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Chair: Ms. Kaczmarek (Vice-Chair) (Poland)

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In the absence of Mr. Blanco Conde (Dominican Republic), Ms. Kaczmarek (Poland), Vice-Chair, took the Chair.

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

Agenda item 68: Promotion and protection of human rights (continued)

(a) Implementation of human rights instruments (continued) (A/77/40, A/77/44, A/77/228, A/77/230, A/77/231, A/77/279, A/77/289 and A/77/344)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (continued) (A/77/48, A/77/56, A/77/139, A/77/157, A/77/160, A/77/162, A/77/163, A/77/167, A/77/169, A/77/170, A/77/171, A/77/172, A/77/173, A/77/174, A/77/177, A/77/178, A/77/180, A/77/182, A/77/183, A/77/189, A/77/190, A/77/196, A/77/197, A/77/199, A/77/201, A/77/202, A/77/203, A/77/205, A/77/212, A/77/226, A/77/235, A/77/238, A/77/239, A/77/245, A/77/246, A/77/248, A/77/262, A/77/262/Corr.1, A/77/270, A/77/274, A/77/284, A/77/287, A/77/288, A/77/290, A/77/296, A/77/324, A/77/345, A/77/357, A/77/364 and A/77/487)

(c) Human rights situations and reports of special rapporteurs and representatives (continued) (A/77/149, A/77/168, A/77/181, A/77/195, A/77/220, A/77/227, A/77/247, A/77/255, A/77/311, A/77/328 and A/77/356)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (continued) (A/77/36)

1. **Ms. Villa Quintana** (Chair of the Committee on Enforced Disappearances), introducing the report of the Committee on Enforced Disappearances (A/77/56), said that enforced disappearance was a crime that not only harmed the victims and their families but also had a devastating impact on society. An unwavering commitment from States was needed to prevent and eradicate enforced disappearances. In the first half of 2022, three more countries had ratified the International Convention for the Protection of All Persons from Enforced Disappearance, taking the total number of States parties to 68. Each new ratification was a reflection of that State's conviction that the rights and obligations contained in the Convention should be a reality for all.

2. During the reporting period, the Committee on Enforced Disappearances had adopted two reports on requests for urgent action. Trends observed in that connection included a lack of investigation strategy, a lack of coordination between search and investigation procedures and a lack of a differential approach, in addition to obstacles to the participation of relatives in the search and investigation and threats made against them.

3. In November 2021, the Committee on Enforced Disappearances had visited Mexico, its first visit to a State party. In March 2022, it had adopted its report on that visit (CED/C/MEX/VR/1 (Recommendations) and CED/C/MEX/VR/1 (Findings)) and was identifying ways in which it could support the State party in implementing its recommendations. The Committee was also preparing to visit Iraq in November 2022 and was waiting for a response from Colombia to its request for a visit.

4. Current projects included a draft general comment on enforced disappearances in the context of migration, in relation to which the Committee on Enforced Disappearances had already adopted a concept note, issued a call for input and conducted consultations in Asia and Latin America, with others forthcoming in Europe and Africa. Together with the Working Group on Enforced or Involuntary Disappearances, the Committee on the Rights of the Child and four special procedures, it was working on a draft joint statement on illegal intercountry adoptions. It was also strengthening its coordination with the Working Group, through joint meetings, joint statements and a leaflet to explain their mandate and working methods.

5. To complete its agenda, the Committee on Enforced Disappearances needed to hold meetings between sessions and outside planned hours during the session. The shortfall in meeting time was making its work very difficult. The meeting time and human resources allocated to the Committee had remained unchanged since its establishment 12 years prior. The Committee was continually striving to improve its working methods in order to be able to do more, but with the current workload, its agenda would be full until 2032, which was completely unacceptable. Two two-week sessions a year were inadequate. It had made concrete and reasonable proposals whose implementation would enable it to respond to the specificities of the Convention. The Committee wished to be more effective and consistent without overloading States. Victims had high expectations and the Committee wished to collaborate with all stakeholders. She trusted that States would carefully examine the proposals made and would

grant the Committee the additional three weeks of meeting time and the human resources requested.

6. **Ms. Freudenreich** (France), welcoming the latest ratifications, said that they were testament to the interest of States in the contributions that the Convention could make and to the relevance of the work of the Committee on Enforced Disappearances. France was gravely concerned by the increasing recourse to enforced disappearance during recent conflicts and crises. Concrete responses were needed, which must be in line with the approach provided for under the Convention, namely, early warning, creation of the specific offence of enforced disappearance, establishment of responsibility and upholding the rights of victims and their families. France and Argentina shared the common goal of achieving universal ratification of the Convention in order to establish a clear legal framework, prevent such practices and combat impunity.

7. **Ms. Andrić** (Croatia) said that her country's ratification of the Convention was one of many steps it had taken to tackle the issue of missing persons. Croatia had had to develop its own model for searching for missing persons. Following the aggression against the country in the 1990s, thousands of Croatians had gone missing, mostly civilians. Thanks to the efforts undertaken by national institutions, in cooperation with international organizations, the families of the victims and civil society, more than two thirds had been accounted for. Ascertaining the fate of the 1,832 who remained missing was a longstanding priority. Casualty recording could complement efforts to account for missing persons. The Croatian approach was not only applicable to armed conflict; it was an integrative approach that emphasized the rights of relatives to an investigation and to justice. Croatia welcomed visits from countries wishing to learn from its experiences.

8. Her delegation shared the concern of the Committee on Enforced Disappearances regarding the apparent lack of coordination between search and investigation procedures. Enforced disappearances must be properly investigated not only to combat impunity but also as a matter of prevention. In 2019, Croatia had adopted a law on persons who had gone missing during the Homeland War. Croatia appealed unceasingly for the neighbouring countries to cooperate fully in sharing archival information and to work in good faith to realize the families' right to truth. She asked how the international community could ensure cooperation between States and enhance investigation efforts to prevent unnecessary delays or protracted politicized procedures.

9. **Mr. Heartney** (United States of America) said that his delegation strongly condemned the arbitrary detention or disappearance of over 152,000 persons in Syria and called on all parties to ensure the unconditional, immediate and humane release of those individuals. It remained gravely concerned by the repression by the Government of the People's Republic of China of predominantly Muslim Uyghurs, ethnic Kyrgyz, ethnic Kazakh and members of other ethnic and religious minority groups in Xinjiang, including the enforced disappearance of members of those groups. It was also gravely concerned by robust, credible evidence that Russian authorities were reportedly detaining or disappearing thousands of Ukrainian civilians, including children. The reported use by the Government of Iran of enforced disappearance to punish Iranians for exercising their rights of peaceful assembly and freedom of expression was also a matter of serious concern. Governments must put an end to enforced disappearances, hold to account those responsible and ascertain the fate or whereabouts of loved ones who had been disappeared. He asked what steps the international community could take to encourage Governments to respond promptly and fully to reports of enforced disappearances.

10. **Mr. Prytula** (Ukraine) said that the whereabouts of thousands of Ukrainian citizens was unknown following the launch by Russia of its full-scale invasion in February 2022. It had become routine for that aggressor State to kidnap and hold incommunicado local officials, priests, retired service personnel of the Ukrainian armed forces and active staff of emergency services and municipal facilities, as well as other civilians who did not hold public office but were open about their devotion to Ukraine. Hundreds of them had turned up dead as a result. Most had been tortured, and thousands had been missing for months. Enforced disappearance had become a common practice in relation to the Ukrainian citizens who had not passed the "filtration".

11. The world must not forget the fate of those Ukrainian service personnel who had defended Mariupol and other territories with extraordinary bravery, and who were currently being held by the aggressor State. In violation of international humanitarian law, the whereabouts of hundreds of them was unknown to the Ukrainian side or to their loved ones. His delegation wished to thank the Working Group on Enforced or Involuntary Disappearances for its attention to the gross and systematic violations of human rights by the aggressor State and its proxies and counted on its proactive approach to fulfilling its mandate in the context of the numerous urgent appeals that it had received regarding the crimes of Russia in the occupied

territories of Ukraine. Ukraine stood ready to engage further with the Working Group to resolve those and other challenges.

12. **Ms. Santa Ana Vara** (Mexico) said that, in August 2022, her country had submitted its observations on the Committee's report on the visit it had conducted to Mexico in November 2021. Mexico had also reported on its efforts to implement the Committee's recommendations, which included the creation of a national centre for human identification, the approval of guidelines for the external search and investigation support mechanism and the creation of a mechanism to follow up on the international recommendations regarding enforced disappearance. Mexico was firmly committed to taking action to prevent, investigate and punish enforced disappearances, and to supporting the victims and providing them with appropriate reparations.

13. **Ms. Szelivanov** (Representative of the European Union, in its capacity as observer) said that the surge in enforced disappearances during recent crises and conflicts made the work of the Committee on Enforced Disappearances even more crucial. The Committee and the Working Group must cooperate and coordinate closely with other human rights mechanisms on the issue of enforced disappearance. The adoption of the Convention had marked a decisive moment in addressing the crime of enforced disappearance, in particularly with respect to prevention, early warning and combating impunity. The European Union was firmly committed to universal ratification of the Convention and encouraged all States parties to cooperate actively with the Committee and follow up on its requests for visits. She asked how the Committee handled allegations of reprisals against the loved ones of missing persons.

14. **Ms. Squeff** (Argentina) said that her country had launched an international campaign on the right to identity, the aim of which was to intensify efforts to find the grandchildren wrongfully removed from their families during the country's most recent dictatorship, who might be living abroad. The campaign was a joint initiative between the National Commission on the Right to Identity and the association Abuelas de Plaza de Mayo. Furthermore, thanks to the crucial role played by the national genetic databank, 130 grandchildren had recovered their identities. Such stories were the reason that Argentina had assumed a leading role in combating impunity for the crime of enforced disappearance by means of the Convention. Together with France, Argentina was conducting a third campaign to promote universal ratification of the Convention, with the aim of reaching 100 ratifications by 2025. Referring to paragraph 25 of the report, she asked for more

information regarding the joint road map adopted by the Committee on Enforced Disappearances and the Inter-American Commission on Human Rights and the concrete actions that would be taken, and regarding the way in which the two bodies cooperated.

15. **Mr. González Behmaras** (Cuba) said that the inclusion in the report of false allegations regarding Cuba was unfortunate. Those allegations formed part of an international campaign against Cuba, orchestrated and financed from the United States, which was designed to distort reality, create instability in Cuba and justify a policy of hostility towards the Cuban people. The allegations had nothing to do with human rights but rather had the aim of changing the constitutional order in Cuba.

16. None of those arrested and prosecuted for the violence and vandalism of 11 July 2021, which had been instigated and encouraged from United States territory and upon which the allegations in the report were based, had disappeared. Cuba had provided a timely and detailed response to the requests for information and requests for urgent action. The forces of law and order had acted in accordance with Cuban law when responding to those acts, which were considered offences in all countries. By contrast, the police response in Washington on 6 January 2021 had yet to be clarified and the United Nations human rights mechanisms had said very little about it.

17. Neither the report nor its introduction by the Chair of the Committee on Enforced Disappearances had contained a single word on the detailed information provided by the Cuban authorities between July 2021 and March 2022 concerning the alleged events, which had enabled the Committee to close the cases relating to 76 per cent of the allegations and discontinue another 10 per cent. Regarding the 14 per cent that the Committee had decided to leave open, his Government had provided detailed and timely information showing that no cases of enforced disappearance had occurred in Cuba. Paradoxically, none of that had been mentioned in the report. Such omissions reflected a biased and unbalanced approach that did nothing to contribute to the climate of cooperation and dialogue that should prevail in interactions between treaty bodies and States. United Nations human rights mechanisms, including the treaty bodies, should demonstrate objectivity, independence and probity, and should work on the basis of truth and proven information. Cuba would continue to apply its laws rigorously and fulfil its obligations in that domain.

18. **Ms. Garcia** (Luxembourg) said that her country had ratified the Convention on 1 April 2022. Completing

ratification had been one of the voluntary commitments it had undertaken in the context of its candidature for membership of the Human Rights Council for the period 2022–2024. Despite significant progress in the areas of human rights and international law, enforced disappearance continued to be a reality everywhere. Preventing enforced disappearance and combating impunity for enforced disappearance, which could constitute a crime against humanity, should be a priority for the United Nations and its Member States in their efforts to promote and protect human rights. She asked how States could enable the effective participation of loved ones in search and investigation procedures and what measures States should take to protect the relatives of disappeared persons from reprisals after a request for urgent action had been registered by the Committee on Enforced Disappearances.

19. **Mr. Miyamoto** (Japan) said that enforced disappearance was a serious violation of human rights. Ensuring universal ratification of the Convention was necessary to prevent such violations effectively. The Government of Japan would continue to cooperate with the Committee on Enforced Disappearances so that that body could fulfil its obligations and conduct fair and balanced reviews.

20. **Ms. Li Xiaomei** (China) said that the enforced disappearance of migrants merited the attention of the Committee on Enforced Disappearances. The United States had serious issues in that regard, in particular the enforced disappearance of migrant children and their forced separation from their parents, which deserved the attention of the international community. The United States had also committed a series of human rights violations in Guantanamo Bay prison. China urged the United States to stop making up lies about Xinjiang, to do some soul searching and to investigate the serious human rights violations that it had committed, including enforced disappearances.

21. **Ms. Villa Quintana** (Chair of the Committee on Enforced Disappearances) said that achieving universal ratification of the Convention was a priority for the Committee on Enforced Disappearances and she called on all States that had not yet done so to ratify it. Ratification was a very clear indication of a State's commitment to the principles of preventing enforced disappearance and combating impunity, which represented the foundation of the Convention. Ratification also enabled the Committee to support States in taking concrete action to prevent enforced disappearances, since it constituted a recognition of the obligations undertaken upon ratification and of the rights of disappeared persons.

22. As had been demonstrated in many parts of the world, it was possible to develop concrete strategies for searching for and identifying missing persons. The Committee on Enforced Disappearances was preparing a list of issues for Ukraine. She welcomed the openness of Mexico to international scrutiny and the country's commitment to implementing the Committee's recommendations following its visit. The Committee was grateful to the European Union for its support, in particular for its cooperation and coordination with the Working Group to strengthen action.

23. The Committee on Enforced Disappearances had approved guidelines on reprisals and had been reporting on its action taken in that regard in its annual reports. The guidelines went hand in hand with the Guidelines against Intimidation or Reprisals adopted in San José in 2015. Within the framework of the joint road map adopted by the Inter-American Commission on Human Rights and the Committee, those two bodies had made joint statements, undertaken consultations and exchanged information on procedures, to avoid duplication in the case of individual communications.

24. Concerning the comments made by the representative of Cuba, the Committee on Enforced Disappearances gathered allegations in an objective manner and reflected them in its report. It was following up on the urgent action requests and had closed those for which all information had been received.

25. **Ms. Baldé** (Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances) said that, in view of the fact that 2022 marked the thirtieth anniversary of the adoption of the Declaration on the Protection of All Persons from Enforced Disappearance, the Working Group had issued a study ([A/HRC/51/31/Add.3](#)) in which it took stock of the Declaration's contribution to international law, identified obstacles to its implementation and discussed how the Working Group could assist States in overcoming them through technical assistance and cooperation.

26. However, the anniversary was not a time for celebration but rather for reflection. Much progress had been made over the previous 30 years, including the adoption of the Convention in 2006. There was also greater awareness of the crime of enforced disappearance and a greater number of legislative and institutional tools to address it. However, the practice continued to exist and transform. Alarming new trends had emerged, which required new responses from the Working Group and the international community. The Working Group was conducting a thematic study on new technologies and enforced disappearances. New technologies had a dual relationship with human rights;

while they could be used to restrict fundamental rights, they could also serve to document and investigate violations and promote accountability. She invited all States to contribute to the study.

27. The figures on enforced disappearances contained in the Working Group's annual report to the Human Rights Council ([A/HRC/51/31](#)) represented a fraction of the total. Reprisals, harassment and repression against the families of disappeared persons and against those who supported them remained common and explained why many disappearances went unreported.

28. The Working Group had carried out country visits to Cyprus and Uruguay in 2022. Country visits enabled the Working Group to gather first-hand accounts and fulfil its monitoring mandate, thus contributing to the prevention of enforced disappearances. The Working Group therefore called on all States that had received a request for a country visit to respond favourably.

29. The cooperation of States was key to preventing, combating and eradicating enforced disappearances. The Working Group called on the international community to redouble its efforts to address it. Any action taken must be tailored to the specific needs of the victims and their families. A step in that direction would be for all States to ratify the Convention and to recognize the competence of the Committee on Enforced Disappearances to receive and examine individual and inter-State communications.

30. **Ms. Szelivanov** (Representative of the European Union, in its capacity as observer) said that enforced disappearance could never be justified. The European Union was concerned by the persistence of reprisals against family members and against the human rights defenders who supported them. Credible and impartial investigations must be conducted into the rising number of enforced disappearances of journalists and media professionals in several countries. Her delegation was particularly concerned by the enforced disappearances perpetrated by the Russian armed forces in Ukraine, aided and abetted by the Belarusian authorities, and by the situation in Syria.

31. The lack of willingness of some countries to cooperate with the Working Group was regrettable. Her delegation encouraged all States to follow up on the Working Group's observations and requests for visits. She asked how the Working Group intended to respond to the lack of engagement and cooperation from a number of States and whether some initial feedback on the use of new technology in its work could be shared.

32. **Mr. Bauwens** (Belgium) said that the figures contained in the Working Group's annual report were

staggering and showed that the issue was ongoing and widespread. The lack of engagement and cooperation from a number of countries was therefore all the more disconcerting. His delegation encouraged the 19 States that had not yet responded to a request for a country visit to provide positive replies as soon as possible, especially those that were members of the Human Rights Council. Belgium also supported the call for States to take effective measures to prevent acts of intimidation and reprisals against family members and human rights defenders. He asked for more information on the Working Group's reiterated call to be given a role in the follow-up to the findings of the commissions of inquiry and other fact-finding or investigative bodies created by the Human Rights Council insofar as they related to enforced disappearances and what kind of role was envisaged. He also wondered whether the Working Group had been given any role in that regard since its previous call.

33. **Ms. Eugenio** (Argentina) said that her Government was committed to improving national tools to prevent disappearances and to strengthening reparation processes. Her delegation strongly supported the call for all States to ratify or accede to the Convention and to accept the competence of the Committee on Enforced Disappearances to receive and examine individual and inter-State communications. Universal ratification of the Convention was a pending challenge for the international community. She asked whether the thematic report on new technologies would focus on how technologies could help locate missing persons, or which other aspects it might address.

34. **Ms. Freudenreich** (France) said that the lack of cooperation from several States was disappointing in light of the recent resurgence of enforced disappearances. Her delegation encouraged all States to cooperate actively with the Working Group and to follow up on its requests for visits. Concerning the thematic report on new technologies and enforced disappearances, she would like to know how the Working Group would involve all stakeholders concerned.

35. **Mr. Miyamoto** (Japan) said that enforced disappearance was an extremely grave violation of human rights. The abduction of foreign nationals was one form of enforced disappearance and it was a matter of profound concern to the international community. The abduction of Japanese nationals by the Democratic People's Republic of Korea was a serious matter, given that it affected national sovereignty and the lives and safety of the Japanese people. A great deal of time had passed since the abductions had taken place; the relatives of the victims were advanced in age and many had already passed away. There was no time to lose,

given the tremendous suffering that the victims and their families had endured. Under the Stockholm Agreement, the Democratic People's Republic of Korea had promised to carry out comprehensive and thorough investigations regarding all the Japanese nationals concerned, including the abductees. He strongly urged the Democratic People's Republic of Korea to implement that Agreement and return all abductees to Japan with immediate effect. His Government was determined to take all possible measures to resolve enforced disappearances, including the abductions issue, and would continue to deepen its cooperation with the Working Group. His delegation wished to reiterate its request for the international community's understanding and cooperation in relation to the abductions, and would welcome any ideas for future collaboration.

36. **Mr. Tun** (Myanmar) said that the situation of enforced disappearances in Myanmar was alarming and was becoming more serious by the day. Since the illegal military coup of 2021, atrocities and crimes against humanity had been committed against civilians by the military. They included enforced disappearances, the purpose of which was to be able to interrogate suspects or to instil fear in the population and thus prevent further resistance. Over the previous 20 months, many civilians had been abducted and their whereabouts was unknown. In some cases, their families had been informed of their deaths a few days later; in others, information on the detainees had been concealed. Without any intervention from the international community, the military was free to mistreat or torture the detainees. In light of the deeply rooted culture of impunity within the military, he asked what methods the Working Group could use and what assistance the international community could render to the Working Group in order to effectively assist the disappeared persons and their families.

37. **Mr. Kim** Nam Hyok (Democratic People's Republic of Korea) said that his Government endeavoured to promote international cooperation and support global efforts to protect all persons from enforced disappearance. Rather than exchanging views and finding solutions to overcome challenges in the global human rights sphere, however, some Member States sought, without justification, to take issue with an individual State. Regarding the groundless claims made by the representative of Japan, his delegation completely rejected all allegations against the Democratic People's Republic of Korea; the abduction issue referred to repeatedly by Japan had already been fully and permanently resolved through the good faith efforts of the Democratic People's Republic of Korea. Japan continued to manipulate the issue for political purposes, to divert the attention of the international community

away from its war crimes. In reality, his country was a victim of the abduction issue. As history had shown, Japan was the world's worst war criminal State and abductor on record. During its occupation of Korea during the previous century, Japan had forcibly abducted 8.4 million innocent Koreans and taken them to its slave labour site, killed more than 1 million of them and forced 200,000 women into military sexual slavery. Those crimes could not be denied. His delegation urged Japan to end its politically motivated campaign against the Democratic People's Republic of Korea and to give priority to taking concrete steps towards officially apologizing for its past crimes and providing due compensation.

38. **Ms. Faiq** (Pakistan) said that her country had a zero tolerance policy towards enforced disappearance and had robust institutional and administrative mechanisms in place, including an independent commission of inquiry that investigated alleged cases, regularly conducted public hearings in provincial capitals and provided legal remedy free of charge. The Government had introduced a bill criminalizing enforced disappearance, which was at an advanced stage of the legislative process.

39. The scale of enforced disappearances in the occupied territory of Jammu and Kashmir had worsened over the previous three years and the fate of hundreds of Kashmiris remained unknown. The abduction and enforced disappearance of 15,000 young Kashmiri boys by the Indian occupying forces was both disturbing and alarming. Many families in the occupied territory feared that their missing relatives had been killed by the occupying forces during custodial torture. The presence of over 8,500 unmarked mass graves in the occupied territory lent credence to those fears. She asked how thorough and independent investigations could be carried out to determine the fate of missing persons in territories under foreign occupation, and which international law instruments applied to occupying forces to hold them accountable for enforced or involuntary disappearances in disputed territories recognized by the United Nations.

40. **Ms. Al-Mehaid** (Saudi Arabia) said that her country cooperated with all the United Nations human rights mechanisms and fulfilled all its human rights obligations. All of her country's laws were consistent with the relevant legal framework. Individuals could be imprisoned only when permitted by law; during investigations and trials, persons accused of a crime enjoyed all their rights under the law and were permitted visits from their relatives. Reliable sources were crucial. It was important to engage in an open dialogue with the countries concerned in order to evaluate respect for human rights in those countries and to uphold

international human rights obligations as best as possible.

41. **Mr. Sharma** (India) said that his country was a signatory to the Convention and its independent judiciary used the writ of habeas corpus in the process of determining the whereabouts of disappeared persons. Law enforcement agencies in India must operate within the law; there was no concept of absolute immunity from trial by criminal court. To prevent disappearances in police custody, the National Human Rights Commission had issued extensive guidelines on arrest, which supplemented the guidelines issued by the Supreme Court. The Commission investigated and monitored human rights violations and trained police and security personnel. Under the Right to Information Act of 2005, victims of enforced disappearances had a right to the truth.

42. His delegation condemned the comments made by the representative of Pakistan concerning the internal affairs of India and completely rejected the malicious references to Jammu and Kashmir, which was an integral part of India. Pakistan had a long history of enforced disappearances, and in many cases human rights and minority rights defenders had been targeted. Enforced disappearances, extrajudicial killings and arbitrary detentions with immunity by State security agencies of those who tried to speak out against the establishment were rampant in Pakistan. It was no surprise that Pakistan did not criminalize enforced disappearance.

43. **Ms. Ahangari** (Azerbaijan) said that, under international humanitarian law, parties to conflict had an obligation to prosecute and punish those responsible for serious offences. In Azerbaijan, a database on missing persons had been created to establish the fate or whereabouts of the almost 4,000 Azerbaijanis who had gone missing in connection with the conflict between Armenia and Azerbaijan. A national commission on prisoners of war, hostages and missing persons worked with the International Committee of the Red Cross to collect DNA samples from the relatives of missing persons in order to identify persons buried in mass graves. Resolution was essential not only to ensure accountability and uphold the rights of the victims and their families, but also for the purposes of post-conflict reconciliation and normalization in the region. Azerbaijan had formally appealed to the United Nations to use its good offices to resolve the issue. She asked how the Working Group could better assist in establishing the fate of missing persons in cases where the country responsible did not cooperate in providing information and refused to account for missing persons.

44. **Ms. Demosthenous** (Cyprus) said that the fate of around 50 per cent of the missing persons in Cyprus remained unknown, causing anguish to their loved ones, many of whom had passed away without news. The numbers were disappointing and alarming. Her Government had always considered missing persons as a purely humanitarian matter and worked tirelessly towards a resolution in order to ease the suffering of the families concerned. It had never politicized the issue, keeping it separate from efforts to find a solution to the political problem. Her Government was studying the recommendations contained in the report on the visit conducted by the Working Group to Cyprus in April 2022 ([A/HRC/51/31/Add.1](#)) that were addressed specifically to the Government of Cyprus. Implementation of the recommendations contained in that report could facilitate efforts to identify the remains of all missing persons.

45. **Ms. Bouchikhi** (Morocco) said that her country's Constitution provided explicit protection against enforced disappearance. Morocco had played a major role in the drafting of the Convention and had ratified it in 2013. Universal ratification was essential so that States could work together to combat enforced disappearance effectively. The election of the Moroccan expert Mr. Mohammed Ayat as a member of the Committee on Enforced Disappearances testified to the Kingdom's credibility and competence in the matter and to the human rights protection afforded in the country. It was also a reflection of the country's commitment to and its involvement in international efforts to address enforced disappearance. Her delegation was concerned by the rising numbers of enforced disappearances; States must fulfil their obligations to conduct searches for missing persons and ascertain the fate of those persons.

46. **Mr. Altarsha** (Syrian Arab Republic) said that his delegation had been pleased to note that the report contained no references to cases of enforced disappearance in Afghanistan. Of course, Afghanistan had become a safe country since the United States and others had withdrawn all their troops. As the subject of Afghanistan had not been raised by the Western countries, it seemed that enforced disappearances were not occurring there. He wondered whether the question raised by the European Union and other delegations provided sufficient evidence that they were politicizing the issue and using it to point the finger at other countries rather than actually caring about any real cases of enforced disappearance, or whether it would be necessary to listen to any more such statements.

47. **Mr. Miyamoto** (Japan) said that, under the Stockholm Agreement of May 2014, notwithstanding its

previous position, the Democratic People's Republic of Korea had promised to carry out comprehensive and thorough investigations regarding all the Japanese nationals concerned, including abductees. His delegation urged the Democratic People's Republic of Korea to implement the Agreement and to return all the abductees to Japan as quickly as possible. Their family members were of advanced age, and some had even passed away. There was no time to waste. In addition, in its report of 7 February 2014 ([A/HRC/25/63](#)), the commission of inquiry on human rights in the Democratic People's Republic of Korea had taken up the abductions issue and had called for the return of the victims and their descendants to their countries of origin. The Democratic People's Republic of Korea should listen sincerely to the calls of the international community, including the commission of inquiry, and the voices of the victims and their families and should take concrete action towards the immediate resolution of the abduction issue.

48. **Mr. Kim Nam Hyok** (Democratic People's Republic of Korea) said that his delegation wished to make its position clear regarding the groundless claims made by Japan. The abduction issue no longer existed since it had been fully resolved. His delegation strongly urged Japan to desist from making its failed argument concerning the abductions, admit and apologize sincerely for its past war crimes, and provide due compensation.

49. **Ms. Baldé** (Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances) said that the subject of reprisals was one of the concerns of the Working Group, as it had indicated in its report. It called on States to take effective measures to prevent acts of intimidation and reprisals, protect those working on cases of enforced disappearance and punish the perpetrators. She wished to recall article 13 of the Declaration on the Protection of All Persons from Enforced Disappearance as well as principle 14 of the Guiding Principles for the Search for Disappeared Persons.

50. The study on new technologies was in process. Member States could participate by responding to the call for contributions by the deadline of February 2023. The Working Group was looking at the subject of enforced disappearance and technologies from three perspectives, namely (a) how technology was being used against human rights defenders and civil society organizations, including relatives of disappeared persons and their representatives, and what kind of protection strategies existed and could be put in place; (b) how technologies could be applied effectively to facilitate the search for disappeared persons and to ensure that their fate or whereabouts were established properly, reliably and safely; and (c) how new

technologies could be used to obtain evidence of acts of enforced disappearance.

51. With regard to politicization, the Working Group transmitted cases on the basis of individual allegations, in good faith and in accordance with its humanitarian mandate and its methods of work. It operated with the highest levels of objectivity, independence and impartiality.

52. Concerning the comments made by the representative of Ukraine, the Working Group continued to be engaged and had registered several cases. The Working Group stood ready to assist Pakistan in its efforts to strengthen its legislative and institutional frameworks and to provide technical and other assistance in accordance with its mandate, including by carrying out a follow-up visit, in line with its recommendations. The Working Group noted that India had signed the Convention and encouraged that State to ratify it and thus provide its nationals with a framework on the issue of enforced disappearance. In response to the question from the representative of Azerbaijan, she said that the issue of disappeared persons in armed conflict should not be treated as a bargaining tool. All persons should be registered as prisoners of war and allowed to communicate with their families, and all legal safeguards should be upheld. The Working Group stood ready to conduct a country visit in order to fully assist the Government of Azerbaijan. The Working Group commended the Government of Cyprus on its commitment to follow up on the recommendations contained in the country report. The situation in Cyprus was an example of how conflicts should not be used to politicize the search for the disappeared.

53. Regarding the role that the Working Group could play on commissions of inquiry and other mechanisms, it stood ready to cooperate with existing mechanisms and to provide its know-how, since it had been working on the issue of enforced disappearance for four decades. Its goal was to improve coordination, avoid duplication and continue to assist victims and their families.

54. Impunity for enforced disappearance remained rampant. In some cases, that was because of amendments made to domestic laws that were at odds with international law. Properly investigating enforced disappearance was essential not only to combat impunity but also as a preventative measure to guarantee non-recurrence. The fight against enforced disappearance was a common one, and all stakeholders would need to collaborate to put an end to it.

55. **Ms. Nougères** (Special Rapporteur on the right to privacy), introducing her report ([A/77/196](#)), said that, to carry out many public and private activities, personal data

must be processed, and such processing was increasingly performed using information and communications technology. While technology was a crucial element of development and progress, it also posed a number of risks, mainly through inappropriate use, when the mass processing of personal data did not take into consideration reasonable expectations of privacy. Existing national and international regulations were general in nature and must be given concrete form. It was not enough to recognize fundamental rights and develop laws; enforcement was required to provide effective protection.

56. In her report, she had analysed the principles of legality, lawfulness and legitimacy, consent, transparency, purpose, fairness, proportionality, minimization, quality, responsibility and security, which were the cornerstones of the legal system relating to privacy and the protection of personal data. She had also undertaken a comparative study of those principles in seven international regulatory documents, and had highlighted their common elements with a view to working towards a global consensus and hence addressing the various challenges that arose in the processing of personal data.

57. A balance must be struck between the different interests involved in the processing of personal data. The challenge was to advance as a civilization, increase existing levels of cooperation and respect freedom and human dignity, which meant upholding fundamental rights as well as recognizing them.

58. **Ms. Szelivanov** (Representative of the European Union, in its capacity as observer) said the report of the Special Rapporteur had laid important groundwork for the development of principles that would better protect the right to privacy and personal data at the global level. The principles proposed by the Special Rapporteur would help Member States to fill the gaps in their national laws and would guide controllers and processors in their everyday work.

59. The Special Rapporteur's work was fundamental to safeguard human rights, freedom, equality, honour and dignity in the digital era, especially in the case of vulnerable groups. The speed with which technology developed in the digital sphere made it particularly challenging to adapt the human rights regulatory framework. She asked how Member States could better support the Special Rapporteur in ensuring that human rights were as well protected in the virtual world as in face-to-face environments.

60. **Ms. Gunderson** (United States of America) said that the United States supported interoperable approaches to privacy regulations that provided effective and enforceable data privacy protection and were flexible to

accommodate different legal regimes. It also encouraged the use of voluntary tools to help organizations identify and manage privacy risks, such as the privacy framework of the National Institute of Standards and Technology. At the sixty-sixth session of the Commission on the Status of Women, the United States had helped launch the Global Partnership for Action on Gender-Based Online Harassment and Abuse. The Partnership emphasized the need for greater accountability for perpetrators of gender-based online harassment and abuse, which impeded an individual's ability to enjoy the right to privacy.

61. Her delegation remained concerned by the growing misuse of technologies for arbitrary and unlawful surveillance that disregarded privacy and enabled repression. It condemned Russia for its misuse of technologies in carrying out "filtration" operations against Ukrainian citizens, which it called on Russia to halt immediately. She asked what the Special Rapporteur's next steps would be to address the intentional misuse of digital technologies to violate human rights, including privacy.

62. **Ms. Zinchenko** (Russian Federation) said that her delegation agreed with the need to make progress on finding a balance in the processing of personal information in the digital age and on cooperation in relation to regulation and harmonization.

63. Ensuring privacy and protecting personal data was one of the most topical issues on the international human rights agenda. The adoption of emerging technologies underpinned the global process of digitalizing all spheres of life and provided many opportunities for improving people's lives. However, the ubiquitous use of digital technologies could harbour threats, which could involve the invasion of privacy and the promotion of illegal activities. The central role in organizing the collection of data lay with the State, which was the only entity in a position to establish and ensure their protection under law. However, personal data should be accessed with strict adherence to international law.

64. Regretfully, of late, there had been wholesale violations of the right to privacy and the right to confidentiality of correspondence. Strict control of the individual had become the norm in a number of Western countries, which were increasingly resorting to so-called digital espionage. Furthermore, the West made flimsy accusations against out-of-favour States with an independent foreign policy and subjected them to unilateral coercive measures. Her delegation was convinced that depoliticized, mutually respectful dialogue and constructive cooperation on human rights

would help find collective solutions and take account of the opinions of all relevant stakeholders.

65. **Ms. Degabriele** (Malta) said that children had become active users of technology both in their personal lives and in educational settings. However, they were unable to consent to matters relating to privacy. All individuals had a right to privacy, regardless of their age. The Special Rapporteur had underlined the principles of responsibility and security in relation to the right to privacy. She asked what the main obstacles would be to achieving a balance between those principles and the ability of minors to protect their personal data.

66. **Ms. van Kralingen** (Netherlands) said that her delegation agreed that the fundamental principles proposed could serve as a basis for moving towards a global consensus that would make it possible to address the various challenges arising in the processing of personal data. The Netherlands would encourage any efforts that contributed to reaching such a consensus, since human rights deserved equal respect in both virtual and face-to-face environments and States should ensure that an adequate legal framework was in place. As indicated in the report, technological neutrality in legislation was particularly important. She asked how to ensure that legislation was both technologically neutral and specific enough to provide an effective legal framework.

67. **Mr. Yahiaoui** (Algeria) said that, under his country's Constitution, the protection of individuals in the processing of their personal data was a fundamental right. That provision had been strengthened by a law adopted in 2018, on the basis of which a national authority for the protection of personal data had been established and put into operation. His delegation was deeply concerned by the increasingly levels of illegal spying, in violation of international law. Such practices posed a serious threat to the progress made in the area of human rights as well as to international security and stability. His delegation called for those illegal practices to be condemned at all levels and hoped that practical recommendations would be made to put an end to them. He would like to hear the thoughts of the Special Rapporteur in that regard.

68. **Mr. Wennholz** (Germany) said that the report was truly ambitious. The next step towards reaching a global consensus would be to flesh out the fundamental principles more concretely. In an increasingly digitalized world, the right to privacy could be violated in lasting and multiple ways, especially in the case of more vulnerable groups, such as women. Effective guidelines were needed to ensure respect for the right to privacy and the protection of personal data and the report would guide both national

legislators and legal and technical practitioners. He asked how to ensure that the principles outlined in the report were effectively adopted, implemented and applied at the national level, especially with regard to the right to privacy of the most vulnerable groups.

69. **Mr. Liu Xiaoyu** (China) said that his Government placed a high priority on protecting the privacy of its citizens. Through a global initiative on data security it had proposed in September 2020, China had contributed to the development of global digital governance rules. In November 2021, a law for the systematic and comprehensive protection of personal information had come into effect in China, which set out clear principles for protecting personal information and rules for handling it. The law also improved the institutional mechanism for personal information protection and constituted another contribution to global digital governance. China was committed to working with the international community to explore the development of international rules on digital governance that reflected the wishes and respected the interests of all parties, and to creating an open, fair, just and non-discriminatory environment for digital development.

70. **Ms. Nougères** (Special Rapporteur on the right to privacy) said that the fundamental right to data protection and privacy must be balanced with the need for free circulation of goods and services. Drafting regulations on the international transfer of data that could cover all States and be truly global would be a challenge, and a consensus would be needed on various issues in order to reach agreement. Regarding cooperation, the aim was to agree on common values and achieve a consensus on what would work and could be put into practice.

71. In her report, she discussed both regulation and action, meaning both the rules and their application. Mechanisms were already in place that provided protection in specific cases where violations might have occurred, or that protected particularly vulnerable groups. However, the best mechanisms for ensuring data protection and privacy were risk awareness and education. There was no such thing as absolute security, although efforts should be made to achieve it to the extent possible. The law must develop in lockstep with technology.

72. Neutrality was a laudable goal that the international community should strive for but it would always be a work in progress and was very difficult to achieve. The task was to harmonize and cooperate among the different social groups in order to agree on standards and reach a consensus, bearing in mind that privacy concerned all areas of life.

The meeting rose at 12.05 p.m.