be transferred to a country in which they might face the death penalty without receiving strong assurances that the death penalty would not be applied. There were too many cases of individuals being transferred from an abolitionist country to a country that used the death penalty without such guarantees being demanded and, in addition, without effective consular assistance being provided. Abolitionist countries must ensure that their commitments were implemented without discrimination, including in the cases of people who might have committed so-called heinous crimes. She was grateful to Mexico, Nigeria, the United Kingdom and other countries that had provided many good examples of how consular assistance could be implemented.

94. In the context of her report on the investigation into the killing of Mr. Khashoggi, the key recommendation was the necessity of accountability. Although steps had been taken in Saudi Arabia, they did not meet the requirements under international law, including the requirement of transparency. She had repeatedly emphasized the need to investigate the chain of command because, in many cases, the masterminds behind the killings of journalists were never identified or prosecuted. The Secretary-General should build upon her investigation and put in place a criminal investigation focusing on the chain of command and the identification of the mastermind. She was grateful to Governments that had spoken up and encouraged them to continue to demand accountability. The crime in that particular case amounted to an international crime because of the multiple violations of international law, including violations of the right to life, the right not to be tortured, the Vienna Convention on Consular Relations and the Charter of the United Nations. She was not suggesting that all targeted killings amounted to an international crime, but that particular case was at a level of seriousness that could give rise to universal jurisdiction. No steps had been taken in that direction, but Governments should reflect on how targeted killings could fit better within their commitment to universal

jurisdiction. To protect civil society, journalists and individuals against targeted killings, States must warn individuals in or outside their territory of threats to their life. The investigation of threats, which was too often neglected, must become a common practice.

95. With regard to future missions, she was currently in negotiations with the Governments of Mozambique and the United States for missions to those countries. She hoped to have an opportunity in the near future to discuss a mission to Kenya, which was one of the countries on her priority list.

The meeting rose at 12.50 p.m.