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Chair: Mr. Marschik (Austria)
later: Ms. Monica (Vice-Chair) (Bangladesh)
later: Mr. Marschik (Chair) (Austria)

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

Agenda item 71: Promotion and protection of human rights (continued) (A/78/198)

(a) Implementation of human rights instruments (continued) (A/78/40, A/78/44, A/78/48, A/78/55, A/78/56, A/78/240, A/78/263, A/78/271, A/78/281, A/78/324 and A/78/354)

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(c) Human rights situations and reports of special rapporteurs and representatives (continued) (A/78/204, A/78/212, A/78/223, A/78/244, A/78/278, A/78/297, A/78/299, A/78/326, A/78/327, A/78/338, A/78/340, A/78/358, A/78/375, A/78/511, A/78/526 and A/78/527)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (continued) (A/78/36)

1. **Mr. Albán Alencastro** (Vice-Chair-Rapporteur of the Committee on Enforced Disappearances), introducing the report of the Committee on Enforced Disappearances (A/78/56), said that enforced disappearance continued to be one of the most significant human rights issues, and the international community should redouble its efforts to prevent and eradicate that crime. States that had not yet ratified or acceded to the International Convention for the Protection of All Persons from Enforced Disappearance should do so in order to strengthen and give greater legitimacy to the international legal framework in that area.

2. During the reporting period, the Committee on Enforced Disappearances had examined initial reports and additional information provided by States, engaged in constructive dialogue and issued final observations,

including relevant recommendations. The Committee had also adopted follow-up reports on the implementation of its recommendations, prepared lists of questions for the examinations of reports and sent reminders to Members States whose report deadlines had expired. In addition, the Committee had adopted its interpretative statement on non-State actors in the context of the Convention and general comment No. 1 (2023) on enforced disappearance in the context of migration, and had continued to work on its project on the notion of short-term enforced disappearance together with the Working Group on Enforced or Involuntary Disappearances.

3. As at 31 March 2023, the Committee on Enforced Disappearances had registered 1,578 requests for urgent action under article 30 of the International Convention for the Protection of All Persons from Enforced Disappearance. Certain issues relating to the urgent action procedure persisted, including a lack of cooperation by States with the Committee in the implementation of its recommendations, a lack of coordination between search and investigation procedures, and the inadequate application of a differential approach in cases involving victims from particularly vulnerable groups, such as women and children. Although the procedure had enabled the location of 494 missing persons, of whom 438 had been found alive, the Committee remained concerned about reprisals against individuals who activated the procedure or provided information. The Committee had reminded States parties of their obligations to prevent, investigate and punish any acts of intimidation and harassment against victims and those who accompanied or represented them.

4. In November 2022, the Committee on Enforced Disappearances had visited Iraq. In March 2023, it had adopted its report on that visit (CED/C/IRQ/VR/1 (Recommendations) and CED/C/IRQ/VR/1 (Findings)) and had made recommendations to support the State in preventing and eradicating disappearances, combating impunity and upholding the rights of victims. The Committee was waiting for a response from Colombia to its request for a visit.

5. The commitments of the Chairs of the treaty bodies to enhancing the predictability of their work must be matched with corresponding commitments from Member States. In the case of the Committee on Enforced Disappearances, States should submit the information needed for reviews in a timely manner, commit to implementing the Committee's recommendations, cooperate with the Committee to ensure the effectiveness of the urgent action procedure and allocate sufficient human, material and financial resources to

enable the Committee to fulfil its various treaty mandates in a timely and comprehensive manner. The Committee must have an adequate number of sessions each year to catch up on the backlog and sufficient staff to handle the urgent action procedure.

6. **Ms. Szelivanov** (Representative of the European Union, in its capacity as observer) said that the prohibition of enforced disappearance was universal and absolute, and the European Union thus underlined the importance of the International Convention for the Protection of All Persons from Enforced Disappearance and its implementation. All States should sincerely cooperate with the Committee on Enforced Disappearances to guarantee the rights of victims to truth, justice and reparation. She asked how the Committee planned to remedy the lack of cooperation from certain States parties that failed to respond to requests for urgent action or to follow-up on the Committee's recommendations.

7. **Mr. Oddone** (Argentina) said that his country continued to hold investigations and trials related to those responsible for crimes against humanity committed during the civilian-military dictatorship. Argentina was coordinating with countries in the region to exchange information from databases and documentary archives to facilitate the search for those who had disappeared in the 1970s and 1980s. Together with France, Argentina was conducting a third campaign to promote the universal ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, with the aim of reaching 100 ratifications by 2025. He asked which strategies were the most effective for ensuring that States that had signed the Convention would proceed with its ratification and how States and the United Nations system could work together to promote greater adherence to the Convention.

8. **Mr. Miyamoto** (Japan) said that it was essential to promote the universalization of the International Convention for the Protection of All Persons from Enforced Disappearance. His Government would continue to cooperate with the Committee on Enforced Disappearances to enable the Committee to carry out its work under the Convention and conduct fair and balanced reviews.

9. **Mr. Al-Khaqani** (Iraq) said that his delegation wished to know what criteria the Committee had used, in line with article 30 of the International Convention for the Protection of All Persons from Enforced Disappearance, when accepting claims, as well as what criteria were used in closing a case. Some of the requests for urgent action levelled against Iraq were questionable

because investigations indicated that most of them could be traced back to elements that had worked and collaborated with terrorists and terrorist organizations, especially Da'esh. The Committee's negative treatment of his country was disappointing given the broad cooperation that Iraq had provided before, during and after the Committee's visit. He asked why it had not been mentioned in the report that his Government had provided responses to the visit report.

10. **Ms. Mudrenko** (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 openly devoted to Ukraine. Hundreds of them had turned up dead as a result, and most had been brutally tortured. Thousands remained missing. Enforced disappearance had become a common practice in relation to the Ukrainian citizens who had not passed the "filtration".

11. Her Government strongly condemned the enforced disappearance of civilians and prisoners of war perpetrated by Russia in Ukraine since 2014. The reports that Belarusian authorities had assisted in the transfer of Ukrainian civilians and prisoners of war captured by Russian armed forces through Belarusian territory to the Russian Federation were cause for concern. Her delegation wished to thank the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances for paying attention to the gross and systematic violations of human rights by the aggressor State and its proxy Belarus, and counted on the Committee to fulfil its mandate in the context of the numerous requests for urgent action that it had received regarding the crimes of Russia in the occupied territories of Ukraine.

12. **Mr. Paredes Campaña** (Colombia) said that his Government, in its national development plan, had included a national system to promote coordination and cooperation between different branches of public authority in the search for missing persons. Regional plans had also been developed to support the territorial approach advocated by the Government to fulfil its obligations in that area and uphold the rights of victims. Having joined the Global Alliance for the Missing in November 2022, Colombia had been able to participate in international efforts to search for missing persons and guarantee the rights and interests of victims, thus making the search process a reparative one. His delegation wished to enquire about the progress that had

been observed in the ratification of instruments and in international cooperation in that matter.

13. **Ms. Buenrostro Massieu** (Mexico) said that her Government reiterated its commitment to dialogue and international cooperation to guarantee, respect, promote and protect the human rights of all individuals in efforts to combat enforced disappearance. The measures taken by Mexico to comply with the observations made by experts from the Committee on Enforced Disappearances following their visit to Mexico in November 2021 had been discussed during a dialogue with those experts in September 2023. While there were still many challenges to overcome, Mexico would continue to strengthen its cooperation with the Committee and to address the Committee's recommendations through the inter-institutional monitoring mechanism established for that purpose in 2022.

14. **Ms. O'Hara-Rusckowski** (Observer for the Sovereign Order of Malta) said that the Sovereign Order of Malta supported entities that were committed to combating trafficking in persons. To that end, the Order had sponsored universal health-care policy with a view to addressing enforced disappearance and aiding health-care providers in identifying and assisting victims, especially women. It was important for Member States to ratify the International Convention for the Protection of All Persons from Enforced Disappearance given the need for a global response to tackle an issue in which most nations were implicated, either as a State of origin, transit or destination for victims. She asked what plans there were to stimulate greater collaboration among civil society, private sector entities and Member States in order to optimize the mobilization of resources and the sharing of expertise.

15. **Mr. Albán Alencastro** (Vice-Chair-Rapporteur of the Committee on Enforced Disappearances) said that achieving universal ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and meeting the goal of 100 ratifications by 2025 was a priority for the Committee on Enforced Disappearances. It was therefore essential to support the global congress to be held in 2024 with the aim of promoting the ratification and universalization of the Convention. During its twenty-fifth session, the Committee had adopted a practical guide on how to become a party to the Convention. The Convention was the only human rights treaty that did not have a mechanism for periodic reporting; therefore, the workload it placed on States was different than that generated by other international treaties.

16. The requests for urgent action submitted by Ukraine would be discussed in more detail when Ukraine presented itself for the constructive dialogue on its initial report under the Convention. The Committee on Enforced Disappearances appreciated the openness of Mexico and its recognition of the seriousness of the issue of disappearances in the country.

17. Concerning how best to address the of lack of cooperation in implementing decisions made as part of urgent action procedures, States needed to design an internal structure and adopt a public policy for the prevention of enforced disappearance.

18. The Committee on Enforced Disappearances appreciated the efforts by Colombia to establish a national search system and strengthen its efforts through international actions. It remained important for Colombia to allow the Committee to visit in order to make better suggestions and provide it with greater support in addressing cases of enforced disappearance.

19. Before the Committee could close an urgent action procedure, the Committee needed information that would allow it to establish that all efforts to locate a victim had been exhausted and that the victim's current situation was known. The Committee's recommendations were not intended to disregard the openness of Iraq and its cooperation in facilitating the visit to that country.

20. **Ms. Baldé** (Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances) said that, although more than 40 years had passed since the establishment of the Working Group, explicit and implicit justifications for the use of enforced disappearance continued to be made, especially in the context of counter-terrorism measures and measures to combat organized crime. That was not acceptable. The International Convention for the Protection of All Persons from Enforced Disappearance and the Declaration on the Protection of All Persons from Enforced Disappearance allowed for no exceptional circumstances whatsoever to be invoked as justification for enforced disappearance.

21. The figures on enforced disappearance contained in the Working Group's annual report to the Human Rights Council (A/HRC/54/22) represented a fraction of the total. Criminalization, 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.

22. New modalities of enforced disappearance that had arisen over the years required new responses and

approaches from the Working Group and the international community. Thus, the Working Group had, in its thematic report on new technologies and enforced disappearances (A/HRC/54/22/Add.5), analysed how new technologies were used against human rights defenders, civil society organizations and relatives and representatives of disappeared persons, how they facilitated the search for disappeared persons and how they could be used to obtain evidence of acts of enforced disappearance and secure accountability. The thematic focus for 2024 would be elections and enforced disappearances, and all States should contribute to the report on that theme.

23. The Working Group had carried out country visits to Uruguay in 2022 and Honduras in 2023. 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. She thanked Chile for hosting the Working Group's February 2023 session and Portugal for agreeing to host an upcoming session in 2024.

24. The cooperation of States was key to preventing, combating and eradicating enforced disappearances. The Working Group called on the international community to unite and intensify its efforts to address that crime. Any efforts 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 International Convention for the Protection of All Persons from Enforced Disappearance and to recognize the competence of the Committee on Enforced Disappearances to receive and examine individual and inter-State communications.

25. *Ms. Monica (Bangladesh), Vice-Chair, took the Chair.*

26. **Ms. Andrić** (Croatia) said that her country was a member of the Global Alliance for the Missing and had proudly supported the establishment of a new institution to search for the missing in Syria. In the continued search for the 1,805 missing persons from Croatia, new technologies were being introduced to search for hidden graves and to process and identify remains. While new technologies held immense potential to assist in the search for the missing, cooperation between States remained crucial, as did the opening of archives and the sharing of their information. She asked whether there was potential for new technologies to provide an additional level of anonymity to informers, which might encourage them to come forward.

27. **Mr. Oddone** (Argentina) said that his delegation welcomed the visits that had been made by the Working Group to Uruguay and Honduras, and encouraged States to continue to accept visits. The Working Group's thematic report on new technologies and enforced disappearances (A/HRC/54/22/Add.5) served as a valuable contribution to the current negotiations within the Third Committee on the draft resolution on the International Convention for the Protection of All Persons from Enforced Disappearance. He asked for more information regarding the key areas of focus of the future thematic report on elections and enforced disappearances, and the Working Group's approach to preparing that report.

28. **Ms. Szelivanov** (Representative of the European Union, in its capacity as observer) said that the European Union was concerned by the persistence of enforced disappearance throughout the world and by the increase in the number of enforced disappearances of journalists, media professionals and human rights defenders. Her delegation strongly condemned the reprisals suffered by families, lawyers and defenders when they demanded to know the truth and sought justice. All States should actively cooperate with the Working Group, authorize its visits and implement its recommendations, particularly by providing victims with appropriate recourse mechanisms and prosecuting the perpetrators. She asked how new technologies could be effectively applied to facilitate the search for missing persons or to obtain and preserve evidence of acts of enforced disappearance.

29. **Ms. Dumas** (France) said that the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance by all States was vital to establish a clear legal framework to prevent enforced disappearance and combat impunity for those responsible. In the light of the recent resurgence and escalation of enforced disappearances, all States should cooperate actively with the Working Group and respond favourably to its requests for visits. She asked how the Working Group intended to support all those affected by the impact of new technologies on the phenomenon of enforced disappearance.

30. **Mr. Bauwens** (Belgium) said that it was painful to learn that the Working Group had continued to receive reports in the past year of the emergence of enforced disappearance in countries. The lack of engagement and cooperation from a number of countries was therefore disconcerting. His delegation encouraged States that had not yet responded to a request for a country visit to respond favourably as soon as possible. His delegation also supported the call for all States that had not yet done so to ratify or accede to the International

Convention for the Protection of All Persons from Enforced Disappearance, which Belgium had ratified in 2011, and to accept the competence of the Committee on Enforced Disappearances to receive and consider communications under articles 31 and 32 of the Convention. The Committee and the Working Group must continue to work together. He wondered whether there were any opportunities to increase cooperation between the Committee and the Working Group.

31. **Mr. Miyamoto** (Japan) said that the abductions of Japanese nationals by the Democratic People's Republic of Korea was a serious issue that affected national sovereignty and the lives and safety of the people of Japan. Given that the family members of the abductees were of advanced age, and many had even passed away, there was no time to waste. Under the Stockholm Agreement of May 2014, 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 Government strongly urged the Democratic People's Republic of Korea to implement that Agreement and to return all abductees to Japan with immediate effect. His delegation wished to reiterate its request for the understanding and cooperation of the international community regarding that matter.

32. **Ms. Fernández Carter** (Chile) said that her country appreciated the technical cooperation and assistance provided by the Working Group in the development of a national search plan, which had been officially launched on 30 August 2023. That public policy's objective of clarifying the circumstances of the victims of enforced disappearance was especially relevant considering that only around 300 out of the nearly 1,500 people who had disappeared during her country's civilian-military dictatorship had been located. Her Government reaffirmed its commitment to never allow the enforced disappearances committed under the dictatorship to reoccur. The continued widespread impunity for enforced disappearance was a constant concern. Chile would provide information related to the 786 unsolved cases that were known to the Group.

33. **Ms. Qureshi** (Pakistan) said that, as at 31 December 2022, the National Commission of Inquiry on Enforced Disappearances of Pakistan had resolved approximately half of the cases received from the Working Group. Many of them had been cases of voluntary disappearance, fake cases or cases of preventive detention under domestic law.

34. Enforced disappearance was perpetrated with impunity in conflict situations, especially in situations

of foreign occupation. For example, in the territory of Jammu and Kashmir, occupied illegally by India, enforced disappearance had led to torture, custodial killings, rape and sexual molestation, arbitrary detentions, extrajudicial killings and traumatized families of victims. The Office of the United Nations High Commissioner for Human Rights had twice recommended that independent, impartial and credible investigations into the more than 7,000 unmarked mass graves be carried out in the occupied territory, but India was reluctant to do so. She asked how an international investigation could be conducted into the cases of enforced disappearance and unmarked graves in the occupied territory of Jammu and Kashmir and what redress could be provided to the families of victims of enforced disappearance in that territory, especially to the thousands of half-widows who did not know whether their husbands were dead or alive.

35. **Ms. Bouchikhi** (Morocco) said that her Government had relentlessly sought to consolidate achievements in the promotion and protection of human rights by strengthening its normative and institutional frameworks, in particular through the essential role played by the National Council on Human Rights. Morocco remained convinced of the importance of the universal ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and called upon States that had not yet done so to consider signing, ratifying or acceding to the Convention as a matter of priority.

36. Her delegation was concerned by the rising number of enforced disappearances. She would be interested to hear about best practices in using new technologies to advance the search for missing persons and about the expected goals and outcomes of the global congress to be held in 2024.

37. **Mr. Heartney** (United States of America) said that the Assad regime should clarify the fate and whereabouts of the at least 96,000 individuals, including thousands of women and children, who, according to reports, remained forcibly disappeared. The Government of the People's Republic of China should disclose the whereabouts of those forcefully disappeared and immediately and unconditionally release all those arbitrarily detained. The Government of the Democratic People's Republic of Korea should immediately resolve the issues of abductees, detainees and unrepatriated prisoners of war. His delegation renewed its call for the Government of the Lao People's Democratic Republic to ensure that authorities investigated and resolved the disappearance of Sombath Somphone, a Lao civil society leader, and clarify the

whereabouts of Lu Siwei, a Chinese human rights lawyer.

38. Russian authorities should disclose the whereabouts of Ukrainian citizens, including children, who had been subjected to unjust detentions and forced relocations during the brutal war by Russia against Ukraine, together with the whereabouts of those who had been disappeared or abducted within Russia. He asked what additional steps the international community could take to address Russian abductions of Ukrainian children.

39. **Mr. Kim** Nam Hyok (Democratic People's Republic of Korea) said that it was the long-standing position of his Government to promote international cooperation in and global efforts for the protection of all persons from enforced disappearance. His delegation completely rejected all the groundless claims made by the representatives of Japan and the United States against the Democratic People's Republic of Korea. Those claims were grave political provocations and a manifestation of the deep-rooted hostile policies against his country. The abduction issue referred to repeatedly by Japan had already been fully and permanently resolved through the sincere efforts of the Democratic People's Republic of Korea. Japan continued to manipulate the issue for political purposes, seeking to divert the attention of the international community away from its war crimes. In reality, his country was a victim of the abduction issue.

40. 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 battlefields and had 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 take concrete steps towards officially apologizing for its past crimes and providing due compensation. His delegation also strongly urged the United States to focus on its own serious and systematic human rights abuses, rather than the non-existent issues of other countries.

41. **Mr. Tun** (Myanmar) said that enforced disappearance undermined the deepest values of any society committed to respect for the rule of law and fundamental human rights and freedoms. The systemic practice of such acts amounted to crimes against humanity. Since the illegal military coup of 2021 in Myanmar, atrocities and crimes against humanity had been committed against civilians by the military. They included enforced disappearances, the purpose of which

was to interrogate suspects or to instil fear in the population and thus prevent further resistance. Many civilians had been abducted and their whereabouts was unknown. In some cases, their families had been informed of their deaths after a certain period; in others, the dead bodies of detainees had been found in neighbouring villages. The people of Myanmar called upon the international community to take timely, decisive action to end the military dictatorship and restore democracy. Without any effective intervention from the international community, the military was free to continue its inhumane acts. He asked how Member States could help the people of Myanmar in their efforts to end both enforced disappearance and the country's military leadership.

42. **Ms. Zhang** Qiuruo (China) said that enforced disappearance was an extreme violation of human rights, and all countries should combat it legally and severely punish the perpetrators. The lack of economic, social and cultural rights was a significant factor contributing to enforced disappearance, and China called upon all parties to increase their commitment to those rights to eliminate enforced disappearances at their root.

43. The Constitution and laws of China explicitly stated that citizens had the right to personal freedom, and no organization, entity or individual could illegally restrict the freedom of others. Her Government attached great importance to engaging with relevant special mechanisms and had provided detailed responses to enquiries. China regretted that the Working Group had included inaccurate information in its report and hoped that the Working Group would perform its duties fairly and objectively, respect the judicial sovereignty of each country and engage in constructive dialogue and exchanges with Member States.

44. The representative of the United States had baselessly discredited China by deliberately politicizing and weaponizing human rights issues for political purposes. Her delegation firmly rejected such actions and urged the United States to refrain from politicizing those issues.

45. **Mr. Altarsha** (Syrian Arab Republic) said that the representative of the United States had accused Syria of around 96,000 enforced disappearances. Syria had made its position on the issue clear on many occasions. It was sorrowful that the United States continued to repeat the same unfounded accusations. In 2022, there had been 44,000 gun-related deaths in the United States, and more than 348,000 students had experienced gun violence in the 376 school shootings that had occurred in the United

States since 1999. That level of violence deserved its own instrument, mandate or mechanism.

46. **Ms. Baldé** (Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances) said that responding favourably to requests for country visits and supporting the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance were two ways in which States could receive tailored support from the Working Group to address enforced disappearances and give full protection to the victims thereof.

47. In its thematic report on new technologies and enforced disappearances (A/HRC/54/22/Add.5), the Working Group highlighted how new technologies were frequently used to facilitate or conceal the commission of enforced disappearance, search for the disappeared, document crimes and offer useful, cost-effective solutions. All the publicly available tools, contacts and free resources that could provide useful information on how new technologies could assist and facilitate the search for the disappeared had been mapped in the report. The report provided new avenues for supporting families of the missing, improving investigations and finding methods to protect witnesses. The Working Group also remained committed to assisting States through technical cooperation. Several good practices had been addressed in the report, which contained tailored recommendations for various stakeholders. New technologies could, for example, provide an answer to the question regarding the search for mass graves. It was important to note that new technologies were complementary to, but did not replace, traditional and human-based technologies.

48. In the thematic report on elections and enforced disappearances, which would be published in September 2024, the Working Group would examine the scope, nature and specificities of enforced disappearances committed in the context of elections, identify the main challenges to accountability and make proposals and recommendations on how to prevent enforced disappearances in the context of elections.

49. 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. Ultimately, the Working Group's greatest concern was the victims of enforced disappearances. If States were committed to ending enforced disappearances, they were expected to cooperate with requests for country visits and to respond to communications from the Working Group. That was the only way to end enforced disappearances worldwide.

50. **Mr. Salvioli** (Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non recurrence), introducing his report (A/78/181), said that the availability of financial resources to fund reparation programmes and services was essential for the fulfilment of victims' right to reparation. Reparation could be the most urgent, transformational and life-preserving form of redress for both individuals and communities. Reparations funding should be centred on victims and promote gender equality and the specific needs of women and girls.

51. The political will of States to implement reparations was demonstrated not only by their willingness to allocate public funds, but also by how serious they were in adopting complementary measures to fund reparation programmes. Complementary fundraising methods included recovering ill-gotten assets from former dictators, imposing responsibility for funding reparations on non-State actors involved in human rights violations, and confiscating and reallocating assets from a sanctioned State involved in human rights violations. However, the confiscation of those assets must not lead to additional human rights violations.

52. When States were not able to cover the costs of reparations programmes themselves, complementary sources of funding should be secured. He urged international organizations and potential donors to cooperate with and complement the efforts of States in transition to finance reparations for victims. Financing for reparations should be distinct from development funding. No transitional justice process would be legitimate or successful if the victims did not receive the reparations to which they were entitled.

53. **Mr. Miyamoto** (Japan) said that the claims and figures mentioned by the representative of the Democratic People's Republic of Korea were erroneous and groundless, as were the claims regarding abductions. The abductions were a time-sensitive humanitarian issue that could not be ignored, and there was no time to waste. He urged the Democratic People's Republic of Korea to implement the Stockholm Agreement of May 2014 and return all abductees to Japan as quickly as possible. Furthermore, the Democratic People's Republic of Korea should sincerely listen to the views of the international community regarding the human rights situation in that country, including those expressed in the General Assembly resolution 77/226 and by victims and their families.

54. **Mr. Oddone** (Argentina) said that the community of lesbian, gay, transgender and bisexual persons in his

country was demanding a historic reparations law for violations of their rights and for the State persecution that they had suffered during the dictatorship, as well as during periods of democratic rule. The Special Rapporteur had pointed out that the funding of reparations should serve to promote gender equality and the effective participation of women and girls. He asked what measures States should take to address the specific reparations needs of the most marginalized victims in order to avoid replicating intersecting forms of discrimination in the implementation of reparations programmes.

55. **Mr. Bless** (Switzerland) said that many reparations programmes were not adequately funded and did not meet the expectations of victims and societies. The need for reparations to be adequate, effective and prompt had been affirmed in the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law of 2006, and the Special Rapporteur had highlighted the need for reparations to be strategic and transformative in order to address the causes and consequences of conflicts. He wondered what measures could be taken to apply those principles to ensure that reparation programmes were better designed, more effective and more likely to attract national and international funding.

56. **Ms. Meizura** (Indonesia) said that her President's public expression of regret in January 2023 for gross human rights violations that had occurred in the past was a crucial step towards acknowledging historical injustices and fostering reconciliation. To restore the rights of those affected by those violations, a steering committee on non-judicial settlements had been established by presidential decree in 2023. Non-judicial settlements neither impeded nor replaced ongoing judicial processes. The implementation of that policy had begun in June 2023 with the active participation of victims, including those residing abroad.

57. She asked how the international community could ensure that economic sanctions imposed on a State with a history of human rights violations did not inadvertently hinder the State's ability to fulfil its obligations to provide reparations to victims, particularly when universal sanctions might exacerbate economic, social and cultural violations within that State.

58. **Ms. Mudrenko** (Ukraine) said that the Russian war of aggression against Ukraine had caused enormous devastation in her country, and the full cost of reconstruction would amount to hundreds of billions of

euros. A register of damages, a compensation mechanism and a compensation fund would serve as the basis for a comprehensive system of accountability for Russian aggression against Ukraine. Russia must fully compensate the suffering of Ukrainian citizens, the economic losses of private and public legal entities and the destruction of private and State property. The establishment of a register of damages was a crucial, practical step in implementing the compensation mechanism, the primary objective of which was to ensure that all victims received fair compensation from the aggressor on the basis of legal principles. Adequate, prompt and effective reparations should be provided to survivors from the frozen assets of the aggressor and all those who had contributed to that aggression. Survivors needed resources for recovery immediately.

59. **Ms. Fernández Carter** (Chile) said that her Government had taken various measures to fund reparations for victims of the civilian-military dictatorship. It had enacted reparation laws setting out measures for compensating victims, including through direct transfers of resources and material benefits provided by the Administration. The costs of such measures had been estimated and budgeted when the law establishing them had been approved, thereby creating a constitutional obligation to fund them in subsequent budget laws.

60. A significant portion of reparations had resulted from judgments of national and international courts, which had compelled the State to pay compensation or provide other types of reparations. Those costs had been absorbed through the regular budgets of relevant services, and provisions had been included in budget laws to implement them. Her delegation welcomed the incorporation of a gender perspective into the Special Rapporteur's report and would like to know what practices had been identified regarding gender-focused reparations measures that could be replicated in other countries.

61. **Mr. Paredes Campaña** (Colombia) said that his Government reaffirmed its commitment to continuing the progress made in transitional justice following the signing and implementation of the peace agreements in Colombia. In addition, Colombia had a national system to care for and provide reparations to victims. Funding for those mechanisms came from various sources in the Colombian institutional and legal framework, including specific investment projects and provisions for the allocation of public funds for that purpose. The national development plan would include a provision for victims to receive reparations from the Allocation for Peace.

62. **Mr. Kim** Nam Hyok (Democratic People's Republic of Korea) said that his delegation rejected and strongly condemned the ridiculous claims made by Japan. The so-called abduction issue had already been completely and irreversibly resolved. It was not a made-up story that Japan had forcibly abducted 8.4 million innocent Koreans and forced 200,000 women into military sexual slavery. History could not be changed, and crimes against humanity had no statutory limitations. Japan had a legal and moral obligation to officially acknowledge its past war crimes, make sincere apologies for them and compensate the victims.

63. **Mr. Salvioli** (Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non recurrence) said that he was grateful for the openness with which he had been received by the Colombian authorities during his visit to the country in September 2023. He hoped that the Government of Colombia would adequately comply with the established standards regarding respect for and the guarantee of human rights. The key to moving in the right direction would be to follow the recommendations of the Truth Commission.

64. Regarding transformative reparations with a focus on gender equality, all of his reports included a gender perspective, addressing not only the rights of women, but also those of lesbian, gay, bisexual, transgender and intersex persons. He had included clear examples in his 2019 report to the General Assembly ([A/74/147](#)) of the need for reparations to be transformative. If reparations failed to bridge the inequality gap, the same problems would reoccur. Thus, reparations should not only repair harm but also place victims and their families in a different situation than the one in which they had been at the time of the events that had led to the violations.

65. Concerning the question of how to impose economic sanctions on a State without exacerbating economic, social and cultural violations within that State, he referred Member States to the guidelines outlined in paragraphs 74 to 77, 97 and 98 of his report. No international body should take measures that led to violations of economic, social and cultural rights.

66. In terms of how the international community could support the effective implementation of reparations for victims, he appealed to all United Nations agencies and to Member States that cooperated in good faith with States involved in transitional justice processes to prioritize victims. It was immoral and unacceptable for victims to receive nothing while those directly involved in transitional justice programmes profited.

67. *Mr. Marschik (Austria) resumed the Chair.*

The meeting rose at noon.