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# ***CONSULTATIONS***

***IN PREPARATION FOR THE 49TH SESSION  
OF THE U.N. COMMISSION ON HUMAN RIGHTS***

***JANUARY 13-14, 1993***

External Affairs and  
International Trade Canada

Canada

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**CONSULTATIONS BETWEEN NON-GOVERNMENTAL ORGANIZATIONS  
AND  
EXTERNAL AFFAIRS AND  
INTERNATIONAL TRADE CANADA  
IN PREPARATION FOR  
THE 49TH SESSION  
UNITED NATIONS COMMISSION ON HUMAN RIGHTS  
(FEBRUARY 1 - MARCH 12, 1993)**

Lester B. Pearson Building  
125 Sussex Drive  
Ottawa, Ontario

January 13 - 14, 1993

**A G E N D A**

**Wednesday, January 13**

09:30	Registration and Coffee	Conference Lobby
10:00	Welcome and Plenary - Opening Statement by the Honourable Monique Vézina, Minister for External Relations - NGO Network Statement	Conference Room Chair: J. Noble, Director General International Organizations
10:30 - 11:30	Working Group I: Africa  Working Group II: Asia - South Asia, Pacific	Auditorium Chair: J. Noble  Conference Room Chair: A. Park, Head of Canadian Delegation, UNCHR
11:30 - 11:45	Coffee	Conference Lobby

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Wednesday, January 13

11:45 - 13:00	Working Group I: Middle East	Auditorium Chair: J. Noble	2
	Working Group II: Asia - North Asia	Conference Room Chair: A. Park	3
13:00 - 14:00	Lunch - Sandwiches available in Conference Lobby		4
14:00 - 15:15	Working Group III: Americas - Caribbean, Central America	Conference Room Chair: A. Park	5
	Working Group IV: Europe - Eastern Europe, former USSR	Auditorium Chair: J. Noble	6
15:15 - 15:30	Coffee	Conference Lobby	7
15:30 - 16:45	Working Group III: Americas - South America	Conference Room Chair: A. Park	8
	Working Group IV: Europe - Eastern Europe; Western Europe	Auditorium Chair: J. Noble	9

Thursday, January 14

09:00 - 11:00	Update of UN Work - developments since CHR 48	Conference Room Chair: J. Noble Lead: A. Park	10
	World Conference on Human Rights (item 25) - update and discussion	Lead: A. Park	
11:00 - 11:15	Coffee	Conference Lobby	

**Thursday, January 14**

11:15 - 12:30	<b>Development of Standards</b> <ul style="list-style-type: none"><li>- WG on Indigenous Populations (item 19);</li><li>- WG on Human Rights Defenders (item 23);</li><li>- Draft Protocol to Convention Against Torture (item 10)</li><li>- Violence Against Women</li><li>- Elaboration of Standard Rules on the Equalization of Opportunities for People with Disabilities</li></ul>	Conference Room Chair: J. Noble Lead: A. Park
12:30 - 13:30	<b>Sandwich Lunch</b>	Conference Lobby
13:30 - 15:30	<b>Monitoring Implementation of Established Standards:</b> <ol style="list-style-type: none"><li>1. Human Rights Treaty Bodies:<ul style="list-style-type: none"><li>- Canadian Initiative on Effective Functioning: Committee Against Torture\CERD (item 18)</li><li>- Civil and Political Rights: Human Rights Committee (item 17)</li><li>- Economic, Social and Cultural Rights: Committee on ECSR (item 17)</li><li>- CEDAW (Women's rights as human rights)</li><li>- Committee on Rights of the Child (item 24)</li><li>- Others</li></ul></li><li>2. Non-Treaty Monitoring Mechanisms of the Commission (items 10, 12)<ul style="list-style-type: none"><li>- Special Rapporteurs on Torture, Summary Executions, Religious Intolerance (item 22), Mercenaries (item 9), others</li><li>- Special Representative on Internally Displaced Persons</li><li>- WGs on Disappearances</li><li>- Emergency Mechanism Proposal (item 11)</li></ul></li></ol>	Conference Room Chair: J. Noble Lead: A. Park
15:30 - 15:45	<b>Coffee</b>	Conference Lobby

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**Thursday, January 14**

15:45 -  
17:00

**Continuation of Monitoring session:**

**3. Other Thematic Issues:**

- Freedom of Expression (item 10)
- Mass Exoduses (item 12)
- Economic, Social and Cultural Rights/Right to Development (items 7 & 8)

Conference Room

Chair: J. Noble

Lead: A. Park

**4. Technical Assistance in Development of National Human Rights**

**Infrastructure/Institutions**

- UN Voluntary Fund on Advisory Services and Technical Assistance on Human Rights (item 21)

Lead: A. Park

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## PROCEDURAL FACT SHEET

In consultation with the NGO Network on International Human Rights, the following meeting procedures have been agreed:

1. All sessions will be called to order by the Chair at the precise times indicated on the Agenda to ensure that adequate time is given to each agenda item. 3
  2. In order to facilitate discussions, participants are asked not to read prepared statements, reports and/or papers during sessions but rather to highlight key points in their presentations orally and, where appropriate, indicate specific points on which action at the UN Commission is requested. Participants are asked to forward all prepared materials to EAITC\Human Rights Division prior to the session if possible. If these materials are not available in advance, participants may either table them at the session or distribute them to the appropriate people individually. A table will be provided in the lounge area for NGOs to leave any materials they wish to make available to all participants. 4
  3. Chairpersons will generally limit interventions to no longer than five minutes to facilitate an efficient use of time and to give the maximum number of participants an opportunity to join discussions. 5
  4. When addressing questions to the Chair or joining discussion, participants are asked to identify themselves and the organization they represent. This will assist both the interpreters and others attending the session. 6
  5. EAITC will provide a list of the names and titles of departmental participants for each session. Name tags will be provided for all participants. 7
  6. As has been done in the past, participants are asked not to raise individual cases at the geographic working groups since these are rarely dealt with by the Commission on Human Rights. Departmental representatives remain available on an ongoing basis to discuss such cases. 8
- 9
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\* \* \* \* \*

**NOTE:** Parking is very limited at the Lester B. Pearson Building. We suggest public transport (OC Transpo buses #3 and #13 can be boarded along Slater Street) or taxis be used. Regular bus fare during peak hours (6:00 - 8:30 am and 3:00 - 5:00 pm) is \$2.60. Off-peak fares are \$1.30. Taxi fare is approximately \$6.50 from the downtown core. External Affairs and International Trade Canada is located at 125 Sussex Drive.

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Dept. of External Affairs  
Min. des Affaires extérieures

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19 October 1992

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COMMISSION ON HUMAN RIGHTS

Forty-ninth session

PROVISIONAL AGENDA

Note by the Secretary-General

Duration and venue of the session

1. The forty-ninth session of the Commission on Human Rights will be held at the United Nations Office at Geneva from 1 February to 12 March 1993. The first meeting will be convened at 11 a.m. on Monday, 1 February 1993.

Provisional agenda

2. The provisional agenda, prepared in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, is reproduced below.

Pre-sessional working groups

3. It is expected that the forty-ninth session of the Commission will be preceded by meetings of four working groups in connection with the following items:

(a) Item 10 (d): An open-ended working group established to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to consider the implications of its adoption and the relationship between the draft optional protocol, regional instruments and the Committee against Torture (Commission resolution 1992/43, Economic and Social Council resolution 1992/6) is scheduled to meet from 19 to 30 October 1992;

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(b) Item 12 (c): The Working Group on Situations, composed of five members of the Commission, is scheduled to meet from 25 to 29 January 1993 to examine situations referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities pursuant to Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 (Commission resolution 1990/55, Council resolution 1990/41);

(c) Item 15: The group of three members of the Commission appointed under article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid to consider reports submitted by States parties in accordance with article VII of that Convention (Commission resolution 1991/10) is scheduled to meet from 25 to 29 January 1993;

(d) Item 21: An open-ended working group established to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (Commission resolution 1992/82, Economic and Social Council resolution 1992/9) is scheduled to meet from 18 to 29 January 1993.

4. Any decisions and resolutions affecting the provisional agenda of the forty-ninth session of the Commission that may be adopted by the General Assembly at its forty-seventh session will be brought to the attention of the Commission in an addendum to the present document. The annotations to the items listed in the provisional agenda will also be issued in an addendum.

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Provisional agenda

1. Election of officers
2. Adoption of the agenda
3. Organization of the work of the session
4. Question of the violation of human rights in the occupied Arab territories, including Palestine
5. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts
6. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime in South Africa
7. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development
8. Question of the realization of the right to development
9. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation
10. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:
  - (a) Torture and other cruel, inhuman or degrading treatment or punishment;
  - (b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
  - (c) Question of enforced or involuntary disappearances;
  - (d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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11. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:
  - (a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms;
  - (b) National institutions for the promotion and protection of human rights;
  - (c) Coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights
12. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:
  - (a) Question of human rights in Cyprus;
  - (b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by Economic and Social Council resolution 1990/41 of 25 May 1990
13. Measures to improve the situation and ensure the human rights and dignity of all migrant workers
14. Human rights and scientific and technological developments
15. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid
16. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination
17. Status of the International Covenants on Human Rights
18. Effective functioning of bodies established pursuant to United Nations human rights instruments
19. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-fourth session
20. Rights of persons belonging to national or ethnic, religious and linguistic minorities
21. Advisory services in the field of human rights

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22. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief
23. Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms
24. Rights of the child, including:
  - (a) Status of the Convention on the Rights of the Child;
  - (b) Report of the Special Rapporteur on the sale of children;
  - (c) Programme of action for the elimination of the exploitation of child labour;
  - (d) Programme of action for the prevention of the sale of children, child prostitution and child pornography
25. World Conference on Human Rights
26. The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service
27. Draft provisional agenda for the fiftieth session of the Commission
28. Report to the Economic and Social Council on the forty-ninth session of the Commission

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# ECOSOC

## Membership

1992 93 94 95 96

### African States

Algeria	1980-82 86-88					
Angola	1992-95	■	■	■	■	
Benin	1964-68 79-81					
Botswana	1988-90					
Burkina Faso	1975-77					
Burundi	1979-81 91-93	■	■			
Cameroon	1984-86					
Congo	1985-87					
Côte d'Ivoire	1978-80					
Egypt	1947-55 67-80					
Ethiopia	1980-82 86-91					
Gabon	1992-95	■	■	■	■	
Gambia	1982-93	■	■			
Ghana	1970-75 80-83 90-92	■				
Guinea-Bissau	1993-96		■	■	■	■
Kenya	1984-86 92-95	■	■	■	■	
Lesotho	1976-78 85-87 92-95	■	■	■	■	
Liberia	1963-65 85-87					
Libyan A J	1976-78 83-85 92-95	■	■	■	■	
Madagascar	1968-70 90-92	■				
Mauritania	1969-71 84-86 91-93	■	■			
Mauritius	1971-73 93-96		■	■	■	■
Morocco	1967-72 79-81 89-91					
Mozambique	1983-88					
Nigeria	1972-74 77-81 88-90 92-95	■	■	■	■	
Rwanda	1976-78 82-84 87-89					
Sao Tome and Principe	1988-90					
Senegal	1966-92	■				
Sierra Leone	1974-76					
Somalia	1967 87-92	■				
Sudan	1993-96		■	■	■	■
Swaziland	1989-91					
Togo	1982-84 87-89 93-96		■	■	■	■
Tunisia	1973-75 92-95	■	■	■	■	
Uganda	1977-79 81-83					
U R of Tanzania	1961-76 83-85					
Zaire	1967-75 81-83					
Zambia	1980-82 91-93	■	■			
Zimbabwe	1982-84					

### Asian States

Afghanistan	1961-63					
Bangladesh	1983-95	■	■	■	■	
China	1947-63 82-93	■	■			
Cyprus	1974-95	■	■	■	■	

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Membership		1992	93	94	95	96
Fiji	1981-83					
India	1947-95	■	■	■	■	■
Indonesia	1991-93		■			
Iran	1947-49 57-59 67-80 92-95	■	■	■	■	■
Iraq	1965-67 70-75 87-92	■				
Israel	1957-59 65-70					
Japan	1982-93	■	■			
Jordan	1976-78 80-86					
Lebanon	1947-60 62-64 68-76					
Malaysia	1993-96		■	■	■	■
Mongolia	1980-81					
Pakistan	1967-69 71-84 87-96	■	■	■	■	■
Philippines	1947-50 53-73 80-92	■				
Republic of Korea	1993-96		■	■	■	■
Sri Lanka	1957-59 85-90 92-95	■	■	■	■	■
Syrian A R	1977-82 84-86 92-95	■	■	■	■	■
<b>Latin American and Caribbean States</b>						
Argentina	1957-62 66-68 80-93	■	■			
Barbados	1992-95	■	■	■	■	
Brazil	1978-96	■	■	■	■	■
Chile	1947-56 63-74 92-95	■	■	■	■	
Colombia	1978-80 83-95	■	■	■	■	
Costa Rica	1964-67 75-77 80-88 92-95	■	■	■	■	
Cuba	1976-84 89-95	■	■	■	■	
Dominican Republic	1973-75					
Ecuador	1963-65 72-77					
El Salvador	1962-64					
Guatemala	1949-51 67-72					
Jamaica	1965-70					
Mexico	1955-60 71-73 81-96	■	■	■	■	■
Nicaragua	1973-75 83-88					
Panama	1947-48 61-63 74-82 89-91					
Peru	1967-72 74-82 85-93	■	■			
Uruguay	1947-54 69-71 76-84 92-95	■	■	■	■	
Venezuela	1960-62 68-73 85-93	■	■			
<b>Western European and Other States</b>						
Australia	1947-56 78-83 85-87 91-93	■	■			
Austria	1960-62 64-79 85-87 91-93	■	■			
Belgium	1952-54 58-60 86-91					
Canada	1963-65 76-78 79-84 89-95	■	■	■	■	
Denmark	1949-51 60-65 80-82					
Finland	1969-71 83-85 93-96		■	■	■	■
France	1946-76 78-96	■	■	■	■	■
Germany	1975-77 79-93	■	■			

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# ECOSOC

	Membership	1992	93	94	95	96
Greece	1950-52 54-69 80-82					
Ireland	1983-88					
Italy	1972-77 82-84 87-92	■				
Netherlands	1961-66 70-75 80-85 92-95	■	■	■	■	
New Zealand	1966-71					
Norway	1955-57 72-74 86-88					
Portugal	1979-81 88-93	■	■			
Spain	1984-86 88-90					
Sweden	1951-53 66-68 77-79 89-91					
Turkey	1954-55 61-64 70-78					
United Kingdom	1947-78 80-90 92-95	■	■	■	■	
USA	1947-96	■	■	■	■	■
<b>Eastern European States</b>						
Belarus	1972-77 80-82 86-88					
Bulgaria	1973-90 92-95	■	■	■	■	
Czechoslovakia	1991-93	■	■			
Hungary	1990-92	■				
Poland	1952-72 78-83 93-96		■	■	■	■
Romania	1972-74 93-96		■	■	■	■
Russian Federation	1947-95	■	■	■	■	
Ukraine	1947-71 83-85 89-91					
Yugoslavia	1947-53 66-71 75-92	■				

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General Assembly

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2 December 1992

ORIGINAL: ENGLISH

Forty-seventh session  
THIRD COMMITTEE  
Agenda item 97 (b)

HUMAN RIGHTS QUESTIONS

Afghanistan, Albania, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominican Republic, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Germany, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Italy, Jamaica, Japan, Kazakhstan, Latvia, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Samoa, San Marino, Senegal, Sierra Leone, Singapore, Slovakia, Solomon Islands, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Venezuela, Yemen and Zaire: revised draft resolution

World Conference on Human Rights

The General Assembly,

Mindful of the goal of the United Nations to promote and encourage respect for human rights and fundamental freedoms for all, without distinction

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as to race, sex, language or religion, as set out in the Charter of the United Nations and the Universal Declaration of Human Rights, 1/

Recognizing that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of another,

Recalling its resolutions 45/155 of 18 December 1990, in which it decided, *inter alia*, to convene at a high level a World Conference on Human Rights in 1993, and 46/116 of 17 December 1991,

Taking note of Commission on Human Rights resolution 1991/30 of 5 March 1991, 2/

Convinced that the holding of a world conference on human rights could make a significant contribution to the effectiveness of the actions of the United Nations in the promotion and protection of human rights,

Recognizing the urgency of adopting a draft agenda for the World Conference on Human Rights before the final session of the Preparatory Committee.

1. Takes note with appreciation of the reports of the Preparatory Committee for the World Conference on Human Rights, on the work of its second and third sessions; 1/

2. Expresses its satisfaction to Governments, the bodies and organs of the United Nations system and non-governmental organizations for their contributions to the preparatory process;

3. Approves the draft rules of procedure for the World Conference on Human Rights, as recommended by the Preparatory Committee at its second and third sessions, with the exception of rule 15 (e);

4. Decides that the distribution of the 29 vice-presidents of the World Conference on Human Rights should be in accordance with the established criteria of the General Assembly based on equitable geographical distribution;

5. Approves the recommendation of the Preparatory Committee at its third session regarding the participation of non-governmental organizations in regional meetings related to the preparatory process;

1/ Resolution 217 A (III).

2/ Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

1/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 24 (A/47/24).

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6. Also approves the provisional agenda for the World Conference on Human Rights, as annexed to the present resolution with the understanding that participants can raise issues of interest to them under the appropriate agenda item at the fourth session of the Preparatory Committee and the World Conference on Human Rights for possible inclusion in the final document:

7. Decides, in accordance with the decisions adopted by the Preparatory Committee:

- (a) (i) That the Preparatory Committee shall meet for its fourth session, at Geneva, for a period of two weeks in April 1993;
- (ii) That the question of the final outcome of the World Conference shall be taken up by the Preparatory Committee at its fourth session, taking into consideration, inter alia, the preparatory work and conclusions of the regional meetings taking place at Tunis, San José and Bangkok;
- (iii) That the Secretary-General shall give the Conference and the preparatory process thereto the widest possible publicity and ensure full coordination of public information activities in the area of human rights within the United Nations system;

(b) To renew its invitation for contributions of extrabudgetary resources to meet the costs of participation of representatives of the least developed countries in the preparatory meetings, including regional meetings, and in the World Conference itself, and to request the Secretary-General to intensify his efforts in this regard:

8. Renews its request to Governments, the specialized agencies, other international organizations, regional organizations and non-governmental organizations concerned with human rights and/or development to participate actively in the preparatory process and in the World Conference itself:

9. Requests the Secretary-General to report to the General Assembly at its forty-eighth session on the outcome of the World Conference on Human Rights, under the agenda item entitled "Human rights questions".

Annex

PROVISIONAL AGENDA FOR THE WORLD CONFERENCE ON HUMAN RIGHTS

1. Opening of the Conference.
2. Election of the President.
3. Adoption of the rules of procedure.
4. Election of other officers of the Conference.

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5. Appointment of the Credentials Committee.
6. Establishment of committees and working groups.
7. Adoption of the agenda.
8. Commemoration of the International Year of the World's Indigenous People.
9. General debate on the progress made in the field of human rights since the adoption of the Universal Declaration of Human Rights and on the identification of obstacles to further progress in this area and ways in which they can be overcome.
10. Consideration of the relationship between development, democracy and the universal enjoyment of all human rights, keeping in view the interrelationship and indivisibility of economic, social, cultural, civil and political rights.
11. Consideration of contemporary trends in and new challenges to the full realization of all human rights of women and men, including those of persons belonging to vulnerable groups.
12. Recommendations for:
  - (a) Strengthening international cooperation in the field of human rights in conformity with the Charter of the United Nations and with international human rights instruments;
  - (b) Ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues;
  - (c) Enhancing the effectiveness of United Nations activities and mechanisms;
  - (d) Securing the necessary financial and other resources for United Nations activities in the area of human rights.
13. Adoption of the final documents and report of the Conference.

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BRIEFING NOTES ON COUNTRY SITUATIONS:

***AFRICA***

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December 1992

## HUMAN RIGHTS IN SOUTH AFRICA

### ISSUE

Over the past three years, the South African Government has succeeded in doing away with the most visible elements of apartheid and has undertaken to reform the existing state structures. However, the heritage of apartheid casts a shadow on the reform process now under way and on the likelihood of its success. The United Nations is responding cautiously to the recent changes in South Africa, and, barring irrefutable proof, is very hesitant to concede that any irrefutable political progress has occurred.

### BACKGROUND

The human rights situation in South Africa has improved since 1990. The state of national emergency has ended, the constitutory laws on apartheid have been repealed, and political activity (freedom of speech and association) have been liberalized, thus allowing political parties to organize legally in most regions. Thanks to this political evolution, several thousand exiles have been repatriated and most of the political prisoners have been released.

At the end of 1992, the South African Government began, albeit timidly, to reform its security services. Most of the political leaders reaffirmed their firm opposition to political violence. The persistence of political and criminal violence, which causes thousand of deaths each year, is proof of the lack of political tolerance in South Africa and of the inability of the police to cope with endemic violence caused largely by the extreme socio-economic inequalities and by the growing armed political rivalry in the province of Natal. Black women and children are the worst affected by these inequities, which have been aggravated by the drought of 1992.

The continuing development of the rule of law in South Africa, too often applied to whites only and greatly weakened by the creation of black Bantu homelands, has been strengthened by the work of the Goldstone Commission on the prevention of political violence and intimidation, by the structures created under the National Peace Accord of September 1991, and by the presence of international observers. The level of violence must subside in the coming years if a stable democracy and the active pursuit of human rights are to prevail. Access to impartial justice is certainly not the least of these rights, and arbitrary detention and the use of excessive force still characterize the practices of the South African police, especially in the Bantu homelands and in the regions where social unrest is rife.

Multiparty negotiations on the creation of a non-racial transitional government, the holding of free elections and the writing of a new constitution are supposed to start early in 1993. Increasingly, the South African Government and the African National Congress (ANC), among others, seem willing to accept the sharing of political power in the short term

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and to see the need to establish a democratic state, decentralized and respectful of its minorities and of its citizens' rights.

### CANADIAN POSITION

In cooperation with the Commonwealth heads of government, Canada in October 1991 ended its measures against contacts (sports, air, science and government) with South Africans. At the same time, the heads of government tied the eventual lifting of economic sanctions to the adoption of transitional measures deemed satisfactory by the parties involved in the negotiations. However, the economic sanctions and the military embargo will remain until an agreement is reached on the new constitution and the election of a non-racial government.

Canadian aid to South Africa in 1992-93 totalled about \$11 million and was focused on the development of human resources, especially the victims of apartheid. Canada continues to reinforce the process of multipartite negotiation by its financial contributions to activities that encourage political and social dialogue between South Africans involved in the process of democratic reform. In addition, the International Development Research Centre (IDRC) opened an office in South Africa in 1992.

Since the middle of 1992, the South African Government has expressed its willingness to cooperate with the UN Security Council, in particular by receiving Mr. Vance, the Secretary General's special representative, and international observers. However, the General Assembly will withdraw its numerous anti-apartheid resolutions only if a transitional government is formed. With the success of the transition process in South Africa, the UN would reassess its heavy involvement in the South African question from the perspective of the social and political development of the world's other countries. In the Commission on Human Rights, Canada will continue to encourage the adoption of resolutions which reflect the reality in South Africa and which are conducive to the constructive evolution of that reality.

### TALKING POINTS

- How would the creation of a non-racial transitional government affect the democratic development needs in South Africa?
- In the longer term, will the UN resolutions on apartheid be abrogated, or will they be replaced by global resolutions on racial discrimination?
- Are there any positive developments which should be highlighted or directions that should be encouraged in the CHR's resolutions on South Africa this year ?

December 1992

## HUMAN RIGHTS SITUATION IN ANGOLA

### ISSUE

Angola's deteriorating human rights situation and return to a virtual state of civil war is of great concern to the Canadian Government. Not only does it represent a major setback for international efforts to end the fifteen years of brutal civil war that have virtually destroyed this potentially prosperous nation, but the manner in which the democratic process is being derailed is a setback to the promotion of democratic development in Africa.

### BACKGROUND

After a long anti-colonial struggle, Angola gained its independence from Portugal in 1975. The rivalry among the nationalist forces led to a bitter post-independence civil war between the MPLA, which had seized power, and the UNITA movement. After suffering initial setbacks, UNITA's strategy of guerilla warfare and economic sabotage enabled it to control large sections of the country, although in the process destroying much of Angola's infrastructure and practically eliminating agricultural and industrial production.

The human toll was roughly estimated at 500,000 casualties with one third of the population left displaced. Assassination and torture were commonly used by both sides. In 1989, Africa Watch published a comprehensive report of Angolan "violations of the laws of war" documenting widespread abuses against the civilian population. The extensive saturation of rural areas with anti-personnel mines gave Angola the infamous distinction of being the country with the highest per capita number of war amputees (estimates range from 40,000 to 70,000 amputees). The war also had a devastating effect on the delivery of health programs. In UNICEF's 1992 ranking of 170 countries based on number of deaths of children under five, Angola ranked third from the bottom (just behind Mozambique and Afghanistan) with 292 child deaths per 1000 live births.

The Angolan conflict became one of the regional conflicts of the cold war with the Soviet Union and Cuba on the MPLA side and the United States and South Africa providing support to UNITA. The end of superpower rivalry provided the impetus for peace talks to begin. Under pressure from the United States and Russia, the MPLA and UNITA began direct negotiation under Portuguese mediation culminating in the signing of the Bicesse Peace Accords in May 1991. Elections were held with United Nations assistance on 29-30 September 1992 with the MPLA defeating UNITA in both the legislative and presidential voting.

Even though the United Nations declared the elections to have been generally free and fair, UNITA has refused to accept defeat and has disputed the legitimacy of the elections.

UNITA withdrew its troops from the unified national army and violent clashes paralysed the country. Unsuccessful diplomatic initiatives aimed at saving the peace process have been undertaken by South Africa, Portugal and the United States. The United Nations is continuing an intensive mediation effort but has thus far failed to bring the two sides together.

### CANADIAN POSITION

Canada has supported the peace process in Angola and contributed 15 military observers to the United Nations Angola Verification Mission (UNAVEM II) established under the terms of the peace accord. As well, Canada contributed \$500,000 to the UN for communications equipment to be used during the elections and provided three election observers.

On 30 October the SSEA issued a press release condemning the escalation of post-election violence and called on both sides to respect the results of the elections and return to the peace process. Canada continues to support the efforts of the United Nations to resolve the current crisis and has twice, at the request of the Security Council, extended the assignment of its military observers serving with UNAVEM. Through our Honourary Consul in Luanda, we have urged the MPLA Government to guarantee the safety of members of the UNITA leadership wishing to return to Luanda to resume peace talks. Canada has also indicated to other countries that have a more direct involvement in Angola that we would consider as constructive any efforts they may undertake to get both sides back to the negotiating table.

Canada is continuing to provide humanitarian assistance to the victims of the Angolan conflict. Most recently, on November 5th, CIDA provided \$200,000 to Mission Aviation Fellowship of Canada to deliver medical supplies to hospitals in Angola (on the same flights that were being used to evacuate Canadian and UN personnel). According to our Honourary Consul in Luanda, this was one of the first emergency relief efforts launched to assist the victims of the post election violence.

### POINTS FOR DISCUSSION

- CHR has not traditionally adopted resolutions concerning Angola. Would the NGO community consider specific action necessary at CHR, given that the Security Council is actively seized of the matter ?

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December 1992

THE HUMAN RIGHTS SITUATION IN CAMEROON

ISSUE

Cameroon is a country where human rights violations are neither systematic nor flagrant, but where isolated miscarriages and abuses do occur. The 1992 parliamentary and presidential elections saw some regrettable incidents occur, including the house arrest of the opposition's main presidential candidate.

BACKGROUND

Cameroon is emerging from a lengthy period of single-party government. During this period, President Biya concentrated in his hands all the decision-making powers and made all the bureaucratic and political appointments. Theoretically, the National Assembly had the power to table and to debate proposed legislation, but in reality, pieces contrary to the Government's wishes were doomed to failure. The need to reflect the country's ethnic composition was one of the few elements that kept the abuses from being more widespread. Fraud was rampant. Faced with a rising tide of protest from an ever-increasing opposition made up of journalists, students, politicians of various stripes and the man in the street, President Biya was obliged to open up the political spectrum in 1990.

The years 1991 and 1992 were difficult ones. Violations of human rights rose with the tide of protest. The legislation concerning political parties in 1991, the campaign of phantom towns, ethnic and language disturbances, youth protests, the harassment of individuals and the failure of the tripartite meeting all contributed toward the creation of a climate of political turbulence that did little to further human rights.

There were instances of fraud and manipulation during the elections, but this did not prevent a majority of the population from voting for the parties and presidential candidates of the opposition.

However, since the electoral system allows a multiplicity of parties and candidates, the old single party and the former authoritarian President registered brief victories. The Opposition, feeling swindled, expressed its disagreement, triggering a repressive reaction on the part of the Government, which decreed a state of emergency in one region, placed John Fru Ndi, the second presidential candidate, under house arrest, and arrested journalists and opponents. The subsequent appointment of a national union government has quietened the internal situation somewhat. However, international funding agencies are waiting for concrete proof that Cameroon does indeed plan to return to a policy and to practices more respectful of human rights. Discontinuation of the state of emergency of December 31 was the first step in the right direction.

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CANADIAN POSITION

Canada has been very active in the Cameroonian human rights situation. Our Ambassador has met frequently with the members of the Cameroonian government to deplore the deteriorating human rights situation, especially the poor treatment of opposing politicians and the abuses of censorship. Canada has made many gifts of legal documents. It has given a grant to the Association of Women Jurists for a legal aid and information centre.

Canada has been especially active in the electoral field, having sent technical expert Louis Massicotte in November 1991. Mr. Massicotte recommended changes in the electoral code. Canada also sent observers to the parliamentary elections of March and the presidential elections of November, 1992. Numerous irregularities, especially in the presidential election, cast doubt on the credibility of the results. The ensuing protests led the Cameroonian government to take repressive measures denounced by a number of international governments and agencies. Mrs. Landry met with Cameroonian Foreign Minister-delegate Nkwain, and publicly expressed Canada's concern over the presidential election and the fallout from it. The lifting of the state of emergency, the liberation of John Fru Ndi and the constituting of a government of national unity has subsequently largely satisfied Canada's preoccupations.

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December 1992

## HUMAN RIGHTS SITUATION IN THE REPUBLIC OF KENYA

### ISSUE

The past year has seen great change in Kenya. In December, 1991, a reluctant and still-unconvinced President arap Moi bowed to international pressure to set the stage for the multi-party elections of 29 December, 1992. Ethnic clashes -- widely believed to be politically inspired -- resulted in hundreds of deaths and thousands of displaced. The political process has been marred by well-founded allegations of wrong-doing. Restrictions on the opposition and the press continued, but dropped off dramatically in the second half of 1992.

### BACKGROUND

In December 1991, largely in response to international economic and political pressure, President Daniel arap Moi announced that Kenya would no longer be a one-party state. Other political parties were legalized and elections were slated for no later than March 1993. The opposition forces formed almost a dozen different parties, a few of which were not allowed registration. One of the major opposition movements, the Forum for the Restoration of Democracy (FORD) eventually split to become two parties, FORD-Kenya and FORD-Asili.

During the spring and to a lesser extent throughout the year, ethnic clashes occurred, especially in the Rift Valley, resulting in approximately 800 deaths and 15,000 displacements. It is widely believed that the clashes, though tribal in practise, were incited by the ruling KANU party to press its point that without KANU, Kenya would erupt into civil strife.

In November, the election date was set for December 7. A court challenge was launched by FORD-Kenya against government-sponsored changes to the rules governing the nomination period. The challenge was successful and, as a result, the election date was moved to December 29. These unilateral changes which the government attempted to introduce were symptomatic of a process which was questionable at best. Approximately one million voters were denied the franchise because they were not issued identity cards. It is rumoured that other cards had been tampered with to deny many more people the vote. Various 'dirty tricks' were reportedly used to either prevent opposition candidates from filing their papers on time (thus assuring KANU of at least 14 seats by acclamation). Other candidates were reportedly bought off or otherwise enticed into running for KANU. So-called "KANU zones" were set up to bar opposition candidates from campaigning in certain regions. The media (notably the Kenyan Broadcasting Corporation) were biased towards KANU. Violence has occurred during the campaign, both at KANU and opposition rallies. As well, many international monitors had difficulty in getting accredited.

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While press restrictions were eased, at least five journalists are still awaiting trial on charges of sedition, and specific issues of critical magazines have been confiscated.

### CANADIAN POSITION

Canada was one of many countries which announced a suspension of new bilateral development assistance at the November 1991 World Bank Consultative Group meeting, thus increasing irresistibly the pressure on President arap Moi to allow multi-party elections.

Canada has used its traditionally strong bilateral relations with Kenya to bring concerns about human rights repeatedly and forcefully to the attention of high level Kenyan officials and parliamentarians, including the President.

Throughout the electoral process, the Canadian High Commission in Nairobi has chaired a group of donor countries which tried to promote democratic development in Kenya. The group assisted with funding, training, and monitoring of the elections. Canada provided three members for the Commonwealth observation team and two experts for the UNDP observer mission.

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December 1992

## HUMAN RIGHTS SITUATION IN SOMALIA

### ISSUE

The human rights situation in Somalia remains grim. To a large degree it is "unaccountable" because of the absence of a civil authority capable of either enforcing the rule of law or being held responsible for not doing so. Gangs and warlords continue to kill almost at will; thousands remain on the verge of starvation. The UN Security Council peace-making initiative through the Unified Task Force is at last providing the security for NGO delivery of basic humanitarian aid. But it will be some time before the situation stabilizes sufficiently for the emergence of tolerance and respect for basic rights. As the Unified Force hands over to a reconstituted UNOSOM, and UN efforts at rebuilding civil authority proceed, it will be important to develop political structures which reflect the perceived needs and desires of the Somali population as a whole, and provide the confidence, stability and mutual respect essential for an acceptable culture of human rights.

### BACKGROUND

The UN estimates that one million Somalis have fled war and famine in their country, including a large proportion of the administrative and intellectual elite. Most have sought refuge in neighbouring African countries or have emigrated. Of the remaining six million people, between one to two million still suffer from starvation or starvation-related diseases and will require several months to reconstitute their physical health.

Although crop returns will improve in the current season, agricultural production in 1993 will still not be sufficient to meet the needs of the Somali population. Agricultural supplies, most notably seeds and some equipment, may not be available in sufficient quantities to ensure a successful harvest in 1993. The UN 100 day action plan has received encouraging international support. But longer-term rehabilitation assistance will be required if Somalis are to be assured of the basic right to life.

Equally distressing and difficult to put right is the pervasive culture of violence, the cheapness of life and the disregard of dignity of any sort, but particularly of women, which has accompanied the collapse of civil structure and the rise of warlords and gangs of armed thugs. Only careful negotiation and rebuilding of broadly acceptable civil and political structures can bring the stability and confidence essential to underpin tolerance and a respect for even the most basic of rights. The UN-sponsored preparatory conference of Somali faction leaders 4/5 January in Addis Ababa will provide a bellwether of the task ahead. The reconstituted mandate and structure of UNOSOM following the hand over of the Unified Task Force, and the subsequent ability of the UN to help Somalis develop acceptable, functioning government and police forces, will be key to success.

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## CANADIAN POSITION

Canada strongly supports the UN peace-making initiative and the Unified Task Force operation as essential to securing humanitarian supplies as authorized by the UN Security Council Resolution 794. At its height, there will be serving with the Command some 1300 Canadian personnel, including those working from the supply ship HMCS Preserver. Proposals for subsequent international action to reconstruct a viable civil society are under urgent consideration.

Canada is supporting UNOSOM, as well as humanitarian relief efforts of the ICRC, other non-governmental organizations and several UN agencies, in particular the World Food Programme (WFP) and UNICEF. Canada has contributed over \$22.8 million in emergency aid to Somalia and to Somali refugees, including those in Kenya, Djibouti, Yemen and Ethiopia. The airlift operation involving three Canadian Hercules C-130 cargo planes ferrying WFP and ICRC relief supplies from Kenya into Somali has been extended until 31 January. Over the past year Canada has provided refuge to over 15,000 Somalis and continues to seek ways in the complex Somali environment of ensuring more rapid family reunification.

## POINTS FOR DISCUSSION

- Considering that the Security Council is actively seized of the situation in Somalia and that there remains to be established an effective government with which the Commission could interact, what are the advantages/disadvantages of maintaining consideration of Somalia under confidential procedure 1503 or transferring it to public debate under item 12 ?

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December 1992

## HUMAN RIGHTS SITUATION IN THE REPUBLIC OF THE SUDAN

### ISSUE

The human rights situation in Sudan continues to be of great concern to the Canadian Government. The Government is especially troubled by the plight of victims of the civil war, and by abuses on all sides perpetrated under the guise of the necessities of war.

The on-going civil war pitting the Government of Sudan (GOS) against the Sudanese People's Liberation Army (SPLA) has been marked by the use of food as a weapon. Both the GOS and various factions of the SPLA have blocked relief efforts when it has suited their purposes. Juba and other centres have been cut off from regular aid deliveries despite an agreement reached in September between the GOS and UNHCR. (A follow-up agreement which included the three major SPLA factions holds more promise). There are reliable reports of mass executions. The plight of women is particularly onerous. In August and September, a number of relief workers (with USAID, the EEC, and UNICEF) were killed by the GOS and SPLA.

Peace talks, brokered by Nigeria, continue in an on-again off-again fashion. The GOS's determination to militarily impose fundamentalist Islamic rule on non-Moslem Southerners continues to be a major stumbling block.

### BACKGROUND

The 1989 coup which brought Lt. General Omar el Bashir to power also intensified the conflict between North and South. With the National Islamic Front as a major ideological force behind the GOS, the pressure to extend Islam into civil society throughout the country has been increased, with a resulting counter-offensive by the SPLA. But in the past 18 months, the SPLA has splintered into three and perhaps four factions. The split between the two major factions (SPLA-Torit and SPLA-Nasir) is largely along ethnic lines (Dinka in the first instance, Nuer in the second) although there is also disagreement as to the future of Southern Sudan, with the Torit faction favouring an autonomous South within a united Sudan and the Nasir faction calling for all-out independence.

The war has caused great suffering on the part of civilian populations. Perhaps the most dramatic example is an estimated 500,000 displaced persons who, after becoming squatters in Khartoum, were forcibly removed to ill-prepared camps in the desert outside of the city. Both the GOS and the SPLA have blocked the delivery of relief supplies (by denying flight clearances, for example) when it has served their purposes. Effective channels for delivering food and other vital supplies have become fewer and fewer.

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The GOS has recently established an internal commission to study complaints of human rights abuses. It also reportedly released approximately 130 detainees in November.

### CANADIAN POSITION

Canada has consistently called for a halt to hostilities between the GOS and SPLA. A just, negotiated political solution is the only way to ensure a lasting peace. Canada supports the Nigerian efforts to broker an agreement between all sides but recognizes the difficulties in the way of short-term success. The effective delivery of humanitarian assistance continues to be a concern for donor countries, including Canada. New channels must be found in order that aid gets to those most in need. We cannot accept the use of food as a weapon against civilian populations. Canada supports the UNHCR in its attempts to secure channels for the delivery of humanitarian assistance. Canada was at the forefront of Operation Lifeline Sudan (OLS) which provided safe passage for relief workers operating in the South. (OLS has recently encountered obstacles, largely due to in-fighting among the SPLA factions.)

Canada has suspended bilateral development aid to Sudan and encourages other donor countries to suspend both development aid and arms shipments to any side in the conflict.

The intransigence of the GOS and its self-justification through resort to claims of Islamic principles (as opposed to Western "human rights") remain major obstacles in the effort to pressure the Sudanese Government into accepting responsibility for respecting of human rights. We must find new avenues through which we may press the point that human rights cannot be ignored.

The splintering of the opposition SPLA and human rights abuses attributed to the opposition factions are equally matters of great concern. All sides, including Southern opposition groups, must be made to observe basic, internationally accepted human rights.

The Canadian Government has repeatedly made its concerns about human rights known to Sudanese officials. Representations have been made both in Khartoum and to the Sudanese chargé in Ottawa. The Minister for External Relations and International Development, Monique Landry, raised Canada's strong concerns at a meeting of la Francophonie.

Canada has also called for the UN to apply pressure on the GOS to respect human rights. In December 1992, Canada co-sponsored a General Assembly resolution which called on the CHR to consider appointing a Special Rapporteur for Sudan.

### POINTS FOR DISCUSSION

Sudan remains under consideration in the 1503 confidential procedure, but pursuant to the UNGA resolution which we co-sponsored, we will support the appointment of a

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Special Rapporteur for Sudan. Are there any special points that should be made in such a resolution, or tasks involved in a Rapporteur's mandate ?

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December 1992

## HUMAN RIGHTS SITUATION IN ZAIRE

### ISSUE

Respect for human rights in a developing country like Zaire depends largely on improvement of the harmonious unfolding of the democratic process. However, the economic situation is deplorable, and President Mobutu is clinging to power by force.

Since Mobutu's famous speech of April 24, 1990, announcing a new openness to democracy, the country has experienced a measure of free speech. The people, awakened to democracy, immediately began to entertain high hopes. By contrast, a marked deterioration has occurred on nearly all other points.

To say that the economic situation deteriorated in 1991-92 would be an understatement - it was catastrophic. More than 100,000 jobs were lost following the events of September 1991. The civil servants have not been paid for months, and the military are shamelessly pillaging the country's businesses because they too have gone unpaid. Zaire, which continues to be one of the world's poorest countries, has acquired the unenviable reputation of being able to feed the children in the capital only every other day.

### BACKGROUND

The country has been experiencing a state of profound crisis since the summer of 1991, following Mobutu's promise to allow political multipartism. European expatriates took flight in September 1991 on account of rioting and the systematic pillaging by the army in Kinshasa and Lubumbashi. The numerous opposition parties reacted by demanding a National Sovereign Conference (CNS) and free elections. Mgr. Monsengwo, who is a great conciliator, was elected Chairman of the CNS, then Head of the High Council of the Republic (HCR), which succeeded it. These bodies have temporarily replaced the National Assembly, which has been given leave until the next elections.

Realizing that the institutions emerging from the CNS were seeking a greater share of the political power, Mobutu has done everything in his power to obstruct the democratic process. He had the army encircle the National Assembly building, where the HCR was to meet, and did the same with certain government departments, the office of Prime Minister Tskisekedi and the Central Bank, to show that he had control over the latter and over the armed forces. He dismissed the ministers and replaced them temporarily with general secretaries. The outcome of the standoff between Mobutu and his Prime Minister remains uncertain.

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Freedom of opinion: last November's fire at the Terra Nova printing shop dealt a serious blow to freedom of the press. The electronic media is always controlled and muzzled by the state. This was seen in the President's recent ban on the broadcasting of CNS debates concerning murders and illegally acquired goods.

Discrimination: Zaire has a form of tribalism drawn along ethnic lines. The Constitution guarantees all Zairians the same rights, but the problem lies in the obstacles to its application to women, namely discriminatory practices, customs and legal provisions.

### CANADIAN POSITION

Canada has been active in its defence of human rights. Our decision not to participate in the Francophone Summit in Zaire was well received by the public in Kinshasa. The Zairians took notice when we decided to suspend cooperation.

Mr. Jean-Pierre Kingsley of Elections Canada was invited by Zaire in April 1991 to study election-related issues. In addition, the ICHRDD made a contribution of \$72,000 to the Zairian Human Rights League. Our Head of Mission assisted in the effort to bring together the country's human rights associations. Three members of this amalgamation took part in the seminar of the Canadian Human Rights Foundation, held in Prince Edward Island. Finally, in a news release dated December 10, 1992, The Honourable Monique Landry expressed her and the Government's serious concerns about the country's deteriorating situation. Among these concerns were the revocation of Prime Minister Tskisekedi's provisional government and the use of force to try to compromise the democratic process.

### POINTS FOR DISCUSSION

- What is the most appropriate channel for consideration by CHR of the situation in Zaire (Currently under review within confidential procedure 1503, Zaire was earlier the object of a less than successful experience under the Advisory Services item) ?

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BRIEFING NOTES ON COUNTRY SITUATIONS:

***ASIA***

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December 1992

## HUMAN RIGHTS SITUATION IN BURMA

### ISSUE

Burma has one of the worst human rights records in Asia. Torture and extrajudicial executions remain commonplace. Over 1500 political prisoners, including Nobel Peace Prize winner Daw Aung San Suu Kyi, remain in detention.

### BACKGROUND

The military established direct control in Burma in September 1988, creating the State Law and Order Restoration Council (SLORC) following violent protests earlier in the year which left thousands dead and led to the resignation of General Ne Win and the demise of the military-backed Burma Socialist Program Party. Although elections were held in 1990 and the National League for Democracy won a landslide victory, the SLORC has held on to power. They claim that a Constitution must be passed before they can hand over power - a process which could take years.

Since the change of SLORC leadership in April 1992, there have been a number of developments including the release of over 1000 prisoners (some political), the announcement of the convening of a National Convention on the drafting of the constitution and the lifting of martial law. Despite these developments, human rights abuses continue unabated. The military remain wedded to maintaining power and have systematically eliminated political opposition.

The UN General Assembly passed a resolution unopposed in December 1992 expressing grave concern at the serious human rights situation and lack of democratic development in Burma. The resolution calls on the SLORC to fulfil its responsibilities under the 1949 Geneva Convention, allow free participation in the political process and ensure full respect for human rights including those of ethnic and religious minorities.

The UNCHR Special Rapporteur to Burma, appointed in 1992, tabled a damning report at UNGA which included some of the allegations of serious human rights abuses tabled at UNCHR. The Special Rapporteur has since visited Burma but was unable to visit political detainees.

Burma is a country with a dozen distinct ethnic groups and hundreds of languages spoken. Some of the ethnic groups have their own armies and have been fighting the central government for greater autonomy or independence.

Burma's problems are not confined to its own borders: over 260,000 Rohingya refugees remain in camps in Bangladesh claiming persecution by Burmese military in Arakan province. The problem is being compounded by report of forced repatriation to Burma of small groups of refugees. Opium production has escalated since the SLORC has been in

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power. Unregulated and rapid depletion of the teak forests also has potentially severe environmental consequences for the region.

### CANADIAN POSITION

Canada recognized Burma at the time of Independence in 1948 and established diplomatic relations in 1958. Burma opened a permanent mission in Ottawa in 1966, closed it in 1978 and reopened in 1985.

Canada's relations with Burma are limited because of our human rights concerns. Canada suspended its aid program in 1988 and military sales have been halted. The Canadian Government does not encourage Canadian business to become involved in Burma.

Canada has worked through bilateral and multilateral channels to promote democratic development and respect for human rights in Burma. Canada's Ambassador to Burma (resident in Dhaka) makes regular representations to the SLORC on Canadian views. During his next visit in January, the Ambassador has been instructed to again seek further information on specific political prisoners based on lists provided by Amnesty International. We have called in Burmese officials in Ottawa to seek details on the disturbing reports that Aung San Suu Kyi may be refusing food to protest her continuing detention and to reiterate our call for her immediate release. The Secretary of State for External Affairs wrote to Aung San Suu Kyi in October 1992 to reaffirm our admiration for her struggle to promote democracy, human rights and ethnic reconciliation in Burma through peaceful means. Ms. McDougall also wrote to SLORC to express this Government's outrage at the continued detention of Aung San Suu Kyi and to exhort the regime to release all political prisoners immediately.

Canada continues to consult with a wide range of countries on Burma and we coordinate policy with a group of "like-minded" countries which hold similar views. Ms. McDougall called for an international arms embargo on Burma at the ASEAN Post Ministerial Conference in Manila in July 1992. At the United Nations General Assembly in December 1992 we reiterated our views through our input in and co-sponsorship of the Burma resolution and in our UNGA statement on human rights. Canada has actively promoted a number of joint demarches on Burma in an effort to promote positive change.

### POINTS FOR DISCUSSION

- Considering the SLORC's intransigence in dealings with the international community on its human rights record, as illustrated by its attitude during the CHR Rapporteur's visit, what measures are available to CHR to influence movement in the right direction ?

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December 1992

## HUMAN RIGHTS SITUATION IN INDIA

### ISSUE

Human rights abuses continue in India despite a comprehensive legal framework protecting the rights of Indian citizens. On-going violence and abuse in Kashmir and Punjab are of particular concern with police and security forces as well as opposition groups allegedly involved in serious human rights violations.

### BACKGROUND

The formation of a minority Congress (I) Government by Narashima Rao in 1991 appeared to mark a movement away from personality-based politics towards a greater focus on issues as it was the first time a Congress Government was not led by a member of the Nehru/Gandhi family dynasty. Under the Rao Government, India has embarked on a comprehensive economic liberalisation program which has begun to dismantle the protectionist, licence dominated, state-controlled economic system in favour of a more open economy.

India is a multi-ethnic country with most states created along ethnic/linguistic lines. About 30% of India's population remain below the poverty line. Although India is officially a secular state, communal or inter-religious tensions and violence have been increasing as demonstrated with the recent demolition of the Babri mosque in Ayodhya by militant Hindus and the resulting violence which left over 1000 people dead.

While protection of human rights is well covered in India's legal framework, India is unable to implement these laws effectively and human rights abuses continue in a range of areas.

In Punjab, state and national elections took place in February 1992 after a long period of Presidents rule but the situation remains unsettled. Sikh militant violence and killings continue while the army, police and security forces are accused of custodial brutality, torture and death. The current death toll as a result of political violence is approximately four hundred per month.

Kashmir is the only state in India with a Muslim majority and, over the past two years, secessionist sentiments and activities have escalated. The current phase of unrest had its origins in the rigged state assembly elections of 1987 and resulted in violent protests in Srinigar in December of 1989. The introduction of over 200,000 Indian military personnel, the dissolution of the state assembly and the imposition of President's Rule has further

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alienated the local population. There are continuing reports of serious human rights violations, including rape, by government forces.

Women and girls suffer from low status and unequal access to education, employment, health care, income, and political participation in India despite an extensive legal framework, beginning with the Constitution, which gives equality to women. The problem is deeply rooted in traditions related to caste and to social attitudes and religious practices such as arranged marriages. India has not yet ratified the U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Children labour is endemic in India despite provision in the Constitution to protect children from this practice. Over 40% of children work. Poverty and the lack of access to basic education are the main reasons for child labour.

Recent human rights developments in India include the Government's announced intention to establish a Human Rights Commission and the visit in November 1992 of an Amnesty International delegation for the first time since 1978.

#### CANADIAN POSITION

Canada regularly raises human rights problems in India in multilateral fora such as the UNHCR, the UN General Assembly and the Aid India Consortium.

Bilaterally, Canada maintains a dialogue on human rights with the Indian Government. We successfully brought pressure to bear for the court martial to be held in the case of the rape of a Canadian tourist by security forces in Kashmir. In the recent case of the imprisonment of Justice Bains in Punjab, the Canadian High Commissioner in Delhi raised the case with senior Indian officials prior to Justice Bains' release.

Bilateral and Canada Fund programs are directed towards poverty alleviation and include important women-in-development components.

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December 1992

## HUMAN RIGHTS SITUATION IN INDONESIA

### ISSUE

Indonesia has a long history of serious human rights abuses, the most well-known cases being associated with East Timor and Aceh.

### BACKGROUND - ACEH

In Aceh, a province in Northern Sumatra, a rebellion surfaced over the past three years, led by the GPK (Aceh Mederka - Free Aceh Movement). Indonesian armed forces (ABRI) crushed the rebellion in 1989 and are believed to have terrorized local villagers into not supporting the GPK. It is estimated that between 1000 and 1500 civilians have been killed by ABRI in Aceh. Since then, the situation has much improved with the abatement of the anti-subversion campaign by the security forces by the fall of 1991. There are still reports of abuse, but in terms of sheer scale, the situation has improved dramatically. Whatever remaining abuses appear to be isolated incidents.

### BACKGROUND - EAST TIMOR

The situation in East Timor continues to impact on Indonesia's human rights record after Indonesian soldiers opened fire on 12 November, 1991, on a procession of around 1,500 mourners who were marking the death of an East Timorese killed in an incident in October. Between 50 and 100 people were killed and many were injured. The international community has condemned the shootings.

On December 26, 1991, a Commission of Inquiry set up by the Indonesian Government to investigate the shootings, submitted a preliminary report, which increased the early casualty figures from 19 to 50 and acknowledged that the military had lost control. Indonesian President Soeharto took the following initiatives after the issuance of the report: a) its immediate translation and release; b) removal of two generals most directly responsible for the shootings; c) set up of a military inquiry, which took disciplinary action against six officers in the chain of command plus the court martialling of eight others including four officers, three non-commissioned officers and one private; d) review of the Indonesian development program in East Timor; e) the army commander was instructed to account for those missing and; f) public apologies to the families. In addition, the Indonesian government invited a representative of the United Nations Secretary General to visit East Timor.

The report of the military investigation issued in February indicated that six senior officers, eight junior officers, and soldiers of other ranks will be subject to military discipline

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for their part in the shootings. In June, a number of court martials and trials of demonstrators were held. Sentences of soldiers, which were around one year, differed markedly from sentences given out to demonstration organizers -- around ten years. The reason was that the military were on trial only for losing control and going beyond authority and not for murder, whereas the demonstration organizers were on trial for subversion, which carries severe penalties according to Indonesian law -- up to life imprisonment.

### CANADIAN POSITION

Canadian dismay at these shootings was conveyed by the Secretary of State for External Affairs during her meeting with the Indonesian Foreign Minister in Seoul on November 13. On December 9, 1991, Canada suspended the approval of new development projects for Indonesia (\$30 million) and gave an immediate grant of \$150,000 to the International Committee of Red Cross (ICRC) for humanitarian assistance in East Timor.

The Canadian delegation to the UNCHR worked successfully to achieve a strongly worded consensus text registering the concern of the international community regarding the human rights situation in Indonesia and urging the Indonesian government to take appropriate action on the situation in East Timor.

Canada saw as a positive development the conclusions of the interim report and the response of the Indonesian government in taking action on a number of the recommendations in the report. Canada considered also as positive the decision of the Indonesian Government to invite a special representative of the United Nations Secretary General to visit East Timor (Canada has encouraged the Secretary General to make public the results of this visit).

Canada, however, has not lifted its suspension on new projects when the Consultative Group for Indonesia (CGI), which periodically gathers development assistance donors to coordinate aid pledges, was held in Paris in mid-July. Therefore, Canada made no pledge and attended the meeting as an observer only. This is because Canada had continuing doubts, specially about the fairness of the judicial system in light of discrepancies in the sentences given to civilians and military personnel involved in the Dili incident and by the continued presence of the military in East Timor. This was clearly expressed by the Secretary of State for External Affairs when she met her Indonesian counterpart in Manila in the context of the PMC meeting last July.

### ARREST AND DETENTION OF XANANA GUSMAO

On November 20, 1992, the Indonesian military arrested Xanana Gusmao, leader of the East Timor independence movement Fretilin, in a village just south of Dili, capital of East Timor. Gusmao was regarded for many years as a symbol of resistance to Jakarta's rule. After his arrest, he gave a televised interview renouncing many of his previous positions and statements.

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The International Committee of the Red Cross (ICRC), which had asked for access to Gusmao, was allowed to visit and interview him for one hour in private on December 6. In addition, Indonesian authorities agreed that the ICRC could visit Gusmao in the future. Canada had made official representations in support of the ICRC request.

POINTS FOR DISCUSSION

- Does the NGO community have any further information concerning the fate of Xanana (pronounced shanana) Gusmao and his family?
- Considering broad support for Indonesia within the Asian group in the UN and lack of success at CHR 48 in securing a resolution, what is the best means of addressing the Indonesian situation at CHR 49 ?

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December 1992

### HUMAN RIGHTS SITUATION IN PAKISTAN

Social conditions in Pakistan make it difficult for political and economic rights to flourish. The increasing income polarization, removal of subsidies and cutting of services - part of Pakistan's IMF inspired structural adjustment package - will sharpen existing disparities. Rural masses who make up the bulk of the population live under the dominance of feudal overlords who have constituted the majority in every legislature Pakistan has had since independence. Illiteracy rates are among the highest in the developing world, and are particularly poor for women.

Religion, and especially Pakistan's version of Islamic Fundamentalism, has proven an obstacle to the advance of democracy and human rights as they are understood in the West (and in the UN covenants). Pakistani fundamentalists, although a small minority, are a well-organized politico-religious strikeforce who provide easy, anti-western "solutions" for discontented youth particularly from the lower-middle and middle classes. Successive Pakistani leaders have resorted to steadily harsher versions of Islam in an effort to give legitimacy to their otherwise dubious regimes. The passage in 1991 of the Shariat Act is but the latest stage in a gradual process of Islamicization. Secular traditions and institutions are clearly at risk.

Worsening socio-economic conditions, especially in Sindh, have contributed to the emergence of the "Kalashnikov" culture. The rich are heavily guarded and the powerful retain small private armies. Ethnic, sectarian, political and criminal violence is often intermingled and increasingly lethal due to the easy availability of weapons. The police are seen by most Pakistanis not as protectors but as oppressors. The levels of venality, corruption and criminality in police ranks are extremely high. Physical abuse, rape and torture in police custody are commonplace.

The general breakdown in law and order and violent criminal action throughout Pakistan has prompted the government to grant increased powers to the police (Constitutional Amendment No. 12). This has served to exacerbate police abuse of human rights but has not been sufficient to restore order. In the Sindh, the situation deteriorated to the point that the military occupied the province in the fall of 1992 - martial rule now applies.

Though now superficially calmer, overall human rights prospects remains grim. In addition to traditional banditry, the provincial Chief Minister in the Sindh has conducted a campaign of systematic repression against members of Benazir Bhutto's Pakistan Peoples Party, other opposition politicians, Mohajirs (Muslims who originally migrated from India at the time of partition and who are dominant in business) and religious minorities. Discrimination of all forms characterises Pakistan society, although Pakistan does not have as rigid and pervasive a caste system as India. There are in fact few places in the world where

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women are worse off. Literacy among women is less than half of the (abysmally low) rate among men. However, urban upper-class women enjoy opportunities for education and professional work in some fields. They make up most of the membership of women's groups who promote women's rights and lobby the government. But again, growing Islamicization threatens even this slender achievement.

With a GNP per capita of USA dollars 380, Pakistanis know extreme poverty and its consequences. The infant mortality rate is 103 per thousand, much of it caused by simple diarrhoea/dehydration. Mortality is higher among girls than boys who tend to receive better care within the family because higher value is put on their lives. There are 2900 people per doctor and fewer nurses than doctors. Malnutrition and disease take their toll - the average life span is 56 years. Hospitals are free for basic medical care but grossly under-staffed and under-funded.

Adult literacy is 28% - among rural women it is considerably lower, in rural Baluchistan less than one percent. There is no social safety net except for the family/clan and Islamic charities. Unemployment is about ten percent. Working conditions can be harsh, even bordering on slavery - the ILO estimated that in 1989 there were 20 million bonded labourers, a figure which may be exaggerated but nevertheless indicates the scale of the problem. The exploitation of children, for example in the brick-making industry, is epidemic.

### CANADIAN POSITION

Canada looks forward to an early restoration of civil administration in Sindh and the return of the army to its normal duties. We are pleased that Pakistan has recently passed legislation against bonded labour and look forward to its being fully implemented. We remain dismayed, however, by the deteriorating treatment of women as a result of the application of the Haddood Ordinances and of minorities as a result of various other laws. We are particularly concerned over the government's decision to introduce a religious column in the national identity card. Minorities, especially Ahmadis, Hindus and Christians clearly fear that this can only lead to further discrimination. There is mounting evidence that many prisoners in police custody are the victims of torture and female prisoners of rape; we hope that the Pakistani authorities will soon take remedial measures. Finally, we remain concerned that the special and speedy courts fall short of acceptable standards of due process.

Canada maintains close contact with Pakistani human rights groups, and has been involved in making recommendations for Pakistani participants in Canadian human rights courses. The International Centre for Human Rights and Democratic Development is involved in a project to promote the rights of bonded labourers. Canada frequently makes its concerns known to the authorities, through multilateral channels as well as the Ministry of Foreign Affairs in Islamabad and the Pakistan High Commission in Ottawa.

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December 1992

## HUMAN RIGHTS SITUATION IN THE PHILIPPINES

### ISSUE

Serious human rights violations still occur in the Philippines although the frequency of violations continues to decrease, following the trend of the past few years. The national elections on May 11, 1992, which were among the freest and fairest in the Filipino history, marked a significant step forward in democratic development and augur well for further improvements in the human rights situation and good governance.

### BACKGROUND

The generally free and fair national elections of May 11, 1992, followed by a peaceful and democratic transfer of power from President Aquino to the Ramos administration, were key steps in the restoration of democracy in the Philippines in wake of the 1972-86 Marcos dictatorship. President Ramos has proposed concrete steps towards a national reconciliation and ending of insurgency and instability, which are principal factors behind the continuing though declining level of human rights violations in the Philippines. These include: a) legalization of the Communist Party of Philippines (CPP); b) amnesty for political detainees; c) repeal of a law which made possession of firearms in furtherance of rebellion a crime (this law was frequently used -- and misused -- to convict suspected communists, Muslim radicals and military rebels); d) establishment of a new Presidential Anti-Crime Commission (PACC), chaired by Filipino Vice-President Estrada to fight crime; e) negotiations with the National Democratic Front (NDF) under the auspices of the National Unification Commission (NUC). On September 1, 1992, a joint declaration was signed, calling for formal "no pre-condition" peace negotiations and measures of goodwill and confidence-building to create a favourable climate for these negotiations. Since then, the two sides have failed to reach agreement on a venue for formal peace negotiations.

However, the persistence of widespread economic hardship, with approximately 55 percent living below the poverty line while a small wealthy elite controls national wealth, still breeds discontent and provides a fertile ground for serious human rights violations, including extrajudicial executions, forced disappearances, torture and mass exodus, although the trend is downward. A majority of these violations are still perpetrated by military, citizens armed forces geographical units (CAFGUS) and police in the course of counter-insurgency operations. Thousands of civilians are evacuated annually from villages suspected of harbouring, or being sympathetic to the CPP/NPA. In the course of evacuations some, especially children, die from malnutrition or disease when seeking shelter in overcrowded evacuation centres or retreating into forests and mountains. In addition, CPP/NPA also continue to commit human rights violations of various kinds.

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Statistics on the incidence of human rights violations from the government-appointed Commission on Human Rights (CHR) and human rights NGOs, such as Task Force Detainees of the Philippines (TFDP), reflect declining, though still alarming, numbers of abuses. TFDP reported 63 cases of extrajudicial execution in 1991, down from 166 in 1990. CHR reported a drop of 28% in complaints involving murder or execution, and a drop of 64% in complaints of torture (without specifying the number of cases). TFDP indicated 135 reports of torture in 1991.

Statistics on the actual number of violations in the Philippines are difficult to assess as CHR figures are often considered to be low while NGO figures are considered to be somewhat inflated. Both CHR and NGO reports, however, acknowledge the decline in serious violations.

### CANADIAN POSITION

Canada strongly supports the government of President Ramos and believes that the human rights situation would be much worse under any alternative regime. Canada has been pursuing and intends to pursue a strategy to maintain human rights as a priority in bilateral relations, including dialogue at the ministerial level, regular consultation with Canadian and Philippine NGO groups, cooperation between Canadian human rights institutions and their Philippine counterparts and representations on specific and illustrative human rights abuse cases across the spectrum of concerns (disappearances, internal refugees, NGO harassment and military and policy brutality).

As consistent actions related to the Canadian strategy on human rights, the Canadian Embassy in Manila mounted a major effort in observing the Philippine elections both in Manila and in the provinces together with other diplomatic observers. The Embassy determined the process to be free and fair. The Embassy has also maintained contacts with CHR and human rights NGOs and closely followed the human rights situation in the Philippines. In addition, CIDA supports a number of human rights activities through NGO channels, including projects in support of rights of women and those of aboriginal peoples.

Senator Di Nino, who represented Canada at the June 30, 1992 inauguration of President Ramos, expressed the desire of the Canadian government to see improvement in Philippine human rights situation under the Ramos administration. The Secretary of State for External Affairs also expressed some concern at the July Meeting of ASEAN Post-Ministerial Conference in Manila with outgoing Philippines Secretary of Foreign Affairs Manglapus, and with President Ramos.

### POINTS FOR DISCUSSION

- Do you have any information concerning the latest developments in talks between the NUC and NPC?

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- Do you know how many political detainees have been released so far in the Philippines?

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December 1992

### HUMAN RIGHTS SITUATION IN SRI LANKA

With continued fighting between government forces and the Liberation Tigers of Tamil Eelam (LTTE) in the north and east, the civil and human rights situation of the population in the Northern and Eastern Province remains deplorable. Over a million people have been displaced and some 100,000 refugees remain in the Indian state of Tamil Nadu. The articulation of Tamil grievances has not found resonance in the face of rising Sinhalese nationalism and President Premadasa's economic "reforms" have exacerbated economic and social polarization.

To maintain and increase its fighting capacity the Government has increased its military budget to approximately 5% of GNP while the LTTE has expanded its weapons support system and fundraising from around the world. In spite of their increased efforts, neither side in the conflict has been able to achieve military superiority.

The Sri Lankan armed forces are considered an occupying force by most Tamils in the northern and eastern regions. In the south, the 1989-90 campaign to extinguish the Sinhalese extremist JVP guerilla group was noted for its brutality. From the early 1980's onward, evidence has been accumulating to the effect that elements of the government and military explicitly support a program of institutionalized repression, torture and massacres. This has prompted a strong reaction by western donor agencies, reflected in criticism of government policies in the U.N. and elsewhere, as well as a reduction in official development assistance flows.

The Government recognizes that it can no longer afford the international opprobrium for its poor human rights performance, nor the loss of donor support. It has begun to ensure that greater respect is paid to civil and human rights by the armed forces and government apparatus. Disappearances in the northeast, though still unacceptably high, have fallen from 100 per month to less than 20; disappearances in the south have fallen to one or two per month. The Government has established a Human Rights Commission, which has yet to demonstrate its objectiveness and utility, and has struck the Parliamentary Select Committee on the Northeast Conflict, which is similarly unproven. Much remains to be done, especially with regard to military and police discipline and the treatment of detainees.

The judicial system in Sri Lanka is subject to government influence and interference and has been used as an instrument of government policy. Many perpetrators of human rights abuses have been denied due process of law and a significant number of critical allegations have not reached court. There is understandably little faith in the rule of law or the quality of justice in Sri Lanka.

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## CANADIAN POSITION

Canada is convinced that a lasting peace in the northeast, which acknowledges the aspirations of Tamils, can only be achieved by negotiation and dialogue. Canada regularly calls on the protagonists in the conflict to strive towards a political settlement through the introduction of confidence building measures. To this end, Canada welcomes the establishment of the Sri Lankan Human Rights Commission as a useful vehicle by which to develop and encourage the peace process.

Canada has established a direct linkage between human rights performance and development assistance spending. Country programs and priorities have been reviewed globally, and in the case of Sri Lanka this exercise has resulted in substantial adjustments. Government-to-government assistance has been scaled back dramatically, while support for social and economic development through non-governmental organizations has been enlarged. Overall aid expenditures have been pared substantially (reduced almost 75% since 1982-3), to a level of \$11.2 million last year. Every effort is being made to ensure that the current program reinforces broad Canadian foreign policy objectives.

Canada has also brought the issue of human rights violations in Sri Lanka to the attention of the Third Committee of the U.N. General Assembly. Canada took the lead in the negotiation of a strong Chairman's statement at last year's CHR. That statement committed Sri Lanka to implement the recommendations of the UN Working Group on Disappearances and to admitting the Group back to Sri Lanka by the end of the year to monitor and observe progress. The UN body has also encouraged the Government of Sri Lanka to implement the recommendations of Amnesty International.

As long as the civil war continues, Canada will not issue permits for the export of military equipment to the Sri Lankan armed forces. Nor, given the high levels of continuing violence and the apparent inability of either side to commence peace negotiations in good faith, is Canada in a position to propose or encourage the engagement of the international community in mediation efforts or peacekeeping operations.

In January, 1992 an eight member Canadian delegation, including three Members of Parliament, made an unofficial visit to Sri Lanka at the invitation of a group of local non-governmental organizations. The Government of Canada welcomed this event, as well as the opportunity to study and reply in detail to the delegation's report.

## POINTS FOR DISCUSSION

- Unofficial indications suggest that the report of the Working Group on Disappearances, while revealing a continued serious situation in Sri Lanka, may indicate improvements in the "statistics" as well as the attitude of Sri Lankan

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authorities. In such circumstances, what represents a realistic and appropriate Canadian approach at CHR ?

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December 1992

## HUMAN RIGHTS SITUATION IN THE PEOPLE'S REPUBLIC OF CHINA

### ISSUE

The human rights situation in China continues to be a matter of serious concern to the Canadian government, and a factor in bilateral relations.

### BACKGROUND

International concern over respect for human rights increased dramatically as a result of the events of Tiananmen in June 1989. Since that time, the Chinese government has made some effort to counter internal discontent and Western criticism of the human rights situation in China, as evidenced by the release in November 1991 by the Chinese State Council of a white paper on human rights in China. Nevertheless, the Chinese government's record on human rights is clearly unsatisfactory, especially regarding political repression, limitations on freedoms of speech and assembly, and the administration of justice.

Canada's concerns focus in particular on the treatment of individuals for non-violent expression of political or religious views, the treatment of detainees, prison conditions and trial procedures. Officials at the Canadian Embassy in Beijing have on several occasions formally requested access to trials of dissidents, notably during the trials of those associated with the events at Tiananmen Square of June 1989. These requests were always refused.

Canadian concerns about human rights in Tibet have also been regularly raised with Chinese authorities at all levels. In addition, cases of specific dissidents have been raised with the Chinese authorities, for example by a delegation of Canadian parliamentarians in November 1990, and by Canadian Embassy officials during a visits to Tibet in November 1991 and August 1992.

### CANADIAN POSITION

Canada has supported multilateral initiatives calling for greater respect for human rights in China. In September 1989, the UN Subcommittee on the Prevention of Discrimination and Protection of Minorities, encouraged by Canada, adopted a resolution asking the UN Secretary-General to report on the human rights situation in China in 1990. This report was submitted in January 1991. In March 1991, Canada co-sponsored a resolution before the UN Commission on Human Rights calling for greater respect for human rights in China. Although that resolution was narrowly defeated, Canada reiterated its concern on the human rights situation in China, including Tibet, in its statement at the Commission. At the 1992 session of the Commission, Canada co-sponsored a resolution condemning China's human rights practices, but this was again defeated.

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The issue of human rights is on the agenda of all senior bilateral meetings, and has constituted a substantive part of the discussions held by Secretary of State for External Affairs Barbara McDougall with Chinese Foreign Minister Qian Qichen at the United Nations General Assembly in New York in September 1991 and September 1992, and at the APEC ministerial meeting in Seoul in November 1991. Canadian concerns about human rights were also raised by Agriculture Minister Bill McKnight and Minister of International Relations Michael Wilson during their visits to China in October 1991 and April 1992 respectively.

Three Canadian Members of Parliament, representing the three major national political parties, visited China Jan. 4-7, 1992, in order to discuss the human rights situation in China and meet with Chinese citizens. The Chinese authorities forced the delegation to leave China, along with their interpreter from a Canadian non-governmental organization, alleging that their activities were incompatible with their status. The Canadian government lodged a protest with the Chinese Ambassador in Ottawa, as well as through the Canadian Ambassador in Beijing.

Despite Canada's objections to the human rights situation in China, Canada has sought to avoid isolating China or breaking off contacts between Canadians and the Chinese people. China's Cultural Revolution demonstrated that China's worst human rights abuses have occurred during China's periods of greatest isolation.

#### POINTS FOR DISCUSSION

- Given China's past success in defeating resolutions at CHR, and its continued influence among the majority of CHR members, what are the pros and cons of continued Western efforts to obtain Commission action on this issue ?

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December 1992

## HUMAN RIGHTS SITUATION IN VIETNAM

### ISSUE

Although respect for human rights in Vietnam has improved markedly in the past few years and Vietnamese enjoy considerably more freedom, the Vietnamese authorities continue to deal harshly with any calls for a multi-party system or for greater religious freedom.

### BACKGROUND

While Vietnam remains one of the world's last "hard-core" communist states it has embarked on a series of sweeping economic reforms. The political lessons from the fall of the Soviet empire and dramatic changes in Eastern Europe were not lost on the Communist Party of Vietnam (CPV). The challenge for the CPV is how to control the accelerated pace of economic progress while at the same time ensuring that its monopoly on political power remains intact. To this end, individual human rights are often sacrificed for Vietnam's alleged collective interest (and coincidentally the survival of the CPV).

On 30 April Vietnam announced the release of the last political detainees who had been held in re-education camps since the fall of Saigon in 1975. This closed the final sordid chapter of summary incarceration of tens of thousands of South Vietnamese officials and soldiers and their consequent massive physical deprivation. Nevertheless the Ministry of the Interior (MOI) maintains a pervasive and ruthless internal security apparatus.

According to the new 1992 constitution "human rights in all respects, political, civic, economic, cultural and social are respected". The constitution guarantees the customary personal freedoms of speech, movement, association, belief and practice of religion, press, ownership of lawful income, and even the right of self-expression. The caveat, however, is that all of these freedoms must be practised "in accordance with the law". Thus Nguyen Dan Que, a political prisoner and Canada's most prominent interest case was sentenced to 20 years imprisonment last November. His crime: openly advocating a multi-party system for Vietnam. Other "dangerous reactionary elements" have also recently received equally harsh sentences. A number of buddhist monks and Catholic priests (several of whom are Canadian interest cases) remain incarcerated or condemned to internal exile. Detention of religious figures is a curious situation since both Buddhist and Catholic rites are openly practised in all regions of Vietnam. These religious detainees remain concrete examples of the dichotomy between the fears of an often repressive atheist society and Vietnam's history of intense religious beliefs and practices. A number of writers poets and journalists also remain incarcerated for spreading "anti-socialist propaganda". A number of such detainees however have been quietly released over the past few months.

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Vietnam has no civil code. Due process of law is a questionable endeavour. There are few lawyers and most trials, particularly political ones, take place in camera with no appeal. Vietnam's judicial system is unlikely to be impartial or independent. Many Western countries however are attempting to help Vietnam to develop a Western-oriented codified system of jurisprudence.

As in other communist states the new constitution refers to the "principle of democratic centralism". Last year the seventh party congress decided upon a course of action by which the day-to-day management of government affairs would devolve from the Party to the "elected" National Assembly. This has happened to a certain extent with the recent passage in the National Assembly of a government organization bill and the formation of a new cabinet. The key ministerial positions, however, remain in the hands of CPV politburo members. The National Assembly elections themselves which were held last July were considered the most "democratic" ever. Electors in most districts had the luxury to vote for two names from a roster of four or five candidates which had been carefully screened by the Fatherland Front. Somehow no suitable independent candidates made it through the screening process.

#### CANADIAN POSITION

Last January Ambassador Perron raised Canadian human rights concerns with Foreign Minister Nguyen Manh Cam. He raised in particular the cases of above-mentioned Nguyen Dan Que, of the Buddhist monks Thich Tue Sy, Thich Tri Sieu, Thich Huyen Quang and Thich Quang Do. Senior officials next raised the issue with Prime Minister Vo Van Kiet in June. In early September human rights was one major focal point of the Hon Michael Wilson's discussions with PM Kiet. On individual cases the SRV authorities have failed to respond. In general discussion their response has been predictable and disappointing. They have claimed non-interference in each other's internal affairs to be a cardinal principle of bilateral relations.

Canada has raised the human rights situation in Vietnam in its statements at the 48th CHR and at the Third Committee of UNGA 47.

Canada has made it clear to the SRV Government that our bilateral relationship cannot be developed to its full potential until Canadian concerns about human rights in Vietnam are addressed.

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BRIEFING NOTES ON COUNTRY SITUATIONS:

***MIDDLE EAST***

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December 1992

## HUMAN RIGHTS SITUATION IN THE ISLAMIC REPUBLIC OF IRAN

### ISSUE

The human rights situation in Iran continues to be a matter of serious concern to the Canadian Government. In 1992, the expulsion of members of the International Committee of the Red Cross coincided with increased violations of individual human rights. Members of the Bahai community, in particular, have been subject of gross violations of their rights. At the same time, we deplored the increase of the bounty offered for the murder, or the "fatwa", of British writer Salman Rushdie.

### BACKGROUND

Serious and renewed violations of human rights in Iran continued to be reported last year. Areas of concern are "notably those concerning executions, ill-treatment and torture, lack of defence counsel in trials before the revolutionary courts, failure to notify detainees of the charges against them immediately after their arrest, difficulties in ensuring public trials, restriction of the press, on the publication of books, problems relating to religious minorities group, right of petition and obstacles to forming associations".

In particular, there is reason for heightened concern about the treatment of members of religious minorities. The punishment to which women are subject for what Iranian authorities consider improper dress is another source of concern. Various sources confirmed that summary executions, even without formal charges, still take place for trafficking in drugs and for ordinary offenses, in particular for smuggling. The situation of the Bahais has once again deteriorated with the arrest and the execution of several members of that community.

Iranian authorities reacted sharply to the criticism of their human rights record at the U.N. (e.g. the approval of a Resolution in the Third Committee following the release of the Special Representative's report). Iranian officials maintain that "the issue has been politicized by Western countries ideologically opposed to the Islamic Republic of Iran".

### CANADIAN POSITION

Canada is disturbed about continuing reports of violations of the right to life, the authorities' repressive attitude towards women, and the renewed persecution of the Bahai community. We deplore Iran's failure to review its decision to expel members of the International Committee of the Red Cross. We will continue to urge Iran to cooperate with the U.N. Special Representative and permit members of the ICRC to return to Iran.

Canada uses every opportunity in bilateral contacts and in international forums to express its concerns over Iran's human rights record and to urge that it be improved.

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In October and November, Canadian officials repeatedly raised human rights issues with the Iranian Embassy in Ottawa and officials in Teheran, including the plight of religious minorities such as the Bahais and the case of Mr. Salman Rushdie. Canada demonstrated its concern at UNGA 47 by co-sponsoring a resolution calling on Iran to improve its record. In its human rights address before the Third Committee, Canada joined the Commission's Special Representative in calling on the Assembly to demand improved co-operation with the Commission and greater respect for the rights of Iran's citizens.

The matter will be raised again at the UNCHR in Geneva in February. Canada, as a traditional cosponsor of the Iran resolution at the UNCHR, expects to play an important role again in 1993.

On the question of the 1989 fatwa against Salman Rushdie, Canada's position has been publicly expressed by the Prime Minister: "Our condemnation of this type of activities is total. The suggestion that a contract should be put on the head of a citizen living in a free country or anywhere is an absolute outrage. It violates everything that Canada stands for and we consider it a threat, reprehensible and unacceptable". With the recent increase of the bounty for his murder, the Prime Minister reiterated that the Canadian Government will not back away from principles such as freedom of expression, especially in the face of threats. The Secretary of State for External Affairs also stated that Canada would be prepared to take the case to the U.N.

#### POINTS FOR DISCUSSION

- What would be the aims and the most effective means of addressing the Rushdie question at CHR, while sustaining broadly-supported pressure on the general human rights issue.

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December 1992

## HUMAN RIGHTS SITUATION IN IRAQ

### ISSUE

The human rights situation in Iraq continues to be of serious concern to the international community. While this concern was manifest before Iraq's invasion of Kuwait, it became the subject of specific consideration by the U.N. in the aftermath of the Gulf war.

### BACKGROUND

The serious abuses of human rights in Iraq are primarily political and are designed to maintain and reinforce the monopoly of power of Saddam Hussein, the ruling Ba'ath party and its main controlling institution, the Revolutionary Command Council. It, in turn, is supported by an omnipresent security apparatus. Violence in Iraqi politics has existed for years, but was exacerbated by Saddam's wars against his neighbours. In the aftermath of the Gulf war, he took draconian measures to put down rebellions by elements of the population not associated with the ruling Sunni elite - the Kurds in the north and the Shiites in the south - and moved to consolidate his power in the face of international pressure against his regime.

U.N. reports paint a grave picture for human rights in Iraq. They include detailed descriptions of a wide variety of illegal abuses such as arbitrary detention, disappearances, torture and other inhuman practices, political killings, summary or arbitrary executions, extreme and indiscriminate measures in the control of civil disturbances, and hostage taking and use of persons as "human shields" in the Gulf crisis. Constitutional, legislative and judicial protection, while on paper, are revealed as totally ineffective in combatting human rights abuses in Iraq.

Repression and loss of life associated with these abuses has been very high, particularly for thousands of Kurdish civilians forcibly taken from their homes or subjected to chemical weapons attacks (such as the town of Halabja in March of 1988). Repression against Shiites also has been widespread and includes the reported house arrest of Grand Ayatollah al-Khoei since March of 1991. The interim report of the human rights situation in Southern Iraq submitted by CHR Special Rapporteur Max van der Stoel in August 1992 detailed systematic abuses of the Shiite community. At least in part, this report prompted the imposition of the Southern "no fly" zone in late August.

Security Council resolution 688, (passed on April 5, 1991 at the height of the abortive efforts by Kurds and Shiites to rebel against Saddam Hussein's regime), demanded an end to the repression of the Iraqi civilian population, insisted that Iraq cooperate with humanitarian organizations and take measures to ensure that the human and political rights of all Iraqi

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citizens are respected. By the reference to the threat to international peace and security, this resolution represented an unprecedented Security Council involvement in the area of human rights, reflecting the extraordinary situation within Iraq. It also served notice that Iraq must improve its human rights performance as part of its international rehabilitation and as a prerequisite for suspending U.N. sanctions which continue in place.

Previous efforts to condemn Iraqi human rights practices by the UNCHR were frustrated by procedural motions. However, in the aftermath of the Gulf war, resolution 1991/74 of 6 March, 1991 was passed; this provided for the appointment of a Special Rapporteur to make a thorough study of human rights practices of the Government of Iraq. The resulting interim report was reviewed at UNGA and will be the basis of a final report to the Commission at its 49th session in 1993.

At the 47th UNGA, a resolution, co-sponsored by Canada, condemned the massive and continuing violation of human rights in Iraq including summary and arbitrary executions, political killings, particularly in the northern region and in the southern Shia region, systematic torture including torture of children, enforced or involuntary disappearances and suppression of freedom of thought. It further condemned Iraq's non-cooperation with Security Council resolutions, its failure to provide proper food and health care to the population, and expressed alarm at the treatment of Kurds, Shiites and Marsh Arabs. It called for compliance by Iraq with its human rights obligations and provided for the continuing examination of the human rights situation in that country.

#### CANADIAN POSITION

Canada is very concerned about the human rights situation in Iraq and has undertaken numerous initiatives to demonstrate its opposition to the abuses. Canada supports the implementation of Security Council resolution 688 and the decisions of the Security Council to maintain sanctions until Iraq satisfies all the relevant UN requirements. Canada strongly supports humanitarian assistance programs in Iraq (contributing approximately \$25 million). As noted above, Canada co-sponsored a resolution condemning human rights abuses in Iraq and the Canadian statement on human rights before the Third Committee at UNGA 47 also commented critically on the situation in Iraq.

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December 1992

HUMAN RIGHTS SITUATION IN THE TERRITORIES  
OCCUPIED BY ISRAEL SINCE 1967

ISSUE

Human rights violations in the territories occupied by Israel since 1967 continue to be of major concern to the international community. As a party to the Fourth Geneva Convention Relative to the Protection of Civilian Persons in the Time of War (the Geneva Convention), Canada strongly advocates that Israel, the occupying power, respect the Convention. Although serious human rights violations appeared to be on the decline in recent months, major breaches of the Convention by the occupation authorities continued despite appeals by the UN Commission on Human Rights, and the International Committee on the Red Cross (ICRC). The Israeli practice of using rocket attacks to demolish the houses of alleged insurgents and more recently, the expulsion of 415 fundamentalist activists, violate the Convention and have led to a crisis that threatens the peace process itself.

BACKGROUND

Despite a decrease earlier this year in serious human rights violations in the occupied territories (including a decrease in the number of arrests and the number of Palestinians held in administrative detention, as well as the re-opening of most universities and colleges), the general situation remains of serious concern. Collective punishment, such as lengthy curfews and limitations on freedom of movement, restrict Palestinian rights. Unacceptable levels of force in quelling disturbances and methods of interrogation continue. Of particular concern is the increase in violent incidents by Israeli settlers, and intra Palestinian communal conflicts.

Given Israel's democratic traditions, human rights issues are better tracked in the occupied territories than in many neighbouring states. There is widespread access to reporting on human rights issues by both Israeli and international NGOs and governments. Several international organizations have authority to monitor and protect human rights violations when they occur, specifically the ICRC and UNWRA (the UN Relief and Works Agency in the Near East). The ICRC maintains a regular presence to monitor violations of the Fourth Geneva Convention and to intervene on behalf of civilians when necessary. A number of Israeli and international NGOs also closely follow developments regarding human rights in the occupied territories.

CANADIAN POSITION

The Canadian Government, through its Embassy in Tel Aviv and international bodies, keeps abreast of political and economic events and human rights within the occupied

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territories. It coordinates closely with the international bodies noted above, as well as non-governmental development and human rights organizations, and the Israeli Government.

Canada has called on Israel (through bilateral contacts, ministerial statements and positions adopted in UN fora) to respect and apply the Fourth Geneva Convention. Where human rights violations occur, Canada raises them as appropriate with the Israeli Government. Over the past year, Canada has spoken in UN fora to reiterate publicly the position that human rights violations by the Israeli occupying authorities are unacceptable and contrary to international law. Where UN resolutions have identified Israeli activities which are the subject of justified criticism, such as breaches of the Fourth Geneva Convention, Canada has supported them. Canada formally protested the use of rocket attacks to destroy the houses of alleged activists and deplored the expulsion of the 415 Palestinian fundamentalists.

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December 1992

## HUMAN RIGHTS SITUATION IN THE SYRIAN ARAB REPUBLIC

### ISSUE

Canada remains concerned about alleged violations of human rights in Syria, notably the large number of political prisoners, detention conditions and the failure to apply due process of law. However, over the last years, hundreds of political prisoners have been released from Syrian jails.

### BACKGROUND

Syrians are ruled by an authoritarian regime. There are few signs of progress towards a freer political system through democratic elections or greater respect for individual human rights. However, there are indications that President Assad is conscious of the challenge that the changing international political and economic environment poses to continued Ba'ath rule in Syria.

Over the last year, hundreds of political and other prisoners have been released without fanfare. In April, Syrian officials informed the leaders of the Syrian Jewish community that, from now on, they would facilitate their travel abroad as family groups. Since then, hundreds of Syrian Jews have emigrated. However, more recently, it appears that the number of new travel permits has been curtailed.

### CANADIAN POSITION

Canada has continued to voice its concern over human rights in Syria. Recently, these representations again focused on the right of members of the Syrian Jewish community to travel abroad.

Syria was last year removed from consideration under CHR confidential procedure 1503 - evidence of wide support among the CHR membership.

At UNGA 47, Canada noted in its statement before the Third Committee positive developments including the release of political prisoners and the decision to facilitate travel abroad of members of religious minorities, but reiterated its concern over allegations of violations of human rights and called for improved conditions of detention and for due judicial process for detainees.

In spite of some recent improvements with regard to political prisoners and members of the Syrian Jewish community, there still remains room for improvement in a number of

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areas. We hope that Syria will take steps to demonstrate its firm adherence to international standards and covenants for human rights.

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BRIEFING NOTES ON COUNTRY SITUATIONS:

***LATIN AMERICA AND CARIBBEAN***

## HUMAN RIGHTS SITUATION IN COLOMBIA

### ISSUE

Colombia has faced serious internal problems in recent years, including a war with drug traffickers and a persistent internal guerrilla conflict. It has been a focus of international attention due to the nature and extent of its human rights problems.

### BACKGROUND

Despite its well established democratic political system, Colombia has experienced a great deal of internal violence in recent years. In 1991, there were over 30,000 violent deaths. In the first half of 1992, human rights organizations recorded 19 cases of torture, 89 kidnappings and 33 disappearances. Three judges investigating links between drug cartels and the 1990 murder of a presidential candidate were all killed despite being given special protection. The extent of unemployment and rural poverty fuel the drug trade and the violence associated with it. The major actors in the violence and killing in Colombia are the guerrillas, the military, paramilitary and self defense groups and criminal organizations involved in the drug trade. Cooperation between guerrillas and drug traffickers is on the increase. Civilians are victims of intimidation, extortion and disappearances. Torture is sometimes used to extract information. Some prosecutions have been pursued with a few individuals in the army and the police being found guilty.

Since his election in 1990, President Cesar Gaviria has strived to reduce violence and to improve the human rights situation. A new and very liberal constitution was approved in 1991. Several guerrilla groups were persuaded to abandon their arms in favour of normal political life. The Fiscalia General was established to verify complaints and ensure that they are brought before the courts. The office of Defensor Del Pueblo (Peoples' Defender), a sort of human rights ombudsman, was created and human rights were further entrenched. It operates in conjunction with the Procuraduria (Attorney General) which has responsibility for the legal protection of human rights. Finally, limitations were placed on the Government's ability to invoke state of emergency legislation; the current measures are being reviewed by Congress. A position prohibiting extradition was adopted with regard to drug traffickers, encouraging many to submit to justice. A national security strategy on violence was developed and a civilian Minister of Defense was appointed.

Despite these reforms, the two main guerrilla groups (the Army of National Liberation and the Revolutionary Armed Forces of Colombia) rejected the olive branch extended by the Government. In June the Army of National Liberation (ELN) announced a "total war" against the government's economic policies and threatened to attack state institutions, multinational corporations and the media. Since then, the ELN fulfilled its threats by blowing up oil pipelines, ambushing and killing police and destroying installations at Medellin's airport. Other rebel groups have followed suit. In response, the Government declared that it would not participate in talks again unless they were clearly aimed at true

peace through the demobilization of the guerrillas. Pablo Escobar's escape from prison in July was embarrassing. The prison where he was detained turned out to be a well protected base from which to direct his drug running operations. The Minister of Justice and the Acting Chief of the Air Force were obliged to resign and President Gaviria's reputation was considerably weakened by a continuing Congressional investigation. The Government response to the violence was to introduce a 90 day state of emergency on November 8. Spending on defense and public order is set to double in 1993.

Colombia's indigenous peoples have been especially affected by conflicts over land ownership. A delegation from the Assembly of First Nations (AFN) visited Colombia in October to review the human rights situation and to assess the merits of continuing a major CIDA/CUSO project. The delegation strongly supported the project but indicated that it would like to see more denunciations by Canada of abuses in Colombia. However, the group acknowledged that the new constitution significantly enhances the rights of indigenous peoples - a view shared by Maurice Strong, the Secretary General of the UN Conference on Environment and Development. It provides for education that respects cultural identity and allows for the exercise of a significant degree of self government. The constitution contains many explicit and wide ranging provisions in respect to women's rights. Social spending will account for 28% of the 1993 budget.

#### CANADIAN POSITION

Canada deplores violations of human rights in Colombia and supports the efforts of the Government to improve the human rights situation, including the reduction in general violence from whatever source. The Canadian Embassy in Bogota maintains close contacts with Colombian NGOs (e.g. the Inter American Legal Services Association, Comision Andina de Juristas, and human rights critic Alfred Vasquez Carrizosa) and with the Office of the Presidential Advisor for the Defense, Protection and Promotion of Human Rights. He visited Canada last March to meet with NGOs, media representatives and government officials. The Embassy periodically draws Canadian concerns and special cases to the attention of the Colombian authorities. In 1991 and 1992, a Colombian attended the human rights summer course offered under the aegis of the Canadian Human Rights Foundation. Canada recognizes the importance of an objective, secure judiciary in safeguarding human rights and has supported projects to improve the delivery of justice and to establish a network of human rights ombudsmen at the local level.

While recognizing that the situation is not ideal, Canada considers that its present approach to addressing the human rights concerns in Colombia represents the most effective means of positive influence. The widespread sympathy in the international community for the difficult circumstances confronting the Colombian Government was illustrated in the rejection, by this year's session of the Sub-Commission on the Protection of Minorities, of a proposed resolution on Colombia. Support for Colombia at CHR will inevitably be more pronounced.

POINTS FOR DISCUSSION

- On November 8, the Government introduced a new state of emergency. Was this warranted? Is it effective?
- Recent constitutional changes have entrenched human rights and the Constitution provides for the investigation of charges of human rights abuses, establishes the office of a "Peoples' Defender" and limits the arbitrary use of government power to use state of siege legislation. How do NGOs assess the new constitution?
- An area of continuing concern is that the military and the police personnel continue to enjoy relative impunity, since charges against them can only be tried by military judges. In your view has there been any progress on the question of impunity since our last meeting?
- Crucial to the success of the Government's efforts to improve the human rights situation is the strengthening of the judiciary to ensure that it delivers justice and is not subject to intimidation. Is justice really feasible given the current conditions in Colombia?

December 1992

## HUMAN RIGHTS SITUATION IN CUBA

### ISSUE

The deteriorating human rights situation in Cuba.

### BACKGROUND

Still buffeted by the loss of trade with Eastern Europe and the former USSR, Cuba is enduring severe shortages and rationing. These economic difficulties have threatened many of the Revolution's major achievements such as the provision of health, education and social welfare to all Cubans.

While it is true that Cuba has made great strides in social rights, its record on political and democratic rights, which has always been poor, has deteriorated substantially in the past two years. Human rights activists, and their families, are subject to harassment, detention and physical attack. Some of those who have advocated political change, or members of their family, have been dismissed from their jobs. Increasingly, activists are subjected to "actos de repudios", acts of repudiations in which mobs, supposedly acting spontaneously, but evidentially directed by Security or Party personnel attack dissidents in their homes. Many dissidents have been subjected to "actos" throughout the year. For example, in late December 1992, Elizardo Sanchez, one of Cuba's leading dissidents, was badly beaten by a mob, and then detained, while visiting the home of another member of the opposition.

Human rights violations in Cuba are systemic. Restrictions on civil and political rights, including the freedom of expression, are codified in the penal code. Defendants in political trials appear to be denied free access to legal counsel and other elements of legal due process. While systematic torture no longer seems to be in common use, there are complaints about ill-treatment of political prisoners. Estimates of the number of political prisoners vary. Amnesty International believes that there are between 300-500 prisoners or probable prisoners of conscience in Cuba now. There are also several hundred still in custody from the 1980's.

In their daily lives, Cubans are monitored by neighbourhood "Committees for the Defense of the Revolution" (CDR) and Party representatives at work or school whose reports influence access to housing, jobs, education or travel.

The Government and the Communist Party have taken a few steps to change the system. Religious believers are now allowed to join the Party. Elections to all levels of the legislative bodies is by secret direct ballot. The now disgraced Carlos Aldana had said that

anyone could run in the elections. However, the nominating process appears to be controlled by the Party and its organizations, effectively preventing members of the opposition from running. Furthermore, the Party leadership, including Castro, have consistently rejected multi-party democracy .

#### UNITED NATIONS ACTION ON CUBA

In September 1988, a delegation from the UNCHR visited Cuba. However, some dissidents were prevented from testifying before the CHR representatives and others, who did testify, were subsequently charged with criminal offences. In 1991, The Commission appointed a Special Representative to maintain direct contact with the Cuban Government and citizens on the matters raised by the 1988 report. The Cuban Government refused to cooperate with the Special Representative. Therefore, at its 1992 session, the Commission appointed the Special Representative to be its Special Rapporteur on Cuba. The Cuban Government has also refused to cooperate with the Special Rapporteur.

#### CANADIAN POSITION

Canada is concerned about the continued deterioration of human rights in Cuba, and deplores the mistreatment of activists. Canadian representatives take every opportunity to raise human rights issues at the very highest levels, both bilaterally and in multilateral fora. Canadian Embassy officials in Havana also maintain contact with the dissident community. Although trials are supposed to be open in Cuba, when Embassy Representatives tried to attend the trials of some dissidents, including Yndamiro Restano and Sebastian Arcos, they were denied access by Cuban officials. Following the attack on Elizardo Sanchez, the Secretary of State for External Affairs called on the Cuban Government to cease the harassment of dissidents.

Canada was not a co-sponsor of the 1991 CHR resolution on Cuba but did vote for it. Canada co-sponsored the resolution in 1992 because of the deterioration of the human rights situation since 1991. In addition, by co-sponsoring the resolution, Canada showed its support for the UNCHR and its institutions.

#### POINTS FOR DISCUSSION

- What steps can be taken to encourage the Cuban government to improve the human rights situation and to cooperate with the Special Rapporteur?

December 1992

## HUMAN RIGHTS SITUATION IN GUATEMALA

### ISSUE

A combination of poverty and ignorance among the majority of Guatemala's population and resistance to change among conservative social elements has created in Guatemala an excessively stratified society, resistant to change. This situation is aggravated by the fact that the vast majority of the poor are members of indigenous groups while the wealthy tend to be of European origin. Violence, armed confrontation and human rights abuses continue at unacceptable levels.

### BACKGROUND

Guatemala's political history has been turbulent. It has been characterized by frequent coups, many of them bloody, and by an intense involvement of the security forces.

In the 1970's and early 1980's, Guatemala's human rights record was among the world's worst. Under military governments the security forces committed acts of terror and violence which left many thousands dead or missing and precipitated the flight, mostly to Mexico, of tens of thousands of people. (Some 45,000 of the latter still remain in Mexico). With the election of President Cerezo's civilian government in 1986, respect for human rights began to improve and a number of concrete measures were taken in this direction.

Over the past several years this difficult process has continued and President Serrano, elected in 1990, has committed his government to improving respect for human rights and further steps have been taken to effect this. Members of the military and police have been arrested, and sometimes convicted for human rights violations. A commission to investigate the situation of missing persons has been established as has a Presidential Commission on Human Rights. The Human Rights Ombudsman has been outspoken and resolute in calling for the strengthening of civilian rule. Furthermore local human rights groups have been able to operate at somewhat less peril and under less harassment than has been the case in the past.

Nevertheless the human rights situation remains very grave. While there may be, from one year to another, marginally fewer violent incidents of a given type, the overall situation, in practical terms, appears to have improved only very slightly. Violence of all kinds continues at high levels and some is directed at children and at anyone who attempts to protect or defend victims of violence. Even those within the Guatemalan establishment who are trying to improve the situation, as for example the head of the Human Rights Office of the Archbishop of Guatemala, work in insecure and tenuous conditions. This was amply demonstrated in November of this year when the Defense Minister, with the support of

President Serrano, made a strong verbal attack against the head of the Archbishop's Human Rights Office.

Although peace talks between the Government and the insurgent guerrilla group URN continue they are stalled.

A positive development in the past year was the signature, in October, of an agreement between the representatives of Guatemalan refugees living in Mexico and those of the Guatemalan government to allow the return and resettlement of the refugees. Another important event was the award of the Nobel peace prize to Rigoberta Menchu, an indigenous woman who has worked hard on behalf of her people.

### CANADIAN POSITION

The Canadian Government deplores the continuing violations of human rights in Guatemala. We believe that the government is committed in principle to improving the human rights situation. However, it has so far not persevered in the face of powerful vested interests with pursuit of the far reaching reforms necessary to bring about greater equity in society and a sharp decline in human rights abuses.

Canadian officials, both in Ottawa and Guatemala, therefore regularly register our deep concern about the human rights situation to the Government of Guatemala, and often discuss specific cases.

Canada provides aid to a number of Guatemalan non-governmental human rights organizations.

At CHR 47, a resolution on the situation in Guatemala had been adopted under the Advisory Services on the agenda. At CHR 48, the Canadian delegation believed the human rights situation in Guatemala was serious enough to warrant more intensive scrutiny under item 12, and made this clear in Canada's item 12 statement. Despite the efforts of Canada and several other countries, and a report of an independent expert citing serious human rights violations in Guatemala, there was not sufficient support among other delegations to move consideration of Guatemala to item 12. Instead, Canada worked to negotiate a stronger resolution under Advisory Services. In addition to renewing the mandate of the independent expert, the resolution recognizes the persistence of serious human rights violations in Guatemala and opens the door to its consideration under item 12 this year.

The Canadian Government, through its embassy in Guatemala, has been active in facilitating the return of refugees from Mexico. This is being carried out through Canadian membership, with three other countries, France, Mexico and Sweden, in the International Consultation and Support Group for the Return of the Guatemalan Refugees (Spanish acronym: GRICAR).

POINTS OF DISCUSSION

- Do you believe that the Government of Guatemala has fulfilled its commitments stated in the resolution adopted at CHR 48 ?
- What are the pros and cons of a further effort to move consideration of Guatemala to item 12 ?

December 1992

## HUMAN RIGHTS SITUATION IN HAITI

### ISSUE

The human rights situation in Haiti, of long time concern to Canada, has deteriorated significantly since the September 1991 ouster of the democratically elected government of Jean-Bertrand Aristide.

Resolution 1992/77 of CHR 48 and ECOSOC decision 1992/245 saw the nomination of a Special Rapporteur to examine the human rights situation in Haiti. The interim report of the Rapporteur was presented to the 47th UNGA on November 6; the final report will be presented to the 49th UNCHR this spring.

The General Assembly also passed a resolution on the Situation of Democracy and Human Rights in Haiti which, in part, expressed alarm at the worsening of the violations of human rights and took note of the OAS resolution of October 29 on cooperation between the OAS and UN on the issue.

The OAS has an observer mission in place in Haiti in order to monitor the situation and work towards the restoration of democracy.

### BACKGROUND

A wide range of human rights violations have been reported and documented in Haiti over the past year. The Special Rapporteur reported that harassment, intimidation, attacks, arbitrary arrests, extra-judicial executions and torture by members of the military and civilians working with them are prevalent. In addition, freedom of opinion and expression, assembly and association have been suspended.

The economic and social life of the population in general has been severely interrupted as a result. Individuals are routinely forced to bribe military and civilian officials in order to avoid further beatings or arrests or to obtain their release from detention. In the process, many individuals and families have been forced to sell off their possessions to raise the money demanded. Many others have been forced into hiding in order to avoid further persecution at the hands of the de facto government and its agents. They are forced to separate from their families and friends or risk exposing others to the same danger they face.

The practice of "preventive repression" is also of concern. The poor and rural populations have been specifically targeted for abuse as it is from these groups that President Aristide derives the majority of his support. Individuals in these areas are apparently selected

randomly for abuse as warnings to others not to agitate for the return of Aristide and his government.

### CANADIAN POSITION

Canada has been at the forefront of international efforts to restore the legitimate government to power in Haiti, and to correct the abuses of human rights in that country. Both bilaterally and within the OAS and UN fora, Canada has worked to maintain momentum on the issue and to garner support for resolutions on the situation.

In Canada's Human Rights statement delivered to the UNGA Third Committee on December 3 of this year, Ambassador Fréchette reaffirmed Canada's commitment to the restoration of the legitimate representatives of the Haitian people and to the end of the suffering and arbitrary extortion to which the Haitian people are victim. Ambassador Fréchette also promised Canada's support for UN and OAS efforts to aid the legitimate Haitian authorities in the area of human rights as soon as they return to power.

Canada welcomes the work of the CHR Rapporteur on Haiti, is studying the recommendations contained in his interim report, and looks forward to his final report to CHR.

Canada is participating in the OAS observer mission to Haiti which is mandated, inter alia, with examining human rights abuses. Canada continues to have ongoing contact with the representatives of President Aristide's government in exile.

### POINTS FOR DISCUSSION

- Current efforts to restore democracy, particularly those involving the UN and possible Security Council action.

December 1992

## HUMAN RIGHTS SITUATION IN PERU

### ISSUE

Respect for human rights was not a strong feature of Peruvian life in 1992. Violence against individuals was the most spectacular infringement, while ethnic and economic discrimination were also very widespread. There were also numerous attacks on civil rights and democratic institutions.

However, one must consider the country's widespread climate of violence before attempting to determine what the future of human rights will be in Peru.

### BACKGROUND

The highlight of 1992 was without question the self-inflicted coup d'état (autogolpe) in which President Fujimori took over from himself. In so doing, he abolished the Congress, which was elected when he was, in July 1990, and threw out most of the magistracy. Civil liberties were suspended for about 10 days.

Fujimori had two arguments to justify his action. To begin with, he felt that the corruption of the ruling class and of the judicial system must end. He also wished to put an end to the activities of the terrorist Tupac Amaru Revolutionary Movement (MRTA) and the Shining Path.

International opinion forced the President to prepare a timetable for a return to democracy. National elections for the selection of a constituent assembly on November 22 marked the first step in this direction. National municipal elections were announced for this coming January 23.

Although it is still too early to celebrate a return to democracy in Peru, the acceptable standards were followed in the elections of November 22, which were observed by teams from the OAS, among them an official delegation of 13 Canadians.

Both the terrorist movements and the forces of law and order continue to make a mockery of human rights in Peru, however. A curfew was imposed in Lima from April to December. This has not prevented attacks on ordinary citizens, without regard to class or ethnic origin, from occurring on an unprecedented scale. In September, the police dealt a severe blow to terrorism by arresting Abimael Guzman, leader of the Shining Path. He was tried and sentenced by a military tribunal, composed of anonymous judges (to avoid reprisals). Although the Government can justifiably proclaim at least a partial victory in its

fight against terrorism, the cycle of violence is far from over, as the attacks of late December attest.

In spite of President Fujimori's promises to end human rights violations by the police and military authorities, no significant improvement has occurred over the year. In human rights organizations and other like-minded national and international circles, some consternation has arisen out of President Fujimori's avowed intentions to take Peru out of the Interamerican Human Rights Commission in order to bring back the death penalty in cases of treason, including terrorist crimes. A careful watch must be kept on the government's exact intentions in this respect.

#### CANADIAN POSITION

As in the past, Canada is maintaining close ties with Canadian and Peruvian human rights organizations and regular high-level contact with the appropriate government officials.

Canada has played an important role in the OAS and other international bodies in encouraging President Fujimori to work toward a rapid return to democracy. The presence of Canadian observers alongside OAS observers has been noted and appreciated in Peru.

As its positions in the OAS, the UNGA and the CHR indicate, Canada continues to condemn violence in Peru, regardless of its source. It has frequently said that violence and terrorism can be eliminated within the bounds of democratic rules and institutions.

Finally, Canada is standing by its decision of April 6 last not to engage in bilateral government-to-government cooperation, not to authorize sales of military equipment, and to restrict trade relations. For the time being, until the return to democracy has been completed satisfactorily, vigilance is the order of the day.

December 1992

## HUMAN RIGHTS SITUATION IN EL SALVADOR

### ISSUE

The peace accords signed on January 16, 1992 by the Government of El Salvador and the armed opposition Farabundo Marti National Liberation Front (FMLN) ended a terrible twelve year long civil war. An estimated 75 thousand Salvadorans, largely civilians, were killed in the conflict, many thousands more were injured and 1.5 million persons were dislocated or fled the country.

During the civil war gross violations of human rights, including assassination, torture and kidnapping were perpetrated by elements of the Salvadoran military, other government security forces and clandestine "death squads" which were suspected of having links with the military and security forces. The FMLN was also accused of human rights abuses, although to a lesser extent.

Since the cease-fire came into effect on February 1, 1992, the level of violence in El Salvador has decreased substantially. However, the Canadian Government is concerned by continuing incidents of human rights violations in that country.

In accordance with UNCHR resolution 1992/62 and ECOSOC decision 1992/237, a report on the human rights situation in El Salvador was prepared by an Independent Expert, Prof. Pedro Nikken, and submitted to the UNGA on November 13, 1992. Prof. Nikken stated in his report that the termination of the civil war had eliminated a major source of human rights violations. However, he observed that violations of human rights persist and that the resources available to the civil society to combat these violations were inadequate. His report concluded that only rapid and complete fulfilment of the provisions of the peace accords could secure justice and social stability.

### BACKGROUND

Although the civil war in El Salvador ended in 1992, the causes of that conflict remain: widespread poverty, concentration of wealth and power in the hands of an elite, a penchant for the violent resolution of disputes, a sclerotic and corrupt justice system, and political polarization characterized by fear and mistrust.

The Salvadoran peace accords, which incorporate significant reforms to the military, judicial, electoral and social institutions of the country could, if fully implemented, provide the basis for the development of a strong, democratic civil society. Long term commitment by the international community is necessary to ensure that the political, military, legal and social reforms agreed to in the peace accords are carried out.

During the period of "armed peace" from February 1 to December 15, 1992, several serious disputes arose between the Salvadoran government and the FMLN about the interpretation and implementation of the peace accords. Mediation by representatives of the United Nations achieved compromise from both sides on such critical issues as land distribution and the schedule for the demobilization of combatants.

Two important undertakings made in the peace accords remain to be completed. President Cristiani has promised to act, by December 31, 1992, on the report of the Ad Hoc Commission which named military officers that it recommended be relieved of duty. The Truth Commission continues to investigate major incidents of human rights violations which occurred during the civil war, although its final report is not expected until early in 1993.

### CANADIAN POSITION

At the 48th session of the UNCHR, with regard to the peace settlement in El Salvador, Canada supported the appointment of an Independent Expert with a new mandate to observe and report on the human rights situation. At this year's UNGA, the Canadian government's continuing concerns about the human rights situation in El Salvador were again raised in its statement before the Third Committee.

The Canadian Embassy in Guatemala, which is accredited to El Salvador, has in the past year made direct interventions to the Government of El Salvador on a number of high profile human rights cases.

Canada supports the reconstruction and reconciliation process in El Salvador. To this end, CIDA has, to date, provided \$ 1.6 million to projects which will strengthen democratic institutions and integrate former combatants into civil society.

### POINTS FOR DISCUSSION

- What is the most appropriate approach to El Salvador by CHR 49 in the context of the ongoing Security Council-mandated peace process ?

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BRIEFING NOTES ON COUNTRY SITUATIONS:

***EUROPE***

## HUMAN RIGHTS SITUATION IN THE FORMER YUGOSLAVIA

### ISSUE

Following the disintegration of the former Yugoslavia, the human rights situation throughout most of its territory continues to be a matter of grave concern for the Canadian government. Exacerbated by ethnic hatred and traditional rivalries of many centuries standing, the ongoing civil war in this region has seen the violation of almost every norm that is included under the aegis of international humanitarian law.

Unless the fighting can be stopped and security and stability restored, the abuses will continue. There is great fear that, in areas as yet untouched, the volatility of inter-ethnic feelings will lead in the first instance to a spread of the civil war and its atrocities and ultimately across national borders to a general Balkan war.

### BACKGROUND

From its beginning the crisis in the former Yugoslavia has been marked by the abuse of minority rights. The Serbs have sought to ensure that their "nation" could be kept within one country and in so doing to extend their sway over regions in which other groups have lived for centuries as a resident minority. In reaction, other groups like the Croats and the Muslims, have also sought to suppress the rights of minorities.

These activities led to the driving of persons from their homes and villages, now commonly known as "ethnic cleansing". They have horrified observers with their brutality and callous disregard for human life and rights. As a result large parts of Croatia have been carved out by the Serbs and their Croatian population forced out. These areas have had to be placed under UN control in order to establish some semblance of law and order and to safeguard the remaining Croats.

Within Serbia proper the Hungarians of Vojvodina, the Muslims of the Sandzak, and the Albanians of Kosovo all feel themselves to be at risk. The CSCE has established Long-term Missions in each of these areas, focused upon preventive diplomacy and/or conflict prevention.

In Bosnia-Herzegovina the fighting has raged and literally millions have fled either voluntarily or as victims of "ethnic cleansing". Basic necessities of life have become scarce and international aid agencies led by the UNHCR and the ICRC have become involved in the supply and distribution of relief materiel. The UN, recognizing the need, arranged for military protection for the relief effort through the activities of UNPROFOR II.

In any war there are war crimes, but this is made worse in Bosnia-Herzegovina by the extent of the atrocities and the hatred of which they give evidence. The United Nations

Security Council has called on member states to collect evidence of war crimes and to submit this evidence to a UN-established Committee of Experts for collation and assessment.

In August and December 1992, extraordinary sessions of the CHR were convened to deal with the tragic human rights situation in the former Yugoslavia. The CHR appointed former Polish Prime Minister Tadeusz Mazowiecki as Special Rapporteur, with a mandate to undertake on-site investigations. In his three reports filed to date, Mr. Mazowiecki has detailed flagrant abuses of human rights and humanitarian law, perpetrated under the despicable practice of "ethnic cleansing", which involve not only the forced removal of people, but also death threats, torture, arbitrary detention, the destruction of houses, the desecration of places of worship, and the murder of political, religious and intellectual leaders. These acts are being perpetrated systematically by the militia and other Serb irregular units in Bosnia-Herzegovina.

Other heinous activities that have come to light are the systematic use of rape as a means to achieve strategic aims. After months of allegations and rumours, there is now a body of evidence that supports these charges. The most damning reports so far have been "leaked" from the EC-organized investigation led by Dame Anne Warburton. It has, apparently, not been proven that the Serbian or other forces are undertaking a systematic program of rape on instruction from higher authorities. It is clear, however, that rape has become "an instrument and not a by product of war".

Crimes of violence against the person are not the only incidents of the violation of human rights within the region of the former Yugoslavia. In Serbia and Montenegro, the recent parliamentary and presidential elections gave evidence of fraud, gerrymandering and intimidation on the part of the victorious Serbian socialist/nationalists. The media, particularly the state controlled television outside of the capital Belgrade, was so heavily influenced by the nationalists that it has been described as "biased and one sided".

Yet, with regard to human rights, everything in the area of the former Yugoslavia is not gloomy. The Republic of Slovenia, blessed by a homogenous population and after only a short period of conflict, has been able to disengage itself from the problems plaguing other regions. Official and private energies have been directed toward becoming a functioning and viable state with ties to the international community.

The former Yugoslav republic of Macedonia has been isolated internationally by its lack of international diplomatic recognition and sorely affected by the "ripples" from the economic sanctions being applied to Serbia and Montenegro. It also faces the threat posed by a population bifurcated into Macedonian and Albanian communities. Yet, despite a few incidents that have failed to spark the volatile situation, the human rights situation is good and the government is struggling to improve the situation.

## CANADIAN POSITION

Canada believes that only a negotiated settlement between all Yugoslav parties will end the fighting, alleviate the suffering and thus permit the return of respect for the rule of internationally-agreed norms of humanitarian law: Canada has, therefore, participated in and supported all efforts to resolve the crisis and alleviate suffering.

With specific regard for the abuses outlined above, Canada has urged that the international community establish an ad hoc tribunal before which those charged with war crimes can be tried. It is hoped that the assurances that these atrocities will not be overlooked will go some way toward convincing the perpetrators to desist. A Canadian expert is serving on the UN Committee of Experts collating and assessing the evidence that has been collected.

Canada has established a special immigration program to receive 500 detainees and families so that they can be released from the Serbian camps where they have been held and maltreated. From a total of \$25.5 million contributed to humanitarian relief, \$250,000 have been earmarked as an initial contribution for women victims of violence and sexual abuse.

Canadian officials have played an active role in the CSCE efforts to alleviate suffering in the camps and to contain the potential for inter-ethnic violence in Kosovo and Macedonia. 2400 Canadian peacekeepers are on duty in the former Yugoslavia in a variety of roles. 45 members of the RCMP are serving with civilian police units in the UN Protected Areas to assist in the administration of authority.

Canada will continue to strongly support all efforts of the CHR to deal with the horrific human rights situation in the former Yugoslavia. Action must be taken to stop these human rights abuses. Pragmatic direction will have to be provided to the Special Rapporteur on how to continue his mandate. As requested by the CHR, Mr. Mazowiecki will continue his efforts and carry further missions to the former Yugoslavia.

## POINTS FOR DISCUSSION

- What further steps can be taken by the CHR to deal with the tragic human rights situation in Bosnia-Herzegovina ?

December 1992

## HUMAN RIGHTS SITUATION IN ROMANIA

### BACKGROUND

The human rights situation in Romania is essentially good. Since December 1989, the country has voted itself a new constitution which contains features common to basic laws of most West European states and places particular emphasis on individual rights and the rule of law. The relevant chapters dealing with human rights are subordinate to international conventions on the subject. A new constitutional court has been established to deal with any disputes arising out of interpretation of the constitution and the judicial system is being changed to meet new constitutional requirements.

Between February and October 1992, Romania has also held local, parliamentary and presidential elections which were judged to be free and fair by both domestic and international observers. The specific division of powers between the President and Parliament concerning responsibility for governance has yet to be defined with precision. This will probably only emerge with time. Nonetheless, Parliament and its committee system play an increasingly active role in both approving the composition of the government and policy oversight.

Life for the average Romanian remains hard and many are preoccupied with basic problems of food, heat and shelter. Nevertheless, the concept of constitutional government has found fertile soil and is starting to bear fruit. All Romanian citizens, regardless of ethnic origin or religious persuasion, are deemed to be equal under the law. Political parties and organizations appear, and disappear, with alarming regularity. The print media is flourishing, making an active, if not always responsible, contribution to the debate on public policy. The status of government-owned television remains a contentious issue, especially in the eyes of the opposition political parties and of some foreign observers, but private TV channels are being formed. Trade unions are encouraged to form bargaining units and to negotiate wages and conditions with both private and public employers. Special attention is being paid to the disadvantaged. The oppressive and coercive hand of the Securitate and the Communist Party apparatus has faded, albeit not disappeared. Over the past three years, we have witnessed turmoil but also rebirth.

The process of transition from a totalitarian Communist state, which was virtually the fiefdom of one family, to a democratic society based on the rule of law has not been easy. Presidential and parliamentary elections, combined with the fractious nature of Romanian politics, have caused delay in the implementation of laws which are expected to give reality to constitutional provisions. Acute economic difficulties, caused in part by efforts to create a market economy, have led to widespread social dislocation. Funds are often simply not

available to provide for the implementation of new or revised laws. Of more serious concern is the reality that old habits die hard and many members of the former nomenklatura remain in positions of power and influence as reformed democrats. Members of the former Securitate also remain within the new state security institutions and maintain close personal relationships with the ruling elite. This is a matter of continuing concern to opposition parties and some domestic human rights organizations.

On balance, however, Romania has undergone a remarkable transition in the field of human rights. The individual is no longer subservient to the state. Institutions are gradually being formed to ensure that basic rights are encouraged, nurtured and protected. Many problems remain, particularly attitudinal ones with regard to minorities, but there is no doubt that Romania has begun the process of entering the European mainstream.

In recognition of the positive developments of the previous two years, CHR last year discontinued the mandate of its Special Rapporteur for Romania and asked instead that the Secretary General this year report on further developments including Romania's collaboration with the UN Human Rights Advisory Services Program.

#### CANADIAN POSITION

Canada will continue to monitor developments within Romania. We will ensure that Romanian authorities are aware of our interest, and changes in the situation which prompt concern will be brought to their attention.

The Secretary General's report to CHR will provide a basis for assessment of the effectiveness of UN Advisory Services in assisting the development of human rights infrastructure in Romania and elsewhere in Eastern Europe.

#### POINTS FOR DISCUSSION

- Does the NGO community have any observations on Romania's requirements for assistance by the UN in developing its human rights infrastructure ?

January 1993

HUMAN RIGHTS SITUATION IN THE NEW INDEPENDENT STATES OF THE  
FORMER SOVIET UNION

ISSUE

Democratization in many of the new independent states (NIS) of the former Soviet Union is threatened by ethnic and clan conflict and resurgent traditional power structures.

BACKGROUND

The collapse of Communism and the dissolution of the USSR initially gave the impetus for major advances in establishing pluralistic political systems and legislating human rights. Each of the NIS is developing its own laws and regulations, often borrowing heavily from international human rights instruments and Western models.

Implementation has been frustrated, however, in the more stable NIS by a paralysis of executive power stemming from disagreements over the division of powers, and elsewhere by the outbreak of civil and ethnic strife.

In all of these states, greater efforts must be made to restore public trust in the honesty and effectiveness of judicial and government institutions. Minorities are an increasing concern, particularly the 25 million Russians living in the other NIS.

Despite the pressures of a difficult transition, Russia has maintained its commitment to a free and open society. The increasingly independent media has fostered vigorous political debate. The Russian Constitutional Court has rendered balanced decisions tempering President Yeltsin's decrees.

Russian citizens can now freely obtain passports for travel abroad and internal restrictions are being abolished. The rights of indigenous peoples were a factor in drawing up the new Federation Treaty. Plans call for a new democratic constitution to be submitted to a referendum April 11, 1993.

The independence-minded and predominantly Muslim republics of Tatarstan and Chechnia have refused to sign the Federation Treaty. Territorial conflicts between minority nationalities in the North Caucasus have led to the imposition of martial law in affected areas.

Economic hardship is feeding social discontent throughout Russia. Nationalist extremists are capitalizing on this to spread xenophobia and anti-Semitism.

Ukraine's transition to democracy has been hindered by the absence of democratic traditions and a new constitution with a clear division of powers among the executive, legislative and judicial branches. President Kravchuk remains in control, though the new government of PM Kuchma has been successful in acquiring expanded powers.

Parliament has become more assertive but remains a weak institution. Opposition parties are active and have called for new elections to replace the current parliament, elected in 1990 before independence. Concerns remain about the independence of the largely state controlled media.

While its politics are increasingly nationalist driven, Ukraine has been successful in avoiding ethnic tensions. The dispute over Crimea is a potential focus for conflict among Ukrainian, Tatar and Russian residents.

Armenia has a popularly-elected president and a functioning multi-party system. There is vigorous parliamentary debate and a fractious independent press.

Democratic development and economic reform are constrained by the spreading Armenian-Azeri conflict over Nagorno-Karabakh. Armenian fighters in Karabakh have been accused of atrocities. Hostage-taking is routine.

Since 1988, virtually all of Armenia's Azeri inhabitants have left for Azerbaijan, while most Armenians from Azerbaijan (other than Karabakh) have been resettled in Armenia.

Political turmoil in Azerbaijan led to the fall of the neo-Communist regime and the holding of multi-party presidential elections in June. President Abulfaz Elchibey of the Azerbaijan Popular Front was the clear winner, campaigning on a platform of market economics and political reform.

Local human rights organizations have accused the authorities of unlawfully arresting and mistreating leading members of the political opposition.

Most of the new government's energies have been diverted to military efforts to reassert control over Karabakh. Azeri forces have been accused of "ethnic cleansing" in areas retaken from the Armenians.

Belarus has been slow to implement political and economic reforms. Strongly influenced by entrenched interests, President Shushkevich is pursuing gradualist policies and maintaining traditionally close links with Russia.

In October, the Belarusian parliament rejected a petition organized by the nationalist opposition Belarus Popular Front calling for new elections and the resignation of the current parliament, elected before independence in 1991. A new constitution has yet to be passed.

Georgia faces ethnic-based conflicts and a continuing insurgency led by ousted former president Gamsakhurdia. Multi-party elections in October resulted in a new parliament and confirmed former Soviet Foreign Minister Shevardnadze as head of state.

The conflicts are absorbing much of the government's resources, with little left for economic initiatives and social programmes. Relations with Russia are strained over Georgian fears Russian forces are tacitly supporting the separatists.

The Georgian forces combatting the Ossetian and Abkhazian insurgencies are drawn from poorly-trained and undisciplined political militias. They continue to exert inordinate influence over the civilian government.

Kazakhstan has tried to preserve stability and the delicate balance between Kazakh and Russian communities (roughly 40% each) by downplaying political reform. President Nursultan Nazarbaev was the sole candidate in the December 1991 elections, and commands the will of the Soviet-era parliament.

The authorities have refused to register Islamic or nationalist parties. The media is generally tame, with radio and television under strict government control. Economic reform has made some limited progress.

Kyrgyzstan has one of the best human rights records in the region. President Askar Akayev has actively promoted a civil and political rights agenda, and is pushing for the adoption of a new post-Soviet constitution.

The capital, Bishkek, has become a meeting-place for reform activists from across Central Asia. Ethnic tension with the Uzbek minority has been defused by the president through personal mediation. The government is committed to economic reform, but lacks the resources and trained personnel to proceed quickly.

The absence of a permanent solution to the conflict in the Transdniestr region in Moldova is blocking progress on economic and political reform. The July 21 agreement signed with Russia stopped the fighting between government and separatist forces, creating a tripartite control commission to monitor the ceasefire.

Since then, however, positions have hardened. Russia's ability to act as mediator is compromised by the continued presence of the Russian 14th Army which has heightened tensions.

Tajikistan is still in the throes of civil war, with disastrous consequences for democratic and economic development. Thousands of refugees have fled to neighbouring Uzbekistan and Afghanistan.

Hard-line ex-Communists have used clan affiliation and superior organization to push out a coalition of Islamists and democrats who had taken power in April 1992 on a wave of mass demonstrations.

The ex-Communists have promised to re-establish constitutional rule. In the meantime, they have undertaken a campaign of summary executions of political opponents, particularly in the capital, Dushanbe.

In Turkmenistan, the ex-communists have retained power and continue to dominate public life. President Niyazov, was the sole candidate in the 1991 elections. The new constitution adopted last June provides for a strong presidency.

Opposition activists, especially Islamists, have been jailed or forced into exile. The government intends to pursue gradual economic reform, with the emphasis on a state-controlled resource sector.

Uzbekistan has amended its constitution to guarantee civil and political liberties, as well as Soviet-style social and economic rights. President Karimov has, however, been selective in his interpretation of these rights.

The leading secular opposition movement, Birlik, has been unable to gain legal recognition. Its leaders have been beaten up and, most recently, kidnapped from a human rights conference in neighbouring Kyrgyzstan.

Islamist groups are banned, though the official Muslim clergy enjoys generous state support. The Bukhara Jews practice their religion freely. Economic reform has been slow.

### CANADIAN POSITION

In establishing diplomatic relations with all of the newly-independent states of the former Soviet Union, the Prime Minister sought from their leaders explicit commitments to UN and CSCE principles on human rights and the protection of minorities.

Such assurances were received from all of the countries concerned. Canada has continued to reiterate its views on specific issues at the highest levels.

Canada's programme of technical assistance is funding democratic development projects in Russia, Ukraine and Georgia, including institution-strengthening for national parliaments, training for a new generation of impartial public servants, the publication of a

civics textbook for schools, and workshops in ethnic conflict resolution. A \$10 million Yeltsin Democracy Fellowships programme will bring promising Russian officials to Canada for on-the-job training.

Canada helped initiate CSCE efforts to resolve the ethnic conflicts in Nagorno-Karabakh and Georgia, supports CSCE efforts in Moldova, and backs an increased role for the CSCE Office for Democratic Institutions and Human Rights. Canadians have monitored referenda and elections in Armenia, Georgia and Ukraine. A planned CSCE mission to Uzbekistan will examine complaints of harassment against opposition activists.

January 1993

## MINORITY RIGHTS AND THE BALTIC STATES

### ISSUE

The Baltic States face the challenge of re-establishing their national identities while respecting the rights of their large Russian-speaking minorities.

### BACKGROUND

Russia has focused its complaints on the treatment of Russian minorities in Estonia and Latvia. The small minority in Lithuania is not an issue.

As a response to domestic nationalist pressure, President Yeltsin formally suspended Russian troop withdrawals from the Baltic States October 29, because of alleged human rights violations.

The Baltic States justify restricting citizenship to the Russian minorities on the basis that they are part of an illegal occupation. Despite government assurances, uncertainty over economic and social rights remain a preoccupation of the Russian minorities.

Estonia and Latvia have taken steps to address Russian concerns. Estonian President Merri plans to establish a human rights institute. Estonia requested an observer mission under the CSCE CDH mechanism which will complete its report shortly.

The UN mission invited by Latvia concluded there were no gross or systematic human rights violations, but suggested ways Latvia could improve relations between the Latvian and Russian communities.

By way of a statement from the Chair, the Third Committee of UNGA 47 has encouraged governments involved to intensify their efforts to ensure the rights of Russian minorities in Latvia and Estonia.

### CANADIAN POSITION

The SSEA underlined the importance we attach to the protection of minorities and the respect for international human rights commitments in meetings with Russian FM Kozyrev, Estonian FM Velliste and Latvian FM Andrejevs, at the Stockholm CSCE Council meeting, December 14 - 15.

Canada has acted forcefully on the issue of Baltic troop withdrawals. Canada rejects linkage of Russian troop withdrawals to any other issue. However, we have encouraged the

Baltic States to address Russian concerns on minorities, underlining that relations with Russia are key to regional stability.

Latvia's request to the UN and Estonia's use of the CSCE CDH mechanism were positive steps. We support the continued use of international mechanisms, and have indicated our willingness to help the Baltic States in addressing minority issues.

Canada participates in an ad hoc group of countries looking for ways to promote regional stability by helping Russia and the Baltic States resolve their differences on troop withdrawals and minorities.

We plan to participate in the establishment of a CSCE-sponsored community relations office in Estonia which would help to stabilize relations between the Russian and Estonian communities.

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