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**CONSULTATIONS  
IN PREPARATION FOR THE 50TH SESSION  
OF THE U.N. COMMISSION ON HUMAN RIGHTS**

**JANUARY 19-20, 1994**

Dept. of External Affairs  
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- 6. Statement by Mrs Louise Fréchette, Ambassador and Permanent Representative of Canada before the 48th Session of the U.N. General Assembly: Item 114, (b) and (c): Human Rights Questions and Situations, New York, December 3, 1993

**Briefing Notes on Country Situations**

- 7. **Africa:**
  - Angola, Algeria, Burundi, Cameroon, Equatorial Guinea, Kenya, Liberia, Malawi, Nigeria, Rwanda, Somalia, South Africa, Sudan, Togo, Zaire
- 8. **Middle East:**
  - Iran, Iraq, Occupied Territories, Syria
- 9. **Asia:**
  - North Asia:**
    - Cambodia, China, Vietnam
  - South, Southeast Asia:**
    - Burma, India, Indonesia, Pakistan, Philippines, Sri Lanka
- 10. **Latin America and Caribbean:**
  - Colombia, Cuba, El Salvador, Guatemala, Haiti, Mexico, Peru

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11. **Eastern and Western Europe:**

- Baltic States, former Yugoslavia, Russian Federation, Turkey

12. **Update of UN Work:**

a) **Agenda Items 7, 8:**

- CHR 49 Speech: Economic, Social and Cultural Rights, Right to Development;

b) **Agenda Item 107:**

- UNGA 48 Speech: Elimination of Racism and Racial Discrimination;

c) **Agenda Item 111:**

- UNGA 48 Speech: Advancement of Women;

d) **Agenda Item 113:**

- UNGA 48 Speech: Report of UNHCR, Questions relating to refugees, returnees and displaced persons and humanitarian questions;

e) **UNGA 48 resolution on the "High Commissioner for the promotion and protection of all human rights".**

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**CONSULTATIONS BETWEEN NON-GOVERNMENTAL ORGANIZATIONS  
AND  
FOREIGN AFFAIRS AND INTERNATIONAL TRADE CANADA  
IN PREPARATION FOR  
THE 50TH SESSION OF THE  
UNITED NATIONS COMMISSION ON HUMAN RIGHTS  
(JANUARY 31 - MARCH 11, 1994)**

Lester B. Pearson Building  
125 Sussex Drive  
Ottawa, Ontario

January 19 - 20, 1994

**A G E N D A**

**Wednesday, January 19: Opening of Meeting/Country Situations**

<b>08:30</b>	<b>Registration and Coffee</b>	Conference Lobby
<b>09:00</b>	<b>Welcome and Plenary</b> - Opening Statement by the Minister of Foreign Affairs - NGO Network Statement	Conference Room
<b>09:30 - 11:00</b>	<b>Working Group A: Africa</b> - Algeria, Somalia, Sudan, Zaire, Togo, Equatorial Guinea, Rwanda, Nigeria, Burundi, Kenya, Malawi, Angola, Liberia, Cameroon, South Africa	Auditorium
	<b>Working Group B:</b> <b>North Asia:</b> Cambodia, Vietnam, China <b>Southeast Asia:</b> Indonesia, Philippines	Conference Room
<b>11:00 - 11:15</b>	<b>Coffee</b>	Conference Lobby
<b>11:15 - 13:00</b>	<b>Working Group A: Middle East:</b> - Iran, Iraq, Occupied Territories, Syria, Saudi Arabia, Kuwait	Auditorium
	<b>Working Group B: South Asia:</b> - Sri Lanka, Pakistan, India, Afghanistan	Conference Room

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**Wednesday, January 19 (cont'd)**

- |                  |  |                             |
|------------------|--|-----------------------------|
| 13:00 -<br>14:00 | Sandwich Lunch hosted by<br>Secretaries of State   | Conference Lobby            |
| 14:00 -<br>15:00 | Roundtable discussion on Myanmar (Burma)   | Location to be<br>announced |
| 14:00 -<br>15:30 | Working Group A: Caribbean, Central<br>America: Haiti, Guatemala, El Salvador, Cuba                          | Conference Room             |
|                  | Working Group B: Eastern Europe:<br>- Former Yugoslavia, Romania, Georgia,<br>Albania, Baltic States, Russia | Auditorium                  |
| 15:30 -<br>15:45 | Coffee   | Conference Lobby            |
| 15:45 -<br>17:30 | Working Group A: South America:<br>- Peru, Colombia, Brazil, Mexico  | Conference Room             |
|                  | Working Group B: Europe:<br>- Eastern Europe, Western Europe, Turkey   | Auditorium                  |

**Thursday, January 20: Thematic Issues for 50th Session of the Commission on  
Human Rights**

(General notes: Reference to "Item" numbers refers to the UNCHR agenda items. All sessions will be held in the Conference Room; coffee breaks will be in the Conference Lobby)

- |                  |   |  |
|------------------|---|--|
| 09:00 -<br>10:30 | 1. Outlook for CHR 50:<br>a) Context: Vienna World Conference; Outcome of UNGA 48 Third<br>Committee<br>b) High Commissioner for Human Rights<br>c) Implementation of Vienna Declaration, resources for UN Human<br>Rights Programme<br>d) Management of Commission, role of governments and NGOs |  |
|                  | 2. Development of Standards:<br>a) Draft Declaration on Right to Promote and Protect Human Rights<br>(Item 21)<br>b) Report of the Sub-Commission (Item 17):<br>- WG on Indigenous Populations<br>- Other prospective standard-setting exercises  |  |

Thursday, January 20 (cont'd)

10:30 - Coffee  
10:45

10:45 - 3. Monitoring of International Standards: Human Rights  
12:30 p.m. Treaty Bodies:

- a) Status of Covenants (*Item 15*)
  - Covenant on Civil and Political Rights (Human Rights Committee)
  - Covenant on Economic, Social and Cultural Rights (ESCR Committee)
- b) Other Issues
  - Effective Functioning of Treaty Bodies (*Item 16*)
  - Convention Against Torture (*Item 10(b)*)
  - Rights of the Child (*Item 22*)
  - Other

4. Monitoring of International Standards: UNCHR Thematic Mechanisms:

- a) General Discussion
  - Further promotion of human rights (*Item 11*)
  - Vienna Declaration
  - Other
- b) Specific Mechanisms:
  - Detention/Freedom of Expression/Disappearances (*Item 10*)
  - Racism (*Item 14*)
  - Religious Intolerance/Discrimination (*Item 20*)
  - Arbitrary Execution (*Item 12*)

12:30 - Lunch  
13:30

13:30 - 5. Women's Rights  
15:30

- a) Declaration on Violence Against Women
- b) CHR Rapporteur on Violence Against Women
- c) Beijing Conference

6. Economic, Social & Cultural Rights/Right to Development (*Items 7 & 8*)

- a) General Discussion
- b) CHR Working Group on Right to Development

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Thursday, January 20 (cont'd)

- 13:30 - 7. Technical Assistance and Advisory Services  
15:30 a) General Discussion (*Item 19*)  
b) National Institutions (*Item 11*)
- 15:30 - Coffee  
15:45
- 15:45 8. Other Thematic Issues  
17:00 a) Mass Exoduses (*Item 11*)  
b) Rights of the Disabled  
c) Rights of Minorities (*Item 18*)
- 17:00 - 9. Wrap-Up  
17:30
- 17:30 Closure

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PROCEDURAL FACT SHEET

In consultations 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 other 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.

\*\*\*\*\*

**NOTE:** Parking is very limited at the Lester B. Pearson Building. We suggest public transport (OC Transpo buses #3 and #13 can be boarded along Slater Street) or taxis be used. Regular bus fare during peak hours (6:00 - 8:30 am and 3:00 - 5:00 p.m.) is \$2.10. Off-peak fares are \$1.40. Taxi fare is approximately \$7.00 from the downtown core. Foreign Affairs and International Trade is located at 125 Sussex Drive.

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COMMISSION ON HUMAN RIGHTS

Fiftieth session

PROVISIONAL AGENDA

Note by the Secretary-General

Duration and venue of the session

1. The fiftieth session of the Commission on Human Rights will be held at the United Nations Office at Geneva from 31 January to 11 March 1994. The first meeting will be convened at 11 a.m. on Monday, 31 January 1994.

Provisional agenda

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

Pre-sessional working groups

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

(a) Item 10 (d): An open-ended working group established to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to consider the implications of its adoption and the relationship between the draft optional protocol, regional instruments and the Committee against Torture (Commission resolution 1993/34, Economic and Social Council resolution 1993/46) is scheduled to meet from 25 October to 5 November 1993;

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(b) Item 12 (b): The Working Group on Situations, composed of five members of the Commission, is scheduled to meet from 4 to 8 January 1994 to examine situations referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities pursuant to Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 (Commission resolution 1990/55, Council resolution 1990/41);

(c) Item 21: An open-ended working group established to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (Commission resolution 1993/92, Economic and Social Council resolution 1993/47) is scheduled to meet from 17 to 28 January 1994.

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

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Provisional agenda

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

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

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19. Advisory services in the field of human rights.
20. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.
21. 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.
22. Rights of the child, including:
  - (a) Status of the Convention on the Rights of the Child;
  - (b) Report of the Special Rapporteur on the sale of children;
  - (c) Programme of action for the elimination of the exploitation of child labour;
  - (d) Programme of action for the prevention of the sale of children, child prostitution and child pornography.
23. Election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.
24. Draft provisional agenda for the fifty-first session of the Commission.
25. Report to the Economic and Social Council on the fiftieth session of the Commission.

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THE 53 MEMBERS OF THE COMMISSION ON HUMAN RIGHTS  
50TH SESSION 31 JANUARY-11 MARCH 1994

WESTERN GROUP (10)	EXPIRY	LATIN GROUP (11)	EXPIRY
AUSTRALIA	1996	BARBADOS	1994
AUSTRIA	1996	BRAZIL	1995
CANADA	1994	CHILE	1994
FINLAND	1995	COLOMBIA	1994
FRANCE	1995	COSTA RICA	1994
GERMANY	1996	CUBA	1994
ITALY	1996	EQUADOR	1996
NETHERLANDS	1994	MEXICO	1995
U.K.	1994	PERU	1996
U.S.A.	1995	URUGUAY	1995
		VENEZUELA	1996

ASIAN GROUP (12)		AFRICAN GROUP (15)	
BANGLADESH	1994	ANGOLA	1994
CHINA	1994	CAMEROON	1996
CYPRUS	1995	COTE D'VOIRE	1996
INDIA	1994	GABON	1994
INDONESIA	1996	GUINEA-BISSAU	1995
IRAN	1994	KENYA	1994
JAPAN	1996	LESOTHO	1994
KOREA	1995	LIBYA	1994
MALAYSIA	1995	MALAWI	1996
PAKISTAN	1995	MAURITANIA	1996
SRI LANKA	1994	MAURITIUS	1995
SYRIA	1995	NIGERIA	1994
		SUDAN	1995
		TOGO	1995
		TUNISIA	1995

EASTERN EUROPEAN GROUP (5)	
BULGARIA	1994
HUNGARY	1996
POLAND	1995
ROMANIA	1995
RUSSIA	1994

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## List of previous mailings in 1993

September 21, 1993:

- List of members of the Human Rights, Women's Equality and Social Affairs Division
- Report on the Consultations between NGOs and EAITC in preparation for the 49th session of the CHR
- Report on the 49th session of the United Nations Commission on Human Rights, Geneva, February 1 - March 12, 1993

The World Conference on Human Rights:

- Vienna Declaration and Programme of Action
- Statement by Dorothy Dobbie, M.P., representing the Honourable Barbara McDougall, Secretary of State for External Affairs of Canada to the United Nations World Conference on Human Rights

October 27, 1993:

- Report on the United Nations World Conference on Human Rights, Vienna, June 14-25, 1993
- Statements made by members of the Canadian delegation to the World Conference on Human Rights

## Liste des envois antérieurs durant 1993

le 21 septembre 1993:

- Une liste de membres de la Division des droits de la personne, de la promotion de la femme et des affaires sociales
- Rapport sur les consultations entre les organisations non-gouvernementales et Affaires extérieures et Commerce extérieur Canada en prévision de la 49e séance de la Commission des droits de l'homme des Nations Unies
- Rapport sur la 49e session de la Commission des droits de l'homme des Nations Unies, Genève, 1 février au 12 mars 1993 -

La Conférence mondiale sur les droits de l'homme:

- La déclaration et programme d'action de Vienne
- Allocution de Mme. Dorothy Dobbie, Députée représentant l'Honorable Barbara McDougall, Secrétaire d'État aux Affaires extérieures du Canada à la Conférence mondiale des Nations Unies sur les droits de l'homme

le 27 octobre 1993:

- Rapport concernant la Conférence mondiale sur les droits de l'homme des Nations Unies, Vienne, du 14 au 25 juin 1993
- les allocutions des membres de la Délégation canadienne à la Conférence mondiale des droits de l'homme

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**CHECK AGAINST DELIVERY  
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**COMMUNIQUÉ DE PRESSE NO 07**

**ALLOCUTION DE  
S.E. MADAME LOUISE FRÉCHETTE  
AMBASSADEUR ET REPRÉSENTANT  
PERMANENT DU CANADA  
DEVANT LA 48IÈME SESSION DE  
L'ASSEMBLÉE GÉNÉRALE DES NATIONS UNIES**

**POINT 114:           QUESTIONS RELATIVES AUX  
(B) ET (C)           DROITS DE L'HOMME ET  
                          SITUATIONS RELATIVES AUX  
                          DROITS DE L'HOMME**

**NEW YORK, LE 3 DÉCEMBRE 1993**

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**PRESS RELEASE NO 07**

**STATEMENT BY  
H.E. MRS. LOUISE FRÉCHETTE  
AMBASSADOR AND PERMANENT REPRESENTATIVE  
OF CANADA BEFORE THE 48TH SESSION OF THE  
UNITED NATIONS GENERAL ASSEMBLY**

**ITEM 114:           HUMAN RIGHTS QUESTIONS AND  
(B) AND (C)           HUMAN RIGHTS SITUATIONS**

**NEW YORK, DECEMBER 3, 1993**

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Mr. Chairman,

The UN Charter obliges all governments represented here to take joint and separate action to promote "universal respect for, and observance of, human rights and fundamental freedoms for all". This debate is one measure of how well we are living up to this promise.

The picture emerging from these annual discussions is inevitably imperfect, based on reports from a few rapporteurs hampered by limited resources and often inadequate government co-operation, and supplemented by the observations of individual governments. Last year, I suggested our debate would be enhanced if it was based on an authoritative annual report by the Secretary-General. While continuing to promote this idea, we will contribute as best we can to discussions within the prevailing framework. However imperfect it may be, this debate plays a key role in reaffirming the commitment of the United Nations to the aspirations of the people we all represent.

The momentous global changes of recent years - the irrevocable turn to democracy in Latin America and East and Central Europe, and the emergence of more open, democratic societies in many other parts of the world - make the ideal of more effective international human rights protection more possible than ever before. Rapporteurs and Special Representatives of the Commission have been the linchpin of the UN's efforts in this regard, and deserve the full support of this Assembly; but their ultimate effectiveness turns on actions and attitudes in countries suffering human rights violations. Authorities which blatantly disregard basic rights and refuse co-operation with the international community must be left in no doubt of the General Assembly's censure.

- Events in the former Yugoslavia remain an affront to every international standard of human rights. Those responsible for the atrocities must be held accountable. Canada is committed to helping the newly-created international Tribunal and the Commission of Experts to carry out their mandates and bring to justice all war criminals in the former Yugoslavia. While a negotiated settlement accepted by all the parties is the only way to secure a lasting peace, we will continue to support the efforts of all those working to ease the suffering and improve the human rights situation in the former Yugoslavia, including the Special Rapporteur, Mr. Mazowiecki.

- In Haiti, the military and armed civilians under their control are directly responsible for a campaign of terror and the profound disruption of Haitian society. Breaking all promises made at Governor's Island they have blocked deployment of the UN mission and forced the departure of UN and OAS human rights observers. Canada supports all efforts by the international community to end this tragedy.

- In Iraq, widespread human rights abuses, particularly against the Kurds in the north and the Shiites in the southern marshlands, continue to be documented in reports from Mr. Van der Stoep and others. It is time to end the systematic oppression of the civilian population of Iraq. We call on Iraq to respect Security Council resolutions providing for humanitarian assistance and to introduce sweeping democratic reforms. The General Assembly should urge Iraq to co-operate openly with the Commission's Rapporteur and to implement his recommendations.

- This Assembly should also call for improved co-operation on the part of Iran, where the Commission's representative and others continue to document violations of the right to life, the authorities' repressive attitude towards women and continued discrimination against the Bahai community. The *fatwa* against British author Salman Rushdie remains an international outrage and an ever-deepening stain on Iran's international reputation.

- The Special Rapporteur on Burma must also be allowed to conduct his enquiries without hindrance by the government. The military dictatorship's continuing disregard for

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human rights and the democratic process remains unacceptable and we again call for the unconditional release of Daw Aung San Suu Kyi and other political prisoners. Canada encourages further efforts by countries of the region to promote reform in Burma, and would support an international embargo on the sale of military equipment to this country.

- Unfortunately, I must also underline once more our distress at Cuba's uncompromising refusal to co-operate with the Commission's Rapporteur. Canada recognises Cuba's efforts in the area of economic, social and cultural rights, but we must again express concern about the government's record on civil and political rights.

Mr. Chairman,

Many human rights situations that preoccupy the United Nations are tragically entangled in the ravages of war and civil strife. Conflict - whether external or internal in nature - does not excuse any party in authority from its fundamental human rights obligations. At the same time, recent international peace-making and peace-building successes have underscored the relationship between efforts to secure lasting peace and those to develop a foundation for enduring respect for human rights.

- the United Nations have played a crucial role in Cambodia; however, serious human rights violations continue, due to weaknesses in the judiciary system and civil administration, and human rights violations continue in areas still under the control of the Khmer Rouge. The presence of United Nations human rights staff in Phnom Penh deserves our full support.

- A year after the official end of the armed conflict in El Salvador, we can observe progress towards the establishment of a peaceful, democratic society. We recognise that free and fair national elections in 1994 are essential to confirm the success of the peace process. Therefore the politically motivated violence and intimidation witnessed over the past year must be brought to an end. These circumstances clearly warrant continuation of the mandate of the Special Rapporteur.

- In Somalia, through much of the territory the UN has been gratifyingly successful in establishing order, securing humanitarian relief and re-establishing society. However, levels of violence in Mogadishu suggest this success is tenuous. Without public order, clan reconciliation and effective civil structures, thousands of Somalis remain condemned to refugee camps or to live at the whim of warlords. UNOSOM's continued efforts must be supported.

- In the Middle East, a historic handshake and peace agreements presage the end of the Arab-Israeli conflict. Accompanying efforts by all parties to improve human rights records would foster permanent, systemic change in the Occupied Territories and the region as a whole. Syria, of crucial importance to regional stability, should be urged to improve respect for due process of the law and for the rights of religious minorities. We welcome recent releases of additional political prisoners, and we hope that Syria will honour recent laudable plans to eliminate barriers to travel abroad by Syrian Jews.

The United Nations and responsible regional organisations are confronted with an ever-increasing range of conflict situations and political disputes, internal and external. These situations pose a great challenge to evolving international institutions and to individual governments alike.

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- Canada has vigorously supported UN and regional initiatives to inspire meaningful peace negotiations in Angola, where UNITA refuses to accept the results of democratic elections and has thrown the country back into a devastating civil war.
- In Sudan, the continuing serious human rights violations fully justified the appointment of a Special Rapporteur and we urge the government to give him its full co-operation. We want to express in particular our concern with the lack of cooperation with international humanitarian relief efforts in Sudan, and the dislocations and devastation of whole communities. These actions have been used as instruments of war.
- Regional and UN efforts to resolve conflict and build foundations for human rights show greater progress in other parts of Africa. In Rwanda, the Arusha agreement which ended three years of armed conflict should favour a greater respect for human values; and the presence of a UN force should ensure its application. In Liberia, the Cotonou accord ended a longer and bloodier civil war. The UN is working with West African peace-keepers, but it will be a challenge to hold free elections by March and bring the first major peace-keeping effort of the OAU to a successful conclusion.
- For Canada, the situation in Peru remains of concern and we fully support all efforts, including those of the OAS, to influence developments and eliminate human rights abuses committed both by terrorist organisations and official institutions. The people of Peru voted on October 31 for a new constitution. We hope that this legal framework will encourage Peruvian institutions and people to carry on the efforts made so far to ensure a return to democracy and the elimination of violence and human rights abuses.
- Canada remains concerned by the human rights situation in Guatemala. We urge both the Guatemalan government and the U.R.N.G. to find the political will to resume peace negotiations to end Central America's longest standing armed conflict. Conscious of the enormous challenges facing the administration of President Ramiro de Leon Carpio, we reiterate our own support for the constitutional civilian government's efforts to promote respect for human rights and democratic development.
- The international community should actively encourage a negotiated peace in Sri Lanka and the continuation of the government's reform program. At the same time, serious human rights abuses by certain elements of the security forces and Tamil secessionists continue. We encourage the government to continue steps towards improving the human rights situation, in co-operation with the international community. We call on all parties to respect human rights.
- We continue to be concerned by violence perpetrated in Kashmir. Canada welcomed the peaceful resolution of the occupation and siege of the Hazratbal Muslim shrine, and is encouraged by the announcement of renewed bilateral talks. The Indian government must ensure a full and transparent investigation of the events of October 22. The welcome progress with respect to the establishment of a human rights commission needs to be buttressed with increased access for media, international organisations and other observers to troubled areas.
- Canada remains concerned about Indonesia's approach to human rights, particularly in East Timor. Recent measures taken by Indonesia, including the establishment of a National Commission on Human Rights, have been encouraging. We urge further steps to reassure the international community of the government's commitment to human rights, such as improved access for international NGOs and continued progress in UN-sponsored discussions on East Timor.

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Mr. Chairman,

On a recent visit to Canada, the Secretary-General observed that "Democracy is the best guarantee of peace". A number of situations that preoccupy the international community further underline the crucial relationship between genuine democracy and broader respect for human rights; others demonstrate that democratic elections, while a crucial measure, do not in and of themselves suffice to ensure full observance of fundamental rights and freedoms.

- The recent democratic elections in Pakistan are welcome, as is the new government's commitment to strengthening the democratic process and improving the human rights situation. We encourage the government to address a range of human rights problems reported by a number of credible human rights organisations.

- While Canada is encouraged by the improvement in respect for human rights in Vietnam over the past few years. Those seeking full expression of their political and religious beliefs continue to be treated harshly and are imprisoned under laws which do not guarantee due process. Such treatment of religious leaders and political activists remains a serious concern.

- Even though the human rights situation in China has improved since 1989, we are nevertheless concerned that a number of dissidents remain incarcerated for having voiced their opinions in a legitimate fashion. Equity and transparency are lacking in judicial proceedings. Also, we note a lack of improvement in the human rights situation in Tibet.

- Burundi had offered the inspiring example of an incumbent president accepting defeat at the polls and handing power smoothly to his elected successor. Most regrettably, the recent coup attempt and assassination of President Ndadaye, and the ensuing massacres have halted this short-lived democratic experiment. It must be resumed.

- One of the greatest disappointments of the past year was the annulment of Nigeria's presidential election, followed by the recent military takeover and dissolution of all democratic institutions created since 1988. Further military intervention cannot solve this crisis. We continue to call for a rapid resumption of the democratic process. Nigeria's place in Africa deserves no less.

- In Zaïre, credible reports from Amnesty International and others have documented numerous gross and systematic violations of human rights, more particularly in the provinces of Shaba, Kivu and Kasai, as well as impediments to democratic progress in the country as a whole. In 1994, the Commission on Human Rights should consider what further action would be appropriate to address the serious situation existing in Zaïre.

Mr. Chairman,

Some people claim that this debate has turned into a North-South ideological dispute. We don't believe this. Human rights are not the concern of any particular part of the world; every region has countries which are human rights defenders, as well as countries where there are serious human rights situations. In this context, I would like to make three brief observations:

- First, time does not permit here a detailed review of the progress towards greater respect for human rights in all parts of the world - Latin America, Africa, Europe and Asia. But an objective view of today's world clearly does not support the hypothesis that human rights constitutes a North-South divide.

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- Second, Canadians have been no more dismayed about the many situations I have mentioned than they have by the rise of new forms of racism and extremism in parts of Eastern and Western Europe. At the same time, we have been impressed with the manner in which citizens of those regions have consistently and strongly reiterated their determination to resist such developments. All societies are susceptible to the evils of racism and extremism: governments which are determined to deal with such problems deserve the international community's support.

- Third, Canada has on various occasions been criticised by human rights treaty bodies for its performance on one count or another. We have not always agreed with the specific conclusions of such committees; but our approach has been to co-operate and maintain a fully open dialogue with UN authorities. We are convinced that if all governments would co-operate and maintain such a dialogue, there would be less need for this debate.

Mr. Chairman,

I want to conclude by observing that our deliberations this year assume special importance as they occur shortly after the Vienna World Conference on Human Rights.

All 171 States represented in Vienna endorsed the human rights principles defined in the Universal Declaration and other major instruments, and reaffirmed the duty of all States, regardless of their political, economic or social systems, to protect those rights. And in affirming the crucial linkages between human rights and the other central purposes of the United Nations, they embraced a vision set out for the Organisation by Secretary-General Boutros-Ghali last year: that of "an integrated approach to the objectives of peace, democracy and human rights and the requirements of development". The Secretary-General's subsequent call, in a speech in Québec, for "a new diplomacy for democracy and human rights" stands as a fitting challenge to all of us as we take up the task of follow-up to Vienna.

The outcomes of Vienna represent considerable achievements indeed, but their ultimate significance can only be assured through action by relevant organs, such as the Commission on Human Rights, the Commission on the Status of Women, and the human rights treaty bodies, to which so many of Vienna's specific recommendations were directed.

Much responsibility rests also with this Assembly, where the most immediate, crucial challenge lies in our work to create a High Commissioner for Human Rights. International human rights institutions have marked many advances in recent years, but they remain fragile and limited in reach and in overall impact. A High Commissioner, endowed with appropriate stature, authority and resources, will bring the needed co-ordination and renewal to these institutions.

We cannot miss this historic opportunity to translate the promise of Vienna into reality. Canada pledges its continued co-operation to all in seeking to bring this to pass.

Thank you, Mr. Chairman.

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## HUMAN RIGHTS SITUATION IN ANGOLA

### ISSUE

Angola's humanitarian crisis and deteriorating human rights situation are of great concern to the Canadian Government. Not only is civil war once again destroying this potentially prosperous nation, but the manner in which international efforts to establish democracy and national reconciliation were derailed, is a setback to the promotion of democratic development in Africa.

### BACKGROUND

Following independence from Portugal in 1975, rivalry between the MPLA government and UNITA culminated in a sixteen year civil war that left one-third of the population displaced and hundreds of thousands dead. Under pressure from the United States and Russia to resolve the conflict, direct negotiations under Portuguese mediation began in April 1990, and resulted in the signing of the Bicesse Accords of May 31, 1991. The Accords provided for a cease-fire, the deployment of the UN Angolan Verification Mission (UNAVEM), the creation of a national army and multiparty elections in September 1992.

The MPLA won the elections which the United Nations declared to have been generally free and fair. However, UNITA refused to accept defeat, challenged the legitimacy of the elections, and threw the country back into civil war. UN organized negotiations in Addis Ababa in February and Abidjan in April failed to resolve the political impasse. In September, the UN Security Council imposed sanctions against UNITA (covering the sale or supply of arms and petroleum products) due to UNITA's failure to comply with previous resolutions demanding that they refrain from further military action and return to the peace process. Peace talks have resumed in Lusaka, however progress has been slow due to the deep mistrust that exists between the two sides.

The human cost of the war continues to escalate. The UN estimates that over 1,000 people are dying each day with over three million Angolans (one third of the population) in need of immediate assistance. The country has been saturated with an estimated nine million land mines, resulting in Angola having the highest per capita number of war amputees. Perhaps most significantly, health services and nutrition levels have suffered to the extent that UNICEF now lists Angola as having the highest child mortality rate (under 5 years of age) in the world with 292 deaths per 1000 live births. Since the resumption of hostilities in January 1993, there have been numerous reports of human rights violations and atrocities committed by both the government and UNITA .

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CANADIAN POSITION

Canada supports the efforts of the United Nations to reactivate the peace process in Angola. We continue to urge both UNITA and the Government of Angola to respect the terms of the Bicesse Accords of May 1991 and abide by the results of the elections held in September 1992. Sanctions have been imposed against UNITA in accordance with UN Security Council Resolution 864 of September 15, 1993. At the UN World Conference on Human Rights, a resolution condemning the human rights situation in Angola was one of two country-specific resolutions that were adopted by the Conference by consensus.

Canada has made representations to both the government and UNITA urging them to respect international human rights and humanitarian standards, and to facilitate the delivery of humanitarian assistance to the victims of the conflict. Among the issues raised were the safety of non-combatants, the treatment of detainees, extrajudicial killings and security guarantees for the delivery of humanitarian assistance by international organizations.

Canada's humanitarian assistance efforts are continuing. Thus far in 1993, CIDA has channelled over \$2 million in humanitarian aid through multilateral organizations, such as UNICEF and the International Committee of the Red Cross, and provision has been made for food aid for Angola pending a new request from the World Food Program. A CIDA team visited Angola in November to assess Canada's relief efforts and prepare recommendations for further assistance.

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January 1994

## HUMAN RIGHTS SITUATION IN ALGERIA

### ISSUE

Algeria is experiencing a turbulent period marked by increasing violence, discontinuation of the democratic process, and deteriorating human rights and economic conditions.

### BACKGROUND

After having initiated a process of economic and political liberalization, Algeria is now experiencing internal difficulties at the political, economic and security levels; these have worsened over the past two years. The state of emergency proclaimed in February 1992 has been extended indefinitely as a result of the Islamic terrorist campaign. These difficulties began with the annulment of the legislative elections in January 1992. The escalating violence, attributed mainly to illegal Islamic groups, has claimed about 2,000 victims. Confrontation between the authorities and armed Islamic groups has dominated the domestic scene and pushed prospects of renewing the democratic process further into the background. Negotiations have been started between the authorities and the political parties, with the exception of the now outlawed Islamic party, in an attempt to reach a political consensus and defuse the crisis.

With violence escalating, an anti-terrorist law was introduced in 1992 establishing a legal framework for the fight against terrorism. It outlined the conditions under which presumed terrorists might be arrested and detained, and instituted special tribunals. Application of the anti-terrorist law has been criticized for resulting in human rights abuses, including mistreatment, torture and hasty judicial procedures. Realizing that excesses have occurred, the authorities have pledged to correct them, mainly through the Observatoire National des Droits de l'Homme, an official human rights monitoring agency.

The deteriorating human rights picture has been reflected in the increasing number of politically-motivated murders. Several members of the press, intelligentsia, judiciary and political ranks have been the target of terrorist attacks.

### CANADIAN POSITION

Canada has encouraged Algeria to introduce political and economic reforms in the interest of liberalism and democracy. We are aware of the difficulties facing Algeria in this area. Canada is concerned about the increase of violence and terrorism, and about the resultant deterioration of human rights. It has conveyed its concerns to the Algerian authorities.

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December 1993

## HUMAN RIGHTS SITUATION IN BURUNDI

### ISSUE

The attempted coup d'état which resulted in the death of President Ndadaye on 21 October 1993 triggered a wave of ethnic massacres that resulted in over 100,000 deaths, in addition to causing 800,000 Burundians to take flight for the neighbouring countries and rendering 200,000 homeless within the country. These atrocities represent one of the worst examples of human rights violations of our time. The excesses of the putschists were also responsible for interrupting a democratic process that could have served as a model not only for Central Africa but for the whole continent.

### BACKGROUND

The assassination of President Ndadaye, by rebel elements within the army, gave rise to massacres of Tutsis (15% of the population, but quite evident in the army) by the Hutus of the interior, seeking to avenge themselves of the death of their elected leader, the country's first-ever Hutu President. The army, seeking to protect the Tutsi ethnic minority in the interior, used their superior weaponry against the Hutus, the peasant element of which, although apparently under solid leadership, had only machetes and spears as weapons.

Although the worst part of the massacres was short-lived, they did not end completely until December 6, 1993, the day of the President's funeral. This was also the first time that members of the government ventured forth out of the hotel that it was using as its shelter. The situation has quietened down but remains very tenuous. The authorities have appealed to an international protective force, but the UN Security Council, which has just undergone some difficult experiences in Somalia, Haiti and Bosnia, is no longer prepared to deploy forces for extended periods of time. In November, the Security Council issued a presidential statement calling on the Secretary-General to designate a small team to facilitate efforts of Burundi and the OAU to resolve the crisis. For its part, the OAU is prepared to deploy an African force, but needs logistical and financial support. The power vacuum that has prevailed since the attempted coup does not lend itself to the restoration of the climate of confidence required for the return of the refugees and displaced persons.

### CANADIAN POSITION

Canada strongly condemned the attempted coup on the very day that it occurred. It has distributed \$3 million in humanitarian aid to assist the refugees in the neighbouring countries, and the displaced persons in the interior. However, Canada is aware of the urgent need to establish a climate of security to protect the devastated populace, and to enable the refugees and displaced persons to return safely. With this in mind, it has asked its Ambassador accredited to Burundi to representations to the Prime Minister.

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## HUMAN RIGHTS SITUATION IN CAMEROON

### ISSUE

Cameroon is a country where human rights violations are neither systematic nor flagrant, but where isolated miscarriages and abuses do occur. Continued vigilance is necessary.

### BACKGROUND

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

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

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

However, since the electoral system allows for a multiplicity of parties and candidates, the former governing party and the former authoritarian President registered narrow victories. The opposition, feeling swindled, expressed its disagreement, triggering a repressive reaction on the part of the government, which decreed a state of emergency in one region, and placed John Fru Ndi, the second place presidential candidate under arrest. The subsequent appointment of a national union government stabilized the situation. However, international funding agencies are waiting for concrete evidence that Cameroon indeed plans to adopt policies and practices more respectful to human rights. Discontinuation of the state of emergency in December 1992 was an important first step in the right direction.

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Throughout 1993, disturbing incidents continued to be reported. The opposition is regularly harassed by the police which makes liberal use of a law which allows recourse to unlimited powers of administrative detention. Students and strikers are severely suppressed. Extortion is rampant and the perpetrators rarely disciplined or brought to justice. Five years of economic crisis has fanned criminality. Press liberty is problematic. Television and radio is a government monopoly. Censure of private newspapers has intensified but several remain highly critical. Any public activity requires prior authorization which is often refused to the opposition. The legal system is subject to multiple pressures which cast serious doubts on its independence.

### CANADIAN POSITION

Canada has been very active in the Cameroonian human rights situation. It has been especially active in the electoral field, having sent technical expert Louis Massicotte in November 1991. Canada also sent observers to the parliamentary elections of March and the presidential election of November 1992. Numerous irregularities, especially in the presidential election, make it impossible to vouchsafe the credibility of the announced results. Minister Landry met with Cameroonian Foreign Minister-delegate Nkwain, and publicly expressed Canada's concern over the presidential election and the repressive actions which followed. The lifting of the state of emergency, the liberation of John Fru Ndi and the constituting of a government of national unity largely satisfied Canada's post-electoral preoccupations. Nevertheless, Canada has maintained the pressure throughout 1993, protesting the repression of student activities, meeting government and opposition leaders and exhorting them to act responsibly, and funding the presence of the national president of the Cameroonian Human Rights Committee at the Vienna meeting of national human rights organizations held in parallel with the World Conference on Human Rights in June 1993. Cameroon can have no doubt as to the importance Canada attaches to the advancement of human rights, good governance and democratic development.

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December 1993

## HUMAN RIGHTS SITUATION IN EQUATORIAL GUINEA

### ISSUE

Having been governed by successive oppressive regimes since 1968, the government of President Obiang has begun to make some timid gestures in favour of a more open regime. However, elections held in November 1993 were a "farce" and human rights violations of the most pernicious kind continue.

### BACKGROUND

Ruled by tyrants, scarred by malaria, isolated by geography and language, Equatorial Guinea has had a bloody history. Under the sanguinary hand first of Macias, responsible according to some estimates for the murder of 40,000 people, including 21 cabinet ministers over eleven years, and later of Obiang, his nephew's brother, who maintained his villainous repression, Equatorial Guinea has reached the bottom in almost every measure of quality of life.

Faced with the tide towards democracy in the 1980's, Obiang abandoned military rule in 1982 and formed a civilian government. In 1986, he allowed the formation of a single political party, his own. In 1991, he permitted the introduction of a multi-party system but harassment, arbitrary arrests, torture, especially of political opponents, persisted. Multi-party elections were set initially for September 1993 but were postponed until November. Several donor countries tried to intervene to ensure a reasonable expression of political opinion during the campaign but were unsuccessful. Fearing fraud, half of the legalized parties eventually boycotted the poll. Results have been slow to appear but many observers have, nevertheless, characterized the election as a farce. Opposition leaders fear a clampdown immediately after the election which they expect Obiang to win one way or another. Obiang, on the one hand, will certainly claim that the election has legitimized his grip on the nation. Some donors may, on the other hand, react to his election with a cut in aid which, because of its dependency of foreign aid, would have an important impact on the Equatorial economy.

The overall human rights situation remains sombre. Arbitrary arrests and summary executions were reported again in 1993. Civil and political rights are not respected. Opposition opinion is not tolerated. Discrimination, especially against foreigners like Nigerians, is rampant. Economic, social and cultural rights are rudimentary.

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At the 49th session of the Commission on Human Rights, a consensus resolution was adopted expressing the Commission's concern about the human rights situation in Equatorial Guinea. The resolution requested the appointment of a Special Rapporteur with a mandate to make a "thorough study of the violations of human rights by the Government of Equatorial Guinea". Over the past several years, the efforts of successive Commission appointees have had no significant impact on the situation.

### CANADIAN POSITION

Canada is accredited to Equatorial Guinea through our mission in Gabon but on-site visits are rare. Information is difficult to obtain and impossible to verify. Nevertheless, Canada deplores the horrific culture of political persecution and oppression which has stunted the development of this unfortunate country. Although our influence in Equatorial Guinea is minimal, Canada does take all appropriate occasions to bring its views on democratic development and good governance to the attention of Equatorial authorities.

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## HUMAN RIGHTS SITUATION IN KENYA

### ISSUE

Though Kenya's record on human rights remains among the best in Africa, the situation declined in 1993.

### BACKGROUND

Some aspects of how the Government of Kenya (GOK) approaches human rights give cause for concern. The GOK acted less than conclusively to stop the ethnic violence in the Rift Valley in 1993, which led to as many as 1,000 deaths this year and affected a further 250,000 people. There has been a similar absence of public security in other areas. Police officers, who are poorly trained and under-educated, often overstep their mandate with verbal or physical abuse. Courts have begun to award damages for false imprisonment.

The judiciary is relatively independent and professional. Appointments to the bench, however, are subject to an imbedded system of influence and financial benefits. Very few politically high profile judgements go against the GOK, but opposition lawyers do not think there is overt state interference in the process.

The governing KANU party won the 1992 elections which, while flawed, generally reflected the people's will. Unfortunately, confrontational politics have thwarted multiparty government and constructive opposition. The right to form political parties is assured; however, the right to peaceful assembly is severely limited in practice. Permits for public gatherings are often granted only to be cancelled at the last minute. Political gatherings that do occur are frequently disrupted and speakers are often harassed.

The Kenyan government tolerates a significant range of opinion and criticism in the press. The electronic media are either controlled by or sympathetic to the GOK. Newspapers are increasingly free to print a variety of views, but unofficial limits remain on stories about ethnic strife or the personal wealth of the President, his family and his political supporters. Highly politicized magazines continued to be harassed through the seizing of issues, immobilizing of printers and charging of journalists with sedition.

Economic, social and cultural rights are recognized as goals of public policy. Primary and secondary schooling, in particular, are highly valued and widely available. However, many if not most Kenyans have a poor standard of living, including inadequate food, clothing, housing and health care.

There is no state-sanctioned or systematic intolerance based on creed, language, race, sex or ethnic origin. This does not preclude individual prejudice inside or outside the government. There are at least 43 different ethnic groups in Kenya, and an acute awareness of ethnic origin and the ties of family, clan and group.

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Women's rights are insufficiently protected. Women are expected to defer to men, and to perform arduous home-making and farm labour. Polygamy and lack of access to property are both issues for rural women. Physical abuse is not condoned but is a problem. Genital mutilation is still practised illegally, the incidence and severity varying according to tribal custom. Women constitute 52% of voters, but only six women won seats in the 1992 election. In contrast to more progressive elements in relatively affluent and educated Nairobi, the countryside remains conservative. Conditions endured by Somali refugee women in camps near the Kenya-Somalia border are very poor, with many women and children falling victim to sexual violence.

The number of street children, many of whom are from broken or abusive homes, has grown considerably. Since the economy is not expected to create many new jobs, and these children are not in school, they face a grim future. Many Kenyans are aware of this growing issue; privately funded assistance efforts, such as UNDUGU, have seen some success.

Disabled persons' needs are discussed by the press, lobby groups and NGOs and sometimes by the government: in 1992, Kenya hosted a major international conference on rehabilitation. Kenya is a poor country, so the needs of the disabled are not adequately addressed.

### CANADIAN POSITION

In November 1993, the Paris consultative group (CG) meeting of Kenya's major aid donors reviewed Kenya's efforts to reform its economic and political institutions. Canada participated in this meeting and, in concert with other donors, acknowledged progress in economic and political reforms while also expressing concerns for human rights abuses, ethnic conflict and the need for further democratic development to ensure an efficient, honest, corruption-free and transparent government. The CG subsequently announced an end to the two year freeze on new aid projects. Kenya will now gain access to roughly US \$680 million providing it continues its programme of economic and political reforms.

Canada is pleased by Kenya's progress in political reform, though we would like to emphasize the necessity of pressing on with this reform, and the centrality to democracy of meaningful press freedom. Canada is very concerned about the persistence of ethnic violence, and welcomes the GOK's recent definitive move to act impartially in restoring order.

We appreciate the great burden on Kenya of refugee populations from neighbouring countries. Canada has already contributed \$3 million through the World Food Programme, and will continue to respond to feasible requests for humanitarian assistance. Recently Canada made a substantial donation to a UNHCR effort to assist Somali victims of sexual violence in refugee camps in Kenya.

At CHR 49, the Chairman announced that the Commission had decided to discontinue consideration of the human rights situation of Kenya under the 1503 confidential procedure.

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December 1993

## HUMAN RIGHTS SITUATION IN LIBERIA

### ISSUE

A long and brutal civil war ended with a fragile peace settlement last summer that continues to hold, but further international assistance will be needed to help bring it to a successful conclusion in the face of major challenges.

### BACKGROUND

Liberia was founded by freed American slaves in 1822 and became independent in 1847. The local tribes' longstanding resentment of the more affluent settlers' descendants came to a head when Master Sergeant Samuel Doe ousted President William Tolbert in a bloody coup in 1980 and launched a decade of brutal dictatorship.

Charles Taylor's December 1989 rebellion against Doe ultimately toppled him, but plunged Liberia into a horrific civil war that caused 20,000 combat deaths while 40,000 starved and 700,000 refugees fled. In August 1990, the Economic Community of West African States (ECOWAS) sent Nigerian-led peacekeepers who held the capital Monrovia, installed an interim government of national unity (IGNU) of Liberian parties there, and imposed a ceasefire.

Taylor had 80% of Liberia and felt cheated of power by ECOWAS. Through 1991 and early 1992, he let a few peacekeepers deploy but repeatedly failed to honour agreements to encamp and disarm his fighters so elections could proceed. His initial popularity waned due to human rights abuses by his undisciplined troops. While some of Taylor's enemies formed the United Liberation Movement (ULIMO), his National Patriotic Front of Liberia (NPFL) sold resources to rearm for a second try for power.

In late summer 1992, ULIMO took west Liberia from NPFL. Taylor expelled ECOWAS peacekeepers from the rest of his territory and attacked Monrovia in force in October, causing 10,000 new deaths and 200,000 new refugees. ECOWAS imposed sanctions and doubled its peacekeeping force. The UN imposed an arms embargo and named a mediator. The regional force by April 1993 recaptured NPFL's key airport, seaport and railway as well as its plantations, and with the loss of half his land Taylor reopened talks via the UN.

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The Cotonou Accord in July created a transition government of IGNU, NPFL and ULIMO led by Philip Banks until elections in March 1994, to take office once all factions encamped and disarmed to a reconfigured peacekeeping force with new African contingents and UN observers. While relief aid flowed to hungry refugees, the slow deployment of the UN Observer Mission in Liberia (UNOMIL) and the late arrival of new African peacekeepers delayed the disarmament of factions until January and elections until May. However the ceasefire continues to hold barring a few skirmishes.

### CANADIAN POSITION

As Liberia was neither in the Commonwealth nor la Francophonie, Canada was traditionally not directly involved. Bilateral ties were minimal, aid was limited to small NGO projects, and consideration of a draft tax treaty was abandoned in light of human rights concerns.

During the civil war, the human rights situation was unbelievably bad. There were at least two massacres of over 500 people each, and many smaller ones committed by all sides. Civilians, notably women and children, bore the brunt of atrocities far more than soldiers. One of the most distressing aspects of the war was the use of heavily drugged boys as young as 10 as soldiers, largely but not exclusively by the NPFL. Less dramatic but more widespread was acute famine and malnutrition found in several areas controlled by NPFL and ULIMO. While Canada and others were appalled and spoke out at times about these abuses, the attention of the international community was engaged elsewhere, and until recently they did not receive the consideration they deserved. It is thus all the more important to prevent them from occurring again by supporting the peace settlement.

Since the civil war began, Canada has provided over \$22 million of humanitarian and food aid for Liberians through UN agencies, the Red Cross and church groups. Canada also sent an electoral expert in March 1992 when a fall vote seemed possible. In order to help the Cotonou Accord succeed, Canada will maintain and if possible increase its relief aid, and will be ready to offer electoral assistance when needed.

After the war flared up again in 1992, Canada considered that the UN should help ECOWAS bring the world's first serious regional peacekeeping effort to a successful conclusion, by providing a few military observers and technical experts to improve its impartiality and effectiveness. The alternative of letting ECOWAS fail would entail the UN having to take over outright when it could hardly afford to. The creation of UNOMIL was exactly what we had in mind.

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December 1993

## HUMAN RIGHTS SITUATION IN MALAWI

### ISSUE

Since 1992, Malawi has been in the process of a transition from one of Africa's remaining single party dictatorships and a serious human rights offender, to a country on the road to multiparty democracy and respect for fundamental rights and civil liberties.

### BACKGROUND

The transition began early in 1992. Public opposition to the Banda regime grew steadily after the publication of a pastoral letter by Catholic bishops calling attention to poverty and oppression in Malawi, and gained momentum with the arrest in April of Chakufwa Chihana, a labour unionist and founder of the Democratic Alliance of Malawi. Pressure for reform from the international community increased with the suspension of aid in May 1992.

In response to combined domestic and international demands, a referendum on multiparty democracy was called. In the run-up to the referendum, the notorious *Preservation of Public Security Act* was modified, limited freedom of the press and freedom of assembly were introduced, opposition pressure groups were legitimized and some political exiles were released. The referendum was held on 14 June 1993 and a clear majority of Malawians voted in favour of political change. In the aftermath of the referendum, remaining political detainees were released from prison, amnesty for all political exiles was declared, an independent press suddenly flourished, political parties were legalized, and an all-party monitoring group, the National Consultative Council, was created. A cooperative relationship has been established between the government and the opposition to implement the transition to multiparty democracy. Elections are tentatively scheduled for May 17, 1994.

Malawi's respect for civil liberties and the integrity of the person improved markedly over the last year, especially in relation to past excesses. Malawi has not yet ratified the International Covenant on Civil and Political Rights. However, in preparing for a new multiparty constitution, the National Consultative Council (NCC) has been working on amending articles of the constitution inconsistent with international human rights standards. A donor funded Legal Resources Centre focussing on human rights promotion has been established. Amnesty International was permitted to make its first visit to Malawi in November 1993.

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CANADIAN POSITION

At the Consultative Group meeting for Malawi in May 1992, the Canadian delegation put on record its view that Malawi's human rights record was unacceptable, and bilateral aid was consequently suspended. Throughout 1992 several demarches were made to Ministers on behalf of prisoners of conscience Orton and Vera Chirwa, both before the death of Mr. Chirwa in October 1992, and thereafter to secure the release of Mrs. Chirwa. The High Commission also made numerous interventions to seek the release from prison of Opposition leader Chakufwa Chihana, imprisoned for treason.

Canada has continued to play an active role in addressing human rights issues in Malawi in 1993. In March, Prime Minister Mulroney addressed a letter to Life President Banda, principally on human rights issues. Messages of a similar nature have been delivered to Malawian ministers and officials on several other occasions. Canada is encouraged that preparations for the May 17 elections are preceding according to schedule and we will monitor them with great interest.

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## HUMAN RIGHTS SITUATION IN NIGERIA

### ISSUE

The retroactive annulment of the presidential election in June, followed by a military takeover and dissolution of all previously elected institutions in November, are a major setback cancelling five years of acceptable democratic progress. Hopes now turn to a constitutional conference promised for February/March. Economic and other rights continue to languish in an unfavourable climate.

### BACKGROUND

General Ibrahim Babangida's military régime, in power since 1985, held presidential elections in June to cap a democratic transition that comprised a Constitution and local, state and parliamentary elections since 1989. Chief Moshood Abiola (Social Democrat) won 58 percent of the popular vote and 19 of 30 states, in what foreign observers considered Nigeria's cleanest vote since independence in 1960. Babangida annulled the election and, despite stiff protests at home and abroad, handed power in late August to an unelected interim government under Chief Ernest Shonekan. While Abiola fled the country in fear of his life to seek Western support, Shonekan freed human rights and media detainees to gain credibility and promised fresh presidential elections in February.

During the fall Abiola returned safely, but it became clear that there was no consensus to hold fresh elections and the country was drifting. When Shonekan's government was ruled illegal in a court and set off riots by raising fuel prices sharply, defence minister General Sanni Abacha took power in a bloodless coup November 17. He dismissed parliamentary, state and local elected officials and banned democratic rights and parties. However he named a number of Abiola allies to Cabinet and pledged to restart the democratic process with a constitutional conference in February/March. Human rights leaders seem inclined to participate if the conference is reasonably representative of society and free to deliberate.

Nigeria also suffers from several other human rights problems. The judiciary lacks independence: pending court challenges were simply pre-empted when the June election was annulled. Minority rights of the Ogoni tribe are trampled: it bears many of the burdens of oil production but reaps few of the benefits, and spokesman Ken Saro-Wiwa's campaign for a fairer deal has been harshly repressed. Good governance (transparency, accountability, probity) is lacking with regard to large oil revenues, much of which go to maintain the military/security apparatus. Nigeria was severely affected by falling oil prices in the 80s, but limited economic reforms have since lost momentum, available debt relief has not been earned, and foreign investment has been turned off by endemic corruption, fraud and crime. The American NGO Freedom House dropped Nigeria from "partly free" to "not free" in its latest report.

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## CANADIAN POSITION

Two Canadian electoral experts, Joanne Waugh and Dwight Fulford, joined our diplomats in observing the June presidential election. As the only Western country to send such experts, Canada was well placed to endorse the general conclusion that the election was free and fair. During the summer, Canada strongly condemned the annulment of the election, and called for immediate diplomatic access to detained human rights leaders and journalists. Canada also suspended Nigeria's eligibility for military and police training assistance, and cancelled an incoming visit by the Nigerian Institute of Strategic Studies. In September, the former Secretary of State for External Affairs received Chief Abiola in Ottawa, spoke out for the restoration of democracy and Abiola's safe return, gave him a copy of the election observers' report and arranged for him to meet Parliamentarians of all major parties.

Foreign Affairs Minister André Ouellet was quick to condemn General Abacha's military takeover and dissolution of all democratic institutions in November. He indicated that Canada's new government would maintain the previous measures and watch further developments in Nigeria closely.

Previously Canada's substantial relations with Nigeria had covered the full range of international activity, backed by personal and institutional contacts, a shared federal structure and active participation in the Commonwealth and the UN. Nigeria looked to Canada as a model in fields as diverse as environment and disarmament, and many government officials visited to study Canada's democratic institutions. Given this background, Canadian expertise might be relevant to the Nigerians in the context of the coming constitutional conference.

Canada's modest aid program is centred on NGOs and universities, as well as urban and rural water-supply projects of which the latest is for Ondo State. Canadian aid totalled \$4.3 million in 1991-92, including multilateral channels. As all of it goes directly to the Nigerian population without passing through the federal government, Canada unlike some other donors has not cut aid in response to the recent setbacks.

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December 1993

## HUMAN RIGHTS SITUATION IN RWANDA

### ISSUE

The October 1990 attack by the Rwandan Patriotic Front (FPR) produced a climate of civil war that has resulted in numerous civil rights violations. The situation improved considerably in 1991, especially since the signature of the peace accords in Arusha last August, but it remains fragile. The deployment of a UN force should enable the expanded government to function during the transition period.

### CONTEXT

The situation of latent war that followed the FPR attack in 1990 has not done much to improve respect for human rights. The ceasefire concluded in the summer of 1992 has enabled a measure of detente to take place, but the difficulties over the peace negotiations provoked a new FPR attack that increased the number of displaced persons from 350,000 to nearly a million. Adding to this the 400,000 new refugees in Burundi, one can easily understand the country's distress.

The thorny peace negotiations that lasted almost a year finally led to an accord signed, after a few delays, in Arusha, Tanzania on August 4, 1993.

The UN multinational force that has begun to arrive in Kigali will enable the French soldiers to leave and will make it easier to set up an expanded transitional government. The authorities are understandably nervous about the 37 confirmed recent murders, and fear a coup attempt in the wake of Burundi's disorders.

### CANADIAN POSITION -

On various occasions, Canada has encouraged President Habyarimana to make realistic concessions to reach a peace accord, as it did with General Kanyarengwe, the FPR leader, on his visit to Canada. Canada also loaned Commander Dallaire to the United Nations force in Rwanda (UNAMIR) to assist in the application of a peace accord. Canada has provided \$2 million in humanitarian aid to Rwanda for two consecutive years. Since its soldiers are dispersed throughout the world, Canada finds itself unable to contribute any more to the UN peacekeeping force. Canada should be able to participate in observing the next elections, whenever they take place. The International Centre for Human Rights and Democratic Development provided two observers to the International Human Rights Commission which visited Rwanda about a year ago.

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At the 49th session of the Commission on Human Rights, the Canadian delegation participated actively in the confidential 1503 proceedings on Rwanda.

A presumed Rwandan human rights violator, who was living in Canada, was expelled in September 1993 after being found guilty of uttering death threats to some of his compatriots. Another presumed violator is being investigated by the Department of Immigration.

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December 1993

## HUMAN RIGHTS SITUATION IN SOMALIA

### ISSUE

The human rights situation in Somalia, while improved since last year, remains wholly unacceptable.

### BACKGROUND

The famine conditions that precipitated international intervention were dealt with decisively, and for several months there was relative calm throughout the countryside. The United Nations Operation in Somalia (UNOSOM) has set up several regional and district councils, yet there is no functioning national civil authority in Somalia. Abuses of human rights by gangs and factions remain largely unaccountable. The defensive posture and possible change of mandate of UNOSOM mean there could even be a resumption of full-scale civil war. When the USA removes its remaining forces by 31 March 1994, the sustainability of the operation will be uncertain.

As the government collapsed and the war-induced famine unfolded, armed gangs in Somalia obstructed the international aid effort and prevented food from reaching many of those in need. Because of this intolerable situation, the UN Security Council in its Resolution 794 of December 3, 1992, approved the use of all necessary means by UN member states to provide a secure environment for humanitarian relief operations in Somalia. The USA-led Unified Task Force (UNITAF) worked to establish public order, and safeguarded humanitarian aid flow such that hundreds of thousands of Somalis were saved from starvation. The second phase of UNOSOM, initiated this summer, took over from UNITAF in pursuit of the interdependent goals of security, humanitarian relief and political reconciliation.

The scope of the emergency is difficult to quantify. Some one million Somalis fled their country due to the civil-strife and humanitarian catastrophe, and at least 300,000 have died since the beginning of the emergency. Perhaps as many as 800,000 Somali refugees are at present in neighbouring countries such as Kenya, Ethiopia, Djibouti and Yemen, and many have taken refuge in other countries such as Canada. Many refugees have returned home, and large numbers are displaced within Somalia. Inter-clan rivalries have retarded the process of resettlement.

With no legislature, judiciary or legitimate structure of public authority, guarantees of political liberty, press freedom, fair trials or virtually any other fundamental human right do not exist in Somalia. Detention without charge is commonplace. Intimidation, extortion and summary execution are the standard fare of many political factions. The status of women, which had advanced very slightly under Siad Barre, has reverted to traditional second-class standing. If Islamic fundamentalism were to take root in Somalia, it might bring more comprehensive restrictions on the rights and freedoms of Somali women. Discrimination

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reigns, with clan and sub-clan identities the most important means of deciding the distribution of goods and honours. Bantu farmers in river-plain areas and Swahili communities on the coast have been subject to discrimination by ethnic Somalis.

While concerted efforts by the international community have ended the famine in nearly all of Somalia, security concerns remain. No framework for peace emerged from factional talks in Addis Ababa in December 1993, as the warlords refused to renounce their earlier parochial demands. Mohamed Farah Aideed, leader of the SNA faction which has repeatedly attacked UN personnel in Mogadishu, continues his intractable approach and transparent efforts to become overlord of all Somalia. Like Aideed, other warlords such as Morgan, Jess and Aideed's nemesis Ali Mahdi Mohamed, are positioning themselves for a resumption of civil war, likely upon the departure of USA forces from Somalia.

### CANADIAN POSITION

Canada's interest in Somalia centres on our support for effective UN intervention in international crises, and the alleviation of human suffering. We have always maintained that, equally important as the establishment of security, UNOSOM must facilitate humanitarian assistance and political reconciliation. We strongly encourage any measures which will reinforce UN credibility throughout Somalia and the region.

At both the 49th session of the Commission on Human Rights and 48th session of the UN General Assembly, Canada co-sponsored resolutions that were adopted by consensus. The UNGA resolution requests the Commission to consider establishing a group of independent human rights monitors in Somalia. If the Commission acts on this recommendation, this would represent an extension of the previous engagement in Somalia. Last year it appointed an Independent Expert to develop a programme of human rights technical assistance in Somalia and to report to the coming session of CHR.

Somalia's future as a peaceful, productive state depends on durable political reconciliation. Canada encourages UN support for the involvement of regional and Somali leaders, including women and elders, in the process of rebuilding civil society and public administration.

Canada has carried its full share of the burden in Somalia: 1350 military personnel deployed with UNITAF earlier this year, approximately \$40 million in emergency aid intake of some 15,000 refugees. Seven Canadian Forces members are working at UNOSOM headquarters. Canada has recently announced substantial support (\$1.5 million) for UNHCR to assist the voluntary repatriation of Somali refugees from Ethiopia, and a large share of the costs (approx. 28%) for a UNHCR project to help Somali victims of sexual violence in refugee camps near the Kenya-Somalia border. Canada will continue to respond to feasible requests for emergency humanitarian assistance.

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December 1993

## HUMAN RIGHTS SITUATION IN SOUTH AFRICA

### ISSUE

With the announcement in June 1993 of a date for the first non-racial elections, and agreement in September on the transitional arrangements for the period leading up to the election in April 1994, and in November on an interim Constitution, the international community was in a position to acknowledge the end of institutionalized apartheid. The challenge for the South Africans and the international community now will be to ensure that a framework is put in place and maintained in the post-apartheid South Africa in which the fundamental rights and civil liberties of all South Africans are respected.

### BACKGROUND

The establishment of the Transitional Executive Council (TEC) on December 7, and the passage of the interim Constitution on December 22 were important milestones in South Africa's progress away from apartheid. The TEC, which includes representatives from all the groups which adopted the interim arrangements in the multi-party negotiations, for the first time allows representatives of the majority of South Africans to influence major policy decisions. The interim Constitution sets out the ground rules, principles and checks and balances for governing the country over the next five years. It includes a chapter on fundamental rights, which contains all civil and political, economic, social and cultural rights.

Other legislation relating to the transitional process and dismantling of apartheid was passed during December, including legislation to establish an independent electoral commission, to restore South African citizenship to the citizens of the "independent" homelands and to reincorporate the homelands into South Africa, and to integrate local government councils by February.

While the legal cornerstones of apartheid have been abolished, the legacy of apartheid's boycott/protest culture and discriminatory policies will take years to overcome. South Africa is a country which has no tradition of political tolerance or acceptance of open debate. Politically motivated violence has been on the increase since the mid-1980s, and in 1992 it caused a breakdown in the constitutional negotiations for almost a year. In certain areas, violence has become endemic, reflecting both a political struggle for power and ethnic rivalries. Teams of international observers from the United Nations, Commonwealth, EU and OAU have been in place since mid-1992, working with the domestic structures of the National Peace Accord, but violence continues at a very high level and may well increase in the lead-up to the election. The security forces were and remain widely mistrusted. Progress is being made in reforming the police, and integrating the armed wings of the ANC and PAC with the national army and the security forces of the "independent" homelands, but this transformation will be neither easy nor rapid.

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**CANADIAN POSITION**

Canada has played a constructive role in promoting change in South Africa through political activism in the Commonwealth and United Nations, economic pressure and pragmatic assistance. As Chair of the Commonwealth Committee of Foreign Ministers on Southern Africa, Canada guided the Commonwealth decision to lift trade, investment and financial sanctions on September 24, in acknowledgement of the significant progress made towards ending apartheid. The oil embargo, a UN sanction, was lifted with the establishment of the TEC.

A number of Ministerial statements throughout the year denounced violence and urged political leaders to increase their efforts to achieve a peaceful transition, the most recent being the address by the Secretary of State for Latin America and Africa to the 48th UN General Assembly on the apartheid issue. Canada also supported efforts to address the on-going violence by providing two senior retired RCMP officers to the Commonwealth Observer Mission, and made strong representations to the United Nations to increase the size of their observer mission.

Canadian assistance with community policing, strengthening of the democratic movement's policy capabilities in key sectors, and provision of voter education and electoral expertise have all contributed to levelling the political playing field and easing the transition period. Canada's Dialogue Fund and CIDA-funded programmes have also contributed to human rights and democratic development through sponsoring projects addressing gender issues, children's rights, judicial training, land policy, administrative training, medical training, youth and administrative law.

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December 1993

## HUMAN RIGHTS SITUATION IN THE SUDAN

### ISSUE

The human rights situation in Sudan continues to be of great concern to the Canadian Government. The Government is especially troubled by the plight of victims of abuses committed by all sides in the civil war.

### BACKGROUND

In the continuing civil war, the Government of Sudan (GOS) and factions of the Sudanese People's Liberation Army (SPLA) have used food as a weapon: the GOS and various SPLA factions have blocked relief efforts when it has suited their purposes. Canadian airlift support to UNICEF's Operation Lifeline Sudan (OLS) for ten days in April 1993 was used to transport medicine, food and shelter supplies from Lokichokio, Kenya to famine and conflict-affected areas in southern Sudan. This followed a December 1992 agreement among the UN, the GOS and the three major SPLA factions to allow relief agencies expanded access to the most severely affected regions in southern Sudan. However, the recent deletion of Nimule, Maridi, Pariang, Kaya, Kajo-Keji and Boma by the GOS as points of destination for OLS relief assistance means access will be denied for large parts of southern Sudan. Assistance will thus be even more difficult in future. Civilian populations in both Thiet and Nimule have been bombarded by the GOS and further human rights offences are anticipated.

Peace talks brokered by the Carter Institute led to SPLA- Mainstream and SPLA-United signing the Washington Declaration on October 25. This has not yet produced substantial results despite sporadic further talks underway in Nairobi under the auspices of the Intergovernmental Authority on Drought and Development (IGADD).

UN Special Rapporteur Gáspár Bíró's chilling human rights report (November 18) documented extensive human rights abuses, confirming those separately documented by Amnesty International in September. The GOS response has been inadequate. Abuse is widespread, notably in the Nuba mountains where the GOS has forcibly re-settled people to "peace villages" under the control of the army and the Popular Defence Force (PDF), a government created militia.

The October 1993 reconstitution of the GOS in fact changes little. The National Islamic Front, as a major ideological force behind the GOS, continues to exert pressure to extend Islam into civil society throughout the country.

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**CANADIAN POSITION**

Canada has consistently called for a halt to hostilities between the GOS and the SPLA. A just, negotiated political solution is the only way to ensure lasting peace. Canada supports the IGADD (and earlier Nigerian) efforts to broker an agreement among all sides, and recognizes the need to surmount obstacles to short-term success. Canada vigorously supports OLS which provides safe passage for relief workers operating in the South. Though its operations are hampered both by SPLA in-fighting and aerial bombardment by GOS forces, OLS remains one of the UN's most successful relief ventures.

Canada has suspended bilateral development aid to Sudan and encourages other countries to suspend both development aid and arms sales to any side in the conflict. Trade is minimal, with food, medicine and agricultural equipment making up more than one half of 1993 Canadian exports to Sudan. We continue to deny permits for sale to Sudan of parts for Canadian-built Buffalo transport aircraft, to prohibit sale of munitions or military equipment to the government or the insurgents, and to vote against IMF development projects for this unstable country.

GOS intransigence and self-justification through resort to Islamic principles (as opposed to Western "human rights") remain major obstacles to our pressure on the GOS to respect human rights. The Biró Report on human rights abuses, which resulted from a UN resolution co-sponsored by Canada, must be used to exert maximum pressure on the GOS and the SPLA factions to observe internationally accepted human rights.

The Canadian Government has repeatedly made its concerns about human rights known to Sudanese officials. Representations have been made in Khartoum, Addis Ababa and to the Sudanese chargé d'affaires in Ottawa.

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December 1993

## HUMAN RIGHTS SITUATION IN TOGO

### ISSUE

The past year started with the overthrow of the High Council of the Republic, a democratic transitional institution; later on, a presidential election of questionable validity took place. Legislative elections are set for February 6 and 20, 1994. However, failure of the government to respect human rights and fundamental freedoms remains widespread.

### BACKGROUND

Togo is a country in which human rights violations have often been perpetrated by the armed forces. Their aim has been to stifle opposition and end the process of democratization. In 1992, the ground gained by democracy was lost. In January 1993, General Eyadema ended the period of transition to democracy and took the country in hand. Under criticism for its violence and without the sanction of the presidency, the armed forces began a process of ethnic cleansing within its ranks in the spring. For these reasons, 250, 000 Togolese took refuge in Benin and Ghana. Opposition and presidency nonetheless negotiated the holding of a presidential election on August 25. Having lost confidence in the process, the opposition finally decided to withdraw from it. Several international NGOs rejected the validity of the election. The Canadian government nonetheless believes that dialogue must be continued and the election process announced for January 1994 resumed.

The absence of restraints upon the military casts some doubt on whether the judiciary is capable of acting independently.

The political climate in Togo has seemingly placed even further constraints on the already tenuous freedom of the press. Some journalists were arrested when their newspaper claimed that the President of Togo was "illegitimate." The government has better access to the public media than its opponents do. With limited success, foreign missions have been attempting to restore equal access for all parties.

The political climate does not lend itself to the realization of women's and children's rights, which have been curtailed by the lengthy strike that has paralysed the economy since 1991.

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## CANADIAN POSITION

The Canadian government has studied the report submitted by a coalition comprising CUSO, the Ligue québécoise des droits et libertés, the Association québécoise des organismes de coopération internationale, and three Quebec labour organizations. The Canadian government has also studied a report by the Togolese Democracy Support Group which observed the elections of August 25. All have asked Canada to play a more active part in promoting democracy in Togo.

We indicated that the circumstances surrounding the presidential election of August 25 called its validity into question, and we did not contribute financially. The government has continued in the right direction by negotiating with the democratic opposition the scheduling of a legislative election for February 6 and 20, 1994, more in accordance with the legitimate expectations of the people. An International Follow-up Committee is assisting in this process. Canada supports the Committee. Whether Canadian electoral aid is provided will depend on the conditions under which these elections are held.

Finally, Canada has granted three million dollars in humanitarian aid for the Togolese refugees in Benin and Ghana. The majority of this aid will be administered by the World Food Program during the first quarter of 1994.

Canada is aware of the needs of the Togolese people. It has conveyed its expectations and supports the efforts to uphold the democratization of Togo. The political culture will have to change before any real progress toward respect for human rights occurs; this does not appear to be imminent.

At the 49th session of the Commission on Human Rights, Canada co-sponsored a consensus resolution deploring the human rights situation in Togo and calling on the Secretary-General to report on developments to this year's session.

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December 1993

## HUMAN RIGHTS SITUATION IN ZAIRE

### ISSUE

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

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

The already catastrophic economic situation has continued to deteriorate. The attempt to introduce a five million "Zaire" bill last January triggered other shameless looting by the military, and a more recent attempt to introduce a new currency unit, the "Zaire lourd", has been the cause of the total destruction of the city of Kananga by the army. Civil servants are still unpaid. Zaire has a great economic potential but its realization is conditional upon resolving the political impasse.

### BACKGROUND

Following Mobutu's promise to allow for multipartism, resulting from national and international pressure, the country has been experiencing a state of profound political crisis with no end in sight. Human rights have been grossly violated on many occasions, notably during the pillaging of October 1991, during January and February 1993, and more recently, during the destruction of the town of Kananga, which was resisting the introduction of a new currency unit. The Tshisekedi government has requested a multinational force to assist in the unfolding of the democratic process, but the UN Secretary-General's representative has had to limit his efforts to humanitarian problems in the Kasai and Kivu provinces. The suffering endured by the people of Zaire can also be attributed to the pitiful mismanagement of the country's finances. For example, the uncontrolled printing of money has caused spontaneous inflation, further aggravating the population's difficult living conditions. At the same time, large sums of money are being diverted for other purposes from regular currency channels.

Realizing that the institutions emerging from the National Sovereign Conference (NSC) were seeking a greater share of the political power, Mobutu has done everything in his power to obstruct the democratic process. Not only has he had the army intimidate the opposition but also, he dismissed the Prime Minister chosen by the NSC and put in his place a Prime Minister of his choosing. The resulting split of institutions has led to an impasse, which the presidential faction has not been able to resolve.

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Freedom of opinion has improved in the past few years, but is still subject to reprisals. The electronic media is still controlled and muzzled by the state.

Zaire has a form of tribalism drawn along ethnic lines. Tribal discrimination is particularly virulent in the provinces of Shaba, Kasai and Kivu. The Constitution guarantees all Zairians the same rights, but the problem lies in the effective realization of the rights of women: this is the result of many obstacles, namely discriminatory practices, customs and legal provisions.

### CANADIAN POSITION

Canada continues to support the democratic process borne of the NSC, in consultation with its French, Belgian and American partners. Canada opposed to the holding of the Francophone Summit in Zaire, and at the last summit in Mauritius, Canada's representative declared that francophone countries should not hesitate in naming countries, such as Zaire, that hinder democratic development. Visa applications are scrutinized on a case-by-case basis. Canada has closed its Embassy in Kinshasa in May 1993 for budgetary and security reasons but this decision can also be interpreted as a sign of displeasure at the lack of democratic progress. Bilateral aid was suspended in 1991, but humanitarian assistance is being channelled through NGOs. At the Third Committee of the 48th UN General Assembly, Canada declared that the Commission on Human Rights should consider what further action would be appropriate to address the serious situation existing in Zaire. Finally, the Canadian government has expressed its concerns to the Ambassador of Zaire on many occasions.

Recently, high-level officials of the Department of Foreign Affairs met with Mgr. Monsengwo who sounded more pessimistic about the future of his country. Instructions were then given to our representative in the US Embassy in Kinshasa to meet Prime Minister Tshisekedi, as well as a representative of the presidential faction, to encourage them to find a way out of the deadlock. Unfortunately, the latest news from Kinshasa is not encouraging for the short term.

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December 1993

## HUMAN RIGHTS SITUATION IN THE ISLAMIC REPUBLIC OF IRAN

### ISSUE

The human rights situation in Iran continues to be a matter of serious concern to the Canadian government as well as to the rest of the international community. In 1993, the most significant violations occurred especially in the uneven and arbitrary application of the law. Members of the Baha'i faith continue to be subject to gross violations of their individual and religious rights. Probably due to international scrutiny and pressure, the Iranian authorities seem to have modified their public approach on the subject and try to give the impression that the Baha'is are less subject to outright discriminatory treatment now. The continued bounty on British writer Salman Rushdie remains an international indignity.

### BACKGROUND

Notwithstanding the assimilation of democratic features, such as the reasonably fair parliamentary elections of 1992 and the presidential elections of June 1993, the pace of improvement in the human rights field that had been noted from 1989 to 1991 came to a halt with the expulsion of members of the International Committee of the Red Cross (ICRC) and an increase of violations of individual human rights in 1992.

In 1993, serious violations of human rights in Iran continued to be reported. Areas of special concern include: lack of respect for due process of law; detention without charge and notification to next of kin; ill-treatment and torture of detainees; *in camera* trials; lack of defence counsel in trials before revolutionary courts and lack of right of appeal. The death-sentence is widely applied (especially for smuggling drugs and for ordinary offenses) and summary, extra-judicial executions still take place, albeit at a reduced pace. Activity against members of the Iranian opposition living abroad is an additional source of concern.

Moreover, problems still arise concerning religious minorities, especially the non-recognized ones. There is continued reason for serious concern about the treatment of the Baha'is. The Iranian authorities have made some relative, albeit unsatisfactory, progress on that count e.g. death sentences served against two Baha'is have been commuted to life imprisonment. However, according to more recent information, three of seven Bahai's detained in Iran have recently been condemned to death. In contrast, the Iranian government shows less inclination to discriminate on ethnic grounds: Iran has given refuge to some 4 to 5 million refugees from the Afghan and Azeri-Armenian conflicts.

The punishment to which women are subject for dress code violations and other discriminatory treatment based on gender are also sources of concern. On one occasion, a woman was reportedly killed on the street by the local police.

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In 1993, the Iranian authorities, somewhat responsive to international pressure, have repeatedly expressed the desire to enter into a dialogue in particular with Canada and countries of the European Union. In addition, they have given signs of apparent openness by the setting up of a Parliamentary Commission on Human Rights, and by the creation of a National Committee on Women's Affairs. Iranian officials, as a minimal gesture, have shown a willingness to provide written answers to some of the UN Commission on Human Rights Special Representative's concerns. However, the UN Special Representative is still denied permission to pay a fourth visit to Iran to obtain first-hand information.

### CANADIAN POSITION

Canada is disturbed by continuing violations of the right to life, the Iranian authorities' repressive attitude towards women (periodic crackdowns to enforce a dress code), and the continuing persecution of the Baha'i community. We have urged Iran's renewed co-operation with the ICRC, the representatives of which had been expelled from Iran. We will continue to ask for full Iranian co-operation with the UN Special Representative.

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

In 1993, as in the past, Canadian officials repeatedly raised human rights issues with the Iranian Embassy in Ottawa and officials in Teheran, including the plight of religious minorities such as the Baha'is and the case of Salman Rushdie. In February, at the 49th session of the Commission on Human Rights in Geneva, Canada was taken to task by Iran for spearheading the case of Salman Rushdie.

On 3 December 1993, the Canadian Permanent Representative to the United Nations addressed the Third Committee and called "for improved co-operation on the part of Iran", referred to the Iranian "repressive attitude towards women and continued discrimination against the Bahai community", and added that "the fatwa against British author Salman Rushdie remains an international outrage and an ever-deepening stain on Iran's international reputation". Canada then co-sponsored, once again, a UNGA resolution calling on Iran to improve its human rights record.

The matter will be raised again at the 50th session of the UN Commission on Human Rights in Geneva. Canada, as a traditional co-sponsor of the Iran resolution at the UNCHR, expects to play a similar role in 1994.

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December 1993

## HUMAN RIGHTS SITUATION IN IRAQ

### ISSUE

The human rights situation in Iraq continues to be of serious concern to the international community. While this concern was manifest before Iraq's invasion of Kuwait, it became the subject of specific consideration by the United Nations in the aftermath of the Gulf war in March 1991.

### BACKGROUND

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

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

Repression and loss of life associated with these abuses has been very high, particularly for thousands of Kurdish civilians forcibly taken from their homes or subjected to chemical weapons attacks (such as the town of Halabja in March of 1988). Repression against Shiites has also been intense. The interim report of the human rights situation in Southern Iraq, submitted by Special Rapporteur Max van der Stoep in August 1992, detailed systematic abuses of the Shiite community. At least in part, this report prompted the imposition of the Southern "no fly" zone in late August. In 1993, the Iraqi Government began to systematically drain the southern marches and destroy the habitat and villages of the Marsh Arabs to better control the Shiite insurgency.

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

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resolution represented an unprecedented Security Council involvement in the area of human rights, reflecting the extraordinary situation within Iraq. It also served notice that Iraq must improve its human rights performance as part of its international rehabilitation and as a prerequisite for suspending UN sanctions which continue in place.

Previous efforts to condemn Iraqi human rights practices by the Commission on Human Rights were frustrated by procedural motions. However, in the aftermath of the Gulf war, resolution 1991/74 of 6 March, 1991 was passed; this provided for the appointment of a Special Rapporteur to make a thorough study of HR practices of the Government of Iraq. The Special Rapporteur has produced numerous reports on the human rights situation, most recently a highly negative assessment of the human rights situation was issued at UNGA 48.

At UNGA 47, and again this year at UNGA 48, Canada co-sponsored a resolution condemning the "massive violations of human rights of the gravest nature" including: "summary and arbitrary executions, orchestrated mass executions and burials, extrajudicial killings including political killings, in particular in the northern region of Iraq and in the southern Shia centres and in the southern marches". It further condemned "the widespread routine practice of systematic torture in its most cruel forms; enforced or involuntary disappearances, routinely practiced arbitrary arrest and detention, including women, the elderly and children...and suppression of freedom of thought". It further condemned Iraq's non-cooperation with Security Council resolutions, its failure to provide proper food and health care to the population, and expressed alarm at the treatment of Kurds, Shias and Marsh Arabs. It called for compliance by Iraq with its human rights obligations and provided for the continuing examination of the human rights situation in that country. The General Assembly also reiterated a call for Iraq to accept the stationing of human rights monitors throughout the country.

### CANADIAN POSITION

Canada deplores the human rights situation in Iraq and has undertaken numerous initiatives to demonstrate its opposition to the abuses. Canada supports the implementation of Security Council resolution 688 and the decisions of the Security Council to maintain sanctions until Iraq satisfies all the relevant UN requirements. Canada strongly supports humanitarian assistance programs in/for Iraq (contributing approximately \$27 million). At UNGA 48, as noted above, Canada co-sponsored the resolution condemning human rights abuses in Iraq, and in her address to the Third Committee, the Canadian Permanent Representative commented critically on the situation in Iraq.

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December 1993

**HUMAN RIGHTS SITUATION IN THE  
TERRITORIES OCCUPIED BY ISRAEL SINCE 1967**

**ISSUE**

Human rights violations in the territories occupied (OT) by Israel since 1967 continue to be of major concern to the international community. Canada, a party to the Fourth Geneva Convention relative to the Protection of Civilian Persons in the Time of War (the Geneva Convention of 1949), strongly advocates that Israel, the occupying power, respect the *de jure* applicability of the Convention. Despite the Israeli/PLO Declaration of Principles (DOP) of September 13, there has been a resurgence of serious human rights violations in recent months amid uncertainties surrounding the implementation of the DOP. On a positive note, Israel has allowed the remaining 200 Islamist militants, expelled in December 1992, to return to the OT.

**BACKGROUND**

Israeli Deputy Foreign Minister, Dr. Yossi Beilin, is reported to have said that "there is no such thing as a benign occupation." Regrettably, major breaches of the Convention by the occupation authorities continue despite appeals made by the UN Commission on Human Rights, and the International Committee on the Red Cross (ICRC). These include the Israeli demolitions of the houses of alleged insurgents; the execution of wanted activists by military personnel; reports of land confiscation; the imprisonment of large numbers of Palestinians; the expulsion of militants without due process; collective punishment, such as limitations on freedom of movement; unacceptable levels of force in quelling disturbances, including the use of live ammunition, and harsh methods of interrogation.

Although the signing of the DOP gave rise to expectations of rapid change in the nature of the occupation, circumstances proved otherwise. Violent clashes recently have erupted involving Israeli settlers and Palestinian extremists, fuelling tensions and undermining the peace process. They often result in the loss of innocent lives. However, the successful implementation of the DOP should improve the climate if, as expected, it is followed by a phased withdrawal of the IDF from populated areas in the OT, to be accompanied by a quick deployment of Palestinian police.

Given Israel's parliamentary régime and democratic traditions, human rights issues are better documented and followed up in the OT than in many neighbouring states. Both Israeli and international NGOs have widespread access to monitor human rights abuses. Several international organizations have authority to require respect for human rights when violations occur, specifically the UN Commission on Human Rights, ICRC and UNWRA (the UN Relief and Works Agency for Palestine refugees in the Near East).

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At the 49th session of the CHR, a special rapporteur was appointed with the mandate of investigating violations of international law, and to report to the CHR "until the end of the Israeli occupation of those territories".

### CANADIAN POSITION

The Canadian Government, through its Embassy in Tel Aviv and international bodies, keeps abreast of political and economic events and human rights issues within the OT. It coordinates closely with the responsible international bodies, as well as non-governmental development and human rights organizations, the Israeli government and Palestinian institutions.

Canada has called on Israel (through bilateral contacts, ministerial statements and positions adopted in UN fora) to respect and apply the Fourth Geneva Convention. Canada raises serious human rights violations with the Israeli Government whenever warranted. Over the past year, Canada has spoken in UN fora to reiterate the position that human rights violations by the occupying authorities are unacceptable and contrary to international law. Canada has supported UN resolutions that identify Israeli activities which are subject to justified criticism, such as renewed breaches of the Fourth Geneva Convention. Canada has formally protested the demolition of houses of alleged activists and the expulsion of militants.

Canada believes it is only through the successful conclusion of the peace negotiations that the cycle of violence will be broken and violations of human rights much reduced, if not eliminated.

Concern has also been expressed by Palestinian leaders over the degree to which human rights and democratic values will be respected under autonomy. To meet these expectations, Canada actively supports the developments of democratic institutions through its aid programs directed at Palestinians. Circumstances permitting, eventual co-operation between Israeli and Palestinian human rights organizations could go far in addressing the concerns of both sides.

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December 1993

## HUMAN RIGHTS SITUATION IN THE SYRIAN ARAB REPUBLIC

### ISSUE

Canada remains concerned about reports of continuing violations of human rights in Syria, notably the large number of political prisoners, conditions of detention, including torture, and the lack of respect for due process of law (access a to lawyer, visiting rights, etc.). Over the last years some progress has been made, as witnessed by the continued release of political prisoners from Syrian jails and the permission, promised for implementation by the end of the year, for Syrian Jews to travel abroad.

### BACKGROUND

Syrians live under an authoritarian regime. There is little sign of progress towards a freer political system through democratic elections. However, better respect for human rights questions might develop as a result of Syria's quest for better relations with the West, including Canada. The changing international political and economic environment is a challenge to the Ba'ath regime in Syria.

In 1992, hundreds of political and other prisoners were quietly released and, in 1993, half of the estimated 7000 remaining political prisoners were also released.

In April 1992, after years of unsuccessful representations, Syrian officials suddenly informed the leaders of the Syrian Jewish community that they would facilitate the travel abroad of Syrian Jews as family groups. From April to October 1992, some 2600 Syrian Jews took advantage of this new policy, obtained exit permits and left. But since October 1992, in spite of repeated assurances from Syrian officials, and this as recently as November and mid-December, only a very limited number of Syrian Jews have been able to obtain the necessary exit permit. At the beginning of December, President Assad is reported to have said that, before the end of the year, exit permits could be granted to all remaining Syrian Jews wishing to travel.

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## CANADIAN POSITION

Canada hopes that Syria will take additional steps to demonstrate its adherence to international standards for human rights. In spite of some recent improvements with regard to the release of prominent political prisoners, there still remains room for improvement in many important areas.

Canada continues to voice its concern over human rights in Syria. Canadian officials have made enquiries on the conditions of detention of individuals. Repeated representations were made concerning the right of members of the Syrian Jewish community to travel abroad.

In November, the Minister of Foreign Affairs, André Ouellet, in a letter addressed to the National Task Force for Syrian Jews, noted that: "Because of our concern for the human rights situation in Syria, Canada has actively urged the Syrian Government to improve the record on due process issues... Canadian representations to the Syrian authorities, on humanitarian grounds, will not cease as long as members of the Syrian Jewish community are prevented from travelling abroad".

In her address before the Third Committee of the 48th session of the UN General Assembly, and in the context of the recent development in the Middle East Peace Process, Canada's Permanent Representative stated the following: "Syria, of crucial importance to regional stability, should be urged to improve respect for due process of law and for the rights of religious minorities. We welcome recent releases of additional political prisoners, and we hope that Syria will honour recent laudable plans to eliminate barriers to travel abroad by Syrian Jews".

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December 1993

## HUMAN RIGHTS SITUATION IN CAMBODIA

### ISSUE

The human rights situation in Cambodia has taken a positive turn since the signing of the Paris Peace Accords in 1991 and the establishment of a new government in September 1993.

### 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, over one 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) established a human rights component to assist in the promotion and protection of fundamental human rights in the country.

The nascent Cambodian government is giving a high priority to human rights, but given the fragile nature of administrative structures in place and the continuing low level civil conflict in certain areas of the country, sustained efforts will be needed to ensure that human rights are observed in the future.

Approximately 10% of Cambodia, primarily in the north and west of the country, remains under Khmer Rouge control. There are serious concerns about violations of human rights in these areas.

### CANADIAN POSITION

Canada applauds the recent measures taken by the new government to improve the human rights situation in Cambodia. At UNGA 48, Canada co-sponsored the resolution adopted by the UN General Assembly concerning the human rights situation in Cambodia. Inter alia, the resolution welcomes the establishment of an operational presence of the Centre for Human Rights and supports the appointment by the UN Secretary-General of a Special Representative.

Canada continues to be concerned about the human rights situation in areas under Khmer Rouge control.

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December 1993

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

### ISSUE

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

### BACKGROUND

The human rights situation in China remains poor, although conditions have eased since 1989. In the last few months, China has released a number of dissidents to respond to international pressure and in fear of action by the Clinton Administration on MFN, as well as to promote its bid for the 2000 Olympic Games.

Nonetheless, repression of political dissidents, arbitrary arrests and detention without trial continue. Sustained torture is not systematically used but both regular and political prisoners suffer from rough treatment and poor prison conditions. Capital punishment is widespread. Neither legal rights nor the legal system is highly developed.

The Chinese government has committed itself to implement a market economy and has continued to carry out administrative and legal reforms. Ambitious plans to reform the civil service in restricting its ability to interfere in the economic matters and reducing its numbers by 20%, have been announced. But however sincere the government may be, its ability to control its police and officials, end corruption and bring about greater respect for law is constrained by the fact that far-reaching changes will be blocked by the awareness of the Chinese Communist Party (CCP) that an independent judiciary and police systems would endanger its grip on power. Therefore, the CCP has no intention of undertaking genuine political reform. Consequently, it is unlikely that significant progress will be made on human rights and good governance, which will therefore remain a potential source of political unrest.

The Chinese have maintained that Western complaints about human rights abuses in China constitute unacceptable interference in their internal affairs and that majority and economic rights are much more important than individual rights. Canada's view, accepted in the final declaration of the World Conference on Human Rights by all UN members, is that international human rights principles reflect clear obligations under international law on all governments and that civil and political, and economic, social and cultural rights all constitute crucial equally important components of that law. China accepted the consensus thereby accepting the notion that all members of the international community have the right and responsibility to encourage compliance with international human rights standards.

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## CANADIAN POSITION

Canada has sought to avoid isolating China or breaking off contacts between Canadians and the Chinese people since China's worst human rights abuses have occurred during China's periods of greatest isolation such as the Cultural Revolution (1966-1976). Canada has developed a strategy aimed at denouncing the human rights abuses in China while assisting China to reform its judicial and legal structures. Canada has also worked to promote democracy and the rule of law in those sectors of Chinese society most receptive to such concepts. The following actions were taken in 1993:

- Canada sponsored a visit of scholars from the Chinese Academy of Social Sciences (CASS) to undertake a study of Canadian democracy which involved meetings with democracy and human rights experts and practitioners. The delegation attended a conference on democracy. Prior to this conference, a number of Canadian academics had gone to China to lecture on democracy.
- The Centre of Asian Legal Studies (CALs) and the University of British Columbia Law School have worked with the Chinese Academy of Social Sciences Institute of Law through seminars, lectures and the provision of books and teaching materials to help upgrade their understanding of human rights questions.
- The Chairman of the Canadian Bar Association's Committee on Human Rights in Developing Countries, Judge David Wells, explored Chinese interests in legal sector exchanges and had separate meetings with the Chinese Ministry of Justice and Procurate General.

At the same time, Canada has used every opportunity to remind Chinese authorities of our concerns about the human rights situation in China, including Tibet. The Canadian Embassy in Peking has had regular contacts with relevant Chinese institutions to make them aware of Canadian concerns about the human rights situation in China, to raise specific cases as appropriate and to provide information to organizations where it may be able to change the current system.

Bilateral high level official visits have been also the occasion to raise Canadian concerns about the human rights situation in China. Canadian concerns were expressed by Prime Minister Jean Chrétien during his meeting with Chinese President Jiang Zemin in the context of the APEC meeting in Seattle in November 1993.

Canada also has taken advantage of international fora to raise the human rights issue in China, including Tibet. At the 49th Session of the United Nations Commission on Human Rights, Canada co-sponsored a resolution condemning China's human rights record, including in Tibet. This resolution was defeated by a no motion action, as were similar ones in 1992 and 1991, but Canadian concerns about the situation in China were reiterated in our statement to the CHR.

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Canadian officials have continued to maintain fruitful contact with various non-governmental organizations (NGOs) about the human rights situation in China. These contacts allow us to exchange information about specific cases of human rights violations. We intend to pursue such contacts in the future.

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December 1993

## HUMAN RIGHTS SITUATION IN VIETNAM

### ISSUE

The human rights situation in Vietnam remains a serious concern to the Canadian government and a negative factor in an otherwise improving bilateral relationship.

### 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 gradual 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 performance continues to be mixed and the human rights situation is far from satisfactory. The communist party is firmly committed to one-party rule and any questioning of its leading role is dealt with harshly. An extensive and pervasive security apparatus remains in place. Free and democratic elections have not yet been held in Vietnam, and are unlikely in the foreseeable future.

The last political detainees, who had been held in re-education camps since the fall of Saigon in 1975, were released in 1992. This closes a sordid chapter of the summary incarceration of tens of thousands of South Vietnamese officials and soldiers, and their consequent massive physical deprivation.

Vietnam promulgated a new constitution in 1992 which notes that "human rights in all aspects, political, civil, 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 contravention of individual rights.

The single most prominent example of human rights violations is Dr. Nguyen Dan Que who has two brothers in Canada and relatives in the USA. As a result of his activities to promote fundamental political reform (and membership in Amnesty International), Dr. Que was sentenced in 1992 to 20 years in prison (which, given his age, amounts to a life sentence).

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The incarceration of Buddhist monks and Catholic priests remains a cause for international concern. A number of prominent writers, poets and journalists also remain imprisoned which is a focus of attention of Amnesty International's Canadian branch.

Another area of current concern is the refusal of Vietnamese authorities to allow the return of some of its own nationals back to Vietnam.

### CANADIAN POSITION

Canada continues to have major 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.

We have continued to make regular high-level representations to Vietnamese authorities on every appropriate occasion to encourage greater respect for human rights and about specific cases of interest to us. Human rights issues were raised by then Minister of International Trade, the Honourable Tom Hockin, during the visit to Canada of the Vietnamese Minister of Commerce and Tourism, Le Van Triet, in August 1993.

Canada has also continued to voice its concern about the human rights situation in Vietnam in relevant international fora. The most recent was in a statement made by Ambassador Fréchette to the Third Committee of the 48th Session of the United Nations General Assembly in December 1993.

The establishment by Canada of an Embassy in Hanoi has improved our ability to encourage greater respect for human rights, to discuss issues of concern on a more systematic basis, and to monitor developments.

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## HUMAN RIGHTS SITUATION IN BURMA

### ISSUE

Even with a few signs of progress on individual human rights, Burma still has one of the worst records in Asia. There are perhaps 300 political prisoners remaining, including Nobel Peace Prize winner Daw Aung San Suu Kyi, but exact numbers are hard to track. There have also been new cases of harsh sentences for political activity.

### BACKGROUND

After civil unrest throughout Burma calling for an end to 26 years of one-party military rule by the Burma Socialist Program Party led by General Ne Win, the military re-established control over the country, creating the State Law and Order Restoration Council (SLORC) as the new ruling body. The National League for Democracy won the elections in 1990 but SLORC refused to allow the parliament to convene. They claimed that a Constitution must be passed before they can hand over power. They have initiated a process of delegitimizing the 1990 elections which have a four-year term.

Since the beginning of 1992, there have been a few developments, such as the abolition of military tribunals, the convening of a National Convention (700 people, with only a few MPs-elect) on the drafting of the Constitution which has been adjourned to January 1994, the release of about 2000 prisoners (some political), and the signing of an Memorandum of Understanding (MOU) with the UNHCR on the repatriation of Rohingya refugees. It appears that if the Constitution is approved, it will formalise the army's domination of Burmese politics.

Burma is a country with a dozen distinct ethnic groups and many dialects. Some of the ethnic groups have their own armies and have been fighting the central government for greater autonomy or independence. SLORC has concluded a ceasefire with some of them, and is likely to further exploit inter-ethnic divisions within Burma.

Burma enjoys active and growing foreign and trade relations with its Asian neighbours even as the West keeps its distance. Ties with the People's Republic of China dominate. Illegal cross-border trade, a centuries-old tradition with India and China, may reach \$2.5 million/day. Opium production has escalated. Unregulated and rapid depletion of the teak forests also has potentially severe environmental consequences for the region.

In December 1993, the UN General Assembly again adopted a unanimous resolution strongly urging SLORC to proceed with democratic reform and respect for human rights. In 1993, the report of the UN Special Rapporteur contained details of continued and systematic human rights violations in Burma.

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CANADIAN POSITION

Canada recognized Burma at the time of Independence in 1948 and established diplomatic relations in 1958. The Canadian Embassy in Bangkok is accredited to Burma. Burma opened an embassy in Ottawa in 1966, closed it in 1978 and reopened it in 1985.

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

Canada continues to work jointly with a group of "like-minded" countries on this issue. Through bilateral and multilateral channels, Canada has actively sought to promote positive change in Burma. At the ASEAN Post-Ministerial Conference in Singapore in July 1993, Mr. Beatty called for the restoration of democracy in Burma and the immediate release of political prisoners. On the occasion of the presentation of his credentials in November, our Ambassador to Burma reiterated Canadian views to Burmese authorities. At the United Nations General Assembly in December 1993, we once again co-sponsored a strong resolution on human rights in Burma. Canada will maintain its position until SLORC demonstrates that it is ready to respect fundamental human rights and return to democratic government. Canada will not prevent non-official groups from exploring ways to help the most disadvantaged Burmese people.

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## HUMAN RIGHTS SITUATION IN INDIA

### ISSUE

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

### BACKGROUND

India is a multi-ethnic country with most states created along ethnic/linguistic lines. About 30% of India's population remain below the poverty line. Although India is officially a secular state, communal or inter-religious tensions and violence have been increasing. The 1992 demolition of the Babri mosque in Ayodhya by militant Hindus, the subsequent violence which left over 1000 people dead, and the recent spate of bomb attacks in Bombay provide clear evidence of this.

While protection of human rights is generally well covered in India's legal framework, India has not implemented these laws effectively and human rights abuses continue in a range of areas.

In Punjab, state and national elections took place in February 1992 after a long period of President's Rule. A campaign by Indian security forces to eradicate militant groups within the Punjab has been largely completed, and the general level of violence, including killings by the police and militant groups, has declined. The Punjab police, however, continue to be accused by many local human rights groups of custodial brutality and extra-judicial killings.

Kashmir is the only state in India with a Muslim majority and, over the past three years, secessionist sentiments and activities have escalated. The current phase of unrest had its origins in the rigged state assembly elections of 1987 and resulted in violent protests in Srinagar in December of 1989. The introduction of over 200,000 Indian military personnel, the dissolution of the state assembly and the imposition of President's Rule has further alienated the local population. There are continuing reports of serious human rights violations, including rape, by government forces. The recent siege of the Hazratbal Muslim Shrine in Srinagar by Kashmiri militants exacerbated tensions. At least seventy marchers, protesting the siege of the shrine, were killed by Indian army personnel.

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

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Child labour is endemic in India despite provision in the Constitution to protect children from this practice. Over 40% of children work. Poverty and lack of access to basic education are the main reasons for child labour. India is also cited as having possibly the largest number of street children in the world. Despite laws prohibiting child marriage under the age of sixteen, the practice is widespread. India has ratified the UN Convention on the Rights of the Child.

More positively, a special unit has been created within the armed forces, its purpose being to educate and generally raise the awareness of security force members with regards to human rights. A National Commission on Human Rights has also been established. Not yet operational, the effectiveness and legitimacy of this Commission, however, are already being called into question. The armed forces, including the paramilitary, are not subject to review by the Commission and it has no independent investigative capacity. While able to make recommendations to the government, the Commission cannot ensure these recommendations will be acted upon. Created by an ordinance and therefore not the subject of debate within Parliament, the manner of the Commission's very birth has been drawn into question.

### CANADIAN POSITION

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

Bilaterally, Canada maintains a dialogue on human rights with the Indian government, both at the national and state levels. Canada has pressed the Indian government to re-admit groups such as Amnesty International to the country and to create an effective human rights commission.

On specific issues such as the Sopore massacre of January 1993 and the recent siege of the Hazratbal Muslim Shrine in Srinigar, Canada has, and continues to make representations to the Indian government registering our concerns about human rights violations and urging appropriate action.

Poverty is one fundamental underlying factor that gives rise to situations where human rights abuses occur. Bilateral and Canada Fund development programs are directed towards poverty alleviation and include important women-in-development components.

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January 1994

## HUMAN RIGHTS SITUATION IN INDONESIA

### ISSUE

While there have been some positive developments in the area of human rights, serious concerns remain especially with respect to East Timor.

### BACKGROUND

When Indonesia declared independence in 1945, it comprised a vast territory bereft of any strong national institutions or of cultural, linguistic, religious, national or even geographic unity. The country staggered through 20 years of civil unrest, political experimentation and chaos, confrontation with neighbours and precipitous economic decline. After the communist coup attempt of 1965, the army and the public turned on real or alleged communists, killing hundreds of thousands (including many ethnic Chinese because of China's support for the Indonesian Communist Party).

Born out of this chaos, the Soeharto government has made unity, stability and development its top priorities. While it has enjoyed success in all three areas, most notably in the phenomenal economic growth which the country continues to enjoy, the government has made use of the military, judicial system, legislation and press controls in ways not always respectful of human rights.

There have been positive developments in Indonesia over the last eighteen months, perhaps most notable is the remarkable increase in press freedom and the general improvement in the quality of public debate on human rights issues. Other developments include the holding of a number of public meetings on human rights, the relaxation or removal of controls on international travel for many people, including some prominent human rights activists, and the establishment of a human rights commission. These developments have been accompanied by other positive gestures, such as allowing Amnesty International to visit after an absence of 15 years and making public overtures towards high profile dissidents.

On the other hand, arbitrary arrest and detention of people in sensitive areas, mistreatment of detainees, and lack of investigation of cases of extra-judicial killings remain areas of concern. There has also been little effort to address past abuses, including a number of missing following the Dili incident and the killing of up to 1500 civilians in Aceh during the 1989-91 anti-subversion campaign.

Regions of particular concern in the past showed signs of slow improvement this year. In East Timor, the special military command was reduced from general to colonel level and plans were announced to reduce the military presence from eight (mostly combat) to two (territorial) battalions. Travel restrictions for journalists were relaxed. President Soeharto reduced Fretilin leader Xanana Gusmao's life sentence to twenty years. Internationally,

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Indonesia resumed discussions with Portugal under the auspices of the UN Secretary General to find an internationally acceptable resolution to the East Timor issue. On the negative side, intimidation by the military appears to continue unabated and the ICRC has faced obstacles in the conduct of prison visits.

The situation in Aceh remains calm. Incidents of executions and disappearances appear to have all but stopped since mid-1992. Reports of summary detention and torture continue, but in much smaller numbers. There have been recent reports of skirmishes in Irian Jaya, on the border with Papua New Guinea where separatists groups were active during the 1980s, although the extent of military involvement has yet to be fully clarified.

Land issues continue to be of concern as exemplified by the September 1993 incident on Madura island when the military fired on a group of civilians demonstrating against the construction of a dam. The government's immediate reaction in removing and sanctioning several officers may suggest it is prepared to take firmer action to discipline the military in these types of incidents.

### CANADIAN POSITION

Human rights concerns have been at the forefront of the bilateral relationship since Canada's suspension of three planned development projects following the November 1991 Dili incident. The Canadian government has repeatedly raised its concerns at every opportunity, most recently when Prime Minister Chrétien met President Soeharto at the APEC meeting in Seattle. In Indonesia, the Canadian Ambassador expressed Canada's intention to pursue these issues when he met Major-General Theo Syafei, the military commander responsible for East Timor. Canada has also made representations on behalf of East Timorese detainees, including Xanana Gusmao and Antonio Gomez da Costa, urging the Indonesian authorities to consider full clemency to encourage reconciliation and a resolution of the East Timor issue.

The Canadian delegation to the 49th session of the United Nations Commission on Human Rights (UNCHR) co-sponsored a strongly worded resolution which called on the government of Indonesia to honour commitments made previously before the UNCHR on human rights in East Timor. In the Canadian human rights statement to the UNGA Third Committee in December 1993, Ambassador Louise Fréchette spoke to the human rights situation in Indonesia and particularly in East Timor, and urged the Indonesian government to pursue real progress in the UN-sponsored talks.

The Canadian government has decided to cancel the projects suspended following the Dili incident with a view to moving ahead with other carefully selected projects. These will address fundamental social, environmental and economic issues facing the Indonesian people and will include projects designed to promote more open and effective government in Indonesia. In making this decision, Canada has indicated that while we welcome the positive developments which have occurred in Indonesia, human rights concerns remain an important element of the bilateral relationship.

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January 1994

## HUMAN RIGHTS SITUATION IN PAKISTAN

### ISSUE

The human rights situation in Pakistan remains worrying. Discrimination against women and minorities, underpinned by Islamic precepts, stands out as a particular problem. However, the election of Prime Minister Benazir Bhutto in October 1993 reaffirmed the democratic process, and has held out hope for basic social improvements, which will improve the human rights situation.

### BACKGROUND

While it is still early in the tenure of Prime Minister Bhutto's government to assess any changes/improvements in the human rights situation in Pakistan, it is already clear that her government will place stronger emphasis on a wider range of social concerns than did the previous administration of Prime Minister Sharif. However the social conditions in Pakistan continue to make it difficult for human rights to flourish.

Increasing income polarization, removal of subsidies and cutting of services - part of Pakistan's IMF inspired structural adjustment package - further sharpen existing social and economic disparities. The rural masses, the bulk of the population, continue to live under the dominance of feudal overlords who have constituted the majority in virtually every legislature Pakistan has had since independence.

Religion, and especially Pakistan's version of Islamic fundamentalism, has proven an obstacle to the advance of democracy and internationally-recognized human rights standards, especially as they impact on women. Well-organized and vocal, the Pakistani Islamic fundamentalists, who constitute a small minority, exercise a disproportionate moral influence. Fortunately, this has not yet translated into a political influence, and the fundamentalists did very poorly in the October 1993 elections. While successive Pakistani leaders have resorted to increasingly harsher versions of Islam, it is anticipated that PM Bhutto may slow down its progress; she wishes Pakistan to evolve as a secular, Western-looking state. Regardless, and notwithstanding any moderating influence that PM Bhutto may be able to exercise during her term of office, in the long term, secular traditions and institutions (in the Western context) will be slow to take root in Pakistan. There is, however, hope of a change under PM Bhutto.

Worsening socio-economic conditions have contributed to the emergence of the "Kalashnikov" culture. The rich are heavily guarded and the powerful retain small private armies. Ethnic, sectarian, political and criminal violence is often inter-mingled and increasingly lethal due to the easy availability of weapons. The police are seen by most

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Pakistanis not as protectors but as oppressors. The levels of venality, corruption and criminality in police ranks are extremely high. Physical abuse, rape and torture in police custody are commonplace.

Overall, the human rights prospects remain worrisome. In addition to traditional banditry, discrimination of all forms characterises Pakistan society, although Pakistan does not have as rigid and pervasive a caste system as India. There are in fact few places in the world where women are worse off. Literacy among women is less than half of the (abysmally low) rate among men. However, urban upper-class women enjoy opportunities for education and professional work in some fields. They make up most of the membership of women's groups who promote women's rights and lobby the government. But again, Islamicization poses a threat to even this slender achievement. Discrimination against religious and other minorities is also rife, with abrogations of Islam being punishable under law.

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

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

### CANADIAN POSITION

Canada is pleased that the nature of the disposition of the Pakistani Army in the Sindh has changed and that they now are being used in support of the civil authorities efforts to re-establish law and order.

We are pleased that Pakistan passed legislation against bonded labour and look forward to these laws being fully implemented.

We are very concerned over the situation and treatment of women as a result of the application of the Haddood Ordinances, and of minorities, as a result of Ordinance XX and various other laws.

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We are concerned over the considerable evidence that many prisoners in police custody are the victims of torture and female prisoners the victims of rape. We are encouraged, however, by the recent urgent steps taken by the Bhutto Administration to establish women-only police stations to enable women police officers to deal more effectively with public safety concerns of women complainants.

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

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December 1993

## HUMAN RIGHTS SITUATION IN THE PHILIPPINES

### ISSUE

Serious human rights abuses still occur in the Philippines although the frequency continues to decrease, following the trend of the past few years.

### BACKGROUND

Human rights violations were a serious problem under the late President Marcos, particularly between 1972 when martial law was imposed, and 1986 when Corazon Aquino came to power. President Aquino restored democratic institutions and committed her government to respect of human rights, a provision included in the new Constitution of 1987. Violations initially declined under President Aquino. However the inherent conflict between the government's commitment to human rights and its policy aimed at eliminating the communist insurgency, spearheaded by the National People's Army, resulted in a continuation of human rights violations by the police and the military. In addition the large gap between rich and poor, and the special privileges reserved for the small but powerful elite, created conditions conducive to human rights violations throughout the Marcos and Aquino governments. These conditions remain under President Ramos.

There has been a marked decline in human rights violations in the past year but serious violations continue largely due to ingrained attitudes and the structure of society. The military, police, citizens' militia, and both communist and Muslim insurgent groups are the major violators. As part of a major campaign to implement and seek broad support for the process of national reconciliation, initial steps have been taken to address the problem of human rights abuses by these groups. Special negotiating panels were established to explore the possibilities for amicable settlement of differences between the government and the major dissident groups, including the communists, Muslim separatists and right-wing military rebels. This peace process offers the best prospects in recent years of achieving stability and consequently, improvement in the human rights situation.

In the first year of his government, President Ramos has laid the foundation for addressing the major underlying causes of human rights violations, including threats to peace and security, corruption, economic and political disparities, poverty and lack of economic growth. Considerable political will and effort will be required to achieve progress in all these areas. Enhanced professionalism and human rights education at all levels of the government, the military, the police and the judicial system would help to improve the human rights record.

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Positive developments over the last year include: understandings reached with both the left-wing National Democratic Front and the Muslim Moro National Liberation Front; repeal of the anti-subversion law and release of most political prisoners; creation of the National Unification Commission - soon to be replaced by the National Amnesty Commission - and appointment of a presidential advisor on the peace process; establishment of a presidential anti-crime commission under Vice-President to deal with crime and corruption; and the implementation of human rights courses for the military and police by the Commission on Human Rights.

On the negative side, in addition to the difficulties experienced in following through on some of the commitments above, the government appears to be set on reinstating the death penalty for a wide range of offences.

### CANADIAN POSITION

Canada has expressed strong support for President Ramos' efforts to promote political stability and security, as well as economic reform as a means of bringing about real improvement in the human rights situation in the Philippines. A priority in the bilateral relationship, human rights concerns are addressed through dialogue at the ministerial level, regular consultation with Canadian and Philippine NGO groups, cooperation between Canadian human rights institutions and their Philippine counterparts, and representations on specific and illustrative human rights abuse cases across the spectrum of concerns (disappearances, internal refugees, NGO harassment, and military and policy brutality). In addition, CIDA supports a number of human rights activities through NGO channels, including projects in support of rights of women and those of indigenous people.

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## HUMAN RIGHTS SITUATION IN SRI LANKA

### ISSUE

The present human rights situation in Sri Lanka, contrasted with that of three years ago, has improved although the momentum slowed down in the second half of 1993. Human rights violations, however, still continue to occur in the north, in the east and in the south for which both the LTTE and the government are responsible and must be held accountable. Outside pressure and constant monitoring must continue for the foreseeable future to reduce the risk of any significant backsliding. Strong international pressure must also be brought to bear on the LTTE whose record on human rights is equally unacceptable.

### BACKGROUND

Following ten years of bloody communal strife, the former Premadasa government finally recognized that it could no longer afford the international opprobrium for Sri Lanka's poor human rights performance, or the loss of donor support. It thus began a programme to refurbish its image, moving towards ensuring that greater respect was paid to civil and human rights by the armed forces and government apparatus. The Sri Lankan government has made some measurable progress in improving its human rights performance. For example, the number of disappearances has diminished dramatically, extrajudicial killings have virtually stopped, and detainees are now accounted for through issuance of receipts. These improvements were acknowledged by Amnesty International (AI), the ICRC, and a special delegation from the European Union (EU).

Creation of the Human Rights Task Force and of the Presidential Commission of Inquiry into the Involuntary Removal of Persons and a more open dialogue with western representatives, as well as the invitations to both AI to make research visits to Sri Lanka and to the UN Working Group on Enforced or Involuntary Disappearances to send missions to Sri Lanka, are all part of the government's attempt to improve its human rights image.

The government also established a Parliamentary Select Committee on the Northeast Conflict, and has "accepted" AI's recommendations. However, despite a decrease in the incidence of disappearances and extra-judicial killings, the government has not yet managed to fully honour any one of its own six commitments at the last UNCHR. Above all, not a single perpetrator of a human rights violation has yet been convicted in a Sri Lankan court. Some 10,000 to 20,000 disappearances including four or five mass-incidents with strong and credible witnesses have not yet been pursued. Coming to grips with this situation is what will demonstrate the "seriousness" of the government's intentions. The government's compartmentalized, under-resourced and bureaucratic human rights machinery must be pressed forward to take definitive action.

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It is equally clear that the LTTE's record on human rights is completely unacceptable, and strong international pressure must be brought to bear on the LTTE to end practices such as terrorist acts, political assassinations, summary executions, violating the safety zone around ICRC hospitals, using civilians as human shields, recruiting children and abducting civilians in "border" areas. Also, the LTTE should give the ICRC access to political prisoners and government soldiers being held in detention.

The civil war has created a critical human rights situation as well as needless suffering for the population in the northeast. In the north, the LTTE leadership's singular determination to achieve a military solution to a problem that can only be resolved politically at the negotiating table, and the government's insistence that there is no ethnic problem, rather just a terrorist one, translate into unending and unnecessary loss of life and human rights violations. The situation in the east is somewhat better, although in and around Batticaloa, violations, including disappearances, continue to occur. In the south, there are reports of incidents of police abuse, including torture. Almost a million people have been displaced by the conflict and approximately 150,000 refugees still remain in the Indian state of Tamil Nadu. On the positive side, no "missing" persons can be attributed either to actions of the Police or the Police Special Task Force (STF).

The Sri Lankan armed forces continue to be regarded by Tamils in LTTE-controlled areas as an occupying force. The navy's shooting of innocent civilians in the Jaffna lagoon some months ago, the Air Force's recent resumption of indiscriminate bombings and the Army's indiscriminate shelling of targets in the north, following the Pooneryn incident, has resulted in over 100 civilian casualties. Damage to the ICRC-supervised Jaffna Hospital (where wounded LTTE cadres are treated alongside civilians) and to a hospital in Killinochi has simply reinforced the negative image of the Sri Lankan armed forces. Canada and other like-minded countries have protested this latest round of indiscriminate bombings.

The judicial system in Sri Lanka is subject to government influence and interference, and has often been used as an instrument of government policy. Many victims of human rights abuses have been denied due process of law and few perpetrators have been brought to trial. There is understandably little faith in the rule of law or the quality of justice in Sri Lanka. The recent massive round up of Tamils in and around Colombo in systematic cordon and search operations is another case in point. Furthermore, there are indications that the government continues to operate an "unauthorized" detention camp but that, because of donor pressure, its use has been greatly reduced.

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Last November, the Sri Lankan authorities issued a situation report on the current human rights situation in the country. While the report purports to address the many concerns articulated by interested NGOs and governments, it still falls short of performance levels expected of and agreed to by the Sri Lankan government at UNCHR in February 1993. The report indicates that the "Government acknowledges the gravity of the human rights problem in the country in the terrorist context" and goes on to claim that normalcy prevails in areas other than the northeast. However, the government recently introduced two measures that seem to counter to the trend towards improving the situation: one is the change to the Emergency Regulation (since then again modified in the face of national and international indignation) that could have adverse implications for freedom of expression and of the press; the other is the Ordinance governing NGOs which, depending on its interpretation, has the potential of curtailing their activities.

### CANADIAN POSITION

Canada is convinced that a lasting peace in the northeast, which acknowledges the aspirations of Tamils, Muslims and the Sinhalese minority, can only be achieved by negotiation and dialogue. Canada regularly calls on the protagonists in the conflict to strive towards a political settlement through the introduction of confidence-building measures.

In the case of Sri Lanka, Canada has established a direct linkage between human rights performance and development assistance. Government-to-government assistance has been scaled back dramatically, while support for social and economic development through NGOs has been enlarged. A substantial and increasing proportion of Canadian assistance is devoted specifically to human rights and good governance projects, and relief for conflict victims.

Canada has also brought the issue of human rights violations in Sri Lanka to the attention of the Third Committee of the UN General Assembly. Canada took the lead in negotiating Chairman's statements at the last two sessions of the UNCHR. Those statements, which were adopted by consensus, committed Sri Lanka to implementing the recommendations of the UN Working Group on Disappearances and admitting the Group back to Sri Lanka to monitor and observe progress. For its part, the Canadian High Commission in Sri Lanka actively follows key human rights cases, and has attended court proceedings in the Embilipitiya case to demonstrate solidarity with the victims. As well, representations at all levels are made at every opportunity.

As long as the civil war continues, Canada will not issue permits for the export of military equipment to the Sri Lankan armed forces. Canada is prepared to offer its good offices and services in order to advance negotiations and peace efforts between both parties to the conflict, provided that parties explicitly request such services and demonstrate a clear commitment to reaching a solution.

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PRODOTTO Piasorex S. PIZZETTI  
MILANO

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January 1994

## HUMAN RIGHTS SITUATION IN COLOMBIA

### ISSUE

The human rights situation has continued to be a source of concern in 1993. There is cause to question the suitability of the government's reforms.

### BACKGROUND

A number of elements, including delinquency, terrorism arising from the drug trade, guerilla and paramilitary activity, and the forces of law and order themselves, are responsible for human rights violations in Colombia. The number of victims will continue to lie at around 30,000 for 1993. Of this number, 5,000 can be attributed to political reasons. President Gaviria recognizes that the army and the police are a part of the problem, and is seeking to bring peace by way of democratic institutions.

After individual rights were enshrined in the new Constitution of 1991, the judicial authority was strengthened in particular by the creation of a public advocate's office ("Defensor del Pueblo"). The latter works with a kind of solicitor general ("Procuraduria") and with the Ministry of the Public ("Fiscalia General") to bring human rights violators to justice. On December 9, the Government announced the creation of an independent human rights commissioner's office specifically responsible for monitoring police compliance with human rights edicts. An inspector responsible for compliance with the law by private security organizations was also formed. These positions are fully empowered to investigate and to recommend educational and disciplinary measures. New measures were also announced to control the circulation of firearms.

The Government lifted the state of emergency in late November, and the Congress passed public peace legislation on December 16. Whether this controversial legislation will work remains to be seen, as it limits freedom to report on guerilla activity, gives judicial powers to the armed forces in remote regions, and prohibits the Government from negotiating with guerillas until they have laid down their arms.

The Government is hoping that by including a clause prohibiting the extradition of Colombian citizens in the Constitution, it will encourage drug traffickers to surrender to the authorities. It is also hoped that the violence related to drug trafficking will diminish with the death of Pablo Escobar and the dismantling of the Medellin cartel.

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The forces of law and order tend to bear the brunt of guerilla attacks, having lost as many as 30 police officers in one ambush. The Government remains open to negotiating the political and economic reintegration of guerilla groups, in particular the ELN and the FARC, on the condition that the acts of violence cease. A ceasefire was negotiated on this basis with the Corriente de Renovacion Socialista group on December 19.

### CANADIAN POSITION

Canada has intervened a number of times with Colombian government ministries and institutions in relation to specific cases. Our representatives in Bogota have close contacts with NGOs dedicated to human rights advocacy, and with activists and victims in order to examine their complaints and verify their personal safety. The Embassy has frequently been in contact with the President's human rights advisor, and has participated in numerous NGO-sponsored symposiums on human rights both in and beyond Bogota. For its part, the Canadian International Development Agency has pledged financial support for projects directly related to the protection of human rights and improvement of the judicial system.

The Canadian Government has regularly expressed its support for its Colombian counterpart in its efforts to reduce violence and improve human rights protection and respect for democratic principles. Canada will continue to raise its concerns at the appropriate level as often as necessary.

December 1993

## HUMAN RIGHTS SITUATION IN CUBA

### ISSUE

Cuban human rights performance remains quite mixed and is of serious concern to the Canadian government. While the release of several dissidents and other steps taken last spring were positive developments, the overall situation, particularly as regards civil and political rights, falls well short of international standards.

### BACKGROUND

On the positive side, the Cuban government has done much to protect social and cultural rights, including those of women and children. While opponents of the government and prisoners (both criminal and political) are occasionally subjected to rough or degrading treatment, there are no instances of atrocities, summary executions or forced disappearances. There is no pattern of torture.

Economic rights exist in principle, although they increasingly are limited in practice by the critical state of the Cuban economy. The sharp contraction of the economy following the loss of support from the former Soviet Union continues to cause economic hardship to Cubans and is undermining the social infrastructure built up over thirty years. Still, Cubans largely continue to enjoy one of the more accessible and effective systems of health, education and social security in Latin America and the developing world. Although recent economic policy reforms have introduced a degree of liberalization and market orientation into the centrally planned economy, their impact and their capacity to preserve the social gains of the Revolution have yet to be measured.

Although all forms of discrimination are prohibited under the Cuban constitution, there is evidence of bias against persons of African descent, whose level of education and economic position compare poorly with other groups. Persons with HIV are required to live in special camps, separate from the rest of Cuban society. At the same time, treatment in the camps appears to be humane.

The main area of concern continues to be civil and political rights, and the judicial process. Restrictions on these rights remain codified in the penal code. The central role given to the Communist Party in the Constitution also gives that body the power to define the parameters of acceptable thought and expression. These parameters occasionally shift, and a degree of criticism is sometimes tolerated, but outright opposition to the fundamental principles of the Revolution and the role of the Party is not permitted.

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The lack of freedom of expression and association in Cuba is manifested in repression against human rights activists and critics of the government. Over the past year, an estimated 200 people were detained for political reasons. Some were released quickly, while others were held for several months or longer before being charged. Several dissidents were subjected to "Actos de repudio" (acts of repudiation), supposedly spontaneous demonstrations of public outrage which in fact have proven often to have been instigated and directed by Cuban security personnel. Other dissidents were dismissed from jobs on the basis of political considerations. Most common charges under the Cuban penal code were "illegal association", "enemy propaganda" or "disrespect". There remains a very high level of monitoring and control over Cubans' daily lives by Party representatives and neighbourhood committees.

During the spring and summer, several high profile political prisoners were released from jail before the end of their sentences, and prominent dissidents received permission to travel abroad. We have also detected a decrease in political repression in the latter part of 1993, and at least one human rights NGO has been able to operate with a degree of independence. However, as of late September, there remained an estimated 300-400 political prisoners in Cuba.

In September 1988, a delegation from the UN Commission on Human Rights (UNCHR) visited Cuba. However, access to the delegation was limited by the Cuban government. In 1991, the Commission appointed a Special Representative to maintain contact with the government and citizens on matters raised in the 1988 report. The Cuban government's refusal to cooperate with the Representative led the UNCHR to appoint a Special Rapporteur in 1992. Both the UNCHR and the UN General Assembly have criticized the Cuban government's subsequent unwillingness to work with this Rapporteur.

### CANADIAN POSITION

The Canadian Government discusses its human rights concerns with Cuban officials at all levels in Havana and Ottawa. In December 1992, the Government issued a press release criticizing a wave of repression against members of human rights groups, and repeated this message to Cuban officials. Our embassy in Havana maintains close contact with all groups in Cuba and demonstrates moral support regularly by openly visiting homes and attending trials. At the 49th session of the UNCHR, Canada co-sponsored a resolution critical of Cuba's human rights record and its refusal to abide by previous UNCHR decisions. Canada also co-sponsored a similar resolution at the 48th session of the UN General Assembly.

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December 1993

## HUMAN RIGHTS SITUATION IN EL SALVADOR

### ISSUE

Although nearly two years have passed since the start of the cease-fire which effectively ended El Salvador's civil war, serious human rights violations persist.

### BACKGROUND

Two years after the conclusion of a peace agreement between the Government of El Salvador and the Farabundo Martí National Liberation Front (FMLN), El Salvador's future remains uncertain. As the country prepares for national elections in March 1994, Salvadorans are apprehensive because of a resurgence of political violence and serious delays in implementing important provisions of the peace accords.

In his eighth report (S/26416 15/09/93), the Director of the Human Rights Division of the United Nations Observer Mission in El Salvador (ONUSAL) characterized the evolution of the human rights situation as "ambivalent." Acts of politically motivated arbitrary execution, threats of violence and incidents of torture persist, despite improvements in other areas. Criminal violence, fuelled by the accessibility of weapons, has contributed to weakening Salvadorans' sense of security.

On March 15, 1993 the United Nations' Truth Commission released its report entitled "From Madness to Hope - The Twelve-Year War in El Salvador." The report examined in detail over thirty prominent cases which occurred during the civil war. The Commission concluded that members of the Salvadoran armed forces and other state security organizations were responsible for the bulk of gross human rights violations from 1980 to 1991. Of the five factions comprising the FMLN, only the leaders of the Ejército Revolucionario del Pueblo (ERP) readily admitted their role in the assassination of non-combatants (judges and mayors) to the Commission.

The Truth Commission report was lost on the Salvadoran military and judiciary, whose officials responded by denigrating the report and its authors. Also, the Salvadoran government pressed a blanket amnesty law through the National Assembly within days of the report's release.

On July 1, 1993, after months of pressure from the United Nations and the international community, President Cristiani removed from active duty the last fifteen ranking military officers, including the Minister and Vice-Minister of Defence, who were named in a confidential report submitted by the Ad Hoc Commission.

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Following the May 1993 explosion of a clandestine arms cache in Nicaragua, it was revealed that the FMLN still held a substantial amount of armaments in depots in El Salvador, Honduras and Nicaragua. The FMLN cooperated fully with ONUSAL in the location and destruction of these armaments.

Apart from the successful demobilization of over eight thousand FMLN guerrillas and a fifty per cent reduction of armed forces personnel, the implementation of other provisions of the peace accords has proceeded slowly or is stalled. In his reports to the Security Council, the UN Secretary-General has noted an apparent lack of commitment on the part of the Government of El Salvador to fulfil many of its obligations under the peace accords.

In the last three months of 1993, El Salvador was again thrown into crisis by the murders of several officials of the FMLN, including one of its collective leaders, and of some members of the Republican Nationalist Alliance (ARENA). President Cristiani established an Inter-Institutional Commission to investigate these crimes, with the assistance of foreign police officials. At the behest of the UN Secretary-General and the Security Council, an independent joint commission to investigate the activities of illegal armed groups since January 1992, was constituted on December 8, 1993.

### CANADIAN POSITION

The Canadian government is concerned about the resurgence of political violence in El Salvador which reflects the continuing problem of human rights violations in that country. This violence threatens to undermine the peace process and preparations for national elections in March 1994.

Officials of the Canadian Embassy in Guatemala, which is accredited to El Salvador, have in the past year made direct interventions to representatives of the Government of El Salvador on several human rights cases. Canada's Ambassador visited the country in November 1993 to assess the human rights situation. He met with the Ministers of Defence, the Interior, and Planning and Development to express the Canadian government's disquiet over recent acts of violence.

At the 48th session of the UN General Assembly, Canada co-sponsored a resolution on the human rights situation in El Salvador which reflected recent events. At the 49th session of the Commission for Human Rights (UNCHR), a consensus resolution was passed which stated that the human rights situation in El Salvador could, in future, be considered under Advisory Services (Item 21) if there were "substantial improvement." As there has not been a sustained improvement in respect for human rights in El Salvador, Canada will support its consideration under Item 12 at the 50th Session of the UNCHR.

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## HUMAN RIGHTS SITUATION IN GUATEMALA

### ISSUE

In spite of political change within Guatemala and international pressure from without, the number of human rights violations has not decreased.

### BACKGROUND

Guatemala is a highly stratified society in which the distribution of wealth is quite unequal. This disparity is mirrored along ethnic lines; most of the poor being indigenous people while the rich are almost exclusively "Ladinos." For decades, the imbalance has contributed towards high levels of political and criminal violence within Guatemalan society.

Last year's most surprising event was the attempted coup by President Serrano in May, after which the Congress selected Mr. Ramiro de León Carpio, former human rights ombudsman, to succeed the ousted President. Mr. Carpio's efforts to improve respect for human rights in his country and to encourage the fledgling civil society have earned him respect at home and abroad.

However, the optimism that followed his accession to power was short-lived. The President seemed to prefer concentrating on constitutional issues rather than human rights and civil strife as had been hoped for by many observers. In fact, the country has experienced a resurgence of human rights violations, after a short-lived relative period of calm. According to numerous reports, a qualitative change has occurred in the violations --- intimidation and threats are now preponderant. Many of these have been perpetrated by civil defence patrols which, according to the President, will be dissolved only when the armed conflict ends. Consequently, the President has lost many of his initial supporters, especially within the popular movements.

Some positive developments have occurred despite this somber situation. The constitutional impasse seems headed towards a resolution, and "extraordinary" parliamentary elections will be held in mid-1994. This will enable the President to concentrate on the peace negotiations with the URNG which resumed in January 1994. Two groups of refugees returned from Mexico this year, despite major obstacles. After arduous negotiations, the Guatemalan army has agreed to withdraw in the spring from the territories set aside for the refugees.

But the most encouraging development has been the resurgence of political dialogue in Guatemala, despite continual threats and acts of intimidation against the leaders and members of various organizations in the civil society. The press is free and spares no one, not even the President. The Army itself appears divided between a hard-line faction and a growing faction hesitant to continue previous practices. Finally, the indigenous people seem to be organizing themselves with increasing effectiveness. With some 70 per cent of the population, they represent a major political force that no one can afford to ignore in the long term.

### CANADIAN POSITION

Respect for human rights is Canada's main concern in its dealings with Guatemala. We continue to follow the situation closely and to express our concerns openly to the Guatemalan authorities and their representatives in the Guatemalan Embassy in Canada.

Canada also continues to support various non-governmental human rights organizations by way of its own NGOs. Our financial support for the **Procuradoria de los Derechos Humanos**, which was previously led by Mr. Carpio, has assured us of good relations with the President. We realize that Mr. Carpio will have to face many major challenges, and that his government will need our full support as it seeks to improve the human rights situation. With this in mind, Canada is working on a \$1.5 million project to assist democratic development in Guatemala.

Canada will also continue to participate in the repatriation of refugees from Mexico to ensure full compliance with the 1992 accords and to maintain its support for Canadian NGOs involved in the process.

At the 50th session of the Commission on Human Rights, Canada will consult with other like-minded countries to determine whether we should attempt to have Guatemala examined under Item 12 of the Commission's agenda.

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December 1993

## HUMAN RIGHTS SITUATION IN HAITI

### ISSUE

The efforts of the international community during 1993 failed to put an end to the massive human rights violations occurring in Haiti.

### BACKGROUND

The year 1993 began under promising auspices with the appointment of Dante Caputo, Special Envoy of the OAS and UN Secretaries-General, the sending of some 250 human rights observers on the civilian mission to Haiti (MICIVIH), and diplomatic pressures leading to the adoption of a limited embargo by the Security Council.

These efforts led to the signing of the Governors Island Accord, the formation of a constitutional government led by Prime Minister Malval, the removal of the sanctions and the deployment of some 50 RCMP officers, along with personnel sent to pave the way for the United Nations Mission to Haiti (UNMH), such as police officers and military construction specialists.

Once the sanctions were lifted and the ship transporting the initial members of the UNMH military contingent abruptly departed, a chain reaction occurred that led to the temporary removal of the UN and the OAS from the scene, and strengthened those opposed to the accord. The "Friends of the Secretary-General on the Haitian Issue" are taking action with President Aristide at this time to have the pressures increased and the agreement reactivated.

In Haiti itself, the overall human rights situation has not improved. The presence of the MICIVIH in Port-au-Prince, and especially in the provinces, restored the confidence and courage of the democratic forces, as exemplified by the response to the attack on Mgr. Romélus. Elsewhere, determined observers succeeded in obtaining the release of prisoners, preventing arrests and exactions and keeping at bay a military force too accustomed to doing as it pleased, hidden from foreign eyes. After its departure, the MICIVIH was sorely missed by those who had placed their confidence in it; many Haitians who had cooperated with the mission have suffered mistreatment since it left. Some of its work has been taken up by private organizations such as Cry for Justice International, in which a few Canadians have participated and which has received Canadian Embassy support.

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The MICIVIH was unable to prevent the murders of Antoine Izméry in September and Justice Minister Guy Malary in October. The murders were designed to intimidate partisans of the President and to affirm the preeminence of force in Haiti. Murders less visible, but equally brutal were committed throughout the year, the purpose being to disable pro-democracy organizations. Attacks on Haitian journalists, trade unions and parliamentarians have increased now that the international elements have left.

### CANADIAN POSITION

Canada continues to give high priority to seeing democracy restored to Haiti, and feels that this can only occur with the return of the President elected by more than two-thirds of the voters.

Within the group of "Friends," Canada is endeavouring to have the Security Council adopt the sanctions of the OAS, which, while comprehensive, are combined with humanitarian exemptions. January 15 has been selected as the deadline. We wish to show the Haitian military that we are united and determined.

Broadcasts in Creole have begun on Radio Canada International. We have asked the OAS and the UN to prepare programming on human rights, the Haitian situation and the objectives of the UN and the OAS, in order to encourage grass-roots democratic forces as they continue the fight. Plans for a UN/OAS radio station will be pursued energetically. Our humanitarian assistance will include a "human rights" component.

We are also urging the OAS countries to apply the sanctions already recommended. We shall explore ways of having the trade embargo applied by the airlines serving Port-au-Prince, and shall insist that the Dominican Republic make a real effort to curb trade with Haiti.

We have asked the United Nations to redeploy the MICIVIH as soon as security conditions permit, and are prepared to re-examine the return of the UNMH, provided that its mandate can be fulfilled.

At the 49th session of the Commission on Human Rights, as well as at the 48th session of the UN General Assembly, Canada co-sponsored resolutions condemning the human rights situation in Haiti. At the 50th session of the CHR, Canada will continue to support the resolution on the human rights situation in Haiti with a view to ensuring that a contribution by the CHR to international efforts is aimed at resolving the tragedy in this country.

December 1993

## HUMAN RIGHTS SITUATION IN MEXICO

**THE SITUATION IN CHIAPAS STATE WILL BE THE SUBJECT OF A SEPARATE BRIEF AT THE TIME OF THE CONSULTATIONS.**

### ISSUE

President Salinas has created basic institutions and implemented reforms to address major human rights abuses with the ultimate goal of promoting a more democratic political system.

### BACKGROUND

According to official statistics, recent reforms have reduced the most serious abuses, especially torture, and encouraged Mexicans to report abuses and insist on their rights. While official statistics are not completely reliable, overall it is still possible to conclude that Mexico is a more open society, that abuses are more likely to be publicized and corrected, and that offenders can no longer commit abuses with complete impunity. The Mexican government itself accepts that problems remain. Domestic political reforms, particularly freedom of the press and vastly expanded international contacts due to NAFTA-related interest in the country, have brought Mexico's internal affairs under greater scrutiny.

There exist three major sources of human rights violations. The Mexican police receive inadequate training and pay, and as a result, they resort to corruption to supplement their salaries, and to torture as a quick alternative to proper investigation. Indigenous people face particular obstacles in the Mexican judicial system because they often do not speak Spanish and interpretation facilities are inadequate. Centuries-old conflict over land claims continues, despite government efforts to help peasants obtain clear title to their land. Violence has frequently erupted as local barons, often backed by the police, attempt to impose their land claims. The war on drugs conducted by Mexican drug enforcement agencies, often under heavy international pressure, produces violations. Narcotraffic-related corruption and forced production of illicit crops, are growing. Recent organized crime legislation increased police powers to extend detention of accused narcotraffickers without trial.

President Salinas created the National Human Rights Commission (Comision Nacional de Derechos Humanos - CNDH) to investigate abuses and promote human rights awareness. He entrenched its legal autonomy in the Constitution, and has created a network of state-level offices. His government enacted a federal law for the prevention of torture, and has prosecuted and punished offenders. The first act of the new Attorney General in 1993 was to fire 150 police officers for abuses. Mexico has established a Land Registry and legal machinery for adjudicating land cases, and spent tens of millions of dollars to help campesinos obtain clear title. The President has eliminated programmes which permitted

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government agencies to "purchase" favourable stories in the media, although individual journalists have been subject to pressure, even murder. There is now a vigorous human rights NGO community: NGOs have requested funding, equipment, and technical assistance from foreign counterparts.

Mexican elections have been characterized by irregularities and violence. After 65 years of virtual monopoly rule, government electoral reform has begun to have an effect. Opposition parties now hold three state governorships, and over 4,000 of 19,000 local offices. Nevertheless, the most recent state elections in the Yucatan were reportedly characterized by abuses, and are the subject of continuing political controversy. Since Mexico does not yet permit international election observers, even informally, it is difficult to reach a fair judgement on government and opposition claims. While press reforms and greater competition among newspapers has begun to afford the opposition greater media access, the government still has strong ties to powerful private media barons, and leverage from government advertising budgets.

The government and the ruling PRI party have made serious efforts to promote a more open, functioning democracy in Mexico. In 1990, the Federal Elections Institute was established to run elections, with representation from the opposition parties on its General Board, and its own separate bureaucracy to promote independence from the government bureaucracy. The Minister of the Interior still has an oversight role in the Institute's affairs. In 1991, Mexico began establishing a modern electoral registration and identification system. There are now election spending limits, and controls on campaign contributions which will be in effect in 1994. These institutions will be tested for the first time in the 1994 Presidential election. In the meantime, the PRI candidate Luis Colosio has underlined his commitment to free and fair elections. The Constitution has been amended to guarantee opposition parties increased representation in the Senate, and their role has been accorded due legitimacy in various legislative bodies, including the powerful Mexico City council.

### CANADIAN POSITION

The Prime Minister, and Canadian Ministers and officials have regularly expressed support for the reform process underway, and urged Mexico to press forward. The Chief Electoral Officer, Chair of the Human Rights Commission, and Ed Broadbent of the International Centre for Human Rights and Democratic Development have visited Mexico to exchange views on how progress can be achieved. Officials from Mexico's Federal Electoral Institute and the National Human Rights Commission, have visited Canada. The Canadian and Mexican delegations have worked closely over the past year toward the creation of the office of UN High Commissioner for Human Rights. The Canadian Embassy maintains regular contacts with Mexican human rights NGOs, and has funded NGO projects. 70% of the beneficiaries of the Embassy Canada Fund are women. Mexican NGOs have sought closer ties with Canadian counterparts for Canadian funding and technical assistance, but they stress that Mexico's problems are for Mexicans to solve.

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December 1993

## HUMAN RIGHTS SITUATION IN PERU

### ISSUE

While human rights violations have somewhat decreased in Peru during 1993, they still remain a major source of concern.

### BACKGROUND

President Fujimori has publicly recognized that human rights abuses were committed by government institutions. He has announced a series of measures to address the matter: a human rights section has been created within the Army; a National Human Rights Council has also been created under the Chairmanship of the Minister of Justice; and finally, the Human Rights Commission of the Democratic Constituent Congress (CCD) has played an active role in examining cases against the military. Terrorist activities have dropped but emergency zones, controlled by military commanders, still cover 30% of the Peruvian territory.

The number of terrorist acts has decreased over the past twelve months, with the incarceration of virtually all the leaders of the Tupac Amaru Revolutionary Movement (MRTA) and the majority of those of the Shining Path (SL). However, the SL still has the ability to launch deadly attacks which are often countered by the military. Extra-judiciary killings continue, although they have declined in number. (According to some international human rights organizations, about 150 cases of disappeared persons have been recorded in 1993, which is down significantly from previous years).

Conflicts between government forces and terrorists remain the major cause of human rights violations. Despite new regulations, only a handful of members of the military have been prosecuted, giving military actions an air of impunity. However, human rights training, introduced within the military three years ago, has started showing positive results.

The La Cantuta case (disappearance of nine students and a professor from a University campus under military control in 1992) has kept the relationship between the President and the military in the limelight for most of the year, as well as actively involving the Constituent Congress.

On a positive note, draconian anti-terrorist laws have been amended, permitting the habeas corpus (the right of self-defense with a legal counsel), and eliminating trials and sentences in absentia. Subsequent modifications providing better human rights guarantees are expected. As well, a National Human Rights Council, with members from the government and the NGO communities, was created in October 1993 to advise the President on human rights issues. Finally, the new Constitution, which makes provision for the reinstatement of

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death penalty for traitors and terrorist leaders, has been approved. Government officials have consistently repeated that its implementation is unlikely and that the measure should be seen as a deterrent against terrorist leaders.

As promised at the Nassau OAS General Assembly in May 1992, President Fujimori has kept his word regarding his plan for the return of democratic institutions. Municipal elections were held on January 1993, including one in Ayacucho, which was the first one in ten years. As well, there was a country-wide referendum on October 31, 1993. Even though the referendum was not won by a large margin (52%), President Fujimori has kept his promise by giving the electorate the opportunity to accept or refuse the proposed Constitution. Due to its near rejection, the Opposition parties have been bolstered and are clamouring for immediate amendments to the newly approved Magna Carta. Both the government and the President have recognized that the document will have to be improved.

President Fujimori has admitted that corruption is a problem in the administration, including in the judiciary. He has taken action to redress the situation: judges, magistrates, prosecutors have been dismissed, and military officers have been retired. Very few cases, however, have gone to court.

Finally, although economic statistics are improving, benefits have not yet become apparent to the 50% of the population who live below the poverty line. The government has so far been unable to deliver on its promises of improving living conditions.

### CANADIAN POSITION

The Canadian government continues to make frequent inquiries to various Peruvian government ministries about specific cases where human rights appear to have been violated. We have also made direct contacts with purported victims (especially journalists) to determine the status of their complaints and to enquire about their personal safety.

The Canadian government considers that serious efforts are being made by Peru to improve its human rights situation. Concerns will continue to be expressed at the official level on every possible occasion, as illustrated during the Secretary of State, Christine Stewart's visit early in January 1994.

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January 1994

## HUMAN RIGHTS SITUATION IN THE BALTIC STATES

### ISSUE

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

### BACKGROUND

Russian minorities in Estonia and Latvia have been the main focus of international concern. Moscow has attempted to link the withdrawal of Russian troops from these countries to the status of the Russians that remain. Lithuania's small Polish and Russian minorities are not currently an issue.

#### Latvia:

Latvia is perhaps in the most precarious position with respect to minority problems. Ethnic Latvians comprise a bare majority of the population (52%), and in many parts of the country (including Riga) are in the minority. Russians make up 34% of the population, Belarusians 4.5%, Ukrainians and other nationalities 9.5%.

Tensions have arisen as Latvians face the threat of becoming a minority in their own country and as Russian-speakers watch their pre-independence status erode and fear for their rights. About 600,000 Russian-speaking residents were denied the chance to vote in the June 1993 elections as they were not considered citizens under existing legislation. The Latvian parliament is currently debating controversial new citizenship legislation.

Observers from the UN, the CSCE, and the Council of Europe broadly agree that Latvia is not abusing the rights of its minorities. Many have urged a more rapid implementation of recommendations designed to improve the situation, however. A CSCE Mission of Long Duration to Latvia has been established for this purpose.

#### Estonia:

The Russian minority in Estonia comprises 30% of the population, approximately one-quarter of whom are citizens of Estonia. Tensions between the Estonian and Russian communities were exacerbated by Estonian residency legislation and by informal referenda on secession held in the largely Russian-speaking north-east. Legislation allowing non-citizens to vote in local elections is bringing Russians into the political process at the municipal level.

Estonia has welcomed missions from the UN, the CSCE, and other international organizations to examine its human rights situation. While there is general agreement that Estonia is not abusing the rights of its minorities, poor relations between the Estonian and Russian communities are still cause for international concern. The CSCE currently has a long-term "preventive diplomacy" mission on the ground whose purpose is to promote better inter-ethnic relations and help build a civic society in Estonia.

### CANADIAN POSITION

Canada has consistently underlined the importance we attach to the protection of minorities and respect for international human rights commitments. We have urged the Estonian, Latvian and Baltic Russian communities to work together to address their respective concerns in a non-confrontational manner, and to make full use of international mechanisms.

Canada was a participant in the CSCE "preventive diplomacy" mission in Estonia, and we have offered to work to facilitate the absorption of Russophones into the ranks of Estonian and Latvian citizenry by providing assistance for second-language training. We also participate in a group of like-minded countries following Baltic issues in order to coordinate provision of technical assistance and human rights advice.

We are encouraged by recent improvements in Russian political participation at the local level in Estonia, and are monitoring closely the evolution of draft legislation on Latvian citizenship to ensure it conforms with international human rights standards.

Canada has acted forcefully on the issue of Russian troop withdrawals, rejecting their linkage to any other issue. At the same time, we are encouraging the Baltic States to address Russian concerns on minorities, underlining that relations with Russia are key to regional stability. Integration of the minority populations into social and economic structures is important for internal stability as well.

The strong showing in the recent Russian elections by Vladimir Zhirinovskiy, a strident Russian nationalist, threatens to complicate this issue. Canada has therefore welcomed the recent Estonian-Russian conditional agreement on a complete Russian troop withdrawal by 31 August 1994.

For the second year running, UNGA 48 adopted a consensus resolution which welcomed the cooperation of Estonia and Latvia with international observer missions while acknowledging the existence of unresolved concerns in the two countries. Canada has consistently urged Russian, Estonian and Latvian representatives at the UN to ensure that Assembly discussions on these questions are resolved on a consensus basis.

## HUMAN RIGHTS SITUATION IN THE FORMER YUGOSLAVIA

### ISSUE

The human rights situation throughout most of the territory of the former Yugoslavia remains a matter of grave concern for Canada. The continuing armed conflict in this region, fuelled by ethnic intolerance and long-standing rivalries, has resulted in the violation of almost every norm of international humanitarian law.

Until the fighting can be stopped and security and stability restored, human rights abuses will continue. In areas as yet untouched by war, the volatility of inter-ethnic feelings may result in the conflict spreading to other republics of the former Yugoslavia, and perhaps to other Balkan states.

### BACKGROUND

The abuse of minority rights has been widespread from the beginning of the crisis in the former Yugoslavia. As the federal republic disintegrated, the Serbs sought to ensure their "nation" would remain within one country. In so doing, the Serbs tried to extend their control over regions in which other groups have lived for centuries as resident minorities, and where new states led by non-Serbs were seeking international recognition. Other groups such as the Croats and Muslims sought to consolidate their position in the new states by suppressing the minority rights of others, including Serbs.

The most blatant abuses of human rights in the former Yugoslavia have taken place through the practice of "ethnic cleansing", which involves the use of murder, rape, forced pregnancies, torture or other forms of intimidation to drive people of one ethnic group from their homes and villages in areas claimed by another ethnic group. This has had a devastating impact in a region where roots run deep and while there is virtually no social mobility.

The first widespread use of ethnic cleansing occurred in Croatia where both Serbs and Croats have been forced to move from areas where they were in the minority to other locations where they formed the majority. The United Nations has deployed several thousand peace-keepers in four UN Protected Areas (UNPAs) to try and establish some semblance of law and order, and to reassure the civilian population in those areas. A two-year-old ceasefire between the Croatian and Serb forces has held generally, although there have been some serious violations during the past year.

In Bosnia-Herzegovina, ethnic cleansing is still widespread and systematic. More than 100,000 people have been killed, several hundred thousands more injured, and close to three million have been displaced or forced to seek refuge in neighbouring countries. The UN High Commissioner for Refugees, along with the International Committee of the Red Cross and other humanitarian agencies, has been providing emergency relief supplies to many who have no other means of sustenance or shelter.

The United Nations Protection Force (UNPROFOR) has been deployed in Bosnia-

Herzegovina to provide military escorts to international relief convoys, to keep open Sarajevo airport for the airlift of relief supplies, and to create six "safe areas" for the protection of civilians. The humanitarian mission of UNPROFOR and of relief agencies has been repeatedly obstructed by all parties to the conflict, in violation of applicable principles of international humanitarian law.

In Serbia, minority groups such as the Hungarians of Vojvodina, the Muslims of the Sandzak region and the Albanians of Kosovo all feel themselves to be at risk from the Serbian majority. The Conference on Security and Cooperation in Europe (CSCE) established Long-Term Missions in each of these areas, focussing on preventive diplomacy and conflict prevention. Regrettably, Belgrade refused to renew the mandate of the Missions and they were obliged to withdraw from Serbia in July 1993. There is some evidence that the human rights situation in Kosovo and the other regions has deteriorated since the CSCE missions' departure.

Mr. Tadeusz Mazowiecki, the Special Rapporteur of the Commission on Human Rights, has submitted five reports on the human rights situation in the former Yugoslavia. His latest report of November 17, 1993 draws particular attention to the continuation of "ethnic cleansing" in Bosnia-Herzegovina, including mass expulsions, military attacks on civilians, abuse of women and assaults on "safe areas". He also notes that the Bosnian Serb authorities have not yet permitted an investigation of the human rights situation in the territories under their control.

Mr. Mazowiecki also expresses concern about violations of international human rights standards and humanitarian law in Croatia, where more than 500,000 people have been displaced by previous fighting or been victims of ethnic cleansing.

In Serbia, the Special Rapporteur is concerned about the use of brutal and excessive force by the police throughout that republic. He also highlights restrictions imposed on the freedom of assembly and association, freedom of expression and the media, and increased institutional and non-institutional pressure against members of different ethnic communities. The denial of equal and fair media access for opposition parties during the recent Serbian elections campaign has cast doubt on the fairness of those elections.

Mr. Mazowiecki acknowledges that the human rights situation in Montenegro is better than in Serbia, although he does note some concerns about the judicial process and the lack of non-State-run radio and television.

The former Yugoslav republic of Macedonia faces the threat of unrest spilling over from Serbia, particularly if there is an outbreak of violence in Kosovo. Despite this, the domestic human rights situation is relatively good and the government is working to improve the republic's record.

The Republic of Slovenia was spared much of the fighting that has taken place in Croatia and Bosnia-Herzegovina and, blessed with few ethnic issues, has been able to build a positive human rights record. It is seeking to become a market-oriented democracy in the Western tradition with ties to the international community, particularly in Western Europe.

## CANADIAN POSITION

Canada believes that only a negotiated settlement among all parties in the former Yugoslavia will bring a lasting peace, alleviate the suffering of civilians, and restore respect for internationally-agreed norms of humanitarian law. Canada has, therefore, supported all efforts to achieve a negotiated peace, while providing humanitarian assistance.

Canada has consistently led international efforts to investigate and prosecute war crimes in the former Yugoslavia. In March 1993, Canada sponsored an international experts' meeting to consider the establishment of an international criminal court as well as an International War Crimes Tribunal for the former Yugoslavia. A Canadian specialist in international humanitarian law is a member of the UN Commission of Experts (UNCOE) that investigates alleged war crimes and other violations of international humanitarian law in the former Yugoslavia and is the Commission's Rapporteur for on-site investigations.

Canada was the first country to support the UNCOE trust fund, with a contribution of \$300,000. Canada has also provided several teams of investigators who have travelled to the former Yugoslavia to assist UNCOE in its on-site investigations. In September 1993, a Canadian (Judge Jules Déschênes) was elected to the International Tribunal for Crimes Committed in the Former Yugoslavia.

Canada established a position for an Information Co-ordinator to receive information on alleged violations of international humanitarian law in the former Yugoslavia and has submitted two reports on alleged war crimes to the UN Security Council.

Special Canadian immigration measures were announced in July 1992, permitting Canadians to sponsor their relatives from overseas under relaxed selection criteria. To date, more than 10,000 people have applied under the program. In December 1992, Canada responded to an appeal from the UNHCR to resettle Bosnians whose release from detention camps had been negotiated by the Red Cross. Close to 600 ex-detainees and their family members have been brought to Canada under that program.

Canada's total contribution in humanitarian assistance for the victims of the conflict in the former Yugoslavia since the autumn of 1991 now approaches \$50 million, including \$1.75 million designated specifically for victims of sexual violence. Canadian military aircraft have flown more than 1,000 relief flights to Sarajevo as part of the international airbridge to the city, delivering more than 14,000 metric tons of food and medical supplies.

Canada has contributed the third largest UNPROFOR contingent: approximately 2,000 Canadian troops now monitor the UNPAs in Croatia, and provide protection for relief convoys and refugees in Bosnia-Herzegovina. The Royal Canadian Mounted Police are providing 44 police monitors to UNPROFOR and a further 12 Canadian Forces personnel serve with the European Union Monitoring Mission in the former Yugoslavia.

Canada will continue to support strongly all efforts of the CHR and other institutions and organizations to improve the human rights situation in the former Yugoslavia.

January 1994

## HUMAN RIGHTS SITUATION IN RUSSIA

### ISSUE

Democratization in Russia is proceeding with the adoption of a new Constitution, but is threatened by ethnic conflict in the South, ultra-nationalism, and pervasive corruption.

### BACKGROUND

Russia's progress in 1993 toward democracy and the rule of law was considerable, though uneven and marked by repeated political crises. The adoption of a new Constitution entrenching basic human rights in accordance with international standards and obligations did not come without a struggle. Implementation remains a challenge.

Despite growing political confrontation, President Yeltsin and his government consistently worked to ensure the people's right to express their will in referenda and elections. The government's commitment to the protection of human and civil rights was tested by Yeltsin's extremist opponents, culminating in the armed insurrection of October 3-4.

The Constitutional Court, Russia's supreme arbiter of human and civil rights, was suspended after its chairman took the anti-government side in the October events. It is not yet clear what latitude for action it will have under the new Constitution. Politically-motivated allegations of corruption and other improprieties, launched by competing investigative and law-enforcement bodies, have undermined respect for the legal system. The Russian authorities will have to make great efforts to restore public trust in the honesty and effectiveness of governmental institutions.

Despite the pressures of a difficult transition, Russia has maintained its commitment to a free and open society. The increasingly independent media (especially print and radio) has fostered vigorous political debate. Some concern remains about the recentralization of state-owned news agencies and access for all view-points to state-controlled television.

Minority rights, which are officially guaranteed, are being challenged by extremist elements. The December 12 parliamentary elections demonstrated that Russian ultra-nationalists have managed to capitalize on economic discontent to spread xenophobia and anti-Semitism. In the North Caucasus, territorial conflicts between minority nationalities displaced during the Stalin era have led to mass violence and the imposition of martial law in affected areas.

Russia is increasingly active in championing the cause of the 25 million ethnic Russians living in neighbouring countries of the former Soviet Union. It has linked progress in troop withdrawals from Estonia and Latvia to citizenship and social guarantees for local Russians. In Tajikistan, Moldova and the Transcaucasus, defence of Russian minorities has been used to justify Russian military involvement.

In a 1993 amendment to the Russian Criminal Code, homosexual relations between consenting adults were decriminalized.

### CANADIAN POSITION

Canada firmly supports Yeltsin in his political and economic reform efforts, and welcomes the adoption of Russia's new Constitution. Canadians provided technical assistance and monitored the December 12 constitutional referendum and parliamentary elections.

Democratic development is one of the priorities of Canada's programme of technical assistance in Russia. Projects include institution-strengthening for the new parliament, training impartial public servants, the publication of a civics textbook for schools, and workshops in ethnic conflict resolution. The \$20 million Yeltsin Democracy Fellowships programme is bringing promising young officials to Canada for on-the-job training, including a grounding in the principles of equity in government services and in the workplace.

December 1993

## HUMAN RIGHTS SITUATION IN TURKEY

### ISSUE

The human rights situation in Turkey is paradoxical. Although Turkey is an open society and a secular multiparty democracy, serious and widespread violations of human rights nevertheless occur. These abuses take place mainly, but not exclusively, in the Kurdish-inhabited region of southeastern Anatolia.

### BACKGROUND

Since the return to civilian rule in 1983, Turkey has been a parliamentary democracy in which several parties compete freely for power. There was a peaceful transition in government after the ruling Motherland Party was defeated by the True Path Party (DYP) in general elections held in October 1991. The DYP and the smaller Social Democratic Populist Party (SHP), with which it has formed a governing coalition, both campaigned on platforms that included promises to improve respect for human rights. Turkey passed legislation in October 1993 establishing several official human rights bodies, including a human rights council with wide powers of investigation. Turkey has an independent judiciary that often dismisses prosecution cases; the rule of law generally prevails. Over the years, Turkey has ratified most major international human rights instruments.

As a truly secular state, Turkey is nearly unique in the Moslem world. Outside the major cities, however, it remains a traditional, and in some respects backwards, society. The status of women in Turkey lags well behind western European countries, but is nonetheless far ahead of most middle eastern countries. The election of Turkey's first woman prime minister, Tansu Ciller, at a DYP party congress in June 1993, is a sign of the improved status of women in Turkey. Turkish law enshrines the equality of the sexes in most but not all instances.

Within a broad consensus that includes support for the unity of the Turkish state, lively debate flourishes. The mainstream press is openly critical of the government, and reports human rights violations. Individuals and organisations that challenge the integrity of the Turkish republic, however, are subject to severe repression. After months of quasi-legal harassment, the pro-Kurdish newspaper *Ozgur Gundem*, was raided and effectively shut down in December 1993; many of its journalists have been arrested, and in some cases murdered under unexplained circumstances. Similarly, numerous supporters of the pro-Kurdish Democratic Party (DEP) have "disappeared", while Mehmet Sincar, a DEP Member of Parliament, was assassinated in September 1993. Satisfactory explanations for most of these crimes have not been provided. The United Nations Committee against Torture report of November 1993 found evidence of the systematic torture of people in custody.

The insurgency in southeastern Anatolia by the terrorist Kurdistan Workers' Party (PKK), which began in 1984, provides the context for the most serious human rights concerns in Turkey. The PKK has itself committed documented atrocities against civilians, but in their efforts to suppress terrorism, Turkish security forces have also been guilty of grave human rights abuses. Fighting has escalated since July 1993 in the ten provinces of southeastern Turkey under emergency rule, and the Turkish government has declared the military defeat of the PKK by March 1994 to be its immediate goal. In pursuit of that goal, it has attacked and forcibly evacuated many villages thought to support the PKK.

Turkey is ethnically heterogeneous, and Kurds who embrace the Turkish cultural identity are accepted easily into mainstream Turkish life; the current foreign and interior ministers, for example, are ethnic Kurds. There is a growing risk, however, that the PKK insurgency, and terrorist attacks it is undertaking outside the southeast, could polarize the Turkish population, and provoke an anti-Kurdish backlash (Most Kurds live outside traditional Kurdish areas). Already, public support for human rights reforms has weakened due to the perception that terrorists would be the beneficiaries. The government lifted the interdiction against the private or cultural use of the Kurdish language in 1991, but its use in education, broadcasting and politics remains forbidden. Other minorities such as the Greeks, Armenians and Jews are officially protected but nonetheless experience some discrimination; their numbers are dwindling as a result of emigration.

### CANADIAN POSITION

Canada condemns both terrorism and human rights abuses. Canadian representatives, up to and including the ministerial level, have consistently raised Canada's concerns over the human rights situation in Turkey during discussions with their Turkish counterparts. The Canadian Embassy in Ankara monitors the human rights situation closely, and is in regular contact with Turkish authorities and with local NGOs.



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**CANADA**

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The Permanent Mission of Canada  
to the United Nations  
at Geneva

La Mission Permanente du Canada  
auprès des Nations Unies  
à Genève

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**COMMISSION ON HUMAN RIGHTS/COMMISSION DES DROITS DE L'HOMME**

**49TH SESSION/49IEME SESSION**

**ITEM 7: ECONOMIC, SOCIAL AND CULTURAL RIGHTS**  
**ITEM 8: RIGHT TO DEVELOPMENT**

**STATEMENT BY ANNE PARK, HEAD OF THE DELEGATION OF CANADA/  
ALLOCATION PRONONCEE PAR ANNE PARK CHEF DE DELEGATION DU CANADA**

**GENEVA/GENEVE**  
**12 FEBRUARY/FEVRIER 12, 1993**

The role of Economic, Social and Cultural Rights - and the relationship to Civil and Political Rights - has been a matter of considerable debate in the Commission. We need together to develop a clearer understanding on this question, especially as we prepare for the World Conference on Human Rights, where the relationship between human rights, democracy and development will be a key topic for consideration.

In our view, much of the misunderstanding surrounding this subject derives from the basic difference in the nature of the governmental obligations flowing from these two families of rights. In the International Covenant on Civil and Political Rights, Article 2 establishes the unqualified obligation of all states parties "to respect and to ensure to all individuals ... The rights recognized" therein. This is essentially an obligation for government to refrain from arbitrarily or unduly curtailing the fundamental freedom of its citizens.

On the other hand, Article 2 of the International Covenant on Economic, Social and Cultural Rights recognizes the central importance of limited resources in that context: "each state party... Undertakes to take steps individually and through international assistance and cooperation,... To the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized" in that Covenant.

This distinction, also elaborated in Article 22 of the universal declaration, has important practical significance. But it does not imply any difference in the relative importance of these two sets of rights.

In this respect, Mr. Chairman, Canada adheres to a view reflected in many past resolutions of this Commission: as a party to both Human Rights Covenants since their entry into force in 1976, we have long considered the principles contained in these instruments fully compatible and fundamentally inter-related. We also joined in the adoption of the Declaration on the Right to Development in 1986 precisely because we saw that document as a reaffirmation of the responsibility of national governments, and the international community as a whole, to strive for the realization of all principles embodied in the International Bill of Human Rights.

This view is central not only to our approach to international human rights issues, but also to the underpinnings of Canadian society. Canadians are firmly attached to the fundamental rights entrenched in our Charter of Rights and Freedoms. This is matched by an unequivocal commitment to national social, economic and cultural programs designed to ensure that each citizen, rich or poor, healthy or sick, young or old, can participate to the fullest extent possible in the political and civil life of Canada. As a result, such things as our national medicare system, the provision of financial assistance to poorer provinces to help them provide essential

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public services, and multicultural programmes promoting the benefits of a diverse society have become part of the very fabric of Canadian society.

Canada's Prime Minister, The Right Honourable Brian Mulroney, has put this comprehensive view of human rights in the following terms: "Human rights is not an abstract legal notion or a fashionable political theory in industrialized countries. Human rights means an opportunity for a human being to be sufficiently nourished; adequately housed; suitably clothed; to be educated and to educate his children as well; to have access to proper medical treatment; to earn a living; and to keep his or her family free from financial worries. Human rights means respect for the dignity of each human being."

Against this background, Mr. Chairman, we frankly see nothing to be gained in debates over whether developed countries are overly concerned with political and civil rights, or whether developing countries should give first or exclusive priority to economic, social and cultural rights, or should be held to a lesser standard of respect for civil and political rights.

History is replete with examples of both good and bad human rights records among developed and developing countries alike. And the profound changes which have been engulfing the world in recent years demonstrate the crucial role which freedom and democratic processes and institutions play in the development process. A country's potential for social and economic development turns on the freedom its citizens enjoy to participate fully in all aspects of society, no less than on governmental commitment to material prosperity. In other words, adherence to universal human rights standards clearly cannot be regarded as a mere function of GNP.

This does not imply the imposition of "western" values or forms of government. Guarantees of basic political freedoms can, and do, translate into different political structures based on specific national traditions, needs and habits of thought, just as economic and social programmes are shaped according to national circumstances.

Canada would like to place itself squarely in the middle of the growing consensus that these two sets of rights -- as embodied in the Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights -- are not competing priorities but two essential kinds of human rights which are fundamentally inter related, or as some would have it, which are 'indivisible'. We believe this holds one of the keys to the improvement of international understanding and cooperation in the field of human rights.

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We do however recognize -- and I want to underline this point -- the tremendous challenges which many developing countries face in improving their human rights performance. Canada regards all of its development cooperation activities, aimed at creating an environment for sustainable development, as means of assisting less developed countries to fulfil their human rights obligations in all spheres - economic, social and cultural as well as civil and political. Our decision to increasingly channel such assistance to governments that respect the rights and freedoms of their people is not intended to interfere in the internal affairs of others. It reflects our desire to support those who are committed to strengthen their capacity to protect human rights, and the belief of our taxpayers that their limited resources will be put to most effective and lasting use in countries which pursue their economic goals in the context of a genuine commitment to respect the human rights of their citizens. Conversely, we will not give aid to governments which flagrantly abuse the rights of their citizens.

At the same time we attach high priority to assistance in the development of institutions for the protection of basic human rights. This is a fundamental element in our bilateral programmes, and we believe the UN needs to continue developing and strengthening its programmes to assist developing countries which are committed to improving their institutional infrastructures to protect human rights. A growing number of practical, concrete proposals in this regard are emerging from various quarters.

Last year, at Brazil's initiative, the Commission adopted a resolution on "strengthening the rule of law", which called for the World Conference on Human Rights to focus on the means for the UN to provide more effective assistance in this area.

In November, the African regional meeting in Tunis noted that the proper administration of justice and an independent judiciary are crucial to the full realization of human rights, and called for both states themselves and the international community to allocate more resources to the administration of justice.

In January, the Latin American and Caribbean regional meeting in Costa Rica emphasized the need for international cooperation in assisting states to strengthen institutions which uphold the rule of law - such as the administration of justice, police and prison systems, and human rights education. It suggested that one of the most substantial contributions the World Conference could make to the cause of human rights would be the establishment of a United Nations programme of technical and financial assistance under the auspices of the Centre for Human Rights to cooperate at the request of governments with national

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projects designed to strengthen the institutions that uphold the rule of law.

The Latin American meeting also called for regular meetings of leaders of the United Nations, the organization of American states and other regional organizations, the World Bank, the International Monetary Fund, the Inter-American Development Bank and other important international finance and development institutions to assess the impact of their policies on human rights and coordinate measures and strategies for the promotion and realization of human rights. This is a potentially very significant proposal which Canada would like to discuss with interested governments and international agencies alike.

Mr. Chairman, these ideas and others like them merit our careful attention and consideration. For it is through such practical and constructive approaches - in combination with the genuine commitment of governments to respect their citizens' human rights - that real progress can be made in pursuing the global realization of universally recognized human rights - economic, social, and cultural as well as civil and political. And it is in this way that the concept of the Right to Development can ultimately be given real meaning for all of our citizens.

Thank you, Mr. Chairman.



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  
MR. JAMES TROTTIER  
OF THE MISSION OF CANADA  
TO THE UNITED NATIONS

TO

THE THIRD COMMITTEE OF THE  
UNITED NATIONS GENERAL ASSEMBLY

ITEM 107: ELIMINATION OF RACISM AND  
RACIAL DISCRIMINATION

DÉCLARATION DE  
M. JAMES TROTTIER  
DE LA MISSION DU CANADA  
AUPRÈS DES NATIONS UNIES

À LA

TROISIÈME COMMISSION DE  
L'ASSEMBLÉE GÉNÉRALE DES NATIONS UNIES

POINT 107: ÉLIMINATION DU RACISME ET  
DE LA DISCRIMINATION RACIALE

NEW YORK LE 14 OCTOBRE 1993

MR. CHAIRMAN,

ON BEHALF OF THE CANADIAN DELEGATION, ALLOW ME TO CONGRATULATE YOU ON YOUR ELECTION AS CHAIR OF THE THIRD COMMITTEE. WE WOULD ALSO LIKE TO EXTEND OUR CONGRATULATIONS TO THE OTHER MEMBERS OF THE BUREAU. YOU CAN REST ASSURED THAT YOU WILL HAVE THE CANADIAN DELEGATION'S FULL COOPERATION THROUGHOUT THE COMMITTEE'S DELIBERATIONS AND WE LOOK FORWARD TO A SUCCESSFUL SESSION.

MR. CHAIRMAN,

ONCE AGAIN, THE THIRD COMMITTEE IS FOCUSING ITS ATTENTION ON ONE OF THE MOST SERIOUS PROBLEMS FACING HUMANITY TODAY, THAT OF RACISM AND RACIAL DISCRIMINATION. THE WORLD CONFERENCE ON HUMAN RIGHTS NOTED THAT IT CONSIDERED THE ELIMINATION OF RACISM AND RACIAL DISCRIMINATION AS A PRIMARY OBJECTIVE OF THE INTERNATIONAL COMMUNITY. IT WILL TAKE EVERY OUNCE OF OUR COLLECTIVE RESOLVE TO ATTAIN THIS OBJECTIVE.

THERE HAVE BEEN SOME UNDENIABLE ADVANCES, THE MOST RECENT OF WHICH IS THE APPOINTMENT OF A SPECIAL RAPPORTEUR ON CONTEMPORARY FORMS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA OR RELATED INTOLERANCE AT THE 49TH SESSION OF THE COMMISSION ON HUMAN RIGHTS. CANADA WELCOMES THE NOMINATION OF MR. ROBERT DOSSOU FROM BENIN TO THIS POSITION AND ASSURES HIM OF OUR FULL SUPPORT AND COLLABORATION IN THE EXECUTION OF HIS TASK. WE APPEAL TO ALL GOVERNMENTS TO DO THE SAME. WE LOOK FORWARD TO CONSIDERING HIS FIRST REPORT AT THE NEXT SESSION OF THE COMMISSION ON HUMAN RIGHTS.

MOREOVER, VARIOUS IMPORTANT GUIDING INSTRUMENTS EXIST, SUCH AS THE RECENTLY ADOPTED DECLARATION ON THE RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES, OR ARE BEING DEVELOPED, SUCH AS THE DRAFT DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES. THE THIRD DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION HAS BEEN PROCLAIMED BY THE GENERAL ASSEMBLY; AND THE MAJORITY OF STATES ARE PARTY TO THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION. THE CONVENTION - AND THE COMMITTEE WHICH WAS ESTABLISHED PURSUANT TO IT - ARE AN IMPORTANT KEY TO OUR COLLECTIVE EFFORTS TO ELIMINATE RACISM THROUGHOUT THE WORLD. THIS YEAR CANADA WILL BE SUBMITTING ITS TWELFTH REPORT TO THE COMMITTEE. WE URGE ALL STATES PARTIES TO FULFILL THEIR REPORTING OBLIGATION TO THE COMMITTEE ON A TIMELY BASIS. FURTHERMORE, WE ARE PLEASED WITH THE DECISION TO AMEND THE CONVENTION IN ORDER TO FUND THE COMMITTEE FROM THE REGULAR UN BUDGET. THIS HAS BEEN A LONGTIME CANADIAN INITIATIVE THAT WE HAVE PURSUED IN SUCCESSIVE UNGA AND CHR RESOLUTIONS. WE URGE STATES PARTIES TO RATIFY THIS AMENDMENT SO THAT IT CAN BE PUT INTO FORCE.

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WHILE THE EFFORTS PURSUED BY THE UNITED NATIONS ARE ACHIEVEMENTS WORTH NOTING, EACH STATE HAS THE ULTIMATE RESPONSIBILITY TO COMBAT RACISM AND TO PROMOTE HARMONIOUS RELATIONS AMONG ITS CITIZENS OF ALL ORIGINS OR CULTURES. UNHAPPILY, EXAMPLES OF DISCRIMINATION, AND REJECTION OF INDIVIDUALS OR GROUPS ON THE BASIS OF THEIR COLOUR, ETHNIC HERITAGE, OR SOCIAL AND CULTURAL DIFFERENCES CAN BE FOUND IN ALL PARTS OF THE WORLD.

#### THE SITUATION IN CANADA

MR CHAIRMAN,

CANADA IS NO EXCEPTION. IN A MULTICULTURAL SOCIETY WHERE IN 1986 VISIBLE MINORITIES AND ABORIGINAL PEOPLES REPRESENTED 6 PER CENT AND 4 PER CENT OF THE POPULATION - AND THOSE PERCENTAGES ARE GROWING - OUR POSITION IS VERY CLEAR: RACISM AND RACIAL DISCRIMINATION ARE INCONSISTENT WITH OUR LAWS, OUR IDEALS AND THE KIND OF COUNTRY THAT WE WANT TO BUILD. THAT IS WHY THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS IN OUR CONSTITUTION INCLUDES EQUALITY RIGHTS, AND A CLAUSE THAT REQUIRES THAT THE INTERPRETATION OF EQUALITY RIGHTS BE RESPECTFUL OF THE MULTICULTURAL HERITAGE OF CANADIANS.

HOWEVER, AS WE ALL KNOW, LAWS ARE NOT ENOUGH TO COMBAT THE RISE IN RACISM AND RACIAL DISCRIMINATION THAT WE ARE EXPERIENCING THROUGHOUT THE WORLD. THAT IS WHY ALL STATES, AND THE UNITED NATIONS, MUST ENCOURAGE EDUCATION PROGRAMS TO PROMOTE HARMONY AMONG DIFFERENT GROUPS. FOR ITS PART, CANADA HAS BEEN DELIVERING SINCE 1989 A MAJOR PUBLIC EDUCATION CAMPAIGN TO COMBAT RACISM AND RACIAL DISCRIMINATION. THE CAMPAIGN HAS GROWN EACH YEAR. PLANS ARE CURRENTLY UNDERWAY FOR THE 1994 CAMPAIGN, WHICH AGAIN HAS A MAJOR FOCUS ON SCHOOL-AGE CANADIAN YOUTH, AND ALSO TARGETS THE GENERAL POPULATION.

BUT PUBLIC EDUCATION ALONE IS NOT ENOUGH. WE ARE ALSO SUPPORTING COMMUNITY EFFORTS TO HELP COMBAT DISCRIMINATION. AND WE ARE WORKING WITH INSTITUTIONS IN BOTH THE PRIVATE AND PUBLIC SECTORS TO ENSURE EQUITY IN ACCESS AND OPPORTUNITY.

RECENTLY, LIKE OTHER COUNTRIES IN THE EUROPEAN COMMUNITY, WE HAVE BECOME INCREASINGLY CONCERNED ABOUT HATE GROUPS, AND PARTICULARLY ABOUT THE INTERNATIONALIZATION, THROUGH RAPIDLY DEVELOPING TELECOMMUNICATIONS NETWORKS AND ORGANIZATIONAL LINKAGES, OF THE DISSEMINATION OF HATE PROPAGANDA. THIS NEW TECHNOLOGY IS MAKING IT EASIER TO CIRCUMVENT EXISTING MEASURES TO CONTROL HATE PROPAGANDA AND RELATED ACTIVITIES.

STATEMENT IN SOUTH AFRICA

MR. CHAIRMAN,

SOUTH AFRICA, WHERE RACISM HAS BEEN THE FUNDAMENTAL BASIS FOR THE DAY-TO-DAY FUNCTIONING OF AN ENTIRE SOCIETY, IS TODAY ON THE VERGE OF MOMENTOUS SOCIETAL CHANGE.

THE HISTORIC SEPTEMBER 1993 MULTIPARTY AGREEMENT ON TRANSITIONAL ARRANGEMENTS FOR THE GOVERNING OF SOUTH AFRICA DURING THE MONTHS LEADING UP TO NEXT YEAR'S NON-RACIAL ELECTIONS IS A TRIBUTE TO THE DETERMINATION OF ALL SOUTH AFRICANS OPPOSED TO RACISM. AFTER ALMOST THREE YEARS OF DIFFICULT NEGOTIATIONS, THE UP-COMING ELECTIONS WILL PUT AN END TO INSTITUTIONALIZED APARTHEID AND CLEAR THE WAY FOR A NEW NON-RACIAL SOUTH AFRICA.

THE MULTIPARTY AGREEMENT CONTINUES TO BE MARRED, HOWEVER, BY ENDEMIC POLITICALLY-MOTIVATED VIOLENCE THROUGHOUT SOUTH AFRICA. CANADA ONCE AGAIN CALLS UPON ALL PARTIES TO DO THEIR UTMOST TO BRING AN END TO THIS VIOLENCE. THE END TO RACISM AND RESPECT FOR DEMOCRATIC VALUES GO HAND IN HAND, AND ALL SOUTH AFRICAN PARTIES MUST ENDEAVOUR TO ENCOURAGE THE CLIMATE OF POLITICAL AND SOCIAL TOLERANCE THAT IS REQUIRED TO COMBAT THE LEGACY OF APARTHEID.

SOUTH AFRICA MUST NOW BEGIN TO DEAL WITH THIS LEGACY, AND THE INTERNATIONAL COMMUNITY MUST HELP SOUTH AFRICANS IN THIS EFFORT. CANADA AND OTHER MEMBERS OF THE INTERNATIONAL COMMUNITY ARE RESPONDING FAVOURABLY TO REQUESTS TO SEND INTERNATIONAL OBSERVERS TO SOUTH AFRICA DURING THE PERIOD LEADING UP TO THE APRIL 1994 ELECTIONS. CANADA WILL CONTINUE ITS LONG-STANDING COMMITMENT TO THE DEFENCE OF HUMAN RIGHTS IN SOUTH AFRICA, AND WE WILL WORK IN THE COMING MONTHS TO HELP ENSURE THAT THE UPCOMING ELECTIONS PROVIDE A FREE AND FAIR OPPORTUNITY FOR ALL SOUTH AFRICANS TO EXPOSE THEIR VIEWS. I AM PLEASED TO REPORT THAT THE COMMONWEALTH HAS RENEWED ITS OBSERVER MISSION TO SOUTH AFRICA AND THAT CANADA IS PARTICIPATING IN THIS OBSERVER MISSION WHICH IS WORKING CLOSELY WITH OTHER INTERNATIONAL GROUPS TO SUPPORT THE EFFORTS OF SOUTH AFRICA'S NATIONAL PEACE ACCORD STRUCTURES.

MR. CHAIRMAN,

STATEMENT IN NICARAGUA

INTERNATIONAL SOCIETY MUST NOT REDUCE ITS RESOLVE TO COMBAT A TOTALLY UNACCEPTABLE PHENOMENON: ETHNIC CLEANSING.

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DURING THE PAST YEAR, THE INTERNATIONAL COMMUNITY HAS TRIED TO END THE VIOLENCE AND BLOODSHED IN THE FORMER YUGOSLAVIA. THE UNITED NATIONS HAS ESTABLISHED THE INTERNATIONAL TRIBUNAL ON WAR CRIMES AND ELECTED ITS JUDGES, INCLUDING A CANADIAN, JUDGE JULES DESCHENES. THE UN COMMISSION OF EXPERTS IS GATHERING INFORMATION THAT COULD BE USED IN PROSECUTING SUSPECTED WAR CRIMINALS. UN TROOPS HAVE BEEN DEPLOYED IN SIX "SAFE AREAS" IN BOSNIA-HERZEGOVINA, INCLUDING SREBRENICA WHERE CANADIAN TROOPS ARE HELPING SHELTER MORE THAN 50,000 PEOPLE.

DESPITE THESE EFFORTS, THE VIOLENCE AND HUMAN RIGHTS ABUSES HAVE CONTINUED AND THE LIST OF ATROCITIES GROWS DAILY. PLACES LIKE MOSTAR, GORAZDE, MEDAK AND UZDOL HAVE JOINED SARAJEVO, VUKOVAR AND SREBRENICA AS PLACES SYNONYMOUS WITH ETHNICALLY-BASED VIOLENCE THROUGHOUT THE FORMER YUGOSLAVIA. IT IS PARTICULARLY DEPLORABLE THAT "ETHNIC CLEANSING" CONTINUES TO BE USED AS A WEAPON IN THIS SENSELESS WAR.

THOSE RESPONSIBLE FOR THE ATROCITIES AND ABUSES IN THE FORMER YUGOSLAVIA MUST BE UNDER NO ILLUSION. THEY WILL BE HELD ACCOUNTABLE FOR THEIR ACTIONS.

FINALLY MR. CHAIRMAN,

WHILE THE INTERNATIONAL COMMUNITY HAS COME A LONG WAY IN DEFINING AND CODIFYING THE RIGHTS OF INDIVIDUALS TO EQUALITY, PROTECTION AND DEVELOPMENT, IT IS EVIDENT TO ALL THAT WE STILL HAVE A LOT OF WORK TO DO. BUILDING ON THE VICTORIES ACHIEVED, AND BEARING IN MIND THE TRAGEDIES THAT PERSIST, WE MUST EXERT NEW VIGOUR TO COMBAT THE PLAGUE OF RACISM AND RACIAL DISCRIMINATION.

THANK YOU MR. CHAIRMAN.



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. MRS. LOUISE FRÉCHETTE,  
AMBASSADOR AND PERMANENT REPRESENTATIVE OF CANADA  
TO THE 48TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

ITEM 111 : ADVANCEMENT OF WOMEN

NEW YORK, NOVEMBER 15, 1993

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ALLOUCTION DE S. E. MIE LOUISE FRÉCHETTE,  
AMBASSADEUR ET REPRÉSENTANT PERMANENT DU CANADA  
DEVANT LA 48IÈME ASSEMBLÉE GÉNÉRALE DES NATIONS UNIES

POINT 111 : PROMOTION DE LA FEMME

NEW YORK, LE 15 NOVEMBRE 1993

MR. CHAIRMAN,

I AM PLEASED TO HAVE THE OPPORTUNITY TO SPEAK ONCE AGAIN ON THE QUESTION OF THE ADVANCEMENT OF WOMEN. THE YEAR THAT HAS PASSED SINCE I LAST ADDRESSED THE THIRD COMMITTEE ON THIS TOPIC HAS NOT, I BELIEVE, BEEN A PARTICULARLY AUSPICIOUS TIME FOR EITHER WOMEN OR THEIR ADVANCEMENT. CONTINUING CIVIL AND INTER-COMMUNAL CONFLICTS, DROUGHT, HUNGER AND A DECLINING PUBLIC ROLE FOR WOMEN IN SOME AREAS ARE AMONG THE MANY NEGATIVE FACTORS MARKING THE PAST TWELVE MONTHS.

YET, THIS PERIOD ALSO HAS BEEN MARKED BY SOME IMPORTANT DEVELOPMENTS FOR WOMEN. THE WORLD CONFERENCE ON HUMAN RIGHTS, FOR INSTANCE, IN JUNE OF THIS YEAR ADOPTED A STRONG TEXT ON WOMEN'S RIGHTS AND EQUALITY. PREPARATIONS FOR THE FOURTH WORLD CONFERENCE ON WOMEN ARE WELL UNDERWAY AND A SECRETARY-GENERAL OF THE CONFERENCE HAS BEEN NAMED. OF GREAT INTEREST TO CANADA IS THE PROGRESS THAT HAS BEEN MADE ON THE DRAFT DECLARATION ON THE ELIMINATION OF VIOLENCE AGAINST WOMEN WHICH WE ARE CONFIDENT THE GENERAL ASSEMBLY WILL ADOPT DURING THIS SESSION. THIS TIME LAST YEAR, A FINALISED TEXT AND ITS ADOPTION SEEMED A LONG WAY AWAY. THEREFORE, WHILE THIS HAS BEEN A TIME WHEN MANY OF THE CHALLENGES FACING WOMEN IN THEIR PURSUIT OF THEIR RIGHTS AND EQUALITY HAVE APPEARED STARK AND INSURMOUNTABLE, IT ALSO HAS PROVED TO BE A TIME FOR MODEST BUT CONCRETE HOPE, MARKED WITH SEVERAL IMPORTANT MILESTONES IN THE ADVANCEMENT OF WOMEN.

IN MY OWN COUNTRY, THE RELEASE OF THE FINAL REPORT OF THE CANADIAN PANEL ON VIOLENCE AGAINST WOMEN - THE MOST COMPREHENSIVE EXERCISE OF ITS KIND THUS FAR TO HAVE BEEN UNDERTAKEN - SHOWED VIOLENCE TO BE WIDESPREAD AND COMMON TO ALL ECONOMIC AND SOCIAL GROUPS. AS WELL AS IDENTIFYING THE EXTENT OF THE PROBLEM, THE PANEL ALSO PRESENTED A NATIONAL ACTION PLAN AIMED AT THE TOTAL ERADICATION OF ALL FORMS OF VIOLENCE AGAINST WOMEN WHICH IS CURRENTLY UNDER REVIEW AND CONSIDERATION. FOR THE FIRST TIME, WE IN CANADA ARE FACING UP TO THE PROBLEM, HAVE A BETTER IDEA OF ITS EXTENT AND HAVE BEGUN THE PROCESS OF IDENTIFYING THE TOOLS NEEDED FOR ITS ELIMINATION. IT WILL TAKE TIME, BUT WE ARE MAKING PROGRESS.

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MR. CHAIRMAN,

VIOLENCE AGAINST WOMEN IS NOT SOLELY A DOMESTIC CONCERN FOR CANADIANS; SINCE A CANADIAN-LED RESOLUTION

AT THE COMMISSION ON THE STATUS OF WOMEN IN 1991, CANADA HAS WORKED IN CLOSE CO-OPERATION WITH MANY UNITED NATIONS MEMBER STATES FROM ALL REGIONS TO PRODUCE THE DRAFT DECLARATION ON THE ELIMINATION OF VIOLENCE AGAINST WOMEN.

THE DECLARATION, IN ITSELF, WILL NOT ELIMINATE VIOLENCE AGAINST WOMEN; RATHER IT IS BUT A FIRST STEP - ALBEIT A MAJOR ONE - IN OUR COLLECTIVE ENDEAVOURS TO OVERCOME AND ULTIMATELY ERADICATE A PROBLEM THAT KNOWS NO GEOGRAPHICAL, POLITICAL, ECONOMIC, SOCIAL OR CULTURAL BARRIERS.

A KEY ELEMENT OF THE DECLARATION IS ITS IDENTIFICATION OF VIOLENCE AGAINST WOMEN AS A HUMAN RIGHTS ABUSE. CURRENTLY, NONE OF THE UNITED NATIONS HUMAN RIGHTS INSTRUMENTS, INCLUDING THE CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, ALTHOUGH EXCELLENT IN THEMSELVES, EXPLICITLY REFER TO VIOLENCE AGAINST WOMEN; THE DECLARATION, ONCE ADOPTED, WILL RECTIFY THIS OMISSION.

THE DECLARATION STATES THAT VIOLENCE AGAINST WOMEN IMPEDES THEIR ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS. IT CALLS UPON GOVERNMENTS TO EXERCISE DUE DILIGENCE TO PREVENT AND PUNISH ACTS OF VIOLENCE WHETHER PERPETRATED BY THE STATE, WITHIN THE COMMUNITY OR IN THE HOME.

THE DECLARATION CONTAINS A NUMBER OF NEW ELEMENTS. IT IS THE FIRST HUMAN RIGHTS INSTRUMENT TO REFER TO VIOLENCE IN THE HOME. IT IS THE FIRST INSTRUMENT TO CONTAIN AN EXTENSIVE - BUT NOT EXCLUSIVE - DEFINITION OF FORMS OF VIOLENCE AGAINST WOMEN, INCLUDING PHYSICAL, SEXUAL AND PSYCHOLOGICAL VIOLENCE. AND, IN CALLING UPON STATES TO ELIMINATE VIOLENCE, THE DECLARATION BECOMES THE FIRST DOCUMENT TO OUTLINE ADMINISTRATIVE, SOCIAL AND

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EDUCATIONAL MEASURES THAT SHOULD BE TAKEN SPECIFICALLY IN ORDER TO ERADICATE VIOLENCE AGAINST WOMEN.

MR. CHAIRMAN,

WE CALL UPON ALL MEMBER STATES TO SUPPORT THE ADOPTION OF THE DECLARATION AND TO WORK TOGETHER TO ELIMINATE VIOLENCE AGAINST WOMEN. WHATEVER OUR SOCIAL, ECONOMIC, POLITICAL, CULTURAL, TRADITIONAL OR RELIGIOUS DIFFERENCES, THERE IS NO SOCIETY REPRESENTED IN THIS GLOBAL BODY THAT SUPPORTS OR PROMOTES THIS FORM OF

VIOLENCE. THE SUPPORT THE DRAFT OF THIS DECLARATION HAS RECEIVED AT THE ECONOMIC AND SOCIAL COUNCIL AND ITS SUBSIDIARY COMMISSIONS, AND AT THE JUNE WORLD CONFERENCE ON HUMAN RIGHTS IN VIENNA, LEADS US TO CONFIDENTLY ANTICIPATE THE ADOPTION OF THIS IMPORTANT EXPRESSION OF SUPPORT FOR WOMEN'S HUMAN RIGHTS BY THIS SESSION OF THE GENERAL ASSEMBLY. IN SO DOING, WE WILL HAVE BEEN RESPONSIBLE FOR THE ACHIEVEMENT OF AN HISTORIC LANDMARK IN THE UNITED NATIONS'S WORK TO PROMOTE GLOBAL EQUALITY FOR WOMEN.

MR. CHAIRMAN,

IN ADDITION TO THE SUPPORT THE DRAFT DECLARATION ON VIOLENCE RECEIVED AT THE WORLD CONFERENCE ON HUMAN RIGHTS, CANADA WELCOMED THE STRONG RECOGNITION OF WOMEN'S RIGHTS AS HUMAN RIGHTS ACCORDED BY THE CONFERENCE IN THE FINAL DECLARATION AND THE PROGRAMME OF ACTION.

CANADA WILL CONTINUE TO PROMOTE THE INTEGRATION OF WOMEN'S HUMAN RIGHTS THROUGHOUT THE UNITED NATIONS SYSTEM. WE BELIEVE THAT THIS ISSUE IS OF THE UTMOST IMPORTANCE AND IS ONE THAT WILL REQUIRE OUR CONTINUED ATTENTION. CANADA WILL WORK WITH ITS PARTNERS IN THE COMMISSION ON HUMAN RIGHTS, THE COMMISSION ON THE STATUS OF WOMEN, THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, THE COMMISSION FOR SOCIAL

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DEVELOPMENT AND IN ANY AND ALL OTHER APPROPRIATE UNITED NATIONS BODIES TO MAINTAIN AND ENHANCE THE MAINSTREAMING OF WOMEN'S RIGHTS. IN THIS CONTEXT, CANADA STRONGLY SUPPORTS THE CALL FOR THE COMMISSION ON HUMAN RIGHTS TO APPOINT A SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN AT ITS NEXT SESSION. WE ALSO CALL UPON THE COMMISSION ON THE STATUS OF WOMEN TO BEGIN TO DEVELOP AN OPTIONAL PROTOCOL TO THE CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN TO ENCOMPASS THE ISSUE OF VIOLENCE AGAINST WOMEN.

CANADA REMAINS COMMITTED TO THE PRINCIPLE THAT WOMEN'S RIGHTS ARE AN INTEGRAL AND INDIVISIBLE PART OF UNIVERSAL HUMAN RIGHTS. WHILE WE ARE PLEASED WITH THE PROGRESS MADE AT THE VIENNA CONFERENCE, WE ARE FULLY AWARE OF THE NEED TO MAINTAIN THE MOMENTUM ON THIS ISSUE. THEREFORE, WE REPEAT OUR PREVIOUS APPEALS THAT THE ISSUES RELATED TO THE ADVANCEMENT OF WOMEN'S EQUALITY BE INTEGRATED INTO THE AGENDA OF THE 1994 INTERNATIONAL CONFERENCE ON POPULATION AND DEVELOPMENT, AND IN THE PREPARATIONS FOR THE 1995 WORLD SUMMIT ON SOCIAL DEVELOPMENT.

MR. CHAIRMAN,

THERE IS, OF COURSE, ONE FORTHCOMING WORLD CONFERENCE WHERE WOMEN'S EQUALITY ISSUES WILL BE FRONT AND CENTRE. THE 1995 WORLD CONFERENCE ON WOMEN ENJOYS STRONG SUPPORT IN CANADA. WE BELIEVE THE CONFERENCE WILL NOT ONLY ALLOW US TO REVIEW AND APPRAISE OUR COLLECTIVE SUCCESS IN THE IMPLEMENTATION OF THE FORWARD-LOOKING STRATEGIES (ADOPTED AT THE NAIROBI WORLD CONFERENCE ON WOMEN IN 1985), BUT PROVIDE AN EXCELLENT OPPORTUNITY TO PLAN AND PROMOTE A MUCH-NEEDED "PHASE TWO"- BETTER KNOWN AS THE PLATFORM FOR ACTION - FOR THE ULTIMATE ACHIEVEMENT OF EQUALITY BETWEEN WOMEN AND MEN.

EARLIER THIS YEAR, AT THE COMMISSION ON THE STATUS OF WOMEN, CANADA WELCOMED THE APPOINTMENT OF GERTRUDE MONGELLA (OF TANZANIA) AS SECRETARY-GENERAL OF THE FOURTH WORLD CONFERENCE. AT THAT TIME WE OFFERED THE

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SECRETARY-GENERAL OUR FULL SUPPORT - A PLEDGE THAT WE WOULD LIKE TO REPEAT ON THIS OCCASION. WE ARE PLEASED TO NOTE THAT MRS. MONGELLA WILL BE VISITING CANADA LATER THIS MONTH TO DISCUSS CONFERENCE PREPARATIONS.

IN CANADA, MOMENTUM IS BUILDING AS GOVERNMENT DEPARTMENTS AND NON-GOVERNMENTAL ORGANISATIONS ADVANCE IN THEIR PREPARATIONS FOR THE BEIJING MEETING. CURRENTLY, THE FEDERAL GOVERNMENT IS SEEKING INPUT FROM WOMEN'S GROUPS AND OTHERS WITHIN THE NON-GOVERNMENTAL COMMUNITY, AS WELL AS OTHER LEVELS OF GOVERNMENT, IN THE DEVELOPMENT OF THE CANADIAN CONTRIBUTION TO THE PLATFORM FOR ACTION. IN CANADA, WE VIEW THE INVOLVEMENT OF NON-GOVERNMENTAL ORGANISATIONS ESSENTIAL TO BOTH CONFERENCE PREPARATIONS AND THE CONFERENCE ITSELF. THEREFORE, WE ARE LOOKING FORWARD TO AN EARLY INDICATION OF THE CRITERIA FOR PARTICIPATION OF NON-GOVERNMENTAL ORGANISATIONS IN THE WORLD CONFERENCE.

MR. CHAIRMAN,

WHILE ON THE TOPIC OF PARTICIPATION, I WOULD LIKE TO BRIEFLY TOUCH UPON THE PARTICIPATION OF WOMEN IN THE UNITED NATIONS SECRETARIAT. FIRST, I APPLAUD THE SECRETARY-GENERAL'S STATED INTENT TO SIGNIFICANTLY INCREASE THE NUMBER OF WOMEN IN PROFESSIONAL AND SENIOR LEVELS IN THE SECRETARIAT. I TRUST THAT THE MANY AGENCIES WHICH COMPOSE THE EXTENDED UNITED NATIONS FAMILY WILL FOLLOW THE SECRETARY-GENERAL'S PRAISEWORTHY EXAMPLE.

AS CANADA'S CONCERNS REGARDING THE STATUS OF WOMEN IN THE SECRETARIAT ALREADY HAVE BEEN OUTLINED IN A JOINT STATEMENT WITH AUSTRALIA AND NEW ZEALAND, AND WILL BE THE SUBJECT OF A JOINT RESOLUTION ON THE IMPROVEMENT OF THE STATUS OF WOMEN IN THE SECRETARIAT, I WOULD ONLY ADD HERE OUR HOPE FOR THE FULL SUPPORT OF ALL MEMBER STATES FOR THE SECRETARY-GENERAL'S EFFORTS TO EFFECT A SPEEDY AND EQUITABLE ADJUSTMENT OF THE PERCENTAGE OF WOMEN HOLDING SENIOR POSITIONS THROUGHOUT THE UNITED NATIONS SYSTEM.

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MR. CHAIRMAN,

CANADA WILL ALWAYS GIVE FAVOURABLE CONSIDERATION TO SOUND PROPOSALS AIMED AT SECURING THE MOST FROM STATIC OR EVEN DIMINISHING RESOURCES. IN THIS CONTEXT, WE SUPPORT THE PROPOSAL THAT THE UNITED NATIONS DEVELOPMENT FUND FOR WOMEN (UNIFEM) AND THE INTERNATIONAL RESEARCH AND TRAINING INSTITUTE FOR THE ADVANCEMENT OF WOMEN (INSTRAW) BE INTEGRATED.

AS WE HAVE STATED IN THE PAST, CANADA STRONGLY SUPPORTS THE WORK BEING CARRIED OUT BY UNIFEM; AND WE BELIEVE THAT A UNION OF UNIFEM AND INSTRAW COULD RESULT IN A PARTICULARLY EFFECTIVE MECHANISM FOR THE ADVANCEMENT OF WOMEN. HOWEVER, THERE WILL BE A REAL NEED TO ENSURE THAT THERE WILL BE ADEQUATE RESOURCES TO SUPPORT THE WORK OF THIS NEW BODY. REORGANISATION AND STREAMLINING OF THE UNITED NATIONS SYSTEM SHOULD NOT AND CANNOT BE MADE AN EXCUSE TO CUT BACK ON THE ALREADY MEAGRE RESOURCES ALLOCATED TO THE ADVANCEMENT OF WOMEN.

MR. CHAIRMAN,

LAST YEAR, THE CANADIAN DELEGATION WELCOMED THE ANNOUNCEMENT THAT THE SECRETARY-GENERAL WOULD BE ISSUING GUIDELINES ON SEXUAL HARASSMENT. IN CANADA, GREAT IMPORTANCE IS ATTACHED TO THIS ISSUE; IT IS CONSIDERED OF FUNDAMENTAL IMPORTANCE TO THE ATTAINMENT OF WOMEN'S EQUALITY.

WE ARE PLEASED THAT THE GUIDELINES HAVE BEEN ISSUED. THEY ARE A GOOD FIRST STEP; HOWEVER, NOW MAY BE THE APPROPRIATE TIME TO REVIEW THEIR ADEQUACY AND IMPACT. GIVEN OUR LONG-STANDING INTEREST IN THIS ISSUE, WE WILL CONTINUE TO MONITOR THE SITUATION CLOSELY.

THE DELEGATION OF CANADA STRONGLY BELIEVES THAT THE UNITED NATIONS MUST BE A WORLD LEADER; THAT, AS THE PROTECTOR OF HUMAN RIGHTS THROUGHOUT THE WORLD, IT MUST BE THE MODEL FOR THE PROTECTION OF INDIVIDUAL STAFF RIGHTS - A MODEL INCORPORATING THE HIGHEST STANDARDS.

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THEREFORE, ONCE AGAIN, WE APPLAUD THE SECRETARY-GENERAL'S INITIATIVES IN THIS MOST IMPORTANT AREA.

MR. CHAIRMAN,

DESPITE SOME IMPORTANT ADVANCES, WE ARE WELL AWARE JUST HOW MANY AND GREAT ARE THE OBSTACLES TO BE OVERCOME BEFORE WE REACH OUR GOAL OF GLOBAL GENDER EQUALITY. THE CHALLENGE OF OBTAINING FULL POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS FOR WOMEN MUST BE MET. IT IS A CHALLENGE THAT CANADA INTENDS TO MEET HEAD ON, BOTH WITHIN OUR OWN COUNTRY AND INTERNATIONALLY. WE BELIEVE THE 1995 CONFERENCE ON WOMEN WILL PROVIDE AN EXCELLENT OPPORTUNITY TO DEVELOP THE CONCRETE MEASURES AND STRATEGIES NEEDED TO OBTAIN OUR ULTIMATE OBJECTIVE - COMPLETE GENDER EQUALITY.

THANK YOU, MR. CHAIRMAN.



CANADA

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The Permanent Mission of Canada  
to the United Nations  
New York

La Mission Permanente du Canada  
auprès des Nations Unies  
New York

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CHECK AGAINST DELIVERY  
SOUS RÉSERVE DE MODIFICATIONS

STATEMENT BY  
MR. CLAUDE BAILLARGEON OF  
THE CANADIAN DELEGATION TO THE THIRD COMMITTEE  
OF THE FORTY-EIGHTH SESSION OF  
THE UNITED NATIONS GENERAL ASSEMBLY

ITEM 113: REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR  
REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES  
AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS

NEW YORK, NOVEMBER 8, 1993

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ALLOCUTION DE M. CLAUDE BAILLARGEON  
DÉLÉGATION DU CANADA À LA TROISIÈME COMMISSION  
DE LA QUARANTE-HUITIÈME SESSION DE  
L'ASSEMBLÉE GÉNÉRALE DES NATIONS UNIES

POINT 113: RAPPORT DU HAUT COMMISSAIRE DES NATIONS-UNIES POUR LES  
REFUGIÉS, QUESTIONS RELATIVES AUX REFUGIÉS, AUX RAPATRIÉS  
ET AUX PERSONNES DÉPLACÉES ET QUESTIONS HUMANITAIRES

NEW YORK, LE 8 NOVEMBRE 1993

MR. CHAIRMAN,

THIS HAS BEEN YET ANOTHER EVENTFUL YEAR FOR THE UNHCR, A YEAR IN WHICH CONTINUING REFUGEE CRISES, PARTICULARLY THOSE IN THE HORN OF AFRICA AND FORMER YUGOSLAVIA, HAVE OCCUPIED MUCH OF THE WORLD'S ATTENTION.

THERE HAVE ALSO, OF COURSE, BEEN SUCCESS STORIES. WE ARE ALL AGREED THAT THE MOST APPROPRIATE SOLUTION TO THE SITUATION OF REFUGEES AND ASYLUM SEEKERS IS THE CREATION OF CONDITIONS WHICH ALLOW FOR THEIR REPATRIATION IN SAFETY AND IN DIGNITY.

THE RETURN OF REFUGEES TO THEIR HOMES IN GUATEMALA, AFGHANISTAN, TAJIKISTAN, CAMBODIA, ETHIOPIA, AND THE START OF SOME MOVEMENT BACK INTO SOMALIA, ARE ALL PROMISING SIGNS, BUT WE KNOW THAT OPERATIONS SUCH AS THESE ARE FRAGILE AT BEST.

THIS UNDERLYING INSTABILITY MAKES IT ALL THE MORE IMPORTANT TO NOTE THAT THE MULTI-FACETED NATURE OF UNHCR'S INTERVENTIONS IN EMERGENCY SITUATIONS, AND ITS ABILITY TO MEET ONGOING COMMITMENTS, HAVE BEEN POSSIBLE IN GREAT PART THANKS TO THE DEDICATION OF UNHCR PERSONNEL. WE COMMEND THE CONTRIBUTION OF STAFF, PARTICULARLY THOSE IN THE FIELD, WHO HAVE PERFORMED THEIR DUTIES IN DIFFICULT--AND OFTEN DANGEROUS--CONDITIONS.

IT WILL TAKE MUCH EFFORT ON THE PART OF ALL OF US TO ENSURE THAT THESE EFFORTS AMELIORATE THE SITUATION FACING THE WORLD'S 19 MILLION REFUGEES. IN THIS REGARD, WE RECOGNIZE THE IMPORTANCE OF PARTNERSHIP WITH THE HIGH COMMISSIONER IN FULFILLING HER OFFICE'S MANDATE. THIS PARTNERSHIP IS CRITICAL TO THE ADOPTION OF A HOLISTIC APPROACH TO DEALING WITH REFUGEE SITUATIONS AS ADVOCATED BY THE HIGH COMMISSIONER.

CANADA AGREES THAT THE PREVENTION OF REFUGEE MOVEMENTS IN THE FIRST INSTANCE, THE PROTECTION OF THOSE PERSONS WHO FLEE THEIR HOMES, AND THE PROVISION OF DURABLE SOLUTIONS, MUST BE PURSUED IN ORDER TO DEAL WITH REFUGEE MOVEMENTS.

#### PREVENTION

MR. CHAIRMAN,

WITH RESPECT TO PREVENTION, OBSERVING HUMAN RIGHTS AND APPLYING PRINCIPLES OF GOOD GOVERNANCE ARE KEY TO ENSURING THE PREVENTION OF DISPLACEMENT AND ASYLUM SEEKER OUTFLOWS.

SOCIETIES WITH STABLE GOVERNMENTS WHICH SUPPORT HUMAN RIGHTS AND WHICH FOSTER ECONOMIC AND SOCIAL PROGRESS FOR ALL SECTORS OF SOCIETY ARE MORE LIKELY TO BE PEACEFUL; EXODUSES ARE LESS LIKELY FROM SUCH ENVIRONMENTS.

WE ARE PLEASED THAT THE ROLE OF SUSTAINABLE DEVELOPMENT IN PREVENTING MIGRATION FLOWS IS GAINING WIDE RECOGNITION; OF PARTICULAR INTEREST IN THIS REGARD IS THE INTERNATIONAL CONFERENCE ON POPULATION AND DEVELOPMENT, WHICH HAS RECOGNIZED THE MIGRATION-DEVELOPMENT CONTINUUM BY INCLUDING THE SUBJECT ON ITS AGENDA.

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RELATED POLICY STRATEGIES ARE BEING DISCUSSED IN A WIDE RANGE OF INTERNATIONAL INSTITUTIONS AND MEETINGS. THIS DIALOGUE, IN WHICH THE UNHCR AS WELL AS CANADA AND MANY OTHER COUNTRIES ARE PARTICIPATING, PROVIDES AN UNPRECEDENTED OPPORTUNITY TO ENSURE THE INTEGRITY OF THE 1951 CONVENTION AND IN PARTICULAR ADHERENCE TO IT BY THE NEWLY-EMERGING DEMOCRACIES IN CENTRAL AND EASTERN EUROPE.

### PROTECTION

MR. CHAIRMAN,

IN CASES WHERE REFUGEES ARE FORCED TO FLEE, PROTECTION MUST BECOME THE FOCUS OF OUR ACTIVITIES.

EVEN THOUGH REPATRIATION AND LOCAL INTEGRATION ARE THE PREFERRED RESPONSES TO REFUGEE SITUATIONS, A SMALL PROPORTION OF REFUGEES DO REQUIRE THIRD COUNTRY RESETTLEMENT. WE REMAIN COMMITTED TO THIS OPTION FOR PERSONS FOR WHOM THERE IS NO OTHER DURABLE SOLUTION. HOWEVER, RESETTLEMENT OPPORTUNITIES ARE BEING JEOPARDIZED BY THE GROWING INSTANCE OF ABUSE OF REFUGEE STATUS DETERMINATION SYSTEMS.

WE ARE PLEASED TO NOTE THE EXCOM CONCLUSION ON INTERNATIONAL PROTECTION WHICH RECOGNIZES THAT SUCH ABUSE PREVENTS THE EFFECTIVE PROTECTION OF ALL REFUGEES.

CANADA SUPPORTS INTERNATIONAL EFFORTS TO MAINTAIN THE INTEGRITY OF REFUGEE STATUS DETERMINATION PROCEDURES BY MEASURES SUCH AS EXPEDITED DETERMINATION PROCEDURES WHICH ALLOW FOR GENUINE REFUGEES TO BE RECOGNIZED AND RESETTLED AS QUICKLY AS POSSIBLE.

RECENT AMENDMENTS TO CANADA'S IMMIGRATION LEGISLATION INCLUDED PROVISIONS TO EXPEDITE THE REFUGEE STATUS DETERMINATION PROCESS AND CONTROL MEASURES TO DETER ABUSE. BOTH POLICIES ARE DESIGNED TO BETTER DIRECT SCARCE RESOURCES FOR THE BENEFIT OF PERSONS IN NEED OF OUR PROTECTION.

ANOTHER MEANS BY WHICH THE PROTECTION OF REFUGEES MAY BE PRESERVED AND REINFORCED IS RESPONSIBILITY-SHARING, WHICH IS DESIGNED TO ASSURE ALL ASYLUM SEEKERS WITH AN OPPORTUNITY TO HAVE THEIR CLAIMS DETERMINED. CANADA IS ENGAGED IN DISCUSSIONS WITH OTHER RECEIVING COUNTRIES ON RESPONSIBILITY-SHARING ARRANGEMENTS.

AT THE SAME TIME, WE RECOGNIZE THAT PROTECTION STRATEGIES MUST BE CLOSELY DESIGNED TO MEET THE SPECIAL NEEDS OF PARTICULAR GROUPS. THE SITUATION OF VULNERABLE REFUGEES, ESPECIALLY WOMEN AND CHILDREN, IS OF CONTINUING CONCERN TO CANADA.

ACCORDINGLY, WE HAVE DIRECTED FUNDS TO ORGANIZATIONS ASSISTING VICTIMS OF ABUSE IN FORMER YUGOSLAVIA AND NOTE WITH APPRECIATION THE ROLE OF THE UNHCR IN DETERMINING THE EXTENT OF THE ABUSE AND MEASURES TO ASSIST WOMEN VICTIMS OF VIOLENCE IN THE REGION. THIS EFFORT WAS FACILITATED BY THE PRESENCE OF THE UNHCR'S COORDINATOR FOR REFUGEE WOMEN; CANADA ENCOURAGES THE PRESERVATION OF THE PROFILE AND INFLUENCE OF THIS POSITION.

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OUR OWN POLICIES WITH RESPECT TO WOMEN REFUGEES ARE BEING REVIEWED. EARLIER THIS YEAR, PROCEDURAL GUIDELINES TO ENHANCE PROTECTION FOR WOMEN REFUGEES WERE ISSUED BY CANADA'S IMMIGRATION AND REFUGEE BOARD WHICH IS CHARGED WITH DETERMINING THE STATUS OF ASYLUM SEEKERS.

THE GUIDELINES ENSURE THAT CANADIAN REFUGEE STATUS DETERMINATION IS DONE WITH SENSITIVITY AND WITH DUE ATTENTION TO SPECIAL CIRCUMSTANCES--SUCH AS SEXUAL VIOLENCE--WHICH FACE WOMEN ASYLUM SEEKERS IN THEIR COUNTRY OF ORIGIN. THESE SPECIAL CIRCUMSTANCES CAN, IN CERTAIN CASES, CONSTITUTE PERSECUTION.

WE ARE GREATLY ENCOURAGED THAT A NUMBER OF OUR PROPOSALS FOR THE DEVELOPMENT OF MEASURES TO DEAL WITH THE NEEDS OF WOMEN ASYLUM SEEKERS AND TO PREVENT AND COMBAT SEXUAL VIOLENCE WERE INCLUDED IN THE CONCLUSIONS ADOPTED BY THE UNHCR EXECUTIVE COMMITTEE.

INTERNATIONAL PEACEKEEPING IS ONE MEANS OF PROTECTION. OUR EFFORTS IN THIS AREA HAVE HELPED TO MAINTAIN CONDITIONS OF SAFETY AND DIGNITY FOR REFUGEES AND DISPLACED PERSONS IN EVERY CORNER OF THE WORLD.

IT MUST BE UNDERSTOOD, HOWEVER, THAT PEACE-KEEPING IS NOT A SOLUTION TO ANY CONFLICT--IT IS AN INTERIM MEASURE ONLY. THE ONUS IN THESE SITUATIONS IS ON THE COMBATANTS, WHOSE WILLINGNESS TO COMPROMISE FACILITATES POSSIBLE SOLUTIONS TO REFUGEE CRISES.

#### SOLUTIONS

MR. CHAIRMAN,

CANADA TAKES ITS OBLIGATIONS UNDER THE 1951 CONVENTION RELATING TO THE STATUS OF REFUGEES SERIOUSLY; SINCE THE END OF WORLD WAR II, WE HAVE RESETTLED OVER 650,000 REFUGEES IN OUR COUNTRY.

WE RECOGNIZE THAT NO ONE COUNTRY ALONE CAN DEAL WITH ASYLUM SEEKER FLOWS. WE WOULD GO FURTHER AND SAY THAT IT IS INDEED ASKING MUCH FOR ONE ORGANIZATION SUCH AS THE UNHCR TO FULFIL ITS MANDATE ALONE.

THE HIGH COMMISSIONER'S FIVE-POINT PARTNERSHIP MODEL, WHICH SHE PRESENTED AT THE EXECUTIVE COMMITTEE, RECOGNIZES THIS FACT. ANY COMPREHENSIVE STRATEGY MUST NECESSARILY INCLUDE THE POLITICAL ARMS OF THE UN AND REGIONAL ORGANIZATIONS; HUMANITARIAN ORGANIZATIONS WITHIN AND OUTSIDE THE UN SYSTEM; NGOS; DEVELOPMENT ORGANIZATIONS; AND GOVERNMENTS.

SOLUTIONS TO REFUGEE SITUATIONS WILL BE MORE EASILY OBTAINED BY PURSUING OPERATIONAL ACTIVITIES WHICH FOCUS ON PRACTICAL, FLEXIBLE, CONSTANT COORDINATION WITH PARTNERS BOTH WITHIN AND OUTSIDE THE UN SYSTEM, PARTICULARLY THE DHA. WE NOTE IN THIS REGARD USEFUL PRECEDENTS SUCH AS THE COMPREHENSIVE PLAN OF ACTION IN SOUTHEAST ASIA AND THE INTERNATIONAL CONFERENCE ON CENTRAL AMERICAN REFUGEES.

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CONCLUSION

MR. CHAIRMAN,

MUCH WORK REMAINS TO BE DONE; AS CONFLICTS ARISE SO, UNDOUBTEDLY, WILL REFUGEE CRISES. CANADA HAS CONCERNS ABOUT UNHCR'S CAPACITY TO BE CONTINUALLY EXTENDING ITS RESPONSIBILITY FOR VULNERABLE GROUPS, SUCH AS THE INTERNALLY DISPLACED.

THE NEEDS OF THESE PERSONS MUST BE ADDRESSED ON A CASE-BY-CASE BASIS. WE ENCOURAGE THE UNHCR TO WORK CLOSELY WITH THE DHA, WITHIN THE CONTEXT OF THE INTER-AGENCY STANDING COMMITTEE, IN FULFILLING THAT ORGANIZATION'S RESPONSIBILITY FOR COORDINATING EMERGENCY HUMANITARIAN ASSISTANCE, INCLUDING AID TO THE INTERNALLY DISPLACED.

INCREASING--AND OFTEN COMPETING--DEMANDS ON FINITE RESOURCES ARE FORCING MY GOVERNMENT TO SEEK LESS EXPENSIVE, MORE FLEXIBLE, ACCOUNTABLE AND EFFICIENT WAYS OF DOING BUSINESS.

WE CAN ASK NO LESS OF THE UNHCR, WHICH IS ALSO FACED WITH A SIMILAR SITUATION. DIFFICULT DECISIONS MUST BE MADE IN TERMS OF ORGANIZATIONAL STRUCTURES AND PERSONNEL ISSUES. WE LOOK FORWARD TO FOLLOWING-UP WITH UNHCR ON THE STEPS WHICH THE OFFICE HAS TAKEN IN IMPLEMENTING A NUMBER OF RECOMMENDATIONS CONTAINED IN THE INSTITUTIONAL APPRAISAL FINANCED BY CANADA.

IN CLOSING, I WOULD LIKE TO REITERATE CANADA'S APPRECIATION OF THE HIGH COMMISSIONER'S ROLE IN DEALING WITH INTERNATIONAL CRISES AND IN PROMOTING THE WELFARE OF THE WORLD'S 19 MILLION REFUGEES AND TO RENEW OUR COMMITMENT TO PARTNERSHIP WITH HER OFFICE IN FULFILLING THIS HUMANITARIAN ENDEAVOUR.

THANK YOU.

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13. Also at the 57th meeting, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of reports considered under the item entitled "Human rights questions" (see para. 15).

### III. RECOMMENDATION OF THE THIRD COMMITTEE

14. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

#### High Commissioner for the promotion and protection of all human rights

The General Assembly,

Reaffirming its commitment to the purposes and principles of the Charter of the United Nations,

Emphasizing the responsibilities of all States, in conformity with the Charter of the United Nations, to promote and encourage respect for all human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Emphasizing the need to observe the Universal Declaration of Human Rights 3/ and for the full implementation of the human rights instruments, including the International Covenant on Civil and Political Rights, 4/ the International Covenant on Economic, Social and Cultural Rights, 4/ as well as the Declaration on the Right to Development, 5/

Reaffirming that the right to development is a universal and inalienable right which is a fundamental part of the rights of the human person,

Considering that the promotion and the protection of all human rights is one of the priorities of the international community,

Recalling that one of the purposes of the United Nations enshrined in the Charter is to achieve international cooperation in promoting and encouraging respect for human rights,

Reaffirming the commitment contained in Article 56 of the Charter of the United Nations to take joint and separate action in cooperation with the United Nations for the achievement of the purposes set forth in Article 55 of the Charter,

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3/ Resolution 217 A (III).

4/ Resolution 2200 A (XXI), annex.

5/ Resolution 41/128, annex.

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Emphasizing the need for the promotion and protection of all human rights to be guided by the principles of impartiality, objectivity and non-selectivity, in the spirit of constructive international dialogue and cooperation,

Aware that all human rights are universal, indivisible, interdependent and interrelated and that as such they should be given the same emphasis,

Reaffirming its commitment to the Vienna Declaration and Programme of Action, 6/ adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,

Convinced that the World Conference on Human Rights made an important contribution to the cause of human rights and that its recommendations should be implemented through effective action by all States, the competent organs of the United Nations and the specialized agencies, in cooperation with non-governmental organizations,

Acknowledging the importance of strengthening the provision of advisory services and technical assistance by the Centre for Human Rights and other relevant programmes and bodies of the United Nations system for the purpose of the promotion and protection of all human rights,

Determined to adapt, strengthen, and streamline the existing mechanisms to promote and protect all human rights and fundamental freedoms while avoiding unnecessary duplication,

Recognizing that the activities of the United Nations in the field of human rights should be rationalized and enhanced in order to strengthen the United Nations machinery in this field and to further the objectives of universal respect for observance of international human rights standards,

Reaffirming that the General Assembly, the Economic and Social Council and the Commission on Human Rights are the responsible organs for decision- and policy-making for the promotion and protection of all human rights,

Reaffirming the necessity for a continued adaptation of the United Nations human rights machinery to the current and future needs in the promotion and protection of human rights and the need to improve their coordination, efficiency and effectiveness, as reflected in the Vienna Declaration and Programme of Action and within the framework of a balanced and sustainable development for all people,

Having considered the recommendation contained in paragraph 18 of part II of the Vienna Declaration and Programme of Action,

1. Decides to create the post of the High Commissioner for Human Rights;
2. Decides that the High Commissioner for Human Rights shall:

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6/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

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(a) Be a person of high moral standing and personal integrity and shall possess expertise, including in the field of human rights, and the general knowledge and understanding of diverse cultures necessary for impartial, objective, non-selective and effective performance of the duties of the High Commissioner;

(b) Be appointed by the Secretary-General of the United Nations and approved by the General Assembly, with due regard to geographical rotation, and have a fixed term of four years with a possibility of one renewal for another fixed term of four years;

(c) Be of the rank of Under-Secretary-General;

3. Decides that the High Commissioner for Human Rights shall:

(a) Function within the framework of the Charter of the United Nations, the Universal Declaration of Human Rights, 4/ other international instruments of human rights and international law, including the obligations, within this framework, to respect the sovereignty, territorial integrity and domestic jurisdiction of States and to promote the universal respect for and observance of all human rights, in the recognition that, in the framework of the purposes and principles of the Charter, the promotion and protection of all human rights is a legitimate concern of the international community;

(b) Be guided by the recognition that all human rights - civil, cultural, economic, political and social - are universal, indivisible, interdependent and interrelated and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

(c) Recognize the importance of promoting a balanced and sustainable development for all people and of ensuring realization of the right to development, as established in the Declaration on the Right to Development; 5/

4. Decides that the High Commissioner for Human Rights will be the United Nations official with principal responsibility for United Nations human rights activities under the direction and authority of the Secretary-General; within the framework of the overall competence, authority and decisions of the General Assembly, the Economic and Social Council and the Commission on Human Rights, the High Commissioner's responsibilities shall be:

(a) Promoting and protecting the effective enjoyment by all of all civil, cultural, economic, political and social rights;

(b) Carrying out the tasks assigned to him/her by the competent bodies of the United Nations system in the field of human rights and making recommendations to them with a view to improving the promotion and protection of all human rights;

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(c) Promoting and protecting the realization of the right to development and enhancing support from relevant bodies of the United Nations system for this purpose;

(d) Providing, through the Centre for Human Rights and other appropriate institutions, advisory services and technical and financial assistance, at the request of the State concerned and, where appropriate, the regional human rights organizations, with a view to supporting actions and programmes in the field of human rights;

(e) Coordinating relevant United Nations education and public information programmes in the field of human rights;

(f) Playing an active role in removing the current obstacles and in meeting the challenges to the full realization of all human rights and in preventing the continuation of human rights violations throughout the world, as reflected in the Vienna Declaration and Programme of Action; 6/

(g) Engaging in a dialogue with all Governments in the implementation of his/her mandate with a view to securing respect for all human rights;

(h) Enhancing international cooperation for the promotion and protection of all human rights;

(i) Coordination of the human rights promotion and protection activities throughout the United Nations system;

(j) Rationalization, adaptation, strengthening and streamlining of the United Nations machinery in the field of human rights with a view to improving its efficiency and effectiveness;

(k) Overall supervision of the Centre for Human Rights;

5. Requests the High Commissioner for Human Rights to report annually on his/her activities, in accordance with his/her mandate, to the Commission on Human Rights and, through the Economic and Social Council, to the General Assembly;

6. Decides that the Office of the High Commissioner for Human Rights shall be located at Geneva and shall have a liaison office in New York;

7. Requests the Secretary-General to provide appropriate staff and resources from within the existing and future regular budgets of the United Nations, to enable the High Commissioner to fulfil his/her mandate, without diverting resources from the development programmes and activities of the United Nations;

8. Requests the Secretary-General to report to the General Assembly at its forty-ninth session on the implementation of the present resolution.

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DOCS  
CA1 EA C55 ENG  
1994 January  
Consultations in preparation for  
the ... session of the U.N.  
Commission on Human Rights. --  
56229603

- ④ HR Strategy
- ⑤ Record over last year
- ⑥ Current policy toward HR.
- ⑦ Resolution?

1 Segment between Tibet & China

APEC  
 Chan  
 has it required or not  
 executions  
 releases.

- \* raise HR in oral declaration
- \* accepts on HR issues
- \* strong resolution
- \*