

Canada's Role in the Protection of Civil and Political Rights

Through the United Nations

Max Yalden

Member, UN Committee on Human Rights

(Rapporteur's summary)

A good deal of confusion exists about the various human rights bodies at the UN. As distinct from the UN Human Rights Commission, a political body, the UN Committee on Human Rights is one of six committees set up under different UN rights treaties, in this case the Convention on Political and Civil Rights.

Canada has acceded to a first protocol of this convention that enables individuals to complain against their own government, but not to a second protocol against the death penalty. The House of Commons has passed an amendment to the National Defence Act to remove the last remaining possibilities for imposing the death penalty; the measure is now in the Senate. Ratification of the protocol by Canada is still "controversial in some circles". It is to be hoped Canada will accede to the protocol "in line with its pretensions to be a leader in human rights".

African countries are under-represented on the UN Human Rights Committee because they cannot get together to back African candidates for election to it.

The committee prods states to comply with their treaty obligations. Without the work of non-governmental organizations, the committee would have to rely on the states themselves.

The committee has a number of shortcomings. Its sessions are protracted and talky. It has a large backlog of cases. Country reports are often overdue. The committee moves slowly and has only half the professional resources it had 10 years ago. It needs to become more focused, more disciplined. Its work and that of other committees dealing with human rights could be consolidated, since often the same human rights cases could be taken up under different UN conventions. The committee could work through smaller panels.

Human rights work at the UN suffers from a serious resource problem. Only 1.6 percent of the regular budget of the UN goes to human rights. "In my view this is totally unacceptable." Countries should be asked to provide more money earmarked to various areas in the human rights field where it is needed most. Canada's contribution to human rights programs is very small.

Canada should encourage countries without ombudsmen or human rights commissions to establish them; where necessary, they should be provided with technical and financial assistance.