

Sex, language, race, gender and ethnicity-based discrimination are illegal. Religious freedom enjoys constitutional protection, but there are no legal guarantees of equality based on religious belief, nor on social origin or sexual orientation, and only partial guarantees of equality for the disabled. Translation of constitutionally protected rights into enforceable pieces of legislation is often lacking, though positive movement is being made, notably for women's rights.

China views complaints against its human rights record as "interference in its internal affairs". At the 52nd session of the UN Commission on Human Rights (CHR), a resolution on the situation of human rights in China was not considered following the introduction of a non-action motion which was upheld in a vote of 27 for, 20 against (Canada) and six abstentions. Canada delivered a statement urging CHR delegations to vote against the no-action motion.

### CANADIAN POSITION

Canada is pursuing respect for human rights in China by advocating reform of legal structures, good governance and the promotion of the rule of law. China's record of implementing its obligations under the United Nations Universal Declaration on Human Rights raises concerns.

Canada's current policy is to raise our concerns about the general human rights situation, using high-profile cases to register our concerns regarding human rights abuses in both specific and general terms. This has been done in bilateral meetings with senior leaders. We have also consistently co-sponsored draft resolutions at the CHR, and made reference to China in our annual 'country situation' statement at the UN General Assembly Third Committee. Canada has also established an officials-level dialogue on human rights, and has extended an invitation to China for a multi-agency delegation to follow-up on the Canadian delegation's visit to Beijing in January 1996. A date has not yet been set.

Canadian activities to promote the rule of law, good governance and human rights in China continue. Through the Canadian International Development Agency (CIDA), Canada is training senior Chinese judges and participating in exchanges between lawyers. These programs are designed to expose Chinese judges and lawyers to Western and Canadian legal system and to provide legal training which will in the long term create a more professional judicial system. Through CIDA's development projects, Canada has provided technical assistance to China to reform its Criminal Procedures Law, which now includes provisions such as the principle of presumption of innocence, improved access to legal counsel and a more stringent limit on detention before formal arrest. Canada is also assisting the Chinese in the implementation of the Women's Rights Law. These and other programs demonstrate Canada's commitment to facilitate incremental but significant changes in attitudes and outlook on the local level regarding human rights.

China is now experiencing changes of important magnitude as it modernizes and restructures. We are well aware that our actions are unlikely to have major impacts in the near term. However, it is through incremental steps that we can influence China itself to create a better environment for human rights, with a combination of dialogue with the authorities and projects that directly affect the citizens.