

sent. A detailed reply from the government was not received prior to the 1997 session of the CHR.

**Sale of children, child prostitution, child pornography, Special Rapporteur on:** (E/CN.4/1997/95, para. 21)

The report indicates that the government is likely to introduce amendments to laws in Canada with the goal of protecting children from adults who recruit children for sexual services or exploit young prostitutes for economic gain.

The Special Rapporteur's interim report to the General Assembly (A/52/482, para. 99) provides commentary on the use of the Internet to distribute child pornography and notes a precedent-setting case in Canada in which an individual was convicted of distributing child pornography via computer even though the person concerned had never photographed or filmed actual children but rather distributed stories in which he depicted himself as having sex with several female children, who were always portrayed as willing partners. The report notes that under Canadian law child pornography is defined not only as materials involving real children but also as materials which depict children involved in sex or advocates sex with a child under the age of 18. The report notes that one of the ideas behind the law is that the harm caused by child pornography extends beyond the direct abuse of children in its production and that such materials have a great potential to promote child sexual abuse whether the child is a real person or not.

**Torture, Special Rapporteur on:** (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras.45-47)

One urgent appeal was sent to the government on behalf of an Algerian national living in Canada whose application for asylum had been denied and who was facing deportation. The man, reportedly a member of the Algerian opposition party, Front des forces socialiste, had been detained and tortured by Algerian police in 1992. The Special Rapporteur (SR) appealed to Canada not to deport him to Algeria because of the risk of detention and torture or, if Canada proceeded with the deportation, to seek and take measures to ensure that he would not be subjected to torture or any other ill-treatment by the Algerian authorities.

The government responded that the individual was not eligible for asylum under Canada's refugee law and that there was no objective risk of torture if the man was deported. The government also indicated that not all domestic remedies had been exhausted and some were still available to the claimant. A subsequent letter from the government informed the SR that, in Canada's view, it would not be appropriate to seek assurances from the Algerian government that torture or ill-treatment would not take place as that would amount to questioning the Algerian government's willingness to fulfil obligations it had assumed under the ICCPR and the Convention against Torture. In response, the SR noted that it is common and appropriate to seek such assurances from a government: this did not imply that the commitment of the government to meet its treaty obligations was being questioned; it was intended only to make the government aware of concerns and thus reduce the potential risk to the person deported. The individual was eventually deported to a third country.

**Toxic wastes and products, Special Rapporteur on:** (E/CN.4/1997/19, para. 44)

The report summarizes two cases involving the Canadian company Placer Dome Inc. The first related to a mine waste spill in the Philippines in 1996 which affected the Boac River. Marcooper Mining Corporation, in which Placer Dome holds 40 per cent ownership, promised to compensate the people affected for damages caused and to rehabilitate the river. Civil and criminal charges were filed by the Department of the Environment and Natural Resources and the affected communities.

The report also summarizes information received indicating that, in Papua New Guinea, the Porgera gold mine, which is run by Placer Nuigini (a local subsidiary of Placer Dome), has been dumping 40,000 tonnes of tailings per day into the Strickland-Maiapam River and has no tailings retention facilities. The people living in the area asked the Papua New Guinea government to improve pollution monitoring and regulation below the mine. The report states that rather than taking preventive action, the government extended an exemption so that the company can continue to dump tailings.

**Violence against women, Special Rapporteur on:** (E/CN.4/1997/47, Sections III, III.A, III.D, IV)

The report notes that the lack of statistical data on rape arises by traditionally categorizing such violence as "private". The statistics that are available are generally under representative but can, nonetheless indicate the scope of sexual violence. The report recalls that, in Canada, a national probability sample of 1,835 women at 95 colleges and universities found that 23.3 per cent of the women had been victims of rape or attempted rape. There is a reference, as well, to the need to recognize that the behaviour of medical professionals is also decisive in determining whether the victim will initiate or continue to press charges. Special forensic examination kits are provided to medical professionals in Canada in order to accelerate and standardize the procedure.

In commentary on sexual harassment, the report recalls that mere prohibition of sexual harassment is not adequate to assist victims of violence and notes that the Canadian Federal Labour Code serves as a model in this regard. The Code requires employers to issue a sexual harassment policy that condemns sexual harassment, indicates that disciplinary measures will be taken against transgressors, provides for procedures to deal with instances of harassment and informs employees of their rights.

In terms of strategies adopted to combat rape and sexual violence, including sexual harassment, Canada has developed a sexual assault examination kit, containing information about the legal procedures, the medical examination, victim services and trial. The kit also contains instructions for the police and the examining physician, as well as receptacles for the collection of physical evidence. All the information materials in the kit are provided in Canada's two official languages — French and English.

On the question of trafficking in women and forced prostitution, the report notes that third-party assistance in illegal border-crossing is proscribed in Canada through legal provisions on practices such as alien smuggling, aiding and abetting illegal entry, the production of fraudulent documents, hiring