

The definition of "arrest" has also become an important issue, because of its effect on the scope of the DBP. Some countries argued that the definition should refer to those persons detained for a criminal offence, whereas others have argued that the inclusion of "criminal" in the definition would narrow the scope of the DBP and exclude many instances of detention.

At its next session the Working Group will, in addition to completing the definitions, continue the second reading of the principles and consider any proposals for new provisions. The second reading will focus on the elimination of any remaining square brackets in the current text. It is unlikely that many new provisions will be tabled, though at its last session a suggestion was made that an article be added which would state that nothing in the DBP was intended to derogate from the International Covenant on Civil and Political Rights.

#### CANADIAN POSITION

The Canadian delegation has taken an active role in the Working Group on the DBP. The general Canadian position has been that though the DBP will be a non-binding instrument, it contains a number of important provisions for the protection of detained persons. The DBP could also contribute to preventing the mistreatment of detained persons and violations of their rights which lead to disappearances.

On the specific issues which remain unresolved, Canada has taken the position that the scope of the DBP should be as broad as possible, encompassing all persons under any form of detention. Any restriction of the scope would necessarily involve the lessening of protection to those persons most in need since the majority of cases of mistreatment and disappearances occur where persons are detained for other than criminal purposes. Another area where Canada has supported stronger protection for detained persons is the definition of "judicial or other authority", where Canada has favoured a specific reference to entities exercising judicial functions and whose status ensures the strongest possible guarantees of competence, impartiality and independence.

The positions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the International Commission of Jurists and Amnesty International have been reviewed carefully and their concerns have largely been reflected in the Canadian position. In particular, Canada has taken the view that the provisions of the DBP should in no way derogate from or appear to lower the standards already embodied in international instruments such as the ICCPR and the Standard Minimum Rules for the Treatment of Prisoners. Canada will maintain this position when the second reading of the principles is resumed.