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# **CONSULTATIONS**

**IN PREPARATION FOR THE 53RD SESSION OF THE  
U.N. COMMISSION ON HUMAN RIGHTS**

**FEBRUARY 5-6, 1997**

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

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

### CANADIAN POSITION

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

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

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

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

EAST TIMORISSUE

Although positive trends were seen, particularly in the conduct of the military, human rights abuses continued in East Timor in 1996.

BACKGROUND

A former Portuguese colony, East Timor found itself without institutions or local government in the aftermath of the Portuguese revolution of 1974. A civil war ensued and on November 28, 1975, the victorious FRETILIN movement declared the independence of East Timor. Under the pretext of answering a call for aid from other Timorese groups and preventing a communist threat, Indonesian troops invaded the territory on December 7, 1975. Indonesia subsequently unilaterally annexed East Timor and declared it to be its 27th province on July 17, 1976. The UN still does not recognize the annexation of East Timor. While the Indonesian government admitted that 30,000 lives had been lost, East Timor activists set the figure at 200,000. On November 12, 1991, international concern was heightened when military forces opened fire on a funeral procession in Dili, resulting in scores of deaths.

The situation in East Timor deteriorated with the holding of the 1994 APEC Leaders' Meeting in Jakarta when concurrent demonstrations in East Timor and the occupation of the U.S. Embassy drew international attention to East Timor once more. The situation remained tense in 1995 with new outbreaks of violence, arbitrary arrests, disappearances and summary executions. Due to heavy military presence, the 20th anniversary of the invasion of East Timor passed without incident.

Despite an apparent change in focus by the military from the clandestine movement in the cities to the guerrilla forces in the countryside, 1996 saw several major violent demonstrations and riots, triggered by religious or ethnic incidents. In the early stages of the demonstrations, the military applied recognized crowd control and dispersement methods rather than resorting to the use of the live ammunition. However, there were reports that the military reverted to harsher methods of crowd control as the demonstrations became more prolonged and violent. Interrogations were reportedly carried out using more professional conduct by both police and military.

The Government of Indonesia (GOI) continues to participate in the UN-sponsored Trilateral Talks with Portugal with the aim of finding "a just and internationally acceptable solution." Due to the changeover of the UN Secretary General, the December meeting between Foreign Minister Ali Alatas and Portuguese Foreign Minister Jaime Gama was postponed. East Timor remains in the international spotlight especially after the joint award of the 1996 Nobel Peace Prize to Bishop Carlos Belo and Jose Ramos-Horta, self-imposed exiled spokesperson of FRETILIN. The award has re-kindled international demands that Indonesia make sincere efforts to resolve the question.

In recent years, a consensus Chairman's statement has been made at the Commission on Human Rights on the question of East Timor. At the last session, Indonesia agreed to conclude a memorandum of understanding with the High Commission for Human Rights and consider granting access to East Timor to a UN human rights programme officer based in Jakarta.

**CANADIAN POSITION:**

Canada supports the only international process in existence for dealing with East Timor's status, that is the UN-sponsored talks between Portugal and Indonesia. Canada also contributed financially to the second of the All-Inclusive East Timorese Dialogue meetings which was held in March 19-22, 1996.

Canada regularly registers its concerns regarding East Timor to Indonesian government officials. Canada took measures to penalize Indonesia for the Dili massacre by suspending three planned CIDA projects worth \$30 million. The Prime Minister raised human rights and East Timor in his meeting with President Soeharto during the January 1996 Team Canada visit. Minister of Foreign Affairs Axworthy also raised East Timor with his Indonesian counterpart Ali Alatas in July 1996 during ASEAN ministerial meetings in Jakarta. He followed up these discussions with letters to the Foreign Ministers of Indonesia and Portugal, encouraging them to redouble their efforts to find an internationally acceptable solution to the East Timor question at the UN-sponsored Trilateral Talks. In November 1996, Canada raised East Timor at the annual debate on human rights at the UN Third Committee in New York. The Honourable Raymond Chan, Secretary of State for Asia Pacific, raised this issue again with the Indonesian Foreign Minister, Ali Alatas when they met in Manila in November for the APEC meeting.

The Canadian development cooperation programme supports many local projects in East Timor. Canada has one of the largest aid programmes in East Timor, dedicating \$500,000 from the Canada Fund for Local Initiatives. CARE Canada also receives CIDA funding to help carry out its projects in East Timor. \$300 000 of multilateral support is also provided to the International Committee of the Red Cross for its East Timor programmes.

INDIA

ISSUE

Despite a legal framework which to a large extent protects the rights of Indian citizens, human rights abuses continue in India. Violence on the part of militants and Indian authorities in Kashmir is one major area of concern, as are issues surrounding child labour and the status of women.

BACKGROUND

Although India is a parliamentary democracy and a secular state with an open society, communal and inter-religious tensions continue to exist. The combination of poverty and communalism has a strong negative impact on the human rights situation, despite the protections established within India's legal framework.

The situation in Kashmir (and, to a lesser extent, in the Northeast) continues to be characterized by armed conflict and abuses of human rights committed by the police and security forces as well as by militant groups. A positive sign was the recent holding of state elections in Kashmir in September 1996, which were widely viewed as being reasonably well-subscribed, free and fair.

Mistreatment of detainees in police and military custody appears to be widespread, and prosecution of officers, while increasing, remains difficult. The Indian Supreme Court has been taking a more activist stand on this issue.

The situation in Punjab has improved significantly, and members of the police are increasingly being held accountable for their actions.

The status of women in India remains poor, notwithstanding extensive legal guarantees; this is a deeply-rooted social, rather than institutional, problem. India has not yet ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Child labour is the main challenge to children's rights in India. Although child labour is in violation of Indian constitutional provisions, the 44 million children who work in India are evidence of the gap between legislation and implementation, caused by poverty and traditional social structures. India has ratified the UN Convention on the Rights of the Child and has promised to eliminate child labour in hazardous industries by 2000 and all forms of exploitative child labour by 2010.

The rights of ethnic and religious minorities in India are guaranteed by law, and the Indian government has taken several steps to promote their rights and full participation in Indian civil society. Despite these efforts, societal discrimination against minorities continues. In December 1996 the UN Special Rapporteur on Religious Intolerance visited India; his report should be available at the 53rd session of the UN Commission on Human Rights.

India's National Human Rights Commission (NHRC), established in 1993, has demonstrated a willingness to take up controversial cases and has focused on critical human rights issues. Max Yalden, then Chairman of the Canadian Human Rights Commission, met with the NHRC and other NGOs during his second visit to India in February 1996.

### CANADIAN POSITION

Bilaterally, Canada maintains a dialogue on human rights with the Indian government, both at the national and state levels. For example, Foreign Affairs Minister Axworthy discussed human rights issues with Indian External Affairs Minister Gujral during his visit to Canada in September 1996.

Canada is working with the Indian government, other governments, the private sector, NGOs and international institutions to improve the human right situation in India. Through the Governance Support Fund, Canada provides funding to Indian NGOs to assist their efforts in the human rights field. Furthermore, Canada's contributions to India's sustainable development and growth help to address the poverty which hinders the development of a human rights culture.

Multilaterally, Canada made a contribution in 1996 of \$700 000 to the ILO's International Program for the Elimination of Child Labour. Canada is also working with the UN Commission on Human Rights on the development of an optional protocol to the Convention on the Rights of the Child which would require countries to criminalize the sale of children, child prostitution and child pornography, and to extend their jurisdiction extra-territorially.

**INDONESIA****ISSUE**

Despite positive trends in many areas particularly in the increased restraint and professionalism shown by the military in dealing with protest demonstrations, the human rights situation in Indonesia continues to cause concern.

**BACKGROUND**

The year 1996 was punctuated by riots (most notably the July 27th Jakarta riots), demonstrations throughout the country, regular embassy occupations by East Timorese asylum seekers and hostage-takings in Irian Jaya. Restraint was exercised by the security forces in dealing with both peaceful and more violent (Jakarta riots) public demonstrations. The military showed a new level of professionalism in dealing with these incidents, using recognized crowd control techniques and reducing the use of force.

The Jakarta riots on July 27th were the culmination of a series of incidents, beginning with the government manoeuvring Megawati Sukarnoputri out as PDI leader and ending with the violent takeover of the Indonesian Democratic Party's (PDI) Jakarta headquarters by the newly-elected leader Soejardi and government security forces. The final report of the Indonesian National Human Rights Commission (Komnas HAM) blamed the government for its role in the PDI imbroglio and dismissed the official government version which accused the People's Democratic Party (PDR) of instigating the riots. The Indonesian government has yet to respond to the report. Trials for the 124 arrested in July were held in late November. The 116 people found guilty of resisting an official order to disperse and sentenced to jail terms, were released immediately for time already served. They are appealing their convictions. The court is also considering looking at the role of Soejardi in the events. Labour activist and leader of the Independent Union, SBSI, Muchtar Pakpahan, is being tried for his political activities related to the July riots. As well, the Supreme Court decision acquitting him for his involvement in the 1994 Medan riots was overturned in November 1996.

Social and economic reforms have steadily improved the lot of the average Indonesian, but political and civil reforms are still lacking. The Indonesian constitution (1945) makes little reference to human rights and Indonesia has not ratified the International Covenant on Civil and Political Rights nor the International Covenant on Economic, Social and Cultural Rights.

The Indonesian government is still considering the ratification of the Convention on Torture. Indonesia is, however, developing draft legislation to counter discrimination against persons with disabilities; nevertheless, economic barriers to hiring disabled workers, and education and health care systems poorly equipped to deal with special needs, means disabled people in Indonesia are mainly dependent on the support of family and charitable organizations. Homosexuality is illegal according to Koranic law, but is tolerated if discreet.

Indonesian human rights NGOs were active during the year. Following the July 27th riots, however, the government has been subjecting them to closer scrutiny, requiring them to register and reviewing their funding sources. The media continue to level criticism, albeit



indirectly, against the government. In pushing back the bounds of official tolerance, the Indonesian press, despite government attempts to curb it, encourages public debate on issues such as economic policies, political developments, judicial independence, transparency, corruption and even the activities of the President's family.

The Indonesian National Human Rights Commission continues to prove its independence from government with its thorough investigations into prominent human rights cases, such as the Liquica killings, the Marsinah affair, and the Jakarta riots. It has also opened its first regional office in East Timor and initiated a programme for instructing the military in respect for human rights.

In summary, there is still a great need to resolve the fundamental structural problems that remain at the root of human rights abuses in Indonesia. The military maintains an oppressive presence throughout the country and generally behaves with little regard for human rights and with impunity in dealing with perceived threats to national security. The legal system remains subject to political interference and the political system has no true democratic accountability. The government is rife with corruption at all levels. The slow, gradual improvement in the human rights situation is attributable to the considerable domestic and international pressure. This pressure will likely increase both domestically as a result of improved economic prospects and higher education levels, and internationally as Indonesia seeks to play a more important role commensurate with its economic and political weight.

### CANADIAN POSITION

Canada has been one of the most active and vocal countries in criticizing Indonesia's human rights behaviour especially concerning East Timor. Human rights continue to be discussed at high level meetings between President Soeharto and Prime Minister Chrétien (January 1996), Ministers of Foreign Affairs Alatas and Axworthy (July 1996) and Foreign Minister Alatas and Secretary of State (Asia-Pacific) Chan (November 1996). As well, the Canadian Embassy remains active in pursuing Canadian concerns in meetings with senior Indonesian officials and non-governmental organizations.

The development cooperation programme is an important instrument in furthering Canada's human rights objectives as it addresses fundamental social, environmental and economic issues facing Indonesia. CIDA, through its bilateral and partnership channels, cooperates with local organizations that promote human rights in areas such as women's rights, child labour, access to legal reforms, human rights training and religious tolerance. Projects are aimed at strengthening community groups and NGOs, improving governance, and broadening participation in decision making and in the allocation of resources and benefits. Canada has one of the largest aid programmes in East Timor, dedicating \$500,000 from the Embassy-administered Canada Fund for Local Initiatives.

The visit of then Canadian Human Rights Commissioner Max Yalden in April 1995 and the subsequent visit of three Indonesian Commissioners to Canada resulted in the two national Human Rights Commissions participating in a CIDA-funded programme of cooperation. Canada is the only country with such links to Indonesia's National Human Rights Commission.

## HUMAN RIGHTS IN PAKISTAN

### ISSUE

Pakistan is a traditional society where inertia and intransigence have hampered modernization. The government must deal with ethnic and sectarian violence, poverty and ignorance. These characteristics, as well as the power of the security forces and feudal landowners, have hampered the enforcement of human rights. Moreover, strong religious and traditional cultural currents are antagonistic to what are perceived as western conceptions of human rights.

The government of Prime Minister Bhutto was at times vocal in its support of improving the human rights situation, and appointed a minister of human rights, but rhetoric exceeded accomplishment. With her dismissal, political uncertainty hangs over the country. Nevertheless, while some political parties are more receptive than others, human rights are now firmly on the political agenda in Pakistan.

### BACKGROUND

The prevailing climate of political and religious intolerance spiced by Islamist extremism, ethnic tension, crime, terrorism, and small scale public disorder, have all contributed to a worrisome human rights situation in Pakistan. Worsening socio-economic conditions, aggravated by high population growth, have contributed to the emergence of the "Kalashnikov" culture. Ethnic, sectarian, political, and criminal violence are 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. Nevertheless, some positive movement has occurred.

Discrimination against women and minorities, rationalized by reference to Islamic precepts, continue to stand out as particular problems. The election of the Pakistan People's Party (PPP) under Benazir Bhutto in October 1993 reaffirmed the democratic process; her dismissal by the President was by constitutional means. Mrs. Bhutto indicated her government would place significant policy emphasis on social development. It made some efforts to improve the human rights situation, and indeed appointed a minister of human rights in 1996, but rhetoric exceeded accomplishment in most areas. Ministerial responsibility for human rights has been absorbed into the Law Minister's office under the interim government, and it is unclear what its future will be after the elections scheduled for February 03, 1997.

Women face systemic discrimination in Pakistan; they have less access than men to basic needs such as education and health care. Female literacy in rural areas is extremely low. The *Haddood* ordinances, ostensibly based on Islamic law, have been used to arrest, detain, and punish women for sexual offences such as adultery. Women who have attempted to bring charges against their rapists have sometimes found themselves countercharged under the *Haddood* ordinances. In tribal areas, women suffer high levels of domestic violence, and murders based on traditional concepts of "honour" often go unpunished. Women in both rural and urban areas have been subject to mistreatment and rape in police custody. The Bhutto government responded with the creation of a handful of police stations staffed entirely by women. Pakistan in 1996 ratified the Convention for the

Elimination of all Forms of Discrimination Against Women (CEDAW) and earlier participated positively in the Beijing Women's Conference. The Bhutto government set up a number of advisory bodies related to women's issues and female judges were inducted for the first time as provincial high court judges. A major breakthrough was a Lahore High Court decision by a newly appointed female judge ensuring a Muslim woman's unconditional right to *Khula* (divorce).

Child labour is part of the economic and social fabric. At least five million children work, many under exploitative conditions or in bondage; few receive formal education. Many others work in small family businesses or family farms. Pakistan ratified the UN Convention on the Rights of the Child with a number of reservations, including the caveat that provisions would not apply where Islamic values and law prevail. The South Asian Association for Regional Cooperation (SAARC), of which Pakistan is a member, agreed to eliminate child labour by 2010. Given the attitudes of many Pakistanis (officials, politicians, landowners, businesspeople) and economic imperatives, the problem is likely to change only slowly.

The Ahmadis, a religious minority, are the targets of religious vilification and systematic persecution. The Ahmadis do not believe Muhammad was the last prophet but believe they are Muslims; this claim, and Ahmadi proselytising efforts, offend many orthodox Muslims. Blasphemy laws, which can include the death penalty for defiling the name of the Prophet, have been extensively used to abridge their religious freedom, and violence against Ahmadis often goes unpunished. Christians have at times also been caught up in this discriminatory atmosphere. Higher court justices routinely overturn death sentences, and the Bhutto government moved to prevent the trivial filing of blasphemy charges. Far fewer blasphemy cases are now being filed.

Karachi, Pakistan's largest city, is today relatively peaceful. In recent years, however, it has been violent and lawless due to sharp conflict between the authorities and the Mohajir Quami Movement (MQM). The mohajirs, Urdu-speaking immigrants from India who are hostile to the local Sindhi ethnic group, complain of government persecution and extrajudicial killings. The MQM has been responsible for numerous killings of opponents. The Bhutto government broke their capacity for sustained violence but only at serious costs in human rights.

### **CANADIAN POSITION**

Canada has maintained a dialogue with Pakistan on human rights. Issues such as women's rights and child labour have been addressed multilaterally and in meetings with Pakistani officials. The bilateral dialogue has also reflected the concerns of the Ahmadiya and Christian communities in Canada over religious discrimination in Pakistan.

Canada has sought to engage human rights issues in a constructive manner, providing support to human rights NGOs, supplying information related to blasphemy litigation, establishment of a ministry of human rights and Canada's Access to Information and Privacy legislation. Canada is giving higher priority in its assistance programming in Pakistan to social development, a reflection of our view that economic and social underdevelopment contributes to human rights abuses, particularly for women and children. Canada's development cooperation in Pakistan also emphasizes governance, with the aim of strengthening those community and governmental institutions which underpin

progress in human rights and the development of civil society. All CIDA projects are designed and monitored to maximize the involvement of women. In April 1996 CIDA launched a women's development project to support organizations working with women and entails human rights activities, family planning, education, and economic development.

**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.
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 DFAIT/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.
3. Chairpersons will generally limit interventions to no longer than two minutes to facilitate an efficient use of time and to give the greatest possible number of participants an opportunity to join discussions. In order to facilitate exchange of NGO-government views, it has been agreed that Chairpersons will allow a maximum of one right of reply per intervention.
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.
5. DFAIT will provide a list of names and titles of departmental participants for each session. Name tags will be provided for all participants.
6. As in past years, 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.

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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 is \$1.85. Taxi fare is approximately \$7.00 from the downtown core. Foreign Affairs and International Trade is located at 125 Sussex Drive.



## THE PHILIPPINES

### ISSUE

The human rights record of the Philippines has improved dramatically in recent years. While problems remain, significant improvements in military and police discipline and in the judicial system are taking place.

### BACKGROUND

The Philippines Government has made honest and concerted efforts to deal with human rights abuses by officials. It has run a public campaign to remove human rights violators, criminals and corrupt officers from the military and police. Two thousand police officers were fired for abuses by the end of 1994. The anti-subversion law, which had served to cover many abuses, was also repealed in 1994. In 1995, the Commission on Human Rights began a programme of human rights courses for the military and police. These courses could become mandatory training if proposed Congressional legislation is passed.

There is still room for improvement. The Philippine Commission on Human Rights (CHR), an independent body mandated by the constitution to promote and protect human rights, reported that law enforcement agencies remain the main perpetrators of human rights abuses. Nearly half of the 478 cases filed with the CHR during the first six months of 1996, implicated the Philippine National Police (PNP) (166) and the Armed Forces of the Philippines (AFP) (61). Murder, homicide, and extra-judicial executions were the most widespread violations, while instances of arrest and detention remained problematic.

Another area being addressed by the government is child sex exploitation. The Philippines has one of the highest rates of child sex exploitation in the world. There are between 60,000 and 100,000 child prostitutes in the Philippines of whom 35% are street children. To address this problem, the Secretary of the Department of Social Welfare and Development (DSWD) announced in September 1996 a five-year plan to combat child sexual abuse and other forms of child exploitation through a public awareness campaign. By working closely with the Department of Justice, the DSWD has already obtained convictions in several child abuse/exploitation cases.

According to PNP statistics, overall violence against women and children increased in the last year. Reported rapes increased from 1167 cases in 1995 to 1194 as of June 1996.

One of the most encouraging events of 1996 was the signing of the Mindanao Peace Accord between the Philippines government and the Moro National Liberation Front (MNLF). This agreement aims to correct decades of neglect of the Muslim Filipinos in Southern Mindanao.

There is complete exercise of media freedom, including direct criticism of the President, with censorship being a thing of the past. NGOs, labour unions, and special interest groups are able to lobby freely for reforms throughout the Philippines. Philippine women play a more active role in politics and economics than in most other Asian nations.

## CANADIAN POSITION

Human rights remain a priority in Canada's bilateral relationship and are addressed through dialogue at the ministerial level, regular consultation with Canadian and Philippine NGO groups and cooperation between Canadian human rights institutions and their Philippine counterparts. CIDA is helping with a substantial aid programme including a number of human rights activities through NGO channels. Projects include support for the rights of women and aboriginal peoples. Canada is the only bilateral donor to the Autonomous Region of Muslim Mindanao (ARMM), one of the poorest regions of the Philippines. Through the Canada Fund for Local Initiatives, local NGOs carry out various livelihood and social service-oriented projects.



SRI LANKA

ISSUE

The persistent ethnic conflict in Sri Lanka and the intensification of hostilities continue to be a source of concern.

BACKGROUND

After more than a decade of bloody fighting, opprobrium and international pressure owing to Sri Lanka's disappointing human rights record, the former Premadasa government finally decided that it was necessary to take action to improve its country's record in this regard. In 1993, the Government undertook a program to redeem its image which yielded some positive results: the number of missing persons decreased, extrajudicial executions virtually ceased, and access to prisoners improved.

In November 1994, Chandrika Kumaratunga was elected President of Sri Lanka. The cornerstone of her election campaign was the promise to find a peaceful solution to the ethnic conflict which has torn the country apart for so long. From the beginning of her term, Mrs. Kumaratunga showed a keen interest in promoting a peaceful settlement to the conflict and greater respect for human rights. The January 1995 cease-fire opened up the possibility of wider negotiations. The current work of a parliamentary committee to study a devolution package (involving a division of power between national and regional levels of government) suggests a willingness to seek a solution to the conflict. It is worth noting the signing of the Optional Protocol to the International Covenant of Civil and Political Rights Optional Protocol, the adoption of a Human Rights Commission Act, the work of the Commission investigating disappearances since 1988, the establishment of committees to examine methods of improving the judiciary. Over the past year the Government has demonstrated some willingness to work with international humanitarian assistance organizations to meet the needs of the people. Some restrictions on the media have been partially lifted.

Despite some positive developments, there are still many causes for concern. The Human Rights Commission still has not begun work and the Commissioners have not yet been named. The Government continues to censor the media, which are not authorized to enter LTTE-controlled territory. The media have access to the Jafna Peninsula only under strict military control. The resumption of hostilities in April 1995 undermined to some extent the gains made in respect for human rights. The ongoing war is one of the major catalysts of human rights abuses by both sides, and of intolerance between ethnic communities.

Following key military victories, the Government of Sri Lanka regained control of the Jafna Peninsula and the Vanni region in northern Sri Lanka which resulted in a massive displacement of population, currently estimated at 800,000. Despite efforts by the Government to assist displaced persons in northern Sri Lanka, many face very harsh living conditions. Security requirements have a negative impact on human rights. Many observers have noted a deterioration of human rights (arbitrary detention, harassment, and rape). The Government's very widespread use of exceptional measures (emergency regulations, Terrorism Prevention Act) remains a major source of concern for human rights activists. During its offensive the Government did, however, seek to avoid or minimize civilian casualties. Under present conditions in Sri Lanka, the Government's greatest challenge is to find a peaceful solution to an interminable conflict.

While recognizing that the Government has much to do to provide better protection of civil liberties, the LTTE's performance on human rights remains unacceptable. The LTTE has continued its guerilla warfare against the Government, using children as young as 13 as soldiers. Because of attacks on isolated villages, blind terrorist actions against civilian populations in Colombo and elsewhere, and extortion and kidnapping, the LTTE continues to be a major source of concern regarding human rights abuses.

#### CANADIAN POSITION

Canada has been a leader in promoting human rights in Sri Lanka since the mid-1980s. We have worked constructively with the various organizations dedicated to defending human rights in Sri Lanka and have raised the issue in various United Nations fora. Canada has suspended bilateral assistance, channelling funds through NGOs to underline our position. The Government of Canada uses every opportunity to remind authorities in Sri Lanka of our human rights policy. Minister Axworthy raised this issue when the Minister of Justice of Sri Lanka visited Canada in November 1996. Human rights was again raised in recent discussions between our High Commissioner in Colombo and members of the Government of Sri Lanka.

Canada remains concerned about the continuing ethnic conflict in Sri Lanka and its negative impact on human rights. We note the Government of Sri Lanka's efforts to establish mechanisms to protect human rights. At the same time, we urge the Government to take action to ensure that these mechanisms function adequately and independently. It is essential for all parties to the conflict to respect human rights throughout Sri Lanka.

Canada is convinced that continued vigilance is necessary to ensure that human rights remains a priority for the Sri Lankan government. We urge the Sri Lankan government to pursue every efforts to achieve a peaceful solution to the conflict, a solution that considers the needs of all Sri Lankans. Pressure must continue to be exerted on the LTTE, so that it ceases its terrorist activities and negotiates in good faith.

VIETNAM

ISSUE:

The human rights situation in Vietnam is mixed and remains a concern to the Canadian government.

BACKGROUND:

Vietnam remains one of the world's last communist states, currently undertaking sweeping economic but much more limited administrative and political reforms. The human rights situation has continued a trend of modest improvement over the last several years. As a result of the reform process, limited freedom of speech, religion and political discussion are now tolerated. Despite these modest positive trends, Vietnam's overall performance continues to be mixed and the human rights situation is far from satisfactory. The 8th Congress of the Vietnamese Communist Party in June 1996 while continuing and expanding economic reform policies, rejected political pluralism and confirmed the commitment to one-party rule. An extensive and pervasive security apparatus remains in place. However, it should be noted that there have been no serious accusations of political killings, while violence committed against those in police custody is under increasing scrutiny. Capital punishment exists for a variety of crimes, including drug dealing, corruption and fraud, and is frequently carried out.

Vietnam promulgated a new constitution in 1992 which notes that human rights in all aspects, political, civic, economic, cultural and social are respected. The constitution also 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 practiced in accordance with the law. This permits the incarceration of dissidents, for example, for openly advocating a multi-party system. The lack of an independent judiciary also limits the possibility of individuals from exercising these rights or challenging state contraventions of individual rights.

Although Vietnamese authorities insist that all detainees are subject to due process, the process involved is heavily weighted towards a presumption of guilt. It is common for individuals to be incarcerated for as long as three years while the case against them is still in the investigatory stage. When the trial finally takes place, there seems little doubt that the verdict has been pre-ordained.

While the law protects both women and minority groups and guarantees them equal participation in governing the country, they are woefully under-represented. The past year has seen a rhetorical recognition of this fact but little in substance.

The cumulative impact of ten years of "doi moi" or "renovation" has been most evident in the expansion of economic rights. There is a palpable sense of improvement as Vietnam's economy becomes based on market principles. The introduction of a Civil Code is meant in part to address the lack of protection for the individual in the economic sphere, but it is too soon to judge its effects.

Political and religious persecution are still the most obvious areas in Vietnam where international concern is warranted. Many prisoners remain incarcerated for the expression of their political and religious beliefs and have become symbolic of Vietnam's lack of respect for human rights. Among the most prominent are Dr. Nguyen Dan Que, Doan Viet Hoat and religious leaders such as Thich Quang Do. A number of other prominent writers, poets and journalists also remain imprisoned.

### CANADIAN POSITION

Canada continues to have concerns with the human rights situation in Vietnam. Vietnam has come under scrutiny in the ODA, human rights and democratic development review process and these considerations have been taken into account in the development of the ODA program. The current orientation is to work directly and pro-actively with the government of Vietnam to support administrative and legal reform.

We have continued to make regular high-level representations to Vietnamese authorities to encourage greater respect for human rights and about specific cases of interest to us, though without palpable results in the case of prisoners of conscience.

There is a declining international consensus to press Vietnam on human rights issues and United Nation's resolutions on Vietnam have been dropped since 1994. Canada has continued to voice its concern about the human rights situation in Vietnam in relevant international fora, such as in country statements at the United Nations Commission on Human Rights.



January 1997

## BOSNIA AND HERZEGOVINA

### ISSUE

One year after the signature of the General Framework Agreement for Peace (GFAP), the human rights situation throughout Bosnia and Herzegovina is still a cause for serious concern. None of the three ethnic communities have fully honoured commitments made under the agreement.

### BACKGROUND

International authorities have strongly condemned human rights abuses in Bosnia. Among them are Mr. Van Thyn, Coordinator of the International Monitoring Group of the OSCE, Mrs. Elisabeth Rehn, Special Rapporteur of the UN Commission on Human Rights, in her reports to the Commission, and the three ombudsmen of the Bosnian Federation in their first semi-annual report. At the London Peace Implementation Conference in December 1996, Bosnian authorities agreed to a one year action plan. The plan calls on the authorities to improve the country's human rights and good government record across the board.

The September national and Entity elections in Bosnia, although not flawless, marked the beginning of a new stage of democratization. However, problems with voter registration and electoral fraud will have to be addressed as we look to municipal elections scheduled for later in 1997.

An independent media still needs to be fostered in Bosnia. While the international community is providing significant assistance, Bosnian authorities themselves must do more, such as facilitating the licensing of independent television stations and allowing better access to material resources for the independent print media.

Progress in the arrest of indicted persons and their surrender to the International Criminal Tribunal for former Yugoslavia (ICTY) is still lacking, and the current situation is unacceptable. Bosnian authorities bear ultimate responsibility in this regard under the GFAP, a commitment they reconfirmed at the London Peace Implementation Conference. The international community has served notice that compliance with this aspect of the peace agreement will be linked to the financial assistance made available to the national and Entity governments in Bosnia.

In territories controlled by each of the three ethnic communities, serious restrictions on freedom of movement have occurred and continue to occur, especially at or near demarcation lines between the two Entities. Illegal police checkpoints continue; many travellers have had to pay unrealistic fines, and some have even been detained. The UN High Commissioner for Refugees has tried to alleviate these difficulties by establishing inter-entity bus lines, but even these initiatives have been frequently thwarted by local authorities or individuals acting with impunity.

Only a very small number of the three million displaced persons and refugees have been

able to return to their homes. The situation is worse for those wishing to return to areas where the majority of the population is from another ethnic community. There is indication that all three communities are using the issue of refugee return to extend the areas under their control.

In areas under the control of each of the three communities, members of other communities continue to be threatened, harassed, evicted and, in some cases, even killed. Authorities in the two Entities continue to authorize occupations of houses or apartments without due regard for property rights or the relevant annexes of the GFAP. While numbers are decreasing, there are still reports of people being detained in Bosnia and Herzegovina without just cause, and under various pretexts, including simply crossing the demarcation line between Entities.

The Special Representative of the United Nations condemned the fact that there are "silent victims" of the war. For instance, there are numerous cases of people having suffered serious psychological trauma, and the centres where these people are sheltered are often unfit for habitation. This category also includes many victims of rape, of both sexes, including children. Many such victims find themselves without protection and without psychological support. Children are often the most affected; many have lost their families, and legislation in Bosnia and Herzegovina basically prohibits adoption by foreigners. These children, and those whose families have been left utterly destitute by the war, have very little social support.

At the 52nd session of the Commission on Human Rights, an omnibus resolution was passed by consensus, with Canadian co-sponsorship, which addressed the human rights situation in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia. At the 51st session of the UN General Assembly, the equivalent resolution was brought to a vote, 131 for, 1 against (Russia) and 20 abstentions. A second resolution, again co-sponsored by Canada, focussed largely on the rape and abuse of women in Bosnia and Herzegovina and was adopted by consensus.

### CANADIAN POSITION

Canada is fully committed to ensuring that the parties to the Bosnia Peace Agreement live up to their commitment to protect human rights. Minister Axworthy has confirmed that Canada's reconstruction assistance to Bosnia will take into account the compliance of Bosnian authorities with the peace agreement.

Special attention has been paid by Canada to support for the ICTY. Canada has contributed over \$1.2 million toward the work of the Tribunal, particularly through the voluntary fund for ICTY. Canadian Judge Jules Deschenes sits on the Appellate Chamber of the Tribunal; and, Madame Justice Louise Arbour is the Tribunal's Chief Prosecutor.

Since the conflict began, Canada has contributed over \$90 million in humanitarian and reconstruction assistance in the former Yugoslavia. In 1996, as a contribution to the Bosnian peace process, Canada pledged a total of up to \$40 million toward reconstruction. Major areas of focus for Canadian assistance have been democratic development, humanitarian assistance, and social and economic reconstruction.

Canada's assistance included the provision of senior personnel to the OSCE in Bosnia. We

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have: contributed significantly to the holding of national elections, which took place in September; supported initiatives to develop free media; contributed \$1.5 million to demining efforts; helped to alleviate the suffering of the most vulnerable (the elderly, displaced families and children); contributed to on-going reform in the health sector, and financed small and medium sized infrastructure repairs in the health, education and power sectors, while at the same time encouraging inter-ethnic cooperation.

Canada has made several financial and personnel contributions to international organizations promoting human rights in Bosnia and the former Yugoslavia. These include: a grant to the operations of the UN High Commissioner for Human Rights, including the Special Rapporteur for human rights in the former Yugoslavia; providing the Senior Deputy for Human Rights in the OSCE mission in Sarajevo; and, providing personnel for the Human Rights Coordinating Centre in the Office of the High Representative. In addition, Canada has made financial contributions to the International Committee of the Red Cross to support its work on detainees and missing persons. Canada has also provided experienced, senior officers to the International Police Task Force, where the current focus is on training and restructuring the Bosnian police forces.

In 1997, the Canadian program will focus on the maintenance of peace, the initiation of new multi-ethnic common institutions, and the consolidation of economic and social reconstruction. It will also address the ongoing problems of slow return of refugees and displaced persons, human rights abuses, the failure to bring persons indicted for war crimes to justice, and problems in the clearance of landmines.

## CHECHNYA

### ISSUE

The human rights situation in Chechnya remains a cause for serious concern. The absence of accountable institutions of governance in Chechnya; the recent assassinations of civilians and six representatives of the International Committee of the Red Cross (ICRC), including one Canadian; and the resultant departure of all international humanitarian NGOs threaten the fragile peace agreement reached in August 1996 between the Russian government and Chechen separatists. The failure of both sides to accept responsibility for violations of humanitarian law during the conflict could undermine any progress in stability following Presidential elections, scheduled to be held on January 27, 1997.

### BACKGROUND

The August 31, 1996 Khasavyurt agreements, which brought a fragile peace to Russia's breakaway republic of Chechnya, have put at least a temporary end to the most blatant violations of human rights and humanitarian law committed during the armed conflict that began in December 1994.

The conflict was decidedly a military, public relations, and human rights disaster, dragging on for over 18 months at a cost of tens of thousands of lives and billions of dollars (estimated at US\$ 3.6 billion). Retired Russian General, Alexandr Lebed, who brokered the peace agreements, estimated the total fatalities during the Chechen conflict at between 80,000 and 100,000, the majority being civilian non-combatants. Current estimates of externally displaced Chechens, including Russian minorities previously living in Chechnya, range from between 300,000 and 450,000. With approximately 70% of the capital Grozny destroyed, and reports by NGOs of indiscriminate destruction of villages during the conflict, it is unlikely that refugees will be able to return in the near term.

The Organization for Security and Cooperation in Europe (OSCE) mission to Chechnya has remained in Grozny and continues to support the peace process. The OSCE acted as an observer at Conciliation Commission meetings, a body constituting representatives from both sides, mandated to focus on all aspects of the withdrawal of federal forces, as well as the general law-and-order situation in Chechnya. At the beginning of January 1997, all federal forces had been withdrawn from Chechnya. Responsibility for the republic's internal security has been handed over to the Chechen Ministry of the Interior.

Since the end of the conflict, incidents of terrorism, criminality and other acts in disregard of even the basic principles of humanitarian law, have exposed the Interior Ministry's inability to police Grozny and maintain security in the republic. On December 17, six medical workers of the ICRC, including Canadian Nancy Malloy, were murdered by unknown assailants. Also in December, six elderly Russians were killed in Grozny, followed by the killing of four more shortly thereafter; and what was reported as a deliberate land mine explosion killed five boys in a Chechen village. Reports of hostage taking and summary executions of "collaborators" are widespread.

Following the killing of the ICRC workers, all ICRC international personnel were evacuated from Chechnya. All other international aid organizations, including the World Food Programme, suspended operations at that time and do not plan to return until an assessment is completed following the January 27 elections.

The current human rights situation in Chechnya is fluid and fragile. Many human rights NGOs, including the International Helsinki Federation for Human Rights, which undertook a fact finding mission to Chechnya and Moscow in October 1996, warn that there is a dangerous absence of accountable institutions of governance in Chechnya. There is evidence of criminal activities by uncontrolled gangs or individuals, and Chechen authorities have stated that it is not possible for them to conduct professional investigations into numerous alleged killings. Until the Chechen Interior Ministry reassumed its mandate, the Chechen-Russian Joint Kommandantura, established under the peace agreements, was responsible for responding to outbreaks of disorder, looting, or assaults and for handing out informal punishment on the spot, usually the beating of a suspect who was subsequently released.

At the end of August, Chechen leaders introduced a new Criminal Code of the Chechen Republic of Ichkeria, based on the Russian Federation Criminal Code with inclusion of a number of articles based on Islamic law. While this new Criminal Code was dropped during the period of the Joint Kommandantura, it appears that it will be reinstated in 1997. There are no functioning judiciary or law enforcement agencies in Chechnya, and the Chechen Code appears to be implemented through the informal, traditional law and order structures of the Chechen village system. This raises concerns about rule of law issues, especially fair trial, due process, and protection from torture, ill-treatment, and other humiliating punishment .

Currently, more than 1,400 Chechens and 1,900 Russian troops remain missing; mass graves contain unidentified bodies; and civilians hold federation troops hostage in order to barter for individuals despite an "all for all" prisoner exchange envisaged in the Khasavyurt agreements. Many human rights organizations, supported by the UN Report of the President's Commission on Human Rights, have called upon the Russian Procurator's Office to investigate thoroughly all reports of offenses by military personnel in the Chechen war zone and recommended that individuals be held accountable for crimes against civilians, lest the peace process be jeopardised.

At the 52nd Commission on Human Rights, a consensus Chairman's statement was adopted regarding the violations of human rights and humanitarian law in Chechnya.

### CANADIAN POSITION

Throughout the conflict, Canada condemned the bloodshed and violations of human rights that occurred in Chechnya and urged all parties to seek a peacefully negotiated settlement. This message was constantly reiterated, both in OSCE fora and at the UN Commission on Human Rights in Geneva. Prime Minister Chrétien raised the issue with both President Yeltsin and with Prime Minister Chernomyrdin. Minister Axworthy spoke on behalf of all Canadians when he expressed his shock and outrage at the murder of Nancy Malloy and her ICRC colleagues, and stated that the perpetrators of such a senseless act of violence must be brought to justice. Canada strongly supports the work of the OSCE Assistance Group to Chechnya, led by Ambassador Tim Guldemann. We hope that the elections in January will be free and fair and that all parties will recognize and abide by their outcome. Canada also hopes that the elections will lead to a renewed effort to ensure security for humanitarian aid workers and the strengthening of institutions that will ensure the human rights of all citizens.

January 1997

## THE REPUBLIC OF CROATIA

### ISSUE

The human rights situation in Croatia remains of concern. In particular, there continue to be problems in the treatment of the ethnic Serb minority living in Croatia or wishing to return to former homes in that country.

### BACKGROUND

There have been positive developments in Croatia over the past year, including the normalization of relations with the Federal Republic of Yugoslavia, and the recently adopted amnesty and media laws. The urgent humanitarian needs of vulnerable persons are now better addressed. Croatia's membership in the Council of Europe, and the obligation this entails to uphold the highest standards of human rights, should have a positive impact on the respect for human rights in that country. However, the Special Rapporteur of the UN's Commission on Human Rights continues to express concern over the security and welfare of the Croatian Serb population, particularly in the Krajina region and in Eastern Slavonia.

Although there has been a slight decrease in the number of violent human rights abuses against the ethnic Serb population in Croatia, due partly to an increase in local police presence, incidents of threats and actual assault continue to occur. As well, reports are received of non-violent discrimination practiced against Croatian Serbs throughout the country - be it the withholding of public services, such as electricity, or bureaucratic harassment. The Croatian government claims to have moved strongly to punish those responsible for committing such offenses, but little enforcement appears to have taken place. The optimism spurred by the passage of the long-awaited amnesty law, in September 1996, has been affected by cases of rearrests of people released following the law's enactment. Concern continues to be expressed that the issuance of Croatian documents to Serbs wishing to remain in Eastern Slavonia is still an unnecessarily slow and oblique process.

Problematic too is the lack of progress on Croatian Serb refugee returns. The UN Security Council has urged Croatia to adopt a comprehensive approach to facilitate the return of refugees originating from that country to their homes of origin. Croatia has been criticized for its continued failure to safeguard the property rights of refugees.

In other areas, there is concern that the Croatian government seeks to censure criticism and dissent. Of particular note was the government's attempt to revoke the licence of independent Radio 101. Although the government reversed its position when thousands of Croatians took to the streets in protest, the incident suggested that the government still has some way to go in terms of freedom of the media. Also, there have been reports of international organizations, and Croatian ones with international affiliations, being the target of harassment. On war crimes, there is concern that the Croatian government is withholding full cooperation by failing to apprehend indicted persons believed to be in the country.

At the 52nd session of the Commission on Human Rights, the human rights situation in Croatia was addressed in an omnibus consensus resolution, co-sponsored by Canada, which also dealt with Bosnia and Herzegovina, and the Federal Republic of Yugoslavia. At the 51st session of the UN General Assembly, the equivalent resolution was brought to a vote over an issue unrelated to Croatia.

### **CANADIAN POSITION**

Canada is committed to ensuring that the parties to the Dayton Peace Agreement, including Croatia, live up to their obligations. Equally, we support the efforts of the international community to monitor and promote respect for human rights obligations in Croatia. The Canadian Embassy in Zagreb monitors closely human rights issues and maintains contact with human rights organizations active in the country. The Embassy's Canada Fund has been used to support small scale projects which advance democratic development and good governance in Croatia. A number of demarches have been made by Canada to Croatian authorities stressing the need to respect human rights. In Zagreb in April 1996, Minister Axworthy emphasized to both the President and the Foreign Minister of Croatia the importance of Croatian adherence to international human rights norms.

January 1997

## THE FEDERAL REPUBLIC OF YUGOSLAVIA

### ISSUE

The human rights record of the Federal Republic of Yugoslavia (FRY) remains a concern. Democratic institutions and human rights machinery are not fully developed, and there is an absence of a strong political commitment to complete protection for human rights. Minority rights are of particular concern in Kosovo, Sandjak and to a lesser extent Vojvodina.

### BACKGROUND

Although less egregious than in the early years of the Yugoslav conflict, the government's human rights record remains a concern for the international community. The situation entails neglect and disregard for human rights, and some active persecution. The government and its administrative organs demonstrate a fundamental lack of understanding of human rights, and show insufficient political commitment to their protection. Pro-active measures in support of human rights are virtually non-existent. Instances of acute violations of human rights occur.

Areas which deserve favourable mention are: the existence of numerous human rights organizations which, for the most part, are free to carry out their work; a general social tolerance for minorities; an embattled, small but vigorous free press; and, a general government commitment to social services (education, welfare, pensions, assistance to refugees).

However, the trend is not positive and a deterioration in respect for human rights in the FRY is feared. A collapsing economy, forcing the government to cut back still more on social services, and a more competitive domestic political situation, could tempt the government to step up harassment of political opponents and restriction of media freedom. Any movement towards separation in Kosovo would likely be met with harsh reprisals by the Serbian police.

With regard to political and civil rights, there are grounds for serious concern about: freedom of the press and speech; the electoral process; the independence of the judiciary; restrictions on and accountability of police powers; and, the rule of law. Special mention must be made of the municipal elections recently held in the Republic of Serbia. Opposition victories in several municipalities on November 17th were annulled by the government and the judiciary. At the time of writing, voters were in their seventh week of protests against the annulment of the election victories. An OSCE delegation, which included a Canadian electoral expert, invited by Serbian President Milosevic to investigate the issue concluded that the results of the November 17 vote should be respected.

On economic and social rights, the government's record has warranted some commendation in past years. However, we perceive the situation to be worsening. The numbers of those in need of, and receiving, social assistance are increasing, but the government's ability to finance its social obligations is diminishing. This applies as well to the over 600,000 refugees from Bosnia and Croatia, many of whom are economically

destitute and without basic civic protections. The rights of unions are already severely circumscribed; as the economic situation continues to deteriorate, the rights of employees and unions could suffer further.

The Yugoslav government's poor record in terms of war crimes deserves mention. Although it has shown signs of openness towards the International Criminal Tribunal for Former Yugoslavia (ICTY), for example by allowing an ICTY office to open in Belgrade, it continues to harbour the three ex-Yugoslav army officers indicted for the massacre at Vukovar. Until these individuals are extradited to the Hague, the FRY record on this issue will justifiably be considered poor. In addition, the government shows no inclination to prosecute those responsible for human rights violations on FRY territory, including violations of the rights of Sandjak Muslims.

Minorities in the FRY continue to lead a difficult existence. Admittedly, there is a tradition of broad social tolerance of minorities in Serbia, and the government does permit linguistic, ethnic and religious diversity. However, minorities are reported to face significant education and employment discrimination, and there is a tendency towards the marginalization of minorities in all spheres. Ethnic Albanians, a majority in Kosovo, face systematic political, economic and cultural persecution by Serb authorities. The Muslims of Sandjak face generalized economic, political and cultural discrimination and have few resources to counter this pressure. The situation for Hungarians, Croats and other minorities in the Vojvodina area is better, but they too encounter obstacles, particularly in employment and schooling. Pro-active measures in support of the rights of women and children are undeveloped in the FRY; and, homosexuality and disability remain taboo subjects.

At the 52nd session of the Commission on Human Rights, the human rights situation in FRY was addressed by an omnibus resolution, co-sponsored by Canada, which included Croatia and Bosnia and Herzegovina. Although this was adopted by consensus, Russia brought several of the paragraphs on Kosovo to paragraph votes because it considered them imbalanced. At the 51st session UN General Assembly, an omnibus resolution was adopted by a vote of 131 for (Canada), 1 against (Russia) and 20 abstentions, and an additional resolution was passed on the situation in Kosovo by a vote of 102 for (Canada), 3 against, and 45 abstentions.

### CANADIAN POSITION

Canada supports the full implementation of the Dayton Peace Agreement by all the signatories, including the FRY. The Canadian Embassy in Belgrade maintains close and regular contacts with human rights groups, journalists, representatives of refugee groups, and members of national minorities. Embassy representatives travel regularly to areas of concern, notably Kosovo. Through the Canada Fund, the Canadian Embassy is able to support small scale projects in the FRY in the areas of human rights/civic society, national minorities, refugees, and free media. Canada has also supported the operations of the UN High Commissioner for Human Rights, including the Special Rapporteur for the former Yugoslavia

Minister Axworthy has made Canada's human rights concerns clear to FRY authorities; in April 1996 he chaired a roundtable in Belgrade with NGO and independent media representatives. Minister Axworthy spoke on this issue during a meeting of the Bosnia

Peace Implementation Conference in London on December 4, 1996; he has issued several statements concerning the November elections in Serbia.



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COMMISSION ON HUMAN RIGHTS  
Fifty-third session  
10 March-18 April 1997

PROVISIONAL AGENDA

Note by the Secretary-General

Duration and venue of the session

1. The fifty-third session of the Commission on Human Rights will be held at the United Nations Office at Geneva from 10 March to 18 April 1997. The first meeting will be convened at 11 a.m. on Monday, 10 March 1997.

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.

Inter-sessional and pre-sessional working groups

3. The fifty-third session of the Commission is preceded by meetings of eight working groups in connection with the following items:

(a) Item 5: An open-ended working group established to elaborate policy guidelines on structural adjustment programmes and economic, social and cultural rights (Commission decision 1996/103, Economic and Social Council decision 1996/289) is scheduled to meet from 3 to 7 March 1997;

(b) Item 6: An intergovernmental working group of experts established to elaborate a strategy for the implementation and promotion of the right to development (Commission resolution 1996/15, Economic and Social Council decision 1996/258) is scheduled to meet from 4 to 15 November 1996;

(c) Item 8 (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 (Commission resolution 1996/37, Economic and Social Council resolution 1996/22) met from 14 to 25 October 1996.

(d) Item 10 (b): The Working Group on Situations, composed of five members of the Commission, is scheduled to meet from 3 to 7 March 1997 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, Economic and Social Council resolution 1990/41);

(e) Item 20: 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 1996/81, Economic and Social Council resolution 1996/25) is scheduled to meet from 24 to 28 February 1997;

(f) Item 21: An open-ended working group for the elaboration of a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts (Commission resolution 1996/85, Economic and Social Council decision 1996/288) is scheduled to meet from 20 to 31 January 1997;

(g) Item 21 (d): An open-ended inter-sessional working group for the elaboration of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Commission resolution 1996/85, Economic and Social Council decision 1996/288) is scheduled to meet from 3 to 14 February 1997;

(h) Item 24: An open-ended inter-sessional working group established to elaborate a draft United Nations declaration on the rights of indigenous peoples (Commission resolution 1996/38, Economic and Social Council resolution 1996/23) met from 21 October to 1 November 1996.

4. Any decisions and resolutions affecting the provisional agenda of the fifty-third session of the Commission that may be adopted by the General Assembly at its fifty-first 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.

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. 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:
  - (a) 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;
  - (b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms.
6. Question of the realization of the right to development.
7. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.
8. 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.

9. 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;
  - (d) Human rights, mass exoduses and displaced persons.
10. 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.
11. Measures to improve the situation and ensure the human rights and dignity of all migrant workers.
12. Human rights and scientific and technological developments.
13. Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination.
14. Status of the International Covenants on Human Rights.
15. Effective functioning of bodies established pursuant to United Nations human rights instruments.
16. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-seventh session.
17. Rights of persons belonging to national or ethnic, religious and linguistic minorities.
18. Advisory services in the field of human rights.
19. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

20. 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.
21. 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, child prostitution and child pornography;
  - (c) Programme of Action for the Elimination of the Exploitation of Child Labour;
  - (d) Question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication.
22. Follow-up to the World Conference on Human Rights.
23. The question of conscientious objection to military service.
24. Indigenous issues.
25. Draft provisional agenda for the fifty-fourth session of the Commission.
26. Report to the Economic and Social Council on the fifty-third session of the Commission.

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**THE 53 MEMBERS OF THE COMMISSION ON HUMAN RIGHTS  
53rd SESSION 10 MARCH - 18 APRIL 1997**

**WESTERN GROUP (10)**

Austria	1999*
Canada	1997
Denmark	1998
France	1998
Germany	1999
Ireland	1999
Italy	1999
Netherlands	1997
United Kingdom	1997
United States	1998

**LATIN GROUP (11)**

Argentina	1999
Brazil	1998
Chile	1997
Colombia	1997
Cuba	1997
Dominican Republic	1997
Ecuador	1999
El Salvador	1997
Mexico	1998
Nicaragua	1997
Uruguay	1999

**ASIAN GROUP (12)**

Bangladesh	1997
Bhutan	1997
China	1999
India	1997
Indonesia	1999
Japan	1999
Malaysia	1998
Nepal	1997
Pakistan	1998
Philippines	1997
Republic of Korea	1998
Sri Lanka	1997

**AFRICAN GROUP (15)**

Algeria	1997
Angola	1997
Benin	1997
Cape Verde	1999
Egypt	1997
Ethiopia	1997
Gabon	1997
Guinea	1998
Madagascar	1998
Mali	1998
Mozambique	1999
South Africa	1999
Uganda	1998
Zimbabwe	1997
Zaire	1999

**EASTERN GROUP (5)**

Bulgaria	1997
Belarus	1998
Czech Republic	1999
Ukraine	1998
Russian Federation	1997

\* The date denotes the last year of the member State's three-year term on the Commission.



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December 1996

## NIGERIA

### ISSUE

The record on human rights has not improved despite efforts within the United Nations and the Commonwealth.

### BACKGROUND

The United Nations Special Rapporteurs (on extrajudicial, summary or arbitrary executions; and on the independence of judges and lawyers) concluded in reports released this year that the civilian judicial system has virtually ceased to exist; resources and jurisdiction has been transferred away from them to military tribunals. There is no appeal to the civilian courts from a decision of the tribunals even in the case of the death penalty. In a separate report the Special Rapporteur on torture stated he was unable to get any response from the Nigerian regime to the numerous allegations of torture.

This fall, the General Assembly passed, over Nigerian opposition and with Canadian support, a resolution expressing deep concern about violations of human rights and fundamental freedoms and called upon the regime to cooperate with the Special Rapporteurs to ensure the human rights of all Nigerians.

The Commonwealth Ministerial Action Group (CMAG) was established at the Commonwealth Heads of Government Meeting in November. The purpose of CMAG is to encourage Nigeria, Sierra Leone and the Gambia to respect fully the principles of human rights and democracy outlined the Harare Declaration.

During 1996, international pressure on the Nigerian military regime to improve human rights has remained relatively constant. The Nigerian government's own three year 'Transitional Plan', with the ostensible goal of returning the country to civilian rule in 1998, is already behind schedule and lacks the support of the leaders of the opposition parties many of whom, like the winner of the 1993 elections Chief Moshood Abiola, are still in prison. Of the fifteen parties that applied for accreditation under the Transition Plan, only five were accepted. Nigerian non-governmental organizations (NGO) speak of repression directed at pro-democracy activists. There is a speculation that General Abacha, the leader of the present military regime, will stand as a presidential candidate.

The civilian courts that continue to exist in Nigeria are very underfunded. The majority of the many political prisoners do not receive a fair hearing and the number of such prisoners continues to rise. The regime regularly disregards rulings from the civilian courts and has abrogated the guarantees contained in the constitution that protect human rights. Judicial appointments are subject to the executive power of the regime.

There are continued reports of repression of the Ogoni people who live in the oil-rich Nigerian delta and who have protested this area's environmental degradation. Less is known about whether other ethnic, religious, or minority groups are especially targeted. Some Nigerian women's groups have suggested that they may enjoy greater political

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CANADA

The Permanent Mission of Canada  
to the United Nations  
New York

La Mission Permanente du Canada  
auprès des Nations Unies  
New York

CHECK AGAINST DELIVERY  
SOUS RÉSERVE DE MODIFICATIONS

STATEMENT BY H.E. MR. LÉONARD LEGAULT  
AMBASSADOR OF CANADA

BEFORE THE THIRD COMMITTEE OF THE  
51ST SESSION OF THE GENERAL ASSEMBLY

- ITEM 110 (B): HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE  
APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF  
HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
- ITEM 110 (C): HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL  
RAPPORTEURS AND REPRESENTATIVES

NEW YORK, NOVEMBER 19, 1996

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ALLOCUTION DE S.E. M. LÉONARD LEGAULT  
AMBASSADEUR DU CANADA

DEVANT LA TROISIÈME COMMISSION DE LA  
51<sup>IÈME</sup> SESSION DE L'ASSEMBLÉE GÉNÉRALE

- POINT 110 (B): QUESTIONS RELATIVES AUX DROITS DE L'HOMME, Y COMPRIS  
LES DIVERS MOYENS DE MIEUX ASSURER L'EXERCICE EFFECTIF  
DES DROITS DE L'HOMME ET DES LIBERTÉS FONDAMENTALES
- POINT 110 (C): SITUATIONS RELATIVES AUX DROITS DE L'HOMME ET RAPPORTS  
DES RAPPORTEURS ET REPRÉSENTANTS SPÉCIAUX

NEW YORK, LE 19 NOVEMBRE 1996

Madam Chairman,

Violations of human rights do not occur in a vacuum. They occur in specific countries -- all too many countries, unhappily. Our commitment to human rights means nothing if we cannot address these country situations. We may meet objections if we do so. But we certainly fail in our obligations as Member States if we do not.

Madam Chairman,

The situation in **Burma** continues to deteriorate with massive abuses of human rights. Recent repressive measures against the Burmese democracy movement compound the military regime's long record of human rights violations. These developments cause mounting concern not only in the international community at large but also among Burma's neighbours. Canada calls on the Burmese authorities to respond to these concerns by cooperating with the international community in the implementation of all pertinent UN resolutions.

Canada expects **Nigeria** to meet all its commitments concerning the transition to democracy, and to follow up on the recommendations of the UN fact-finding mission. We urge the Nigerian authorities to make prompt and appropriate arrangements for the visit of the two thematic rapporteurs they have agreed to receive. Given its importance both on the African scene and internationally, it is essential that Nigeria set an irreproachable example of full respect for the human rights and fundamental freedoms of all its citizens.

In **Afghanistan**, we are deeply troubled by reports of serious human rights violations, especially with respect to restrictions on the rights of women and their access to employment, health care and education. Canada calls on all Afghan factions to respect all of Afghanistan's international commitments on human rights.

The Government of **Iraq** continues to demonstrate a callous disregard for the lives and well-being of its citizens, particularly the Kurdish and Shi'a minorities. Canada calls on the Government to recognize and guarantee the rights of all Iraqis.

Canada remains deeply concerned by the treatment of religious minorities in **Iran**, particularly the Bahais, and by continuing interference with the rights of free expression and free assembly. Canada urges Iran to give UN special rapporteurs and independent human rights groups its full cooperation. Canada also calls on Iran to nullify the *fatwa* against Salman Rushdie.

In **Sudan**, violations of human rights and humanitarian law continue unabated, especially in the context of the civil conflict in Southern Sudan. Canada, however, is encouraged that the Special Rapporteur was able to visit Sudan to observe the situation first-hand.

In **Burundi**, the situation has further deteriorated. Canada condemns the violence and terror directed against civilians and innocent victims. Such tactics, practiced by both parties to the conflict, violate every norm of international humanitarian law.

In the former **Yugoslavia**, there are unacceptable delays in bringing to justice war criminals responsible for massive human rights abuses. Respect for minority rights is weak. Refugees and displaced persons are still unable to return to their homes. Canada will continue to assist but only the governments in the region can make the peace process work.

In **Cuba**, we were able last year to note some positive steps the government had taken to improve its human rights record. Unfortunately, this year we can only point to such negative developments as the repressive measures against the Concilio Cubano. We continue to urge Cuba to match its achievements in the area of social and economic rights with a genuine opening in the area of civil and political rights. And once again we ask Cuba to cooperate with the Special Rapporteur and the thematic rapporteurs.

Madam Chairman,

Some governments maintain that human rights are a luxury that only wealthy countries can afford. That is not so. Repression is not the price to be paid for development. Human rights and fundamental freedoms are inalienable for rich and poor alike. And they are the only sure foundation for stability and long-term economic development.

Canada welcomes **China's** achievements in improving standards of living through economic reform, as well as China's commitment to modernizing its legal system. We are also encouraged by our bilateral dialogue on human rights and other subjects. We are, however, deeply disturbed by continued intolerance for freedom of speech, and the harsh sentences meted out to dissidents. Constraints on freedom of association and freedom of religion, as well as apparent distortions of the justice system in the "strike hard" anti-crime campaign, are also causes for concern.

In **Indonesia**, Canadians were encouraged by the independence and initiative displayed by the Indonesian National Human Rights Commission in investigating the disturbing violence and destruction that accompanied the dispute over the leadership of an opposition political party in July. We hope the Indonesian Government will seriously address the issues raised by the Commission.

There has, unfortunately, been no change in the situation in **East Timor**, and this remains a matter of continuing concern. Canada urges **Indonesia** and **Portugal** to persist in their efforts to find an internationally acceptable solution in their talks under the sponsorship of the UN Secretary General. Canada also supports the All-Inclusive Intra-Timorese Dialogue.

Madam Chairman,

Human rights abuses are committed not only by States but also by guerilla or rebel forces or paramilitary organizations. Difficult internal situations, however, do not absolve States of their responsibility to comply with human rights standards. On the contrary, it is the duty of States to break destructive cycles of violence and to foster a climate of respect for human rights.

In **Sri Lanka**, Canada welcomes the decision of the government to set up a permanent Human Rights Commission, and continues to urge the Liberation Tigers of Tamil Eelam to show respect for human life and human rights, and to join the government in seeking a lasting, peaceful solution.

Canada welcomes efforts to reach a lasting peace in **Chechnya**. We call upon all parties to abide by international human rights standards, and to continue discussions towards a permanent solution to the conflict.

Canada remains concerned about human rights abuses in **Colombia** and urges the government to cooperate fully with the U.N. Human Rights Office that we trust will be opened as soon as possible in Bogota. In **Guatemala**, problems remain but Canada welcomes recent progress towards a final peace agreement and the efforts of the government to eliminate corruption and impunity. In **Peru**, Canada hopes that the Special Measures will soon be lifted as the country continues its progress in building democratic structures.

In **Rwanda**, Canada welcomes the government's cooperation with the Human Rights Field Operation, and efforts to bring the perpetrators of genocide to justice. Recent reports, however, indicate a disturbing increase in human rights abuses. We are also deeply troubled by the current humanitarian crisis in **Rwanda** and **Zaire**. Canada urges the governments concerned to make a particular effort to protect the rights of all non-combatants.

If it is important to condemn human rights violations, it is also important to acknowledge when efforts are being made to improve a situation. Among these we would cite the creation of a Ministry of Human Rights in Pakistan. In India, we would note the normalization of the situation in the Punjab and the holding of elections in Kashmir. Haiti and El Salvador have made significant progress on human rights, and their efforts to sustain this progress deserve the full support of the international community. Even in countries where the situation has improved, however, much remains to be done and vigilance is still required.

Madam Chairman,

Canada is not here to play politics. Nor are we here to interfere in the affairs of others. The dignity of the human person is beyond politics, and human rights everywhere are everyone's affair. Canada's only object here is to promote universal respect for universal standards. That is the appeal we make to all Member States, and that is the obligation of all Member States.

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# Statement

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CHECK AGAINST DELIVERY

NOTES FOR AN ADDRESS BY  
THE HONOURABLE LLOYD AXWORTHY,  
MINISTER OF FOREIGN AFFAIRS,  
TO THE 52ND SESSION OF  
THE UNITED NATIONS COMMISSION  
ON HUMAN RIGHTS

GENEVA, Switzerland  
April 3, 1996



Government  
of Canada

Gouvernement  
du Canada

Canada

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I am here today – on behalf of the Government and people of Canada – to reaffirm our long-standing commitment to human rights.

In the global struggle for human dignity and freedom, Canadians believe the Universal Declaration of Human Rights to be:  
the foundation agreement;  
the core commitment; and  
the essential mission statement  
of our participation in the community of nations.

That Declaration has been a shaping force in our world for almost 50 years. But celebration of this important anniversary in 1998 should not be an occasion for complacency or sentimentality.

Rather, this is a time for reaffirmation and renewal – for tough, concerted actions that will move the human rights agenda to the centre of a reformed and revitalized United Nations.

That is the message that I received from a recent consultation with non-governmental organizations [NGOs], representative of concerned citizens drawn from all regions and communities in Canada.

The borders of modern nation-states are porous. Our actions must increasingly be people-to-people, community-to-community.

There is no better example of this linkage than the recent UN conferences on human rights, the environment, population, social development and women, which have forged a new agenda around the definition of individual security. These issues, close to the hearts of our citizens, stimulated unprecedented activity among NGOs and citizens around the world, who began contacting each other directly and shaping the agenda of their governments.

The democratic process must now reach beyond nations to nourish and activate civic life in our communities, linking people in all parts of the world, especially the most vulnerable.

The Universal Declaration of Human Rights is the linchpin that joins us all, governments and citizens alike, in our shared aspirations.

As we approach this 50th anniversary, let us applaud the considerable victories over the last few years:

- the transformation of South Africa from apartheid to multi-racial democracy;
- the steady progress to democracy in many parts of Latin America;
- the difficult, but determined, emergence of democracy in Haiti; and

- the democratic franchise for hundreds of millions in Russia and parts of Eastern Europe.

But let us give voice to outrage:

- at regimes like Nigeria's where oppression and corruption prevail;
- at gross violations of human rights in countries like Burma; and
- at ethnic cleansing in the former Yugoslavia.

And let us express anxiety and concern:

- about Somalia, Liberia, Afghanistan, and, in Edward Luttwak's words, "some two dozen other places that once were countries," where dangerous new forms of conflict have emerged, with innocent victims caught in the crossfire. These are not wars about ideology — they are conflicts fed by trafficking, plunder and other forms of perverse commerce.

As we reaffirm our commitment to the Universal Declaration of Human Rights, I want to outline some elements of an effective and attainable human rights agenda for the UN.

What I believe is now emerging, through the work of the International Criminal Tribunals, the strengthening of labour standards, the establishment of an international criminal court, and international initiatives for the welfare of children, is the realization that real security cannot be limited to the state's domain, but must incorporate civil society. Real security means the protection of the individual. This shift in the evolving agenda of the UN means harnessing the energy of civil society to help all of us live up to our obligations. And it means holding extra-governmental groups to account for crimes against the human rights of others.

Let me outline some of the concrete ways I think we might begin the renewal of the UN in human rights.

First, we need to harness the energy of civil society.

Governments cannot act alone in promoting and protecting human rights. Some business organizations and coalitions are already working on positive action toward labour standards and human rights. As one Canadian business leader put it, "This is not just the right thing to do .... the simple truth is that [it is] good for business, and most business people recognize that."

Concrete ways that business can promote human rights include voluntary codes of conduct, human resource strategies, and

freedom than men's organizations, which the regime considers to be a greater threat. Despite the arrest of journalists, the regime tolerates some publications which are critical of it.

### CANADIAN POSITION

Canada has led efforts by the Commonwealth to bring about greater respect for human rights in Nigeria and has already implemented a number of measures recommended by CMAG: downgrading diplomatic representation, banning military cooperation and attaches, initiating visa restrictions for members of the regime and their families, and banning sport contacts. These steps may have contributed to the Nigerian decision to close its High Commission in Ottawa, publicly attributed to economic considerations.

The Nigerian government's failure to issue visas to all members of the Canadian delegation prevented Canada from attending the CMAG meeting in Abuja last November. Nigeria used this meeting as an opportunity to defend its human rights record and to attack vehemently countries critical of its actions (chiefly Canada and the UK).

As a Commonwealth member and a signatory to the 1991 Harare Declaration, Nigeria has accepted the obligation to develop a democratic system that respects human rights. For the Commonwealth to accept the corruption and human abuse which take place in Nigeria would be to abandon the principle of Commonwealth shared values. Attempts to engage in bilateral dialogue have so far been frustrated. Canada intends to continue efforts to encourage a change in Nigerian policy toward greater respect for human rights and democratic norms. Canada continues constructive engagement and has established a \$2.2 million Democratic Development and Capacity-building Fund, set up to provide practical help for democracy in Nigeria, Gambia and Sierra Leone. The fund has been largely used to strengthen civil society through non-governmental organizations.

support for limiting government-subsidized investments to areas with satisfactory human rights records.

Consumers are another powerful resource in pushing the human rights agenda. Consumer labelling, such as the rug-mark scheme, allows purchasers to choose products that do not involve exploited labour, particularly of children. Retailers, in turn, will have an incentive to provide more choices.

I should also like to say a few words about national institutions for the protection of human rights. It is our belief that the finest constitutional or legal texts mean very little unless there exists along with them a body capable of monitoring performance against the standards they set, and available to deal with citizens who are concerned that their rights are in jeopardy. Principles are all very fine; transforming them into action is much more difficult, and we believe that national human rights agencies or similar bodies are the most effective way of realizing that objective.

Second, we need to confront two virulent forms of human rights abuse: terrorism and hate literature.

Terrorism - from Rwanda, to Oklahoma City, to Jerusalem - seems to have taken on a whole new life. It must be countered in all its forms in the most forceful ways possible, consistent with human rights standards. The key to effective action is to starve such organizations of their sustenance, money and arms. Canada, along with many other countries, is considering all possible ways to stem the flow.

An important issue to be addressed under the rubric of terrorism is the treatment of armed opposition groups within many countries. Many of these groups commit atrocities as grave as those of governments. The international community must condemn these atrocities whenever they occur, wherever they occur, and whoever may commit them. When the Universal Declaration of Human Rights says everyone has the right to life, it does not mean that only governments must respect that right.

A closely related issue is the resurgence of hate mongering, facilitated by the plethora of channels now available to spread the message. Whether it is by cable channels or radio talk-shows, the Internet or fax machines, the new generation of hate peddlers has many avenues. But what links Oklahoma, Jerusalem and Rwanda is that the violence was preceded by verbal demonizing of an identifiable part of the community.

We know from both history and law that words can be a form of assault. They are almost always the opening salvos of war.

Let me quote from the Multidonor Evaluation of Emergency Assistance to Rwanda:

"In the months immediately preceding the genocide, many additional signs indicated that .... massive violence was being planned, the air was full of extremist rhetoric on radio, in public rallies and at official cocktail parties."

Perhaps the most frightening aspect of such hate mongering is its open access to the information highway. Governments must begin now to use those same powers of the electronic media and the Internet to spread the message of democracy and good government. The Web must not be left open to those who would use it to spew hatred and prejudice. It is wise to recall here Justice Holmes' famous dictum that freedom of speech does not include the freedom to recklessly shout "Fire" in a crowded theatre.

Again, we confront the need for new forms of intervention; not only in the application and reach of national laws, but also in new approaches to international co-operation.

Canada has, I believe, two important contributions to make in fighting this new strain of human rights abuse. First, we have developed important jurisprudence about the definitions of "hate" and its propagation. Second, we have technological expertise in the areas of the Internet and telecommunications.

I wish also to address some of the themes that have emerged through consultation with civil society.

The Beijing Conference unleashed unprecedented energy and interest in the human rights of women, from the day it was conceived to the last moments of negotiation on the Platform for Action.

Canada has had a long commitment to promoting the rights of women, and took the lead to establish a special rapporteur on violence against women. While I am proud of what Canada has done internationally, I must also say that we must continue to work on the domestic front to eliminate violence and discrimination.

The single message emerging from Beijing, and one that should continue to inform the work we do here, is that "women's rights are human rights."

There is perhaps no greater injustice in the world than the violation of the rights of a child. Canada has recently announced that children will become a central focus of our foreign policy. I invite other countries to join us in that priority. For while the international community ratified the Convention on the Rights of the Child more quickly than any other treaty, children's rights are massively violated daily around the

globe. Consider that 200 million children under 13 work. Consider that 100 million children live on the street. Consider that half the world's refugees are children. Consider that 5 million children are injured or disabled by war every year.

We must not allow ourselves to be paralyzed by the enormity of the problem. Instead, we must act by addressing specific issues. And surely the most odious form of child labour is child prostitution. There are concrete actions that we can and must take, domestically and internationally, to eliminate this practice.

I am hopeful that we will soon agree on the Optional Protocol on the sale of children, child prostitution and child pornography. I wish to announce today that Canada is ready now to introduce legislation that will enable criminal prosecution in Canada of Canadians who go overseas to engage in prostitution-related activities with children.

By extending Canadian jurisdiction abroad, the new legislation will address squarely the problem posed by sex-tourism when it involves children under the age of 18.

Although there is not yet any international legal agreement to deal specifically with child sex-tourism, there exists an emerging international consensus that would permit states to deal effectively with this issue. The Convention on the Rights of the Child provides a sufficient basis for this extension of jurisdiction.

Creating new rules or laws to combat the exploitation of children is just one part of an effective strategy. Laws without the means to enforce them are of limited use. Thus, we must look to the ILO [International Labour Organization] and other organizations to find ways to give effect to our international obligations.

Aboriginal concerns are high on Canada's agenda. For over a year now, we have wanted them placed high on the agenda of this Commission. We have wanted them to be treated under a separate agenda item that would accord indigenous issues the special attention they deserve. So it was with a very real sense of satisfaction that I learned of your decision two days ago to establish such a separate agenda item. On my own behalf, and on behalf of Canada's First Nations, I wish to thank the Commission for its understanding and support in this vital matter.

Finally, I wish to address reform and renewal of the UN Human Rights Program.

A major question that confronts us is resources. The financial crisis now facing the UN creates a strange paradox - countries

that express great support for a global agenda of human rights are nonetheless behind in their payments to the UN.

Moreover, the 2.26 per cent of the UN regular budget that is now devoted to human rights is surely not in keeping with the range of human rights issues and challenges confronting us.

But as important as they are, resources are not the only problem. If Rwanda has taught us anything, it is the need for more effective co-ordination among the different parts of the UN, and the need for an early warning, rapid reaction and prevention system that will respond in time to impending large-scale human rights abuses. We need to explore the recommendation of the Rwanda Report calling for a small, high-calibre unit under the High Commissioner for Human Rights, with the sole function of analysing and interpreting indications of genocide and other escalating violations of human rights.

Canada is proud of its role in helping to establish the Office of the High Commissioner for Human Rights, and I wish to thank the High Commissioner for his leadership in the promotion and protection of human rights around the world. He has a very heavy responsibility, and needs the support of the entire UN membership. Nowhere is this more true than in Rwanda and in the former Yugoslavia, where human rights work is essential to the establishment of just and lasting peace. I am therefore pleased to announce that Canada will contribute a further \$500 000 to the Human Rights Field Operation in Rwanda and \$300 000 to the Program of Operations in the former Yugoslavia.

If it is to be both effective and relevant, the UN must change its approaches and its institutions. And as we make the necessary changes, let us also move the system from one that is based solely around the interests, priorities and responsibilities of states, to one that responds to those of the citizenry as well.

I conclude with a question: Why should we renew and strengthen our commitment to human rights?

The answer is clear. If we turn away from the desolation and dismay of human suffering; if we fail to stop hatred from flowing through the channels of our new electronic networks; if we do not care about the present or future of vulnerable children; if we do not stand up to the despots and bullies; if we do not counter the capricious and arbitrary actions of authoritarian governments with no legitimacy beyond weaponry and terror - then we will face harsh consequences down the road. On the larger landscape of human society, what began as hateful rhetoric may turn into urban terrorism, regional warfare or genocide.



The Universal Declaration of Human Rights has been and continues to be an instrument that defines our responsibilities, even as it binds us together as both citizens and governments. A revitalized commitment to human rights should be the beacon of a common global destiny of opportunity and freedom.

Thank you.

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## ALGERIA

### ISSUE

In Algeria, there is regular abuse of human rights, both by radical Islamist terrorists and by security forces in their campaign against terrorism.

### BACKGROUND

Having gained legitimacy as a result of the first democratic elections in November 1995, President Zeroual has attempted, with the support of the military, to unite behind him Algeria's political forces including the moderate Islamists. His appointment of the first pluralist cabinet on January 5, 1996 marked a cautious overture to the Islamist movement. The President consulted all political parties before presenting in May 1996 his political plan which included a national conference (held in the summer of 1996), a constitutional referendum (held on November 28 and won by the President), and a legislative election (to be held in 1997).

Although the result of the referendum strengthened the position of President Zeroual vis-à-vis the military, he remains politically isolated. The referendum did not achieve the hoped-for political consensus, since the secular political parties did not support the strengthening of the President's powers and the recognized moderate Islamist parties opposed the banning of religious parties. Now that the referendum has passed, it remains to be seen how President Zeroual will use his new constitutional powers. His actions will be a determining factor in the political stability and security of Algeria, to which the human rights situation is closely linked.

In conjunction with the efforts of the regime to obtain the support of Algeria's political players, the fight against fundamentalist-inspired terrorism has been pursued. Fundamentalists had originally been convinced of the legitimacy of the armed struggle for Islamic rule by the government's own dismissal of the electoral process in January 1992, to keep the Front islamique du salut (FIS) from power. In 1996, however, regional and ideological divisions appeared within the Islamist movement, with some elements undertaking virtual banditry. The result has been daily violence and terrorism in all sectors of Algerian society. Unofficial estimates set the number of victims at 60 000.

This battle between the government and Islamists has led to numerous cases of human rights abuse. The assassination of journalists by Islamist groups and government censorship of the media ('reading committees' on publishers' premises screen newspaper content) make it difficult to obtain comprehensive coverage of the human rights situation in Algeria. As well, some murders of civilians, blamed on armed Islamist groups, may well be the work of criminal elements with very tenuous links to the Islamic movement. Local collusion between enforcement agencies and Islamist groups make it difficult to assign clear responsibility for human rights abuse.

Armed Islamists have targeted intellectuals, journalists ("Those who live by the pen shall

perish by the sword," GIA, January 1996), writers, artists, educators, unionists, lawyers, veterans of the War of Independence, and human rights activists for their perceived support of the government. Foreigners, especially members of religious orders, are also targeted by armed Islamists. Armed Islamists have used car bombs in public places to sabotage government agencies (government corporations, schools -- education being too modern and insufficiently 'Islamic') and infrastructure (telephone systems, bridges, trains and rail lines). These attacks have been intentionally bloody to attract media attention and create a climate of terror. Women are often victims of human rights abuse (kidnapping, rape, enforced servitude and murder) because of their dress, occupation or family ties to security force officers. Some laws and traditions also discriminate against women. Children and the elderly have been the victims of fundamentalist revenge for their parents or relatives fight for the opposing side.

Despite constitutional protection of civil rights and freedoms, security forces have committed extrajudicial execution, detention without charge and torture (in January 1996, the President ordered the prosecution of officers accused of torture, but did not publicly condemn the use of torture nor demonstrate that allegations of torture were being seriously investigated). The Algerian Human Rights League has received hundreds of complaints concerning disappearances blamed on security forces, to which the government has provided no response. Prisons are overcrowded, but there is no reliable information on conditions of detention. The appointment of judges by the Ministry of Justice since 1992 has called into question the independence of the judiciary, which is nonetheless guaranteed under the constitution. Village communities granted permission to take up arms against radical Islamists have in fact committed cruel acts of revenge thereby perpetuating the violence.

The grave human rights situation in Algeria has been the subject of a number of reports prepared by UN Special Rapporteurs for freedom of expression, extrajudicial executions, violence against women and torture.

### CANADIAN POSITION

Canada condemns those responsible for violence and terrorism in Algeria, and is concerned by the numerous cases of human rights abuse. Canada remains convinced that a message of support for human rights in Algeria will resonate among the moderates on all sides. Canada realizes, however, that its actions in support of human rights in Algeria will not have a lasting impact while political extremism remains the rule. Canada has clearly expressed its hope that a political solution to the crisis can be found.

Canada has funded twelve human rights projects by Algerian NGOs. These projects, carried out as 'women in development' initiatives, focussed on the training and education of women and young girls forced to leave school. Canada provided \$20,000 to three independent newspapers whose offices were destroyed by the car bombing of the Maison de la presse. Canada financed the travel costs and expenses for the President of the Algerian journalists' Association to attend the convention of the International Organization of Journalists. Other projects to provide assistance to the independent press in Algeria are under consideration.

ANGOLA

ISSUE

The situation with respect to human rights is slowly improving, as peace is restored throughout the country, but it is still far below international standards.

BACKGROUND

The year 1996 saw the slow and difficult implementation of the Lusaka peace accords. The quartering of UNITA troops and of the armed forces (including the rapid response police force) was finally completed, and considerable progress was made in integrating 26,000 UNITA soldiers into the Angolan Armed Forces. It is expected that a government of national unity and reconciliation will be established with UNITA participation in January 1997. The MPLA and UNITA have both been responsible for violations of the peace accords, but have also both worked together to prevent a return to the civil war which has left more than 500,000 people dead, mainly civilians, since 1975.

With this precarious peace, civilians are now no longer subject to military attacks, which has led to considerable improvement in the respect for the right to life. Respect for the right to security of the person, however, leaves much to be desired. With some 10 million anti-personnel mines, Angola has one of the highest rates of mutilation, a large number of the victims being children, women and peasants. As these mines will kill or maim for years to come, they will continue to pose a longterm threat to physical safety. Banditry is another threat. The slow demobilization process has left many soldiers idle, with little or no pay, and many have turned to harassment, looting, extortion, and kidnapping, at times with the suspected involvement of local police. Some areas suffer a complete absence of public order.

Freedom of movement is seriously restricted, in part because of the mines and in part because both UNITA and the MPLA are reluctant to allow civilians passage into areas controlled by the opposition. Fewer than one-quarter of the approximately 1.2 million refugees have returned home. Restricted freedom of movement is a major obstacle to the delivery of humanitarian assistance.

The 1991 constitution recognized the principal civic, political and economic rights as well as the independence of the judiciary. However, this constitution is not in effect in areas under UNITA control, and is inconsistently applied in those under Government control because of the absence of government institutions and the often arbitrary actions of police. Discrimination on ethnic grounds is all the more prevalent by the division of the country largely along tribal lines. Most Mbundu back the Government and most Ovimbundu support UNITA. Slight improvement in the mutual tolerance of the two major political blocs has been noted.

The mediocre economic performance has prevented the exercise of most economic, social and cultural rights. Freedom of the press remains a source of concern, with regular harassment, and sometimes murders, of journalists for criticizing politicians or investigating crime.

## CANADIAN POSITION

While the human rights situation has greatly improved over the past few years, it is still far from acceptable. The Hon. Lloyd Axworthy, Minister of Foreign Affairs, has written to his counterpart in Angola to encourage the Angolan authorities and UNITA to make greater efforts in applying the terms of the Lusaka accords. Peace remains a prerequisite to the reinforcement of human rights.

To encourage efforts toward reconciliation and the exercise of basic freedoms, Canada has continued to provide humanitarian aid to Angola, for projects such as the capacity-building of Angolan non-governmental organizations and a comparative study of landmine removal operations in several countries (Cambodia, Mozambique, Angola, etc.) to improve efforts in this area.

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Dept. of External Affairs  
Min. des Affaires extérieures

JUL 15 1994

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# CONSULTATIONS

IN PREPARATION FOR THE 53RD SESSION OF THE  
U.N. COMMISSION ON HUMAN RIGHTS

FEBRUARY 5-6, 1997

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**BURUNDI**

**ISSUE**

The political crisis which has been ongoing since 1993 deteriorated following the July 1996 coup d'état. The continuing "civil war" between pro-government forces and rebels has resumed at a more intensified level and is the main cause of flagrant human rights abuses on both sides.

**BACKGROUND**

After the deaths of President Ndadaye (1993) and President Ntaryamira (1994), both of whom were the product of the political and democratic reforms of former President Pierre Buyoya, the Government Congress of September 1994 brought President Ntibantuganya to power. In July 1996, he was overthrown by a military coup d'état which returned Pierre Buyoya to power.

In the interim, initial political negotiations mediated by former Tanzanian President Julius Nyerere (the Mwenza process) led to the first Arusha regional summit at which the Burundian authorities of the day sought assistance from other countries in the region to maintain order in Burundi. This request, however, was not supported by the entire political elite and, despite the decisions of the first Arusha regional summit, the military situation in Burundi deteriorated, culminating in the murder of 341 civilians on July 20.

Fearing for his life, the President took refuge in the U.S. Embassy, a move which was interpreted by military as a relinquishment of office. On July 25, the military took used the situation to return to power, for a three-year "transitional" period, former President Pierre Buyoya, who in 1992-1993 had initiated the first democratic reforms in Burundi.

This show of military strength was condemned by regional heads of state and heads of government (Tanzania, Uganda, Kenya, Rwanda and Zaire). At the second Arusha summit on July 31, they issued a Declaration, calling for a return to constitutional order, peace and genuine negotiations (without preconditions) between all parties, which they reinforced with an economic embargo on Burundi.

After ten days of relative calm, the civil war resumed between the rebels and the Burundian army. The rebels shelled the capital, Bujumbura, and destroyed electrical transmission towers, resulting in an ongoing power blackout. The effects of the embargo, especially on oil, imposed by Burundi's neighbours are being deeply felt.

The capture of Uvira by Banyamulenge rebels in mid-October led to a halt to clashes between the Burundian army (consisting almost entirely of Tutsis) and the Hutu rebel forces of Léonce Nyangoma's CNDD. It was also followed by the return of 30,000 Burundian refugees, some of whom were arbitrarily killed by pro-government forces.

With the spreading of fighting to Zaire and the fall of Bukavu, the Burundian armed forces have attempted to regain the upperhand and crush the CNDD rebels. These attacks have led to a resurgence of the civil war. The Buyoya regime has taken various steps to



reinforce military manpower and available resources the fight now under way against CNDD, FROLINA and PALIPEHUTU rebels. There is concern that the fighting between the rebels and the army will continue until real negotiations begin for a long-term solution to the conflict.

On both sides, the civil war is a convenient excuse for flagrant human rights abuses. Since the July coup d'état and especially the crisis in eastern Zaire, we have received few independent reports about the undoubtedly worsening situation. The UN has a small human rights field operation in Burundi, but its freedom is severely curtailed by the ongoing civil war.

A cease-fire accompanied by a resumption of the Arusha process and political negotiations, mediated by President Nyerere, is absolutely essential if there is to be any improvement in the human rights situation in Burundi. This could also lead the Buyoya regime to participate fully in seeking a peaceful solution to the conflict. However, some feel that the regional initiatives instituted by the Arusha process, including economic sanctions against Burundi, could also lead to Buyoya's fall if Burundian Tutsi extremists feel that the international community is not supporting the leaders in the region and their initiatives.

#### **CANADIAN POSITION**

In the current climate, it is difficult to ensure respect for human rights. Canada supports the firm and courageous stance taken by the countries in the region, including the imposition of economic sanctions, aimed at a return to constitutional order and restoration of the constitutional state. In this regard, Canada maintains its support for mediation by Julius Nyerere. Round table discussions between various groups of Burundians, proposed by Canada and supported by France and La Francophonie, remain worthwhile proposals which can be acted on only when the local situation allows.

A military solution cannot resolve a political crisis: a militarization of the conflict must be avoided at all costs. The diplomatic approach, including economic sanctions, is the only solution that could lead to an improvement in the serious situation that exists in Burundi.

Canada co-sponsored the consensus resolution on Burundi at the 52nd Commission on Human Rights, but would have preferred a stronger text.

CAMEROONISSUE

Despite a slight improvement, Cameroon's human rights record is far from perfect. Arbitrary arrests for political reasons still occur and the judiciary is often corrupt and not entirely at arm's length from the executive branch. Freedom of the press is not complete. No program or ministry has a mandate to promote and protect minority rights. Cultural pressures continue to make women victims of discrimination.

BACKGROUND

During the controversial 1992 presidential elections, acts of violence were observed against ethnic minorities in the western, northwestern and southwestern provinces, as well as the Douala region. The Government has since created a National Human Rights Commission to monitor abuses. The January 1996 local elections were generally free of violence.

Threatened by continuing and growing unpopularity as a result of the economic crisis and mismanagement, the regime has largely fallen back on the Beti, President Biya's Bantu ethnic group, thus playing into the hand of tribalism. The Beti hold most of the key positions in the civil service and the military, and benefit from widespread favouritism.

Cameroonian justice is influenced by tribalism, like most spheres of society. The judiciary is often corrupt and not entirely at arm's length from the executive branch. A decision in favour of the plaintiff may not even be honoured for lack of means to execute it. Owing to the economic difficulties that Cameroon has experienced in the past six years, security forces, even at the highest levels, are increasingly involved in growing and often violent crime, especially in Yaoundé and Douala. Territorial disputes between villages in the northwest claimed many victims before the central government's delayed actions ended these conflicts.

Budget restraint has forced the Government to withdraw from investing in health services. Free health care is less and less available, and patients are obliged to provide their own dressings and medicine. The decline in budgetary revenue has also ended government investment in the school system. In principle, education is free, but it is now subject to significant informal charges that put it out of reach for a growing segment of the population (20%). Outside major cities, infrastructure is either lacking or dilapidated. The literacy rate stands at 59.6% for adults, with lower rates among women and in the northern provinces. Eighty percent (80%) of school-age children attend classes, mainly at the primary level.

Officially, no political prisoners are detained in Cameroon. In reality, arbitrary arrests are sometimes made for political reasons. They are short-lived results of initiatives of local authorities which cause difficulties for the regime. In response to a general strike by the public service, the Government tried several times to interfere in the membership of the executive of the central labour congress. It even went so far as to have the Secretary General removed from his office by force.

Obstacles to freedom of the press have greatly decreased, although journalists which pose difficulties for the regime are arrested or tried for libel by the authorities. Revoking the *Administrative Censorship Act* constitutes a moderate step forward, since authorities can still seize copies of a newspaper if it offends public morality. The arrest of the editors of *Le Messenger*, *The Cameroon Post* and *Le Nouvel Indépendant* (which closed since) shows that the old reflex of jailing overly vocal opponents is alive and well. The Government continues to have a monopoly over radio and television. Canada and ACCT [Cultural and Technical Cooperation Agency] have developed a project to create five low-watt radio stations. This would represent a major breakthrough in opening up the air waves in Cameroon.

No program or ministry has a mandate to promote and protect minority rights. Since 1972, power has been centralized in Yaoundé at the expense of the English-speaking community, which suffers from marginalization and neglect in terms of development. There is also a problem with the integration of the Pygmy communities of the eastern forest of Cameroon who are virtually absent from the country's political, social and economic life. Fewer than a dozen have completed secondary school. The growing development of their region's forest resources threatens the traditional hunting and gathering rights that they enjoy.

The Ministry of Women's Affairs and NGOs, including the *Association camerounaise des femmes juristes* [Cameroonian Association of Women Lawyers] (ACFEJ) work to promote the status of women. Women's rights are guaranteed by the Constitution but not specifically protected in the civil law. Estates, inheritance and divorce are governed by customary law, which varies from region to region, to the disadvantage of women. Spousal abuse is not included in the criminal code. Women are very active economically at the grass-roots level, head of businesses, or occupy high-ranking positions in the Government, the ruling party and the union movement. Outside urban centres, however, their situation has not greatly improved. Cultural pressures continue to make women victims of discrimination. Female genital mutilation is not practised in Cameroon, but there are a few rare exceptions. Contraception is not yet widespread, but there are public campaigns about the ravages of AIDS. Finally, women constitute 46% of primary-school students, 38% of secondary-school students, and only 14% of university students.

There are regulations governing child labour and working conditions, although they are not always applied. The minimum working age (14) is observed in most cases, except for street vendors and rural areas, where children help with domestic and agricultural work. Sexual exploitation of children does not seem to be a problem in Cameroon. However, the practice of early marriage still exists, especially in northern Cameroon. Children are not used in armed conflicts.

Despite its lack of means, the Government seems to be aware of the problem of the disabled, and tries to encourage foreign NGOs to help improve the situation. The media sometimes raise the issue of insufficient prosthetic devices. There is no program providing or promoting employment for the disabled, who are usually forced to depend on charity or their relatives.

### CANADIAN POSITION

In 1962, Cameroon became the first sub-Saharan African country with which Canada established diplomatic relations. Our cooperation program in Cameroon originated in 1961.

It is one of Canada's oldest programs in Africa, and was for a long time one of our largest on the continent. In 1993, the program's budget was cut in half and refocused on three main areas: the environment and forestry, private-sector development, and democratic development/human rights. The indicative planning figure is \$55 million for the next five years (1997-2001).

## ETHIOPIA

### Issue

Ethiopia continues to consolidate its programme of reforms, focussing mainly on economic and social rights. The government has acknowledged continuing problems in the area of human rights, but considers that time is required to change old attitudes and to strengthen democratic institutions and civil society.

### Background

Ethiopia has made major efforts in the last 5 years to liberalize society through more open government, to develop a democratic parliamentary system, and to promote economic development. Important elements of these policies are poverty reduction through food security programs; employment creation through liberalization of the economy, privatization and encouragement of investment; improved nutrition and health interventions; education reforms; and enhanced participation of women in the economy.

Although the Ethiopian Parliament cannot be considered fully representative, due in part to the boycott of the May 1995 elections by the majority of the opposition, a democratic Parliamentary system is emerging. Laws and regulations are being revised to guarantee equal access of women to resources, property, and business activities. The Lower House is working to establish a Human Rights Commission and an Ombudsman's position. The Government has also focussed on civil service reform. In addition, there has been a recent purge of a cabinet minister in a highly visible warning against government corruption.

The Government continues to have problems with regional officials, civil servants, and privileged elements of the population who do not understand and who continue to resist the good governance and democratic reforms that are being put in place. They continue with past practices, in particular the abuse of power (stifling of free speech and individual freedoms, arbitrary detention, etc.), especially at the regional and local levels. Such abuses are at the root of many of the complaints brought to the attention of the international community.

The Government's human rights record has been criticized by Ethiopian parties opposed to the ethnic federalism of the new constitution and by other opposition groups whose commitment to democratic procedures is equivocal. In this context, there have been confrontations, including violent armed opposition to the Government, especially by the Oromo Liberation Front, and groups in the Somali and Afar regions. The response of the federal and regional governments to such confrontations and to external criticism has, on occasion, been a reversion to authoritarian responses which circumvent or undermine the judicial process. Also of concern are reports of extra-judicial killings, reported disappearances of individuals, bombings of civilian populations, and allegations of rape and/or torture at the hands of government military or security forces or opposition groups.

Key institutions of civil society - universities, free press, trade unions, NGOs - continue to encounter difficulty in their relations with government, especially at the regional and local

level. Governments and civil society are still developing trust and new rules of conduct. NGO's continue to be subject to close government control through a rigorous registration procedure which does not include adequate provisions for the establishment of advocacy groups and human rights organizations, especially on a national scale. A court decision countering Government interference in the internal governance of a trade union confederation remains to be implemented. The appeal process relating to the closure of the offices of the Oromo Relief Association in 1995 by Ethiopian authorities has been very slow.

On the positive side, federal authorities intervened to obtain the release of members of NGO's working on civic education programs who had been arrested by regional/local authorities. Some publishers and editors of independent and contentious newspapers remain in detention. Yet, Government printing presses continue to print opposition newspapers. The Government also provides journalism courses which are open to participants from opposition newspapers.

The transition to democracy in Ethiopia will continue to be a long term process that cannot yet be taken for granted. The Government is still adjusting to the need for greater tolerance for pluralism and criticism. Civil society is equally learning to play a more responsible role.

#### Canadian Position

Canada follows closely developments touching human rights, democratic development and good governance in Ethiopia. Canadian policy is to work with the Government of Ethiopia to establish the systems and institutions required to promote the evolution of democracy, the rule of law, civil society and a market economy in Ethiopia. In this context, the Canadian International Development Agency (CIDA) launched several major initiatives:

- i) Canadian judicial experts have assisted the Federal Supreme Court with training and strategic planning to better manage the court system;
- ii) Canadian experts helped draft the new financial administration act which was passed by the Ethiopian Parliament and are assisting in developing federal/regional financial management capacity and in drafting the Regulations, Procedures and Manuals for the financial management framework;
- iii) Canada is also studying means to support the work of the Ethiopian Parliament to create a human rights commission and an ombudsman's office.

As necessary, Canada makes representations to the Federal and regional governments on human rights issues. The Embassy continues to support a number of grassroots initiatives to promote democratisation, good governance and respect for human rights.

## Equatorial Guinea

### Issue

The status of human rights in Equatorial Guinea has improved but continues to concern the Government of Canada.

### Background

In theory, Equatorial Guinea is a pluralistic constitutional republic with legal instruments that safeguard human rights and provide effective protection for its citizens. In reality, it is a dictatorship whose people live under surveillance, and President Obiang's hold on power depends on the effectiveness of his State Security (which includes a presidential guard of 800 men in his palace), which holds total disregard for the law. Political and economic power and legal authority are monopolized by the Fang at the expense of the Bubi, Ndowne and Ibo. Nepotism is the rule. The Constitution recognizes sexual equality; but cultural traditions still relegate women to second-class citizens. The Government does not condemn violence against women. There are no independent unions, and the press is muzzled.

The early years following Equatorial Guinea's independence (in October 1968) were dominated by a dictatorial regime that spread terror and death, a period during which Equatorial Guinea lost nearly a third of its population. Many people, particularly intellectuals, were eliminated or disappeared, and tens of thousands chose to leave the country. Although the current head of state, President Teodoro Obiang Nguema Mba Nzago, declared a general amnesty when he took power in August 1979, causing many refugees to return from exile, human rights abuses (persecution, arbitrary arrest, summary execution, corruption) soon reappeared.

The political pluralism which existed at the time of independence subsequently endured great hardships. The three parties formed in 1963 were outlawed by the Macias Nguema regime in favour of a single party. President Obiang allowed a multi-party system in January 1992, authorizing 13 other parties, but repressive measures against members of the opposition continued.

The first pluralistic elections were held in 1993, but in such a climate that nearly half of the legally recognized political parties boycotted the election, fearing election fraud and repression. For a large segment of the international community, the election was a travesty of democracy. In April 1995, Obiang jailed the head of the PPGE (the main opposition party), Several Moto Nsa, and two officers, accusing them of an "attempted coup d'état". The charges against the three men lacked any credibility and they confirmed for many the paranoia of a regime turned inward. An about-face occurred in August 1995, when Moto and 25 other prisoners of conscience were freed.

Multi-party municipal elections were held in September 1995. Observers emphasized the spirit of popular participation and considered that the elections constituted progress. Political parties benefitted from the general atmosphere of freedom and from greater freedom of expression during the election campaign. Unfortunately, the vote was tainted by irregularities. The opposition made significant gains but believed that it had been robbed of victory. The resumption of greater repression forced many opponents into exile.

Early presidential elections were held on February 25, 1996. Once again, no mechanism was in place to ensure the neutrality of the election process. Amnesty International reported that many political opponents were jailed or tortured on the eve of the election. None of the leaders of the legitimate opposition parties accepted President Obiang Nguema's invitation to join the new national unity government announced on April 8. Opposition leaders alleged that the President had refused to consider their minimum demands for a freer political environment. In August, the regime invited the parties to dialogue, but with no concrete resolutions. According to some opposition leaders, such as Saverio Moto of the PPGE, however, the regime is showing greater flexibility, by allowing the opposition to travel freely in the country and abroad and by making efforts to strengthen its ties with Madrid. Other positive signs of openness and dialogue are apparently on the horizon.

In 1992 and 1993 the Commission on Human Rights (CHR) openly criticized authorities in Equatorial Guinea. The CHR passed a consensus resolution appointing a Special Rapporteur, Alejandro Artucio. In April 1996, he reported abuses and irregularities, particularly regarding the unacceptable conduct of the presidential election, which he had been unable to observe. On April 23, 1996, the CHR passed a consensus resolution expressing its concern at the human rights situation in Equatorial Guinea and renewing the mandate of the Special Rapporteur.

Not surprisingly, the Government of Equatorial Guinea continues to oppose any outside interference, which it deems an unacceptable breach of its sovereignty. The Government took the offensive several times in 1996, before the CHR and the international press, to defend its actions and to accuse the opposition and Western countries of casting aspersions on the Obiang Nguema regime.

#### Canadian Position

Canada has recognized Equatorial Guinea since its independence in 1968, but its relations with this country are very limited. Canada is nevertheless concerned about persistent human rights abuses in Equatorial Guinea. Canada's representatives continually raise this issue with authorities in Equatorial Guinea, urging them to adopt measures that will allow the return of political refugees, to bring to trial abusers of human rights, and to meet all international obligations, so that the rule of law can be established in Equatorial Guinea.

The Canadian ambassador and other members of the diplomatic corps took part in the municipal election observer mission on September 17, 1995. This group of observers shared its comments with local authorities immediately after the vote. However, Canada and many Western countries refused to send observers for the presidential election of February 25, 1996, because electoral conditions were not in accordance with the rules of democracy. President Obiang won the election with more than 98% of the vote.



KENYA

ISSUE

Human rights and the evolution of democratic development and good governance in Kenya remain a matter of concern to Canada and to the international community at large.

BACKGROUND

Although the Government of Kenya made a few positive moves in 1996, perhaps in preparation for the 1997 General Elections, by the end of the year little of substance had changed in regard to political reforms or democratic development. There remain many complaints that despite the return of multipartyism in 1991, the KANU-led government has yet to embrace pluralist politics. Although there are at least four active opposition parties with large memberships, the Islamic Party of Kenya and Safina remain unregistered. Government machinery, such as the provincial administration and the security establishment (excluding the armed forces) is used to support the ruling political KANU party, harass the opposition, and influence the judiciary.

Kenya is party to most international covenant/charters on human rights and the constitution contains de-jure protection for a broad range of rights and freedoms. One hopeful sign was the President's creation of a parliamentary Standing Committee on Human Rights, which is mandated to investigate abuses. Since the Standing Committee functions in an advisory capacity only, however, most Kenyan human rights activists view its creation as little more than a public relations move. There have been continued calls for the repeal of laws, such as the Preservation of Public Security Act (originally devised by the British to suppress democratic rights during the colonial era), which give the Government draconian powers.

While it is assumed that the independence of the judiciary is subject to political interference, it is no better or worse than before. The Government uses legal procedures to harass and intimidate opposition Members of Parliament, journalists and activists. Individuals asking donors to freeze aid to Kenya can still be charged with sedition. However, most observers agree that non-political criminal cases, as well as the majority of civil matters which do not involve the politically-connected rich, are generally decided fairly.

On a positive note, the Government appears to have realized that its persecution of certain figures is counterproductive. The case of Koigi wa Wamwere, ex-Nakuru North MP sentenced to four years in prison for raiding a police station, attracted considerable donor attention and pressure. Koigi was released on medical bail at the beginning of December and has left Kenya for Norway. He has vowed to return to continue his appeal and the Chief Justice has declared that he will not be held in prison if he does so. Although dubious murder charges against Njehu Gatabaki, the Ford-Asili MP and editor of Finance Magazine, are still pending, the Government made no move to pursue them in 1996 and most observers believe they will be allowed to drop.

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Although personal security is still an issue, the situation is not as bad as it was a year ago. However, in the lead-up to the election, there has been an increase in violent robberies, with African Kenyans the primary targets. The Government's announced war on crime made little headway in face of the limited police resources and poorly paid police officers, many of whom supplement their incomes with bribes. In his December 12 Jamhuri Day speech, the President announced the formation of a committee to review salaries and working conditions.

The Government's "shoot-to-kill" practice and police treatment of detainees and prisoners continue to alarm both Kenyans and foreign observers. There are allegations of police torture during interrogations that have led to forced confessions. At the end of December, the Commissioner of Police was forced to step down after his officers used live ammunition to disperse two separate student demonstrations, killing three students in the process. The new Police Commissioner has defined the problem but has yet to implement a solution. Kenyan prisons currently hold more than twice as many inmates as they were intended to and the appalling conditions are life-threatening.

Kenyan electronic media are controlled by groups sympathetic to the KANU Government, which is reluctant to privatize the airwaves. However, there continues to be a surprising degree of freedom of the press, and criticism of the Head of State has grown increasingly bold, especially in the "Daily Nation" newspaper and "Economic Review" magazine. The "East African Standard" (Aga Khan) newspaper, one of three Nairobi dailies, seems to have kept its editorial independence even after its sale to a group with ties to the Government. Other independent magazines, also critical of the Government, are left alone.

In Nairobi, enrollment in primary schools has dropped by half in public schools, due to lack of Government funding. Some members of the Kikuyu and Luo communities, the traditional heavy users of the educational system, complain that their children are adversely affected by the Government's efforts to improve educational levels among other tribes. Many parents can no longer afford to pay school fees for their children due to Government increases. The number of street children in Kenyan cities has grown considerably (approx. 100,000). Child prostitution and sex tourism, especially along the coast, is a Government concern. According to UNICEF, Kenya has at least 30,000 Aids orphans and the number could rise to 1,000,000 by the year 2000. In his Jamhuri Day speech, President Moi announced the establishment of a foundation to aid street children, but if the idea bears fruits at all it will not be until well into 1997.

While constitutional and legal provisions generally do not discriminate against women per se, societal expectations about the role of women affect their educational and employment opportunities. Lack of access to property, polygamy and teenage pregnancy remain problems, in particular of rural women. Physical abuse is not condoned but occurs. Women continue to be highly under-represented in government, although the Minister of Culture and Social Services is a woman and President Moi has just named the first female to the powerful position of District Commissioner in Malindi.

### **CANADIAN POSITION**

Canada continues to call on the Kenyan Government to demonstrate its commitment to improved human rights, strengthened democratic development and improved governance in both bilateral and multilateral fora. Canadian officials regularly meet with senior Kenyan

Government officials in Nairobi and Ottawa and human rights issues were raised on a number of occasions.

With its limited aid programme, most of which is channelled through NGOs, Canada is not well placed to link assistance to good governance. However, on the diplomatic front, Canada currently chairs the active Donors Democratic Development Group (DDDG), which we founded five years ago. In coordination with other donor countries, Canada observed last year's by-elections, played a part in a UNDP/Government-chaired national committee on displaced persons; maintained contact with a wide variety of Kenyan human rights activists and NGO's; and closely monitored the trial of Koigi wa Wamwere.

LIBERIAISSUE

Peace remains elusive in Liberia. In spite of all efforts, wide-spread civil strife continues to undermine human rights and freedoms. International concerns and regional (Economic Community of West African States Military Observer Group - ECOMOG) peacekeeping efforts have not contributed significantly to the restoration of peace or the re-establishment of human rights.

BACKGROUND

The period from September 1995 to November 1996 saw little real change in the catastrophic situation in Liberia. After six years of civil war with more than 200,000 victims, the various factions continue their attacks (now in one alliance, now in another), with the civilian population literally being taken hostage and finding itself in the middle of the most violent fighting since the start of the war in 1989. The 60,000 combatants (including 15,000 child-soldiers) have created a reign of terror, and thousands of desperate Liberians have swollen the ranks of the displaced to total approximately fifty per cent of the population. In the meantime, the heads of the different factions appear to have multiplied their efforts to sabotage all chances for a real settlement. There appears little hope for the disarmament process which, under the auspices of ECOMOG, was to be in full implementation at the end of November 1996; in late December, the UN announced the suspension of its disarmament and food distribution activities in the region extending from Tubmanburg to the Sierra Leone border due to blackmail attempts on the part of local militia. The slow progress in disarming is a reflection of the bad faith constantly being displayed by many factions.

In April 1996, the attempt of the Council of State to arrest faction head Roosevelt Johnson provoked the worst fighting since the war began. Monrovia was completely devastated and anarchy reigned; not only was the August 1995 Abuja peace accord violated, but the civilian population became victim to almost all abuses imaginable. Fighters faithful to Johnson took hostage civilians, ECOMOG soldiers and members of the resident Lebanese community; and all factions deliberately and arbitrarily killed civilians. To date, no enquiry into these atrocities has been undertaken. Allegedly, combatants from all factions were under the influence of alcohol or drugs and gave themselves up to massacres and pillage. Civilians were beaten, tortured, raped and summarily executed because of their ethnic origin or because of their suspected factional sympathies. Numerous Liberians have been subjected to forced labour. Given the number of armed factions and their constantly changing alliances, it remains difficult to identify precisely those responsible for the deaths and the pillaging.

Between April and June, numerous embassies and non-governmental organizations removed their staffs and/or restricted their activities in Liberia. Aid work was curtailed and the reduction in food, potable water and medicine distribution resulted in malnutrition and cholera, notably in Tubmanburg and the North West. Numerous peasants saw their September rice ration confiscated by armed factions; as well, in some villages, armed men destroyed the pumps supplying potable water. In October, humanitarian aid workers with

CARE were arrested by members of the National Security Agency and accused of spying. Upon extorting a small amount of money, the Agency released the workers but their vehicles, needed to transport food, have yet to be returned. In another incident, ULIMO-J fighters forced OXFAM workers to act as porters. It has been reported that journalists have been beaten by members of the police, regional peacekeeping forces and opposition groups. In April and May nearly all the offices of the principal newspapers were sacked; about a half-dozen newspapers had resumed publishing in August.

Many attempts have been made by the Economic Community of West African States (ECOWAS) to get the rival factions to discuss the situation; however, for the most part, the leaders of the most important factions have not attended these meetings. In August 1996 the second Abuja Accord was signed (which established a timetable for May 1997 elections). Unfortunately this accord, like its predecessors, contains no guarantees regarding human rights.

Charles Taylor, leader of the National Patriotic Front of Liberia (NPLF), member of the Council of State and instigator of the civil war is insisting that the elections take place as early as possible. However, given the actual situation in Liberia, numerous observers believe that, if elections are held too rapidly, there is little chance that these would be free or fair. Early elections only would favour the candidature of Taylor. A sign of the times is the November announcement by the ULIMO-K faction leader Alhaji Kromah that his group would become a political party in view of the May 1997 elections. In the meantime, positive moves - such as the selection of Council of State Chairwoman Ruth Perry as Head of Government - are continually offset by ongoing cease-fire violations and the refusal of faction leaders to cooperate fully in implementing the Abuja Accord.

At the 52nd Commission on Human Rights a chairman's statement on Liberia called on warring parties to implement the Abuja Accord.

### CANADIAN POSITION

Given the political situation in Liberia and the veritable absence of a government, Canada has not been able to make actual demarches in general or on specific cases of human rights violations. Despite this limitation, Canada is playing a positive role through the Contact Group, in supporting ECOWAS efforts and through its participation in special meetings sponsored by the United Nations and others to consider ways both to further the peace process and to assist Liberia once peace has been achieved. The realities of the Liberian situation are such that Canada will continue to support strongly the multilateral approach in the recognition that, currently, it is the only viable approach.

MALAWIISSUE

Respect for human rights and development of democracy continue to improve in Malawi, although much remains to be achieved.

BACKGROUND

In May, 1994, Malawi ended thirty years of one-party authoritarian rule when it held its first democratic elections since independence. A coalition government was formed between the United Democratic Front (UDF) and the Alliance for Democracy (AFORD), while the Malawi Congress Party (MCP), the former ruling party, became the opposition. Since then, there has been a significant improvement in respect for human rights and adherence to the rule of law. However, poverty and political uncertainty have caused gaps to appear in this commitment over the past year. The coalition government collapsed in June 1996, when AFORD withdrew and joined the MCP in boycotting parliamentary sittings. Since then, Malawi has been in a state of political and constitutional limbo. Parliament resumed sitting on December 9, following a controversial decision by the Speaker granting the UDF, with only a minority of total seats, the ability to institute quorum. Efforts are now underway by a Malawi NGO, with assistance from the US-based National Democratic Institute (NDI), to mediate between the parties. Institutions established to promote respect for human rights in the post-Banda era, such as the Human Rights Commission, Anti-Corruption Board, National Compensation Tribunal, Law Commissioner and Ombudsman, have been constrained by a lack of resources, insufficient staff and government neglect caused by pressing domestic political problems.

A bright note has been the independence of the judiciary, where a number of landmark legal decisions over the past year have placed the Malawi judiciary front and centre in the country's political development. Two rulings in particular stand out: a decision overturning government legislation attempting to take control of Malawi's largest commercial conglomerate run by the opposition MCP; and a murder charge acquittal of top MCP officials, including former life President Hastings Banda. Both verdicts were viewed as legally correct by independent observers and were delivered despite government attempts to influence the result.

The government of Malawi generally respects the rights of its citizens, but problems remain. The National Police are known to abuse detainees and use excessive force in handling criminal suspects. However, improvement has been noted and human rights training is now compulsory for all new police officers. Prison conditions in Malawi remain poor, with overcrowding, inadequate nutrition and substandard sanitation facilities. Fifty deaths of prisoners in custody, mainly for health reasons (T.B. and AIDS), were reported last year. Lengthy pretrial detention, an understaffed judicial system and the diversion of state resources to high profile political cases have called into question the ability of defendants to receive timely trials. Between 30 and 40% of the nearly 4000 prisoners in jail in Malawi in 1996 are on remand awaiting trial, sometimes for years. Growing levels of crime have prompted angry mobs to execute alleged criminals summarily. There are no political prisoners in Malawi.

The Government of Malawi controls all broadcast information through the Malawi Broadcasting Corporation (MBC), but allows a relatively free range of independent print media. Despite donor and opposition pressure, legislation was not passed this year to make the MBC a more independent media voice.

Corruption at all levels of government has grown since the transition to democratic rule. Stories abound of government ministers and senior officials receiving preferential customs treatment or misusing government funds. There are also examples of growing low-level civil service corruption (i.e. acceptance of gratuities for services). While legislation has been passed establishing an Anti-Corruption Board, it is, as yet, non-operational, with only two employees named so far. The ACB is also handicapped by enabling legislation which requires one-week notice to be given to suspects before any investigation can ensue.

An independent Human Rights Commission which reports to Parliament has been established, but only two Commissioners have so far been named (the Ombudsman and the Law Commissioner). Further appointments await Presidential nomination. A National Compensation Tribunal is also in the process of being established. It would hear petitions and use discretionary funds to compensate victims of the former authoritarian Banda government who had been wrongfully imprisoned and/or had property seized.

#### **CANADIAN POSITION**

Canadian political and development interests in Malawi are concentrated in supporting a successful transition to democratic governance and poverty alleviation amongst the poorest elements of its society. Canadian assistance to Malawi covers the environment, social sector (education/health), governance (judicial education/auditor general) and food aid. Canada did not make any specific human rights interventions in Malawi over the past year.



RWANDA

ISSUE

The return of refugees from Zaire and Tanzania is severely straining the government's policy of national reconciliation between the Hutus and the Tutsis. However, the initial genocide trials, and the way the government responds to the immediate needs of the population, could rekindle old hostilities by various Tutsi (and possibly Hutu) factions of the population.

BACKGROUND

The restoration of the constitutional state, a permanent independent judicial system and national reconciliation between Tutsis and Hutus are the top three priorities for ensuring the stability of the country.

Since the end of August 1994, various Rwandans, including certain members of previous governments, have accused government forces and its new army (the Armée Rwandaise Populaire/ARP) of committing murder and serious human rights abuses. They allege that the number of deaths at the hands of government forces is somewhere between 100,000 and 500,000.

Between April and August of this year, violence against unarmed civilians intensified. Evidence in some cases tended to implicate the Rwandan armed forces (RPA), while in others, the abuses were committed by armed opposition groups (members of former Rwandan armed forces, or INTERHAMWE militia who infiltrated from Zaire, or local sympathizers of these two groups). Some of the reported human rights abuses include subjecting the suspect to extended periods of isolation and physical abuse (sometimes fatal). Crimes have at times been directed at local officials, to delay the reintroduction of the judicial system which some parties viewed as a way to prevent the investigation and prosecution of the instigators of the 1994 genocide. Prisoners have, as well, been executed.

In July, a number of refugees returning from Burundi returned to their home communities. The coalition government of moderate Hutus and Tutsis was seriously shaken by the July coup d'état in Burundi, primarily because of the pressure from Tutsi groups to provide substantial support to their Burundian brothers. Inter- and intra-ethnic tensions in Rwanda were also fuelled by incursions and threats from military and paramilitary elements of the former government, and especially those that took refuge in Zaire.

The new genocide law should assist the work of judicial officials and foster a certain degree of national reconciliation. The *triage commissions*, which oppose arbitrary arrests, have remained ineffective and the number of persons being held in jail is approximately 90,000. The International Criminal Tribunal for Rwanda is continuing its work; none of the first twelve trials has started at the present time.

The government has taken in large numbers of refugees without serious problems. This represents a definite success for the government and for Rwanda as a whole. The return

of refugees seems to be well under way, despite ownership"quarrels between returning Hutus and Tutsis (some of whom are former refugees) that have started to erupt and are even now creating local friction.

In the next several months, the fate of the perpetrators of genocide will confront Rwanda as a whole. The Rwandan judicial system, already overloaded, cannot resume functioning if former refugees are accused of genocide, without corroboration, in order to take revenge or resolve questions of ownership. An expansion of the current UN human rights monitoring program, which the Rwandan government has already agreed to, is crucial, if only to establish an atmosphere of trust and allow national reconciliation to begin.

Assistance from the international community should relieve immediate problems, but long-term "peace consolidation" programs should be established in order to eliminate the philosophy of exclusion and genocide that currently prevails in the country. Rwanda should determine independently the democratic system which ensures adequate representation for the two main ethnic groups. Disinterested assistance should follow the pace of the national reconciliation debate.

### **CANADIAN POSITION**

Canada has the lead on the Rwanda resolution at both the Commission on Human Rights and the Third Committee of the UN General Assembly. This consensus resolution criticizes ongoing human rights abuse, addresses the aftermath of genocide, and attempts to reinforce the position of the Human Rights Field Operation in Rwanda. Canada has been a strong supporter of the International Criminal Tribunal and the Field Operation, to which we are contributing human rights monitors.

Canada has taken a position of leadership in coordinating international assistance to facilitate the return of refugees from Zaire and Tanzania. This initiative is part of the second phase of Canadian assistance that is designed to restore government programs that benefit the entire Rwandan population, the majority of which is Hutu.

Canada is continuing its efforts designed to support national reconciliation between the Hutus and the Tutsis, as well as the complete return of Rwandan refugees from Zaire, and now from Tanzania. Canada is assisting with the effort to combat the effects of the 1994 genocide and ensure that it is not repeated. To this end, Canada is concentrating its efforts, both bilaterally and multilaterally, on the restoration of the Rwandan judicial system.

An international conference on the causes of and possible solutions to the region's problems could allow the establishment of a zone of peace, stability and development. However, the conditions necessary to its success are, for the time being, a long way away.

SomaliaISSUE

The continued fighting in Somalia between the various factions and sub-clans and the absence of any central authority contribute to the unsatisfactory human rights situation. Despite a proliferation of peace initiatives following the death of General Mohamed Farah Aideed in August, the resumption of fighting in the fall, especially in Mogadishu, meant that 1996 ended with little improvement in the human rights situation in Somalia.

BACKGROUND

The situation has changed little since the collapse of the state of Somalia in 1991 following the overthrow of the repressive regime of Siad Barre. In the absence of any central authority or recognized government, various abuses related to the civil conflict between factions and clans, continued unchecked. The extent of abuses varied in the three centres of power: the South, (including Mogadishu), an area highly unstable and prone to endemic clan violence, had the worst record; the Northeast has been relatively calm; and the Northwest with a separatist administration (the self-declared "Somaliland Republic") contested by various clan factions, had the least number of reported abuses.

Large populations have remained displaced and continue to live in fear because of ongoing skirmishes between armed factions and associated human rights abuses. Militias and bandits continue to commit extrajudicial killings or have intimidated, detained, raped or kidnapped individuals.

Since August/September 1996, renewed fighting has resulted in large numbers of civilians being killed deliberately or by random firing. Most international non-governmental organizations evacuated their international staff in early 1995 because of the security situation. Those remaining continue to be subject to kidnapping or temporary detention by various militias or individuals. International relief organizations, including UN Agencies, are operating primarily through national staff to maintain humanitarian assistance to the beleaguered population.

A positive development in 1996 has been the formation of regional governments in Waamo and Mudug. The impetus for these moves was local leaders' desire to get maximum value from aid contributions and projects. Many observers hope that other regions may follow their lead.

Press freedom remains theoretical. Most Somalis obtain news from foreign news broadcasts (shortwave radio). What little print media that exists consists of small news flyers, usually published by the various factions. Several nominally independent publications are published anonymously and are critical of the faction leaders.

In practice the judicial system hardly functions in most of the former Somali Republic. Local law and order continue to be arbitrarily maintained by factions and clan-based Islamic courts, some of which apply strict Islamic (Shari'a) law. This hodge-podge system has resulted in arbitrary detentions, summary informal trials, cruel punishments and

executions. Various groups have called for the increased use of Shari'a courts and penalties throughout Somalia. This may gain support in the absence of an effective judicial system to control high levels of crime. In the northwest, the self-declared Somaliland Republic has a functioning legal system based on the 1962 Penal Code. This replaced Islamic law and includes a supreme court. It is difficult to determine the impartiality and independence of the judiciary.

Discrimination along clan and sub-clan lines, and by ethnic Somalis against Bantu farmers in river-plain areas and Swahili communities along the coast, is prevalent. Societal discrimination against women and widespread abuse of children also continue to be serious problems. Women as a group are not integrated into the political process and no women hold prominent public positions. Female genital mutilation remains widely accepted and practiced throughout Somalia. As for the youth, it is still common practice for boys 14 or 15 years of age to be engaged by various militias.

Some progress has been made in promoting women's rights. UNICEF and the administration in Northwest Somalia worked together to encourage women's participation in education and social programs. Increasingly, women are participating in the peace process in Somalia. With the proliferation of peace initiatives, community members, business persons, women and religious figures are more involved in campaigns to promote cease-fires.

At the 52nd Commission on Human Rights, a resolution on Somalia was passed under the item "Advisory Services in the Field of Human Rights".

#### Canadian position

Canada, which follows the Organization of African Unity position of not recognizing any of the self-proclaimed governments in Somalia, monitors local and regional efforts to bring the factions together. Canada continues to work with the donor community and the UN Secretary General to determine what future role the international community can and should play in Somalia. However, Canada does not foresee playing a direct role, at this time, in the peace efforts. The High Commission in Nairobi, which maintains informal contact with the faction leaders, has raised human rights issues, such as the use of child-soldiers, on several occasions.

Since 1991, Canada has taken over 20,000 refugees and provided some \$45 million in emergency aid, including a \$1.5 million grant to the International Committee of the Red Cross, one of the few international organizations still able to operate freely in Somalia. In light of the tenuous political and security situation in Somalia, Canada provides its humanitarian assistance through various multilateral and non-governmental organization channels. There is also a Canada Fund of \$150,000 for local projects.

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## Sudan

### ISSUE

In 1996, the Government of Sudan acknowledged the need for improvement in its human rights performance by agreeing to a consensus resolution at the Commission on Human Rights critical of its record, and took a number of means to promote human rights. In rebel-controlled areas, groups opposing the Government focussed on education programmes to promote greater respect of human rights. Despite such actions, the human rights situation remained profoundly unsatisfactory, much of this due to the civil war, factional fighting among rebel groups, and lawlessness in Southern Sudan.

### BACKGROUND

Grievances by Southern Sudanese, who are culturally, linguistically and religiously distinct from the north with its Muslim and Arab identity, have been at the root of a civil war that has continued intermittently since independence in 1956; it has been a sustained conflict since 1983. The religious radicalism and related lack of concern for human rights by the current National Islamic Front (NIF) Government, which took power in a military coup in 1989, have resulted in ever increasing international isolation, a deteriorating economy, and an almost total freeze on development assistance to Sudan. The Government's relations with neighbouring Eritrea, Ethiopia and Uganda remain strained. As well, the United Nations' Security Council imposed sanctions on Sudan in 1996 because of its support of international terrorism, in particular the attempt on the life of Egyptian President Hosni Mubarak at the June 1995 Organization of African Unity Summit in Addis Ababa.

In March 1996, the Government sought to enhance its legitimacy by staging legislative and presidential non-party elections which were not democratic, free, nor fair. President al-Bashir and the NIF swept the polls and the government was virtually unchanged as a result.

The civil war has destroyed virtually all aspects of civil society, infrastructure and traditional economic and trading systems in the South. There are estimates that, since 1983, one out of every four people in Southern Sudan are estimated to have died as a result of the civil war. The Government and rebel factions have been guilty of obstructing international humanitarian assistance and of continuing abuses against non-combatant populations. There are continued reports of indiscriminate bombing of civilian populations by government forces. As well, both the government and the southern factions have been cited for torture and summary executions, and have received criticism for their use of landmines.

The Sudanese Government has taken initial steps to acknowledge the human rights shortcomings in the country. It has created the advisory Consultative Council for Human Rights, the Special Investigation Committee on Allegations of Enforced or Voluntary Disappearances and Reported Cases of Slavery, the Sudanese Jurists Union and established Human Rights Education Committees throughout Sudan. As these are new government bodies, only experience will prove whether they are intended only as window

dressing or are effective instruments for the protection of human rights.

In 1996, for the first time in almost three years, the Government allowed the UN Special Rapporteur on the situation of human rights in Sudan and the Special Rapporteur on Religious Intolerance to enter Sudan to carry out their investigations. While the framework may have been established, and Special Rapporteurs allowed entry into the country, improvement in the human rights situation in Sudan is not yet evident. At the 52nd session of the Commission on Human Rights, the resolution on Sudan was adopted by consensus. However, at the UN General Assembly Third Committee, the resolution on Sudan was put to a vote, because of Sudanese demands for significant and unjustified softening of the text. The Third Committee resolution passed by a vote of 93 for (Canada), 16 against and 45 abstentions.

In the South, the Sudan Peoples Liberation Movement, the major rebel faction, held a conference in April 1996 on building civil society and organizing civil authority in the regions under its control. Various factions also introduced human rights courses. The effect of these efforts on the respect for human rights in the South has still to be seen.

There are numerous indications that slavery persists as a traditional practice in the Sudan, particularly, but not exclusively, in the "transition zone" between the North and South. The social disintegration caused by civil war, economic deterioration, and government indifference continue to frustrate the eradication of this practice. Reports continue to be received regarding restrictions on political activities, slavery, religious intolerance, and forced religious conversions. There have been complaints regarding secret trials of military personnel alleged to have been implicated in acts of dissent or treason. As well, problems persist relating to the forceful eviction through demolition of shelters on the outskirts of Khartoum belonging to squatters displaced by war and drought. There also continue to be reports of special camps for the forcible conversion or military training of the children of these displaced groups.

### CANADIAN POSITION

Canada regularly speaks out at the United Nations General Assembly on the Sudanese human rights situation and has annually co-sponsored resolutions at the Commission on Human Rights sharply critical of Sudan. The Government of Canada also tries to maintain a constructive dialogue with the Sudanese authorities and rebel factions on questions of peace and security as well as human rights and good governance issues. During such discussions Canadian officials have raised general human rights issues and specific cases. Canada has also repeatedly called for a negotiated political settlement to the chronic civil war in the Sudan.

Canada's bilateral aid to Sudan remains suspended. However, Sudan continues to be one of the largest recipients of Canadian humanitarian assistance in Africa. Since 1990, CIDA has provided over \$100 million in emergency humanitarian assistance and food aid, through NGOs, UN agencies and the Red Cross. Such funding supports Operation Lifeline Sudan efforts to distribute emergency humanitarian relief to needy groups in both government and rebel held areas.

ZAIRE

ISSUE:

The recent confrontations between the "rebels" and the Government are another glaring illustration of the erosion of the latter's power. The country's future lies in establishing a national union government to pave the way for the ultimate transition.

BACKGROUND:

With the exception of the expulsion of Zairians of Banyarwandan origin in Masisi last spring, the political transition and respect for human rights in Zaire continued to develop acceptably until mid-September.

The Kivu crisis proved once again that the authority of the Kinshasa government does not extend beyond the capital. The collaboration of the provincial authorities (although appointed by the central government) with the leaders of the Rwandan Hutu refugees demonstrates the breakdown in the country's political fabric. The loss of Eastern Zaire, and the eventual restoration of Kinshasa's authority over this territory, could be used by some political elements in the capital to rekindle the flame of popular nationalism .

The uncertainty over President Mobutu's future, the open struggle between the Kengo government and the Tshisekedi-led opposition, and the regime's inability to produce a widely-accepted successor to President Mobutu, could lead to the total collapse of the Zairian state and the resumption of various post-independence secessionist struggles. If reckless actions on all sides are not controlled, these secessionist struggles could lead to further confrontations and to civil war in various parts of the country. Zaire has, however, not yet reached the point of collapse.

Zaire is progressively losing the powers of a sovereign state. Because its collapse would have very severe repercussions for the stability not only of Central Africa (the Congo, the Central African Republic, Rwanda and Burundi) but of Southern Africa as well (Zambia and Angola), the territorial integrity of Zaire must be protected.

CANADIAN POSITION

Canada wholly supports the principle of the territorial integrity and inviolability of the borders of Zaire. Canada considers that a negotiated peace accord between Zaire and Rwanda and democratically-held legislative and presidential elections are essential for the stability of Zaire and of the Great Lakes region.

Canada fully supports the principle of granting Zairian citizenship to the Banyarwandan populations that have inhabited the country for generations. In September 1996, the Canadian International Development Agency (CIDA) approved a civic education project of \$1.3 million to support the electoral process.

An international conference on the causes and possible solutions to the problems of the Great Lakes region could make possible the establishment of an area of peace, stability



and development. However, at the present time the conditions required for its success are a long way off.

At the 52nd Commission on Human Rights Canada co-sponsored a resolution on Zaire which extended the mandate of the Special Rapporteur and pressed Zaire to fulfil its commitments to allow the High Commissioner for Human Rights to open an office in Kinshasa.

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IRANIssue

Canada remains seriously concerned about the human rights situation in Iran, and regularly raises the issue with the Iranian government. Despite international pressure and Iranian claims of an evolution in the internal political climate, there has been little evidence of improvement in the principal areas of concern. The UN Human Rights Commission Special Representative, Maurice Copithorne, has recently expressed the view that the situation may well have deteriorated and there is growing concern about the islamization of higher education, further limits to independence of thought and expression and the extension of the Sharia law. Because of the commitment to reinforcing traditional Shia values, the regime continues to resist the implementation of certain internationally recognized human rights norms. The regime hopes also to preempt developments which could undermine its own authority and the social order which was entrenched as a result of the Khomeini revolution.

Background

Serious individual human rights abuses in Iran are attested to by the UN Special Representative, the UN Special Rapporteurs on Religious Intolerance and on Freedom of Opinion and Expression, Human Rights Watch International, Amnesty International, and various religious bodies such as the international Bahai communities and the pentecostal Assemblies of God. Abuses are occurring with too much regularity.

Individuals who suffer the most persecution, particularly restrictions on rights of free expression and assembly, judicial proceedings, random killings, and ostracism applied to family members in areas such as higher education, often do so because of their affiliation with specific groups or communities. These are thought to present a challenge to the system established by the Islamic revolution or whose historical background elicits aversion from the majority Shia Muslims.

Testimony from sources within Iran suggests that persecution of individuals often appears to be carried out at the local level under the auspices of revolutionary courts, military commanders and religious figures. The excesses witnessed in the years immediately after the revolution with respect to the imposition of the death penalty for political reasons seem to have declined. However, there are real concerns over the fact that the death penalty continues to be imposed for political reasons. Executions are still occurring although the regime appears to have responded to international pleas on several occasions by commuting sentences. Particularly worrying are the apparently random killings of Bahais and evangelical Christians. Perpetrators, when prosecuted, are treated leniently by the courts. Insufficient transparency, fairness and independence of the court system in protecting individual human rights has been noted by the UN Special Representative as a problem needing serious attention.

Rights of free assembly and free expression are constrained, generally taking place within a context or limits designed to maintain the integrity of the Islamic republican system of government. The relatively open political debate which took place during last Spring's

Majlis elections, and which may be permitted to recur before this summer's presidential election, can be curtailed by both legal and extralegal means, if it oversteps the imprecisely defined political boundaries set by influential conservative clerics and their supporters. Oversight bodies, such as the powerful Guardians Council, which, among other things, examines the religious credentials of potential candidates has disallowed those considered to be too liberal. Pro-regime mobs often disrupt political and cultural events. The process of islamization in universities is progressively narrowing the scope for academic freedom.

Discrimination against women arises largely from the principles entrenched by the Islamic republican revolution which quashed most forms of secular opinion during the two years after the fall of the Shah. It manifests itself most immediately in a strict dress-code for women, separation of the sexes in many areas of daily life and a bias within the legal system in certain family law matters. Homosexuality is forbidden under the Sharia code but persecution in its more severe forms appears to be rare. Adultery, however, is sometimes punished by stoning.

Iran continues to extend a degree of tolerance to mainstream branches of the three monotheistic religions and to the traditional Zoroastrianism of the ancient Persian culture. However, neither proselytism by sects nor apostasy are tolerated.

Members of specific religious groups are subject to various degrees of repression. Some, such as the Bahais, have experienced a high degree of mistreatment and judicial persecution during the last year. There have been a number of relatively recent cases of Bhai leaders sentenced to death. Some sentences have been commuted by Iranian courts in the face of international appeals but arrests and convictions are reported to be continuing. Similarly leaders of evangelical Christian churches have been murdered and their congregations harassed.

Resolutions condemning human rights in Iran have been passed at both the UN Commission for Human Rights and the UN General Assembly Third Committee over the past year. Iranian attempts to negotiate less critical consensus resolutions have been unsuccessful because their proposals have not adequately addressed Western concerns.

### Canadian Position

Iran's human rights performance, together with other issues, such as support for terrorism and the *fatwa* regarding British author Salman Rushdie, have impeded progress towards a normal political and diplomatic relationship between Iran and Canada. They are likely to do so for some time to come, given the reluctance of the regime to accommodate the fundamental concerns of Canada and other members of the international community. Iranian human rights practices and abuses run counter both to Canadian norms and to international human rights covenants.

Canada continues to make strenuous efforts to change Iranian behaviour especially with respect to the Iranian Bhai community which has experienced hundreds of deaths and ongoing persecution from the 1979 revolution until the present. Canada has made it clear to Iran that there will have to be a major change in certain policies of the regime before normal ties are possible.

Canada co-sponsored this year's resolution on human rights in Iran at the UN General

Assembly Third Committee, which passed by a vote of 78 for (Canada), 26 against and 49 abstentions. We continue to raise specific human rights cases with the Iranian Government, both in Ottawa and in Tehran. Canada also maintains regular consultations with governments and international human rights groups on the issue of human rights in Iran.

## IRAQ

### Issue

The Government of Iraq has for many years waged war on its own citizens. During the last eight years, the rights of a number of ethnic and religious communities have been systematically violated. The regime has maintained a brutal repression of the population through murder, summary execution, mutilation, torture and incommunicado detention.

### Background

From the end of Iraq's war with Iran in 1988 until the present, the regime of President Saddam Hussein has maintained its overall control of Iraq, despite several major internal and external crises, by launching attacks on specific groups within the country and by maintaining a reign of terror against the population, including all potential rivals for power. The officer class, various tribal clans, and important minorities have all been singled out for especially cruel treatment by the Iraqi leadership.

The UN Special Rapporteur on Human Rights in Iraq has reported this year not only on the extensive sufferings of the general population at the hands of the regime but also on the assault by the military and security forces in July/August this year on minorities in the northern protection zone (Kurds, Turcomans, Assyrians) as well as the summary execution of ethnic leaders and representatives of the Iraqi opposition who had taken refuge there. Iraqi forces continue to launch military actions against the majority Shia population in the southern region. Rumours abound of regular purges of the officer corps for suspected sedition.

The international community has been unable to restrain the Government in Baghdad. Allied intervention in the northern protection zone in early September helped reduce the scale of the regime's repression of various groups (the Iraqi Government acted in clear violation of UN Security Council resolution 688 which demanded an end to repression of the civilian population).

In the past year, both the Commission on Human Rights and the UN General Assembly Third Committee have passed resolutions, by very large majorities, strongly condemning human rights violations in Iraq.

### Canadian position

Canada does not favour the ending of UN sanctions against Iraq until it fully complies with all relevant UN Security Council resolutions. Canada takes the view that the allied military intervention in September 1996 in northern Iraq helped mitigate the scale of the violence inflicted on the Kurds and other minorities. It is hoped that Iraq's decision, at long last, to accept the terms of UN Security Council resolution 986 (the so-called "food for oil" deal) will go some way to reducing the suffering of the people of Iraq. However, what is required is a fundamental change in the behaviour of the Iraqi Government towards its own citizens. The UN Special Rapporteur on Human Rights in Iraq has also expressed hope for an Iraqi Government which is more responsive to the needs and views of the Iraqi people.

SYRIAIssue

Under the leadership of President Hafiz Al-Assad and the Baath Party, Syria has steered a course of secular nationalism, socialism and authoritarianism, leaving little room for basic political rights. Since 1991, Syria has recognized that improved human rights performance is a key to *rapprochement* with the West and there have been some positive developments.

Background

While Syria has structures associated with a democratic system, i.e. constitution, elections, national assembly, judicial system, all real power lies with President Assad. His policies are enforced through the Baath political party and an elaborate state security apparatus, which has wide powers under the prevailing state of emergency, declared in 1963 and never rescinded. President Assad was re-elected by referendum in December 1991 with 99.98% support. Human rights are subordinated to President Assad's overriding preoccupation with stability.

The Syrian Constitution gives the Baath party a lead role in state institutions and government. Within the party, Alawites with close connections to the President predominate. Outside of the military/security organizations and the Baath party, there are no other governmental or non-governmental institutions capable of acting as a check on the arbitrary exercise of power. The authorities justify their wide use of extraordinary powers by Syria's continued official state of war with Israel. The many branches of the security services operate independently of each other, quelling political dissent by arbitrary detention, torture, disappearances, and other forms of intimidation. Following a series of bombings in May 1996, between 400 and 800 people were detained, of whom as many as 100 are still reported in custody without any formal criminal charges being laid.

The state places severe restrictions on freedom of expression. The government owns all local media (print, TV and radio), imposing severe censorship. Satellite access has however increased, especially in the larger cities, with no evidence of any impediment by the authorities. In the past, there have been indications that the media has been given some flexibility to debate and even criticize elements of economic policy, but no criticism of the President, his family or foreign policy is tolerated. The security services also closely control freedom of association.

With the disintegration of the USSR, Syria has sought a *rapprochement* with the West, particularly the United States. Damascus opted to join the Western alliance against Iraq in the Gulf War. Syria is also engaged in the US-sponsored bilateral peace negotiations with Israel, which are currently suspended.

Since 1991, Damascus has released thousands of prisoners, including nearly 1800 during 1995. In April-May 1995, the Syrian government permitted the US-based NGO Human Rights Watch to conduct an unprecedented six-week mission to investigate the human rights situation in Syria. The mission was given full access to government officials and

**CONSULTATIONS BETWEEN NON-GOVERNMENTAL  
ORGANIZATIONS  
AND  
DEPARTMENT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE  
IN PREPARATION FOR THE  
53ND SESSION OF THE UN COMMISSION ON HUMAN RIGHTS**

**February 5-6 1997  
Lester B. Pearson Building**

**AGENDA**

**Wednesday 5 February 1997: Geographic Situations**

<b>9:00-9:30</b>	<b>Opening Session: Procedural Issues</b>		
<b>9:30-12:00</b>  <b>Coffee Break</b> <b>11:00-11:15</b>	<b>Working Group A:</b> <b><u>Asia</u></b>  Cadieux Auditorium	<b>Working Group B:</b> <b><u>Middle East, North</u></b> <b><u>Africa and Europe</u></b>  Robertson Room	<b>Roundtable</b> <b>Discussion</b> on the Great Lakes Region (Rwanda, Burundi, Zaire) A2-217 <b>(9:30-11:00)</b>  Chair: A. McAlister
<b>12:00-12:30</b>	<b>Statement by Minister Axworthy</b> <b>Statement by the Network on International</b> <b>Human Rights</b>		Lobby
<b>12:30-13:30</b>	<b>Lunch</b>		Lobby
<b>13:30-16:30</b>  <b>Coffee Break</b> <b>15:00-15:15</b>	<b>Working Group A:</b> <b><u>Mexico, Central and</u></b> <b><u>South America</u></b>  Cadieux Auditorium	<b>Working Group B:</b> <b><u>Sub-Saharan Africa</u></b>  Robertson Room	<b>Roundtable</b> <b>Discussion</b> on China A2-217 <b>(13:30-15:00)</b>  Chair: A. McAlister



allowed unrestricted travel within the country. This was a marked improvement over the October 1994 Amnesty International mission to Syria, which received little cooperation from government officials. The Canadian Embassy, along with other Western embassies in Damascus, maintains an ongoing and substantive dialogue with the Syrian Foreign Ministry on human rights issues.

Nevertheless, it is believed that at least 200, and perhaps more, political prisoners remain in Syrian jails, although the number of new cases of arbitrary detention and mistreatment appears to be declining. The government states that its special emergency laws and powers are no longer applied, and that all cases of detention and arrest are being processed through the relevant court system; this has not been independently confirmed. It appears that the security services' extensive monitoring and surveillance activities have not been reduced. Syria's human rights record has been criticized by a number of UN thematic rapporteurs, notably the Special Rapporteur on Torture.

Corruption and influence-peddling are believed to be a serious problem within the government and across the economy, contributing to a general lack of popular participation and empowerment. In addition, the disproportionate influence of the Alawite minority in the government is an irritant to many Syrians, especially the Sunni Muslim majority. To its credit, Syria's welfare system provides a high level of health care, free education and comprehensive food security for its citizens. As a matter of policy, Damascus supports secularism, women's rights and the rights of children. One of the Cabinet Ministers is a woman, as are 24 of the 250 representatives in the National Assembly. However, the role of women is heavily influenced by traditional Islamic mores, and Islamic law discriminates in favour of men in such matters as marriage, divorce and inheritance. Syrian law prohibits discrimination against the disabled, and seeks to integrate them into the work-force. However, implementation of these laws remains lax. Homosexuality is illegal in Syria, and foreign nationals found to be HIV positive while resident in Syria are subject to deportation.

Religious freedom is fully respected and widely and openly practised. Under President Assad, the rights of minorities have been protected and members of minority groups have achieved notable success in both the public and private sectors. In early 1994, following intensive lobbying by the Canadian government and others, Syria agreed to allow Syrian Jews to emigrate, and most have since done so, reducing the community to only 200 members.

### Canadian Position

Canada actively pursues a substantive dialogue on human rights with Syria. Although we recognize that there have been recent improvements, such as the release of political prisoners, many aspects of human rights in Syria fall well short of international standards.

In 1996, Canadian diplomats in Damascus, including our Ambassador, met on a number of occasions with Syrian government officials to review human rights issues, to urge respect for due process of law, and to seek information on specific allegations of human rights abuse.

## THE WEST BANK AND GAZA

### ISSUE

Canada and the international community have kept close track of the human rights situation in the Israeli-occupied territories since 1967. Despite the transfer of most large population centres to Palestinian control in late 1995, the democratic election of a Palestinian Legislative Council and President in 1996, and the ongoing peace process, the overall human rights situation in the West Bank and Gaza in both the Israeli and Palestinian controlled areas has not improved and in some respects deteriorated.

### BACKGROUND

The signing of the Oslo II Agreement in September 1995 led to the expansion of Palestinian control in the West Bank and Gaza. While Israel still effectively controls 96% of the territory of the West Bank and 40% of Gaza, the Palestinian Authority now controls all major urban centres except Hebron. Both Israel and the Palestinian Authority have taken strong actions to confront the security threat posed by Islamic extremists and other opponents of the peace process. The manner in which some of these actions have been undertaken has at times violated the rights of the civilian population under their control.

### Israeli Practices

In response to the terrorist attacks of February and March 1996, Israeli security forces severely mistreated some Palestinian detainees. The Israeli government allows security services to seek permission to use "physical pressure," including violent shaking, during interrogations of Palestinian prisoners (many respected human rights groups, including Amnesty International and Israel's B'tselem consider that these methods constitute torture). Suspects can be detained for thirty days without charges, during which they may be subjected to isolation, sleep deprivation and lack of access to legal representation.

The first half of 1996 also saw a dramatic increase in restrictions of movement in the West Bank/Gaza. Following the terrorist attacks in February and March, Israel frequently imposed closure on the West Bank and Gaza and cancelled entry permits held by Palestinian workers. In addition to the extreme economic hardship which resulted from prolonged closures, the restrictions also had a serious impact on access to medical care and education. The ongoing Israeli settlement activity in the West Bank and Gaza Strip has also caused serious disruptions to Palestinian political, economic, social and cultural life. Canada maintains that, as a signatory of the Fourth Geneva Convention, Israel must apply the terms of the Convention to the territories under its military occupation.

### Palestinian Authority (PA)

Under considerable Israeli and international pressure to prevent terrorist attacks against Israel, the Palestinian security forces have frequently violated the rights of the civilian population in their campaign to eradicate the armed elements of Palestinian rejectionist groups. They operate without civilian oversight or accountability to the civil judiciary. After several high profile cases of mistreatment of political detainees, a committee of the

Palestinian Legislative Council (PLC) visited prison facilities. The PLC endorsed the committee's recommendation that the security forces be made accountable to the PLC, but the PA has not yet acted upon this recommendation.

The Palestinian Authority has conducted large-scale arbitrary arrests and detained hundreds of political opponents. Security personnel use physical force to extract information from suspected terrorists and to intimidate human rights activists and political dissidents. At least nine people have died in the custody of the Palestinian police. Few political detainees are ever charged and brought to trial. Those who are tried are brought before a State Security Court composed of military judges. These trials are swift and secret. The civil judiciary is nominally independent, but in practice has no authority in the areas of political offenses and human rights violations.

The Palestinian Authority's respect for vulnerable groups in society is good. Collectively, the PA, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and NGOs provide universal primary education and relatively high quality health care for children, including a reasonable level of services for disabled children. Other than the observance of some aspects of Islamic law in civil cases, there are no legal impediments to Palestinian women enjoying the same rights as men. Polygamy and arranged marriages are still practised in some conservative Muslim communities; and families often favour sons over daughters in education and career opportunities. Palestinian women's organizations are, however, numerous and very active politically and socially. There are two women in ministerial positions within the PA and a number of women are represented in the PLC. Homosexuality remains a social taboo, but the Palestinian Authority does not publicly discriminate against homosexuals.

Chairman Arafat has strongly and very visibly supported a policy of religious harmony. The Christian community is completely integrated into all aspects of political, social and cultural life. The small community of Samaritans in the West Bank city of Nablus also enjoys complete religious freedom.

Five resolutions on the Occupied Territories are passed annually at the Commission on Human Rights (CHR). They are established, political texts which change little from year to year. At the 52nd CHR, the recommendation of the Special Rapporteur, that he be authorized to examine the human rights situation of areas under the control of the Palestinian Authority, was not reflected in any of these resolutions.

### CANADIAN POSITION

Canada believes that respect for internationally accepted human rights norms and standards must be seen as an important element of the peace process. Through the Canadian Embassy in Tel Aviv and appropriate representation at the international level, Canada maintains a dialogue on the human rights situation. Human rights concerns are raised by Canadian representatives in meetings with the Israeli government and the Palestinian Authority. Canada has encouraged the Palestinian Authority to respect due process of law in its efforts to end terrorist attacks.

During the past year, the Canadian Embassy has intervened directly with the Palestinian Authority on behalf of individuals arrested, detained and/or tortured. The most notable case was that of the human rights activist Dr. Iyyad Sarraj. Upon his release, Dr. Sarraj

wrote to the Canadian Ambassador expressing his gratitude for our efforts. Canada also made strong representations to the Palestinian Authority concerning the death of Mahmoud Jemayel who was tortured to death by the Palestinian security services. The Canadian government, through CIDA, has very actively supported Palestinian human rights, democracy building and good governance in the West Bank and Gaza.

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**BRAZIL****ISSUE**

The Brazilian Constitution protects human rights and fundamental freedoms and the current government is committed to a greater emphasis on transparency, accountability and activism in the promotion of the respect for human rights. However, poor enforcement mechanisms and a general lack of resources, combined with severe and deep-rooted social and especially economic inequities, continue to undermine efforts at preventing human rights abuses against the most vulnerable segments of the Brazilian population. Violence, corruption, abuses by the police and impunity remain serious problems.

**BACKGROUND**

After twenty years of military rule, Brazil regained its democratic structures in 1985. Since then, extensive social, political and economic reforms have led to improvements in the human rights situation. The promotion of democratic and human rights principles, and their enshrinement in the constitution, meet international standards. The judiciary is independent, the military is subject to civilian control and the press is independent and vibrant. The government of President Cardoso, who has a long history of personal involvement in human rights issues, is committed to the promotion of human rights and has opened channels for dialogue between government and civil society. The National Human Rights Plan, unveiled in May 1996, outlines 168 measures aimed at improving respect for human rights, such as increased police training, and proposes to grant the federal government jurisdiction over criminal cases resulting from human rights abuses. The Plan has been well received and is expected to raise significantly awareness of human rights. However, implementation of the Plan, and the defense of human rights in general, will continue to be hampered by a constitutionally-limited ability to intervene in the affairs of state governments and municipal agencies. The government has also established a Citizenship Secretariat within the Justice Ministry which has the prime responsibility for the implementation of the Plan and for coordination with other government agencies and non-governmental bodies.

Although civil society is demanding ever greater accountability from the government, corruption and impunity remain serious problems in Brazil. The impeachment of former President Collor, and the numerous subsequent resignations of ministers and government officials at all levels because of conflict of interest and other improprieties, are evidence of the public's unwillingness to tolerate corrupt behaviour. Denunciations by an aggressive media and an articulate, well-organized NGO community continue to send a strong message to those in positions of authority.

The Brazilian economy has stabilized to a great extent, but the country is still among the world's worst examples of social inequity and economic disparity. This, more than any other factor, leads to the *de facto* exclusion of large segments of the population. Public education and health care are woefully inadequate and effectively prevent the poor from rising above their condition. Brazil's socio-economic inequalities also contribute to the ongoing violence against the most vulnerable groups. Urban and rural poor, especially

children, and the indigenous population, are the principal victims of abuses. The problems of violence and impunity are accentuated by poorly-trained police forces and inefficiencies in the administration of justice. Confrontations with the authorities can end tragically as was the case in April 1996 when military police forces in the state of Pará clashed with protesting landless rural poor leaving 19 dead. In this case, the Brazilian government reacted with unprecedented promptness in announcing a package of measures aimed at accelerating the land reform process and preventing the reoccurrence of such conflicts.

The justice system is routinely accused of lacking transparency and of giving preferential access to the privileged classes of society. The poor do not have ready access to legal services. Negative perceptions about the authorities are fuelled by reports of torture and maltreatment of prisoners. Few crimes related to human rights are prosecuted; fewer convictions are obtained. However, steps are being taken toward ending police impunity. In the high profile case of the murder of 8 street children in Rio de Janeiro in 1993 by off-duty police officers, two of the accused were found guilty and sentenced, even though three others were acquitted for lack of evidence. Blatant human rights violations such as servitude and child labour are constant problems. Short term prospects for improvement are limited, given the deep-rooted character of the problems. Long term improvement depends upon the sustained success of the Brazilian Government's reform programme.

#### CANADIAN POSITION

The Cardoso government's awareness of the importance of human rights issues and its commitment toward better implementation and enforcement of human rights legislation has allowed for greater exchange on these issues. In the past year, Embassy representatives increased their efforts at promoting universal values and conveying information on Canadian human rights policy. They have significantly expanded the dialogue to include a broader spectrum of government and non-government interlocutors. Canada is also coordinating an important multilateral human rights initiative with Brazil as part of the follow-up to the Miami Summit of the Americas. This keeps Canada and Brazil engaged in positive cooperation at the regional level. Canada's development assistance programme also puts great emphasis on projects which strengthen democratic structures. These projects foster contacts between Canadian and Brazilian institutions and help fund a number of grassroots initiatives designed to improve the human rights situation and to empower disadvantaged groups. Such initiatives include projects designed to promote women candidates in municipal elections, to support better access to the justice system and to raise awareness of children's rights. Foreign Affairs Minister Lloyd Axworthy made human rights, and particularly children's rights, the principal element of his discussions with Brazilian officials during his visit in May 1996. It was on this occasion that he also announced the launching of a major cooperation project between the University of Ottawa and the Centre for Violence Studies of the University of São Paulo on civilian oversight mechanisms for police forces.

COLOMBIAISSUE

Colombia's human rights situation continues to deteriorate as a direct result of widespread impunity as well as increased activities on the part of both guerrilla and paramilitary forces. The consistent political instability of the Samper administration has compounded the abuses. Reforms both proposed and implemented by the government, have had mixed results.

BACKGROUND

Human rights violations in Colombia continue to cause increasing concern. The constitution which entrenches political and civil rights, and the designation of a national ombudsman for human rights were positive developments in 1996. Military and police abuses declined, but abuses by the guerrillas, narcotraffickers, and paramilitary groups increased significantly. In 1996, the impunity rate was estimated at 97%, causing a multiplication of human rights violations. Substantial efforts must be applied to revise the justice system in order to expedite effectively the judicial process.

The Colombian government continues to make some efforts to improve the observance of human rights but so far these have not prevented a further deterioration of Colombia's overall human rights situation. The most important measure taken so far was the reform of the military penal code in 1995 aimed at improving the investigative process in cases which involved the military. Some effort has been made to sensitize the police and military to human rights through training, and the creation of human rights mechanisms within the public forces. However, the mechanisms for internal control of the armed forces require further strengthening and they must be furnished with better human, technical and material resources. Colombia did ratify the Second Geneva Protocol and, after prolonged delays, signed an agreement in December 1996 with the UN High Commissioner for Human Rights to open an office in Bogota. The office is now expected to open in February 1997. Canada has consistently raised its concerns with the Colombian government over the delays in opening this office which could play an effective role in international scrutiny.

The 1991 constitution guarantees all relevant political and civil rights. However, in practice, it does not guarantee protection for the Colombian population. Colombia's murder rate is the highest in the world with 26,764 murders recorded in 1994, and all major forms of criminal activity increased throughout 1996. It is estimated that 12% of these murders occur for presumed political causes. Organized labour movements are seriously affected by assassinations. Colombia has the highest kidnapping rate in the world with at least forty-five percent of all kidnappings occurring in Colombia (3600 cases of kidnapping registered in 1995). Sexual orientation does not normally lead to overt discrimination. There are, however, allegations that homosexuals have been targeted for social cleansing.



At the 51st and 52nd Commission on Human Rights (CHR), Colombia was the subject of consensus Chairman's statements expressing deep concern about endemic violence and violations of human rights. At CHR52 the Government of Colombia reiterated its willingness to continue to cooperate with the recommendations of the thematic rapporteurs and the High Commissioner for Human Rights. Cooperation has been consistent with the signing of the agreement for the opening of a UN Human Rights office in Bogota.

### CANADIAN POSITION

The Canadian Government held a round table discussion on human rights abuses specific to Colombia with the Canadian NGO community prior to the 52nd session. Pursuant to these discussions, Minister Axworthy mentioned Colombia and his concerns regarding abuses in his opening speech at the 52nd session in Geneva. Throughout 1996, Canada continued with a proactive approach in its representation, comments and criticisms, and gave effect to these in a practical manner in part through the development assistance programs.

As part of the technical assistance program, CIDA committed CDN \$1.5 million to a five year project involving four Colombian NGOs to create awareness and respect for human rights. The main project activities include data gathering and analysis, legal assistance in selected human rights cases, and the education and training of educators and civil leaders. NGOs in Colombia acknowledge that the Canadian Embassy is one of the most active and effective embassies in Bogota in the human rights field. A CDN \$2.45 million contribution to the International Committee of the Red Cross (ICRC) provided military officers with training in international humanitarian law (IHL). The project focusses on developing a positive attitude toward IHL among military officers, training military personnel to become instructors on IHL, and ensuring IHL is part of the curriculum for military officers.

The Canadian government has also undertaken specific police-related programs, including RCMP training in areas such as executive development for senior Colombian officials aimed at sensitizing senior levels of the need to comply with international human rights instruments. In addition, since 1994/95 an annual CDN \$100,000 human rights fund has permitted a rapid response by the Embassy where small-scale projects are called for. Canada has initiated discussions with other like-minded countries throughout 1996 to improve information sharing and cooperation in programs for the promotion of human rights.

CUBAISSUE

The fundamental issues with respect to human rights in Cuba have remained unchanged over the past year: over 600 people remain imprisoned for crimes of a political nature; there is an overall lack of due process and of freedoms of expression, assembly, and association.

BACKGROUND

While there were some improvements in the human rights situation in Cuba in 1995, including the release of some political prisoners, the ratification of UN Convention Against Torture, the lessening of general repression and visits by international human rights organizations, 1996 saw an apparent government hardening in the area of civil and political rights. Most notable was the action taken with respect to the Concilio Cubano, a grouping of some 140 opposition groups, including human rights defenders, lawyers, journalists, trade unionists and others, that began to emerge in the fall of 1995, and planned to hold a public meeting on February 24, 1996. Beginning in mid-February, the Cuban government detained over 120 members of the Concilio, and four leaders were sentenced for varying periods of time.

Following discussions at the Central Committee of the Communist Party in the spring of 1996, academic and intellectual freedom became increasingly restricted. Some of this appeared to be self-censorship in reaction to the Central Committee's expressed concerns about outside influences. By the summer of 1996, there was some mitigation of the most offensive aspects of this trend, and there were no reports of major harassment, with the notable exception of independent journalists.

The Cuban penal code contains several articles prohibiting "counter-revolutionary" activity, and the authorities have imprisoned civilians for "enemy propaganda", "illicit association", "contempt for authority", "clandestine printing" or the broad offence of "rebellion". In 1996, according to conservative estimates of more moderate human rights groups, over 300 civilians were arrested and detained for varying lengths of time for the above charges.

Systematic violations of the integrity of the person (torture, forced disappearances, summary executions) have not existed in Cuba since the early 1960s. However, opponents of the government and prisoners (both common and political) are occasionally subjected to rough or degrading treatment, including psychological intimidation.

Despite current economic pressures and some deterioration in services, Cubans have enjoyed and continue to enjoy, some of the most widely accessible and effective systems of health, education and social security. Particular priority is placed on programmes to ensure that children are well-fed, healthy and able to attend school, and laws against exploitation of children are vigorously enforced. Although all forms of discrimination are prohibited under the constitution, there is a deep-seated race consciousness and discrimination against Afro-Cubans is still a cultural reality, although less so under the current government. Women have played a leading role in Cuba throughout the

## February 6, 1997: Thematic Issues

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### 8:30-10:30 1. Overview

Outlook for CHR53

- Report on UNGA51 Third Committee
- Report of the High Commissioner for Human Rights
- Upcoming five year review of the VDP

### 2. Civil and Political Rights

- Freedom of expression
- Disappearances
- Arbitrary Detention
- Extrajudicial Executions
- Torture
- Independence of the judiciary

### 3. Economic, Social and Cultural Rights/Right to Development

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10:30-10:45

Coffee in the Lobby

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### Plenary

10:45-12:30

### 4. Other Thematic Mechanisms

- Religious intolerance
- Racism
- Use of mercenaries
- Effects of illicit dumping of toxic wastes

### 5. Effective functioning of treaty bodies

### 6. Minority Rights

### Parallel Round Table

10:45-12:15

### Rights of the Child

- Special rapporteur on the sale of children
  - CHR working groups on optional protocols to the Convention
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12:30-13:30

Lunch in the Lobby

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revolutionary period. Women are well-represented in government ministries and in professions, but under-represented in senior political positions and in the emerging export/foreign investment sector. The rights of persons with disabilities are well-protected in Cuba, through access to special health services, schools and work places. Cuba's record on freedom of religion has improved markedly in the past several years. Relations between the state and the Roman Catholic Church have ebbed and flowed, but have been generally cordial over the past year. However, the government has continued to use the penal code to persecute Seventh Day Adventists, which are regarded as hostile to the revolution. Some evangelical meeting groups have been closed by the authorities.

There is a gradually emerging civil society in Cuba. However, Cuban organizations do not satisfy customary international norms for non-governmental organizations, particularly autonomy from the state. The few non-governmental organizations operating in Cuba are under pressure to cooperate with government regulations on procurement of materials and distribution of aid.

As in the past, the Cuban government refuses to cooperate with the UN Commission on Human Rights (CHR) Special Rapporteur on Cuba, and denies him access to the island. Both the CHR and the UN General Assembly have criticized this lack of cooperation with the Rapporteur. At the same time, Cuba has had a dialogue with the UN High Commissioner on Human Rights.

#### **CANADIAN POSITION**

Canada's overall objective in Cuba is to encourage peaceful evolution to a society with full respect for human rights, genuinely representative institutions and an open economy. Canada has sought to do so through engagement and dialogue, rather than isolation.

In its regular discussions with the Cuban government on human rights issues, Canada has focused on individual cases involving the most excessive sentences for political crimes, the establishment of independent human rights institutions, the legal registration of human rights groups, concerns over the conditional release of political prisoners (who have often been forced to go into exile) and the need for improvement in the conditions of political prisoners. A number of these issues were raised during the October 1996 visit to Canada of the Vice-President of the Cuban Council of State, Dr. Carlos Lage Dávila. The Canadian Embassy in Havana maintains contact with a variety of non-governmental groups, human rights activists and Cuba's religious communities. The Embassy also provides modest financial assistance in support of initiatives and activities that promote dialogue and national reconciliation within Cuba.

In recent months, Canada has moved into new areas of cooperation with Cuba. For example, the Canadian Embassy has sponsored seminars in Cuba on such issues as comparative law. There also have been discussions on Canadian expertise could contribute to an improved justice system or National Assembly committee structure.

Canada has consistently co-sponsored UN resolutions critical of Cuba's human rights performance at the CHR and at the UN General Assembly.

**EL SALVADOR****ISSUE**

The human rights situation in El Salvador remains of concern due to the limited effectiveness of public institutions in preventing or redressing violations by its own agents or private persons. Persistent social and economic problems together with serious crime problems have contributed to the high level of citizen insecurity.

**BACKGROUND**

The El Salvador peace accords have largely been implemented although some important elements remain to be completed. The Government of El Salvador has expressed formal commitment to human rights, democratic principles and social development. Human rights violations are not systematic and do not reflect government policy. However, the Government's institutional ability to deal with human rights violations remains limited and has not improved noticeably over the last year. The constitutionality of the March 1996 Emergency Law, intended to combat rampant delinquency and crime, has been challenged and remains a subject of concern.

Although the National Civil Police (PNC) has had some success in fighting organized crime and delinquency, it is seriously challenged by the increasingly lawless situation. Its limitations and shortcomings have led to increasing concerns, as expressed in the United Nations Secretary-General's August 1996 report, that the PNC could slip into the authoritarian habits characteristic of its predecessors. The Human Rights Ombudswoman reports that the PNC is subject of the greatest number of alleged human rights violations, principally, excessive use of force, mistreatment of detainees, intimidation, illegal searches.

The process of modernization of the judiciary and purging corrupt or incompetent judges continues, and has been extended to justices of the peace, although the pace appears to have slowed over recent months. The judicial system is not capable of coping with the demands placed on it and is thus cited by the Human Rights Ombudswoman as the second largest source of alleged violations. Electoral reform has remained stalled with the result that the March 1997 legislative and municipal elections may suffer from the same problems as the 1994 elections.

The Human Rights Ombudswoman has continued to play an important role as an independent advocate for respect for human rights, despite continued underfunding by the Government that has limited the effectiveness of her institution. Opinion polls suggest that it is the most credible public institution in the eyes of Salvadorans. In a positive development, the Minister for Public Security and the Human Rights Ombudswoman have signed an agreement setting out procedures intended to prevent episodes of the excessive use of force by the PNC, especially the anti-riot squad as occurred in late 1995.

Not surprising, in a country with such a high daily level of violence (an average of 21 violent deaths and 41 reported casualties daily in 1995), physical integrity and security of the person were the most frequently reported human rights abuses. Between August

1995 and July 1996, the Human Rights Ombudswoman's office reported 197 violations of the right to life, some by "irregular armed groups." Most of these groups appear to be criminal in nature, but concern was aroused in mid-1996 by the resurfacing of a potential death squad the "Fuerza Nacionalista Mayor Roberto D'Aubuisson", which made threats against public figures (including the Ombudswoman).

Although social spending as a proportion of government expenditures has risen, over half the population lives in poverty, 30% in extreme poverty, and has not generally benefitted greatly from the economic growth of recent years. The "maquila" sector has been a continuing source of allegations of harassment of union activists and of violations of worker's rights, including the right to organize. The Government continues to apply a low wage policy and increases in the minimum wage have not kept pace with inflation, although it should be noted that the official minimum wage of US \$131 per month is the highest in the region. While government spending on education has risen and modernization of the educational system has begun, El Salvador is starting from a very low level of achievement and high illiteracy.

Although women's rights organizations are active and consciousness of the factors contributing to the violation of women's rights is increasing, there has been little change in practice. Violation of women's rights in El Salvador is attributable to violence in the family, to discrimination in the workplace and to limited property rights. The exploitation and abuse of children, as well as the number of children working, are increasingly acknowledged as problems. The Government believes that its "Escuela saludable" program, which improves nutrition and basic health care for primary school children, is encouraging many parents to keep young children in school. Although the rights of the disabled are not constitutionally protected, El Salvador's civil war left a large number of disabled and groups advocating their rights are increasingly well organized. Programs for war disabled are now in place, but those not eligible have protested actively.

Aboriginal people constitute about 3% of El Salvador's population. Anonymous threats and harassment of the leadership of the Salvadoran National Association of Indigenous People (ANIS) during 1996 appear related to ongoing land disputes.

### CANADIAN POSITION

The Secretary of State (Latin America and Africa), the Ambassador and other senior officials have reiterated the importance Canada attaches to respect for human rights, full implementation of the Peace Accords and continued democratic development in meetings with the El Salvadoran President, the Ministers of Foreign Affairs and of Public Security and the Ombudswoman for Human Rights. Individual cases are followed through the Office of the Canadian Embassy in El Salvador. CIDA's Social Reconstruction Fund, with its three target themes of human rights, democratic development and poverty reduction, has supported projects dealing with violence against women, child support, voter education, job-related training for the handicapped (particularly, victims of anti-personnel mines), human rights education in the schools, and promoting community-motivated youth groups. The Canada Fund for Local initiatives supports grass-roots projects including in human rights.

At the 52nd Session of the Commission on Human Rights (CHR) and the Third Committee of the 51st Session of the United Nations General Assembly, the interventions of the

Canadian delegation referred to our continuing concerns on human rights in El Salvador.  
The situation in El Salvador is no longer inscribed on the agenda of the CHR.

**GUATEMALA****ISSUE**

Although the Final Peace Accord has now been signed and the Government has taken specific measures, serious human rights violations persist in Guatemala and pervasive impunity continues to undermine efforts to improve the situation.

**BACKGROUND**

According to information received from the United Nations Human Rights Verification Mission in Guatemala, MINUGUA, the number of human rights violations decreased during 1996, except in two key categories: the number of extra-judicial executions remained at the same level as in 1995; and the number of threats increased dramatically, particularly threats directed against human rights defenders and union leaders and other labour activists. The following factors militate against any substantial improvement in the situation: the persistent climate of violence, insecurity and disrespect for human rights; the alarming number of threats, murders, kidnappings and other serious crimes that go unresolved; the continuing ability of organized groups, including agents of the state, to commit crimes and violate human rights with impunity; and the lack of public confidence in the criminal justice system. This last factor has led to a growing number of lynchings of suspected criminals.

The Arzu government's major accomplishment, which it contends will lead to improvements in the human rights situation, is the successful conclusion of the Peace Accords. Also of considerable importance are the Government's efforts to bring the military under greater civilian control, including the abolition of the separate military justice system for common crimes, and to root out military and police officials accused of corruption and human rights violations. To the 1995 abolition of the military commissioners has been added the dissolution of the Civilian Self-Defence Patrols (PACs), although concerns remain about the role the former military commissioners and members of PACs may continue to play. The new appointees to the offices of Attorney General (Public Ministry) and Head of the Presidential Commission on Human Rights are well regarded. In March, 1996, Guatemala ratified ILO Convention 169 on indigenous rights.

Improvement of public confidence in the justice system will depend on the ability and the willingness of the Government to strengthen the institutions involved in the administration of justice (the judiciary, the police, and the public prosecutor's office), to protect them from outside interference, and to use the system to capture, try and punish individuals accused of human rights violations regardless of their affiliations to powerful groups. Although it recognizes the Government's apparent good intentions, MINUGUA has complained publicly about the lack of action by the Government to prevent human rights violations. It has also criticized the Attorney General's lack of political will and investigative capacity to move forward on both human rights and criminal cases.

In recent weeks, Guatemalan human rights groups and civil society have expressed profound concern about the potential extent of the amnesty law passed in connection with the Peace Accords and the possibility that those responsible for major human rights



violations might escape judgement. At the time of writing, the Guatemalan courts have not rendered any decisions on the cases before them with respect to the amnesty.

Guatemala's poverty indices have not changed: 76 per cent live in poverty with 54 in extreme poverty. The socio-economic sub-accord of May 1996 does not provide for land reform, merely some future redistribution of idle land. Land occupations continue to be a highly contentious problem. Murders, kidnappings, attacks and intimidation of labour leaders have increased. Increasingly since 1995, there has been concern about acts of intimidation against workers in the "maquila" industries. There have been no significant advances on the rights of women, children or the disabled since last year. However, the Peace Accords provide a number of standards and targets in terms of increasing government revenues and increased expenditures on education, health and other social purposes, which, if realized effectively, could lead to significant improvements in a number of key areas.

### CANADIAN POSITION

Respect for human rights remains the central issue in Canada's relations with Guatemala. Again this year, our concerns about the general human rights situation as well as numerous specific cases, some linked to the refugee return process, have been raised regularly with Guatemalan authorities at all levels, including the President and the Ministers of Foreign Affairs, Defence and the Interior. The Embassy keeps in touch with and provides moral support to representatives of the popular movement and civil society in general, including human rights groups, NGOs, churches, labour unions, journalists, academic organizations and members of the Assembly of Civil Society. The Embassy also met regularly with the three foremost human rights monitoring organizations in Guatemala: the Office of the Human Rights Ombudsman, the Office of Human Rights of the Archbishop and MINUGUA.

The \$5 million second phase of the Democratic Development Fund continues to support projects in areas including women's rights, indigenous Mayan rights, the fight against impunity, assistance in drafting laws for Congress, and training in conflict resolution for NGOs, Mayas, the media and judges. The Canada Fund also supports grass-roots projects in the human rights area. The \$8 million second phase of the Local Development Project includes strong women and indigenous development components. Canada continues to provide two civilian police human rights monitors to MINUGUA.

At the 52nd Commission on Human Rights (CHR) and the Third Committee of the 51st UN General Assembly, Canada expressed its continuing concern about the human rights situation in Guatemala in its country statements. In recent years, Guatemala has been the subject of a consensus resolution at the CHR. Canada supports the mandate of the Independent Expert, Dr. Monica Pinto, appointed under the Advisory Services provision, and the Embassy is in regular contact with her. It is expected that the Government of Guatemala will mount a sustained effort to end Dr. Pinto's mission at the next CHR, arguing that with the conclusion of the Peace Accords, her mission is no longer necessary. Canada does not agree with this line of argument.

HAITI

ISSUE

With democracy reinstated in 1994, the Haitian government is now in the process of establishing institutions and mechanisms designed to guarantee a state based on laws. It must also seek to punish those guilty of human rights violations during the coup d'état from 1991 to 1994.

BACKGROUND

On September 30, 1991, a military coup d'état forced President Jean-Bertrand Aristide, who had been democratically elected in December 1990, into exile, where he remained until October 1994. This period was marked by massive human rights violations. Since the return to democracy, the human rights situation has improved considerably: legislative, municipal and presidential elections have been held, the Haitian army has been dismantled, and the civilian Haitian National Police has been established. Systematic repression has come to an end, and freedom of expression has been restored. Haiti receives support from the international community, through the UN peacekeeping mission (UNMIH) and the human rights assistance mission, MICIVIH, under the joint aegis of the UN and the Organization of American States (OAS).

Early in 1995, President Aristide announced the establishment of the National Commission of Truth and Justice to shed light on crimes committed during the three years of the coup d'état. The Commission submitted its report to President René Prével shortly after his inauguration in February 1996. It recommends that the main offenders be brought to justice and that their victims receive financial compensation.

In spite of significant progress made since October 1994, the current government's record on human rights has been tarnished by abuses committed by security forces. The murder of two senior officials of a small opposition party in August 1996 has been blamed on members of the Presidential Guard, and the Haitian National Police has been guilty of several summary executions and of excessive use of force during the past months. Moreover, the legal system still operates very poorly, and most prisoners must wait months before being brought to trial, even for minor offenses. Conditions of detention are often deplorable. The government is, however, aware of these problems and is seeking to correct them: it created an inspector-general of police, which since September has been taking disciplinary measures against police officers guilty of abuses; it has purged the presidential guard; and it has undertaken a reform of the legal system.

The Haitian government recently asked the UN Special Rapporteur on Violence against Women to investigate abuse of women by the perpetrators of the coup d'état. The situation of vulnerable groups, including women and children, is particularly difficult given the level of poverty in the country. The UN Special Rapporteur on Haiti has denounced the condition of children employed as unpaid household labourers.

## CANADIAN POSITION

Canada strongly supported the return to democracy in Haiti and is currently the main contributor to the peacekeeping mission, with 750 soldiers and 100 police officers. We provided major financial and technical support to the National Truth Commission and to the latest elections. We co-sponsor consensus resolutions of the UN General Assembly and the UN Commission for Human Rights which request the UN and the OAS to continue to provide assistance to the Haitian government in the area of human rights.

On a bilateral basis, we are taking part in the reform of the legal system and in the training of the Haitian National Police. We are following developments in Haiti closely, and have, on several occasions, raised with members of the government, including President Préval, our concerns regarding the behaviour of certain members of the security forces. These interventions have led to concrete measures being taken by the Haitian authorities.

MEXICOISSUE

Although the human rights situation has improved overall under the administration of President Zedillo, an increased military presence in certain parts of Mexico has led to an upswing of abuses since mid-1996. There has also been increased harassment of human rights activists.

BACKGROUND

Over the past few years, notwithstanding black episodes such as abuses by the Army in Chiapas (January 1994) and the massacre by police of seventeen peasants in Guerrero (June 1995), the overall trend on human rights abuses in Mexico has been positive. For example, complaints regarding grave allegations such as torture have declined, the National Human Rights Commission has gained in credibility, and a team from the Interamerican Human Rights Commission was given unlimited access throughout Mexico. The Office of the Attorney General (PGR) has this year made serious attempts to address corruption and other criminal activities within the federal police; in mid-1996 700 police officers were dismissed, bringing to 1200 the total number fired in two years.

However, reports in recent months indicate that some backsliding may be under way. As a result not only of insurgency movements, but of a conscious decision by the authorities to depend on the Army for narcotrafficking interdiction (as opposed to the notoriously corrupt federal police), there is now an increased military presence in large parts of Southern Mexico, in particular the states of Chiapas, Oaxaca and Guerrero. In more than half of Mexico's 32 states, military officers have been given command of state police forces. The first move of Mexico's new Attorney General, upon taking office in early December 1996, was to name a General as coordinator of the country's entire drug strategy (but there is no suggestion whatsoever that the individual is corrupt or has a record of human rights abuses).

The presence of the army in so many roles formerly held by police has led to a rash of complaints of human rights abuses and to concerns about the long-term implications of the phenomenon. Although historically the Army has a better record on human rights abuses than the Mexican police, most of the more serious allegations of abuses during the Chiapas uprising (e.g. extrajudicial executions) were laid at the army's door. These have not been resolved.

NGO activists themselves are also coming in for renewed harassment. A particularly grave incident was the beating and temporary kidnapping of a member of CONPAZ in San Cristóbal, a crime for which no conviction has yet been obtained. Death threats against activists are increasing and, although there is no suggestion that these threats are inspired by the central government, the authorities seem disinclined to take decisive action.

In Northern Chiapas (away from the Zapatista conflict zone), there exists a state of serious civil conflict, with armed gangs in the pay of wealthy landowners regularly taking on squatters and each other in shootouts that have cost many more lives than the uprising of

1994. Again, there has been little positive intervention by the authorities. With regard to the Zapatista conflict, there has been substantial progress towards a mutually satisfactory negotiated solution; in late 1996 the rebels were in direct dialogue with the federal government regarding significant constitutional changes, and in early January 1997 the government, in a gesture of goodwill, released seven alleged Zapatistas.

In recent years there have been a number of well-documented attacks on homosexuals - including a set of murders in Tuxtla Gutierrez- that would seem, in part at least, to have been based on the victims' sexual orientation; however, in a context where police investigation of grave crimes is often inadequate, it is difficult to be sure whether there has been special negligence in the investigation of these cases.

During his June 1996 visit to Canada, President Zedillo held an unprecedented meeting with Canadian NGO activists so as to hear their concerns personally.

### CANADIAN POSITION

Canadian ministers have in 1996 taken advantage of their contacts with their Mexican counterparts to raise human rights issues on a number of occasions. The Prime Minister discussed human rights issues with President Zedillo while the latter was in Canada, and Minister Axworthy has discussed the question with his counterpart on two occasions. Secretary of State Stewart met not only with the National Human Rights Commissioner and with the Attorney General when she visited Mexico City in late 1996 but with representatives of key Mexican human rights NGOs.

The case of a Chiapas-based Canadian priest who has been denied re-entry to Mexico was raised by the Prime Minister but remains unresolved. The individual concerned has appealed his non-admission before the Mexican courts; a speedy resolution is not expected.

Our respective National Human Rights Commissions signed a bilateral cooperation agreement in October 1995. Then-Canadian Human Rights Commissioner Max Yalden visited Mexico in November 1996 to discuss modalities of cooperation. Activities will centre on technical cooperation: exchanges of software and databases, internships, and cooperation in designing regionally-targeted human rights courses.

Also with the support of CIDA regional funding (there is no bilateral CIDA programme with Mexico), a modest programme of assistance to help Mexico's police develop its forensic capacities began in late 1996. Through its Canada Fund for Local Initiatives, the Canadian Embassy in Mexico supports the activities of various Mexican human rights NGOs. Current or planned activities include:

- Human rights training workshops, executed by Mexican NGOs, in the Federal District and Veracruz, Puebla, Oaxaca and Tabasco states;
- In cooperation with Amnesty International, publication and distribution of an activity guide, human rights-related, for primary school teachers;
- In Morelos State, publication and distribution of didactic material on human rights, targeted at aboriginal communities.

13:30-15:30

**7. Debrief on Dialogue between DFAIT and Indigenous Groups and review of Indigenous Issues**

- Working Group on Draft Declaration on Indigenous Rights
- Working Group on Indigenous Populations
- International Decade of the World's Indigenous People

**8. Advancement of Women**

- Violence against women
- Mainstreaming and integration of women's rights as human rights

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15:30-15:45

Coffee in the Lobby

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15:45-17:15

**9. Rights of Persons with Disabilities**

**10. Working Group on Human Rights Defenders**

**11. Refugee and Migration Issues**

- Internally Displaced
- Migrant Workers
- Human rights and mass exoduses

17:15-17:30

Wrap Up and Closure

6

2

3

4

5

PERUISSUE:

Peru has strengthened its constitutional and institutional framework for dealing with human rights questions in recent years and the number of alleged human rights violations is declining. However, the threat of violence due to terrorist activities and narco-trafficking remains high and the government is reluctant to abolish the exceptional measures promulgated to combat these problems.

BACKGROUND:

President Fujimori inherited a legacy of violence and insecurity when he took office and he reacted by adopting a series of exceptional measures to combat terrorism. These included the establishment of extensive emergency zones controlled by the military, secret courts and military trial for civilians accused on charges of terrorism, as well as an amnesty law for military and police officers. The government has been reluctant to dismantle antiterrorism measures as they have been generally successful in reducing terrorist activity and they enjoy popular support. The hostage-taking incident at the Japanese Ambassador's residence in December 1996 is a powerful reminder that terrorist groups are still able to organize and carry out important operations. However, the exceptional measures also raise serious human rights concerns. Arbitrary arrests, torture and brutality in the penal system and impunity for agents of the state are all problems which must be addressed.

The government response has included several significant steps. Two important provisions of the 1993 Constitution were finally implemented. In May 1996, the President named a capable and influential ombudsman who, it is believed, will be able to advocate in favour of better protection of human rights and build a credible and effective office in spite of serious financial limitations. In July 1996, the Constitutional Tribunal, an independent body which rules on challenges to citizens' rights, was also established. Further measures which reinforce constitutional rights include the establishment of a register of those detained on charges of terrorism, the promotion of police/military cooperation, the more expeditious review of cases, and the transfer of detainees to civilian authorities. Police forces have continued with steps to improve performance and to address charges of corruption and impunity. In 1996, over 900 officers were dismissed for wrongdoing and the more serious cases were brought to trial. Courts are still criticized for lack of transparency and accountability. They also suffer a serious backlog of cases, in spite of efforts to treat cases more expeditiously. As a result, citizens accused on charges of terrorism are detained for lengthy periods without trial.

Peru is a signatory to all of the key international and regional conventions on human rights and, even though it has traditionally been fiercely resistant to outside interference, there is a growing sensitivity to international opinion. Recent elections in Peru were judged free, fair and in accordance with international standards. Nonetheless, the Fujimori administration is highly authoritarian and the opposition is weak and ineffective. Although the administration is taking some corrective measures, corruption remains endemic. It is generally felt that the executive branch still holds undue sway over the judiciary. Peruvian

jails are seriously overcrowded and frequent reports of torture and brutality indicate that the problem of violence against inmates is serious. Remedial efforts are hampered by poor training and chronic underfunding.

Poverty, unemployment and underemployment are serious problems in Peru and they contribute to the vulnerability of a large segment of the population to human rights abuses. The situation is further exacerbated by the large numbers of people displaced since the early 1980's by terrorist violence in rural areas. President Fujimori has made poverty alleviation one of his government's priorities but income disparity and a lack of social justice are factors which will not be solved in the short term.

### **CANADIAN POSITION**

Canada has made its position on human rights well understood to the Peruvian government. The Ambassador and other Embassy officers regularly express Canadian concerns and interests in both broad and specific terms when meeting with Peruvian government officials and members of the political establishment. The Embassy provides appropriate support and regularly exchanges views on the human rights situation in Peru with Canadian and local NGOs.

The Canada Fund for Local Initiatives contributed \$100,000 to 7 human rights projects during fiscal year 1995/96 and \$41,000 to 4 projects thus far in 1996/97. During the same periods, human rights and democratic development projects funded from other sources totalled \$69,800 and the Canada/Peru Counterpart Fund spent nearly \$5,000,000 on alternative development projects. Canada is also working closely with the Ombudsman and will provide information, expertise and technical assistance to his Office.





AFGHANISTANISSUE

The human rights situation in Afghanistan is among the world's worst. The ongoing civil war itself is very detrimental to human rights, fought as it is with disregard for the safety of civilians. While Taliban rule in some 70% of the country has reduced brigandage and rape, this has been accompanied by the elimination of personal freedoms and rights, especially for women.

BACKGROUND

Afghanistan has suffered armed conflict for over 15 years since the Soviet invasion in 1979. Since the toppling of Kabul's communist régime by the *mujahideen* in 1992, the country has been a patchwork of separate fiefdoms. Afghanistan has become seriously divided; ethnic, linguistic, tribal and factional differences all play a part in this chaotic situation which has resulted in a widespread breakdown of legal and humanitarian norms. People have been vulnerable to abduction, extortion, and mistreatment, including rape, at the hands of checkpoint guards and other armed groups. Such groups have routinely invaded civilian homes to seize property and frighten the populace. Justice is summarily dispensed by *mujahideen* groups and local warlords.

The 1980s saw some 6 million people take refuge, in roughly equal numbers, between Pakistan and Iran. While a great many have returned, there are still some 1.2 million refugees in Pakistan, and 1.4 million in Iran, with a further 800,000 to one million displaced internally.

Ambassador Mahmoud Mestiri, head of the UN Special Mission to Afghanistan, was replaced by German diplomat Dr. Norbert Holl to continue the difficult task of bringing about a ceasefire and a settlement involving the warring parties. The Organization of Islamic States, and various regional and/or muslim countries have also attempted the same.

The Taliban take-over of Kabul in September 1996 brought their policies to prominence. Taliban fighters, some of whom were indoctrinated in Qoranic schools, gained initial acceptance from war-weary populations by combatting extortion, robbery, rape, and general lawlessness. However, their imposition of an extreme form of "Islamic" behaviour has been criticized by the UN Secretary General, UN agencies operating in Afghanistan, and NGOs and the world community at large. Moreover, no government has established diplomatic relations with the Taliban authorities, and the UN seat continues to be occupied by the former régime. The Taliban have closed girls' schools; prevented women from working outside the home with a few exceptions such as health care or some international projects; imposed head to foot covering for women venturing out of the home; required men to grow beards; imposed compulsory attendance at Friday prayers at the mosque; and instituted such barbaric punishments as amputation and stoning to death.

## CANADIAN POSITION

A lasting peace settlement is a necessary precondition for ending Afghanistan's human tragedy. Since we have not had diplomatic relations with any régime in Kabul since the Soviet invasion in 1979, Canada's direct influence in Afghanistan is limited. Nevertheless, the Canadian Government, through its High Commission in Islamabad, closely monitors the situation, and consults with the UN Special Mission, the United Nations High Commission for Refugees (UNHCR) and other organizations with respect to the promotion of a peaceful settlement and the alleviation of the human rights situation. We view the UN Special Mission as the best mechanism for achieving peace. Canada last year seconded an officer to the UN Mission in Afghanistan for six months.

The Canadian Government is deeply troubled, as is the international community, by the serious human rights violations in Afghanistan, especially the grave deterioration in women's rights in areas under Taliban control. Canada strongly supports the actions by the UN and its agencies to persuade the Taliban authorities to respect Afghanistan's international obligations on human rights. In this regard, the UN Secretary General took the unusual step of issuing a statement on Afghanistan's human rights situation, UN agencies subsequently issued a statement of operating principles, and Canada has been participating in a donors' group to apply universally-accepted principles to their respective assistance programs in Afghanistan. The UN Security Council unanimously adopted resolution 1076 in October 1996 which, inter alia, called for a negotiated settlement and denounced discrimination against Afghan women and girls. The UN General Assembly Third Committee resolution, adopted by consensus last November, placed particular emphasis on violations of women's human rights.

Canada continues to be one of the major donors supporting relief operations in Afghanistan. Since 1992/93 Canada has approved humanitarian aid of C\$28.4 million, including \$5.5 million for 1995/96. The principal activities, provided through UN agencies, are demining, health, assistance to displaced persons and repatriation. In addition, Canadian emergency food aid since 1993/94 has amounted to \$22.9 million through the World Food Program.

The mandate of the UN Special Rapporteur on the human rights situation in Afghanistan was extended for one year by the CHR during its last session, and will likely be extended again this year, given the overall lack of progress.

**BURMA (MYANMAR)****ISSUE**

In Burma, which has one of the worst records in Asia on human rights and democratic development, the political situation continues to deteriorate and there is a danger of serious confrontation.

**BACKGROUND**

Burma's military regime, the State Law and Order Restoration Council (SLORC), has increased its harassment and intimidation of Nobel Laureate Aung San Suu Kyi and members of the National League for Democracy (NLD) which won the 1990 elections with an overwhelming majority. Since the release of Aung San Suu Kyi in 1995 from six years of house arrest, the SLORC has pursued a policy of marginalizing her while continuing with its plans for a constitution entrenching the role of the military.

Violations of human rights continue on a wide scale including extrajudicial and arbitrary executions, killing of civilians, torture, arbitrary arrests and detention, deaths in custody, absence of due process of law, severe restrictions on freedoms of opinion, expression, assembly and association, violations of freedom of movement, forced relocation and forced labour.

A renewed crackdown on the pro-democracy movement began on 27 September when Burmese police briefly detained NLD politicians and blocked all roads leading to Aung San Suu Kyi's house to stop the NLD from holding a party congress. Since then, Aung San Suu Kyi has spent much of the time under virtual house arrest. Tensions were fuelled by a violent attack on Aung San Suu Kyi in November and by student demonstrations in December (the largest since 1988). Although the SLORC has succeeded in negotiating fragile cease-fire agreements with fifteen ethnic groups that have long been fighting the central government for greater autonomy, pressure is mounting for a more comprehensive political settlement. Opium production in the ethnic areas continues to expand with increasing signs of SLORC complicity. Burma remains the largest source of illegal heroin entering North America.

In 1996, both the General Assembly and UN Commission on Human Rights again passed unopposed resolutions calling on SLORC to respect human rights and proceed with democratic reform. The USA and the EU have imposed visa restrictions on senior members of the SLORC and their families who are viewed as impeding the country's transition to democracy. In July 1995, the International Committee of the Red Cross/Red Crescent (ICRC) pulled out of Burma, claiming SLORC was impeding its work and denying access to political prisoners. The SLORC is refusing to allow visits by the UNCHR Special Rapporteur on Burma and the Secretary General's Special Representative on Burma.

Burma continues to encourage foreign investment and to develop its relations with Asian countries, particularly the members of the Association of South-East Asian Nations (ASEAN). The ASEAN Heads of Government meeting in Jakarta in November 1996 decided to confirm Burma's eventual admission to ASEAN but have postponed a decision

on timing. Nevertheless, Burma's admission to ASEAN remains probable during 1997.

### **CANADIAN POSITION**

At the UN General Assembly in November, Canada co-sponsored a consensus resolution on Burma that deplores the continued violation of human rights and calls on the SLORC to allow visits by the Special Representative of the Secretary General in order to establish a broader dialogue. Canada has also suggested the establishment of a contact group, under UN or other auspices, as a means to restore a dialogue between SLORC and the international community.

Canada's direct bilateral relations with Burma are limited because of our human rights concerns. New CIDA bilateral aid programming was suspended in 1988 after the army's massacre of thousands of pro-democracy demonstrators in Rangoon. Canada does not support multilateral assistance to Burma through the International Financial Institutions (IFIs). There is no resident Canadian diplomatic presence in Burma. Canada maintains a direct dialogue with Aung San Suu Kyi through the Canadian Ambassador in Bangkok who is accredited to Burma. No encouragement is provided to Canadian firms doing business in Burma and military sales are not allowed. No Canadian Government export programs are open for Burma including the Programme for Export Market Development (PEMD). Bilateral trade is minimal and has remained flat over the last several years. Total Canadian exports to Burma in 1995 were worth only \$1.12 million while Canada imported goods worth \$14.17 million, mostly textiles and seafood. In November 1994, Canada and Burma renewed a textile restraints agreement which locks Canada into levels of imports set by the World Trade Organization (WTO).

CAMBODIAISSUE

The human rights situation in Cambodia continues to be a matter of concern as an increasingly authoritarian coalition government tries to maintain power and authority.

BACKGROUND:

For nearly four years in the late 1970s Cambodia suffered under a regime that was arguably the most systematic, vicious and egregious violator of human rights since the Second World War. Between 1975 and 1979 between one and two million Cambodians (of a then total estimated population of seven million) are believed to have perished under the genocidal rule of the Khmer Rouge. Memories of this traumatic era continue to permeate every aspect of Cambodian society. This period was preceded by five years and followed by more than ten years of continuing civil war. State structures during the 1980's existed in only the most rudimentary form with effectively minimal protection of human rights.

Given the country's tragic recent history, the United Nations Transition Authority in Cambodia (UNTAC) in 1992 established a human rights component to assist in the promotion and protection of fundamental human rights in the country. The UN Centre for Human Rights maintains an office in Cambodia and has an ongoing programme of technical assistance.

The period since the end of the UNTAC exercise in September 1993 has seen a gradual erosion in the democratic structures established at that time and in the effectiveness of human rights organizations in the country. The granting of an amnesty to the notorious Khmer Rouge leader Ieng Sary in August 1996, defended by the government as necessary for political/military reasons, is nevertheless symbolic of the limited commitment of Cambodian authorities to live up to human rights obligations. There continue to be reports of human rights abuses by the Royal Cambodian Armed Forces including extra-judicial killings and inhumane treatment of prisoners in certain parts of the country. Prosecution of those in positions of authority who are believed to have committed human rights violations are rare, despite repeated calls from the international community for such action. With the continuing jockeying for power, the two Prime Ministers have shown greater intolerance of dissent, silencing or intimidating opposition figures. Although the English and Khmer language press remains quite free, Khmer language journalists writing articles critical of the government have been murdered.

On the positive side, the Cambodian government has established an improved working relationship with the current Special Representative of the Secretary General; human rights education efforts continue; and there has been some limited progress in establishing a functioning system of justice. Planning continues for national democratic elections in 1998 with the support of the international community. Cambodia is becoming a world leader in the removal of antipersonnel landmines and has stated its intention to ban such weapons.

With recent large scale defections from the Khmer Rouge ranks since mid-1996, fighting in the north and west of the country has been dramatically reduced. Hardline Khmer Rouge forces continue to control limited areas in Siem Reap and Preah Vihear provinces. There have been repeated human rights violations in areas under Khmer Rouge control including the taking and killing of hostages, the execution of soldiers captured in combat and the massacre of ethnic Vietnamese civilians.

**CANADIAN POSITION:**

Canada has been supportive of the current government, though our Ambassador in discussions with officials has expressed concern over certain trend lines. Canada has been providing technical assistance in preparation for the 1998 national elections. Canada has twice sponsored visits to Canada by Kem Sokha, Chairman of the Human Rights Committee of the National Assembly. Canada cosponsored an Australian-led consensus resolution on Cambodia at the United Nations Third Committee in December 1996 and at the 52nd UN Commission on Human Rights.

PEOPLE'S REPUBLIC OF CHINA

ISSUE

Over the past year, improvements in the standard of living of most Chinese have been notable and have been accompanied by significant legal reforms. However, the human rights environment in China and in particular the apparent inability to cope with dissent continue to be of concern to the Canadian Government.

BACKGROUND

The Constitution of the People's Republic of China (PRC) guarantees in principle a wide range of rights and freedom, including freedom of opinion and expression, as well as freedom of association and assembly (including demonstrations). However, article 51 of the Constitution also states that all legal rights are subsumed to interests of "state, society and collective", which in practice severely curtails individual rights.

Due to its phenomenal economic growth, China has been able to reduce the number of its citizens living in absolute poverty and has opened its society to business. This openness in the economic sphere has allowed for greater individual freedoms though not in the political arena. Economic growth and openness has lessened the power of the central government in certain aspects of Chinese life. Considerable autonomy is given to the provinces and major cities. In certain areas of China, direct elections by secret ballot have taken place to select village councils.

Despite the fact that the leadership transition from Deng Xiaoping to the collective headed by Jiang Zemin is well advanced, the leadership is still wary about threat to political stability and national unity and is particularly sensitive to potential catalysts for unrest.

During the past year, the Chinese showed little tolerance for political dissidents. Illustrative of this is the sentencing of Wang Dan to 11 years imprisonment by a legal apparatus which lacks transparency and remains highly politicized. Despite international expression of concerns (Canada made two demarches), the Chinese Court upheld the sentence.

Canada is concerned that the launching of the "strike hard" (*yanda*) anti-crime campaign in March 1996, with the attendant high level of executions by the Chinese state, has involved pressure on the police and the justice system to speed up prosecutions leading to distortions of the judicial process. While the campaign appeared principally aimed at cracking down on serious and violent crimes, which have given rise to genuine concerns amongst the Chinese population, it has also been extended to petty and economic crimes, and is used in some cities to intimidate ethnic, religious and political activists.

In Tibet, Xinjiang, and Inner Mongolia, the campaign is characterized as an "antiseperatism struggle", leading to the arbitrary arrest and mistreatment of hundreds of monks and civilians for alleged support to nationalist movement. The freedom enjoyed by Muslims and Tibetan Buddhists have been seriously curtailed as the line separating the practice of religion and the expression of nationalism is being blurred.