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Statement by Dr. Jim Hawkes, Canadian Representative to the Third Committee at the Thirty-ninth Session of the United Nations General Assembly, New York, December 6, 1984.

Member states will know that the Canadian political tradition is a democratic one that involves vigorous open debate between opposing political parties who are constantly vying for the responsibility of becoming the government. It is the Canadian voters who decide and governments are changed from time to time. What does not change, will not change, and has not changed even though we have changed the political party which governs, is the very strong commitment of the Canadian people and therefore their governments to the definition, expansion and protection of human rights.

It is the cornerstone of our belief in the protection of human rights that rights must be vested in the individual. If that belief is to become a reality then the individual must have access to resources and mechanisms that constantly encourage the individual to challenge both our laws and our administrative practices. This system works for us. It is not a system that we view as perfect but one that seeks perfection through constant evolution brought about by our commitment to supporting and encouraging the individual to challenge our practices. It is a system which attempts to ensure that the government of the day respects not only the rights of the majority, but perhaps more importantly the rights of minorities. We constantly seek to avoid the potential for tyranny that lies in any part of our system that might encourage those responsible for governing to believe that a state's responsibilities are so important that individual rights can be trampled on. History tells us that in situations of that kind sooner or later the people rebel and the situation is ultimately changed. But far too often blood is shed, lives are lost, families and communities are destroyed when the only redress available is armed confrontation.

It is our view that evolution is preferable to revolution and we enter into this debate today in the hope that our comments might be helpful to the international community as we seek progress by working together in our search for better human rights standards, and more effective means of ensuring the implementation of these standards.

In looking at our modern world from a human rights perspective, it is not difficult to conclude that the most massive violations of those human rights responsibilities inherent in the United Nations Charter and the Universal Declaration of Human Rights occur in states that have or tend towards totalitarian systems. During these periods when such states face any type of armed resistance then violations of these human rights and freedoms tend to multiply at a rapid and very disturbing rate.

Systems which encourage individuals to dissent freely and openly with their governments tend to produce governments that are the best protectors of the rights enshrined in the United Nations Charter. Respect for those who dissent from us politically breeds a healthy respect for the right to be different

in other spheres, and thus we progress. Governments which lose too much of their sensitivity to the right of individuals and minorities may be replaced but the process is peaceful, and human rights are strengthened rather than diluted.

In many ways, our United Nations General Assembly provides us all with a concrete visible example of the wisdom of this perspective. In this committee, each member state, rich or poor, powerful or weak, new or old has one vote. We have the absolute freedom to express our point of view, to debate strongly and sometimes at length with each other. Sometimes we make decisions on the basis of majority votes but individual states remain free to dissent and to protect their individuality. For 39 years we have proceeded in this fashion, sometimes in nine or more fora simultaneously. Our evolution is so far bloodless, and yet we progress not as far or as fast as we sometimes think we should; not always in the direction that some of us would like to see; almost never with the feeling that we have solved a problem perfectly or even permanently. But we do go forward, we do change, and we do have reason to be thankful that this General Assembly does exist and that we are party to what it can teach us and to what it can do for the people we represent.

Setting human rights standards by further elaborating and defining rights in declarations and conventions has been an on-going task of the United Nations. This process of standard setting is now at a relatively mature stage. It is a process which demands time, expertise and sensitivity to a wide variety of cultures, legal systems and linguistic differences. Important work on the elaboration of standards is proceeding, notably work on a convention on the rights of the child and a declaration on the rights of minorities, to name only two. Also, important work has yet to begin on a draft declaration on the right and responsibility of individuals, groups and organs to promote and protect human rights. My government supports this work of developing human rights instruments which provide standards as well as a legal framework for the protection of human rights.

In the years ahead however, my government would like to see more of our energy turned toward solving the problems of the implementation of human rights standards and to the amelioration of the sufferings of the victims of human rights abuses. These problems can be approached in two ways: the one approach is thematic, considering types of human rights violations; the other is through consideration of situations in specific countries.

There have been significant developments in the past year in the thematic approach to human rights violations. Of note has been the recent debate on totalitarian ideologies. The United Nations began in the aftermath of the appalling extremes to which totalitarianism led and sadly it is not solely a phenomenon of the past. My delegation will continue to follow with great interest the deliberations of the United Nations on this issue.

The marked increase in declarations of states of siege and their extension for prolonged periods has attracted the attention of the United Nations. The suspension of civil and political liberties, often by fiat, is a matter of concern to my government and we look forward to the report on this issue which has been requested by the Commission on Human Rights.

The United Nations has established mechanisms to deal with specific types of human rights violations. The Working Group on Enforced or Involuntary Disappearances is a sound mechanism for dealing with the tragedy of disappearances. The families of those who have disappeared are helped by this work and my government was pleased to endorse the renewal of the Working Group's mandate. But we look forward to the day when this Group is not needed.

My government also supports the work of the Rapporteur on Summary and Arbitrary Executions. We continue to believe, however, that a permanent and effective mechanism should be developed in order to combat the practice of summary executions.

Finally, the Commission on Human Rights recently began consideration of the problem of those who are imprisoned when their opinions differ from those of their government. This seems to us to be an area where the international community can develop effective mechanisms which will ameliorate violations of the right to freedom of expression and opinion.

These examples reflect a few of the recent efforts of the United Nations to deal with human rights violations through a thematic approach. A second approach to the problem of the implementation of human rights standards is the consideration of specific country situations. Situations of gross and systematic violations of human rights exist in many states. The United Nations, in co-operation with the states in question, has a role in working to improve respect for human rights.

My government wants peaceful change in situations where human rights are violated. The United Nations has a constructive role to play in encouraging governments to take the steps necessary to improve respect for human rights within their territories. Reports which expose the violations which have taken place can play a part in convincing governments of the need to change. However, we must also support, encourage and publicize any efforts which reveal an intention to respect human rights and which represent a beginning, however tentative, along the path to full implementation of the standards of the Universal Declaration on Human Rights. Change can only occur when the political will of the government in question is mobilized to effectively promote and protect human rights. Condemnation can lead to the isolation of a state and its retreat from co-operation with the United Nations. Canada does not believe that such isolation is conducive to eliciting the improvements we seek.

The situations of violations of human rights in Chile, El Salvador and Guatemala are once again before us in the reports of the special rapporteurs and the special representative of the Secretary-General. Last year, Canada expressed concern about the bias inherent in reviewing the situations in three countries from one geographical region. However, there now exists a better balance in the reports available to the United Nations on specific countries. At its forty-first session, the Commission on Human Rights will consider for the first time reports on the situations in Iran and Afghanistan and will also take action on the report on the situation in Poland which was reviewed at the last session. In connection with this, my delegation urges the governments of the countries concerned to co-operate fully with the representatives of the Secretary-General who have been appointed to prepare the reports.

My delegation would like to commend Professor Ridruejo for his report on the situation in El Salvador,

document A/39/636. He presents us with a balanced, factual and analytical report. My government is pleased to note that the special representative believes the government of El Salvador to be sincerely concerned about improving the human rights situation in that country. In particular, we would encourage the government to fulfil its stated commitments to investigate past human rights abuses, to reform the judicial system and to continue to pursue social and economic reform. The effective implementation of these policies is, in our view, crucial to improving the enjoyment of human rights in El Salvador.

However, we remain concerned that, as the special representative notes, a gap persists between these intentions and the government's ability to achieve results, although this gap has narrowed in recent months. Indeed, the number of violent deaths associated with human rights abuses has decreased. Nonetheless, the total still remains alarmingly high. Many of the violations are directly related to the violence perpetrated by both the armed forces and the guerillas in the civil strife. For this reason, my government welcomes the open and high-level dialogue which has been initiated between the government of El Salvador and the guerillas. We therefore strongly urge the government and the guerillas to take further positive steps, not only to decrease the intensity of the conflict, but to resolve it completely so that the people of El Salvador can live in peace and contribute productively to the development of their country.

The report on human rights in Guatemala, document A/39/635, does not paint an encouraging picture. The report is largely a series of observations on particular topics, as the special rapporteur himself notes. Nevertheless, the reader cannot avoid drawing the conclusion that violations of rights to freedom of movement and personal liberty continue to be serious, particularly for the indigenous populations.

We are pleased that the government of Guatemala has granted an absolute pardon to all persons convicted by the abolished special tribunals. We are further pleased that the government has now provided the special rapporteur with a list clarifying the fate of many who were tried by the tribunals. We encourage the government to publish this list.

There are others, however, whose fate must yet be clarified — those who disappeared or who have been improperly held by the police. My government, therefore, welcomes the consultations between the government of Guatemala and the Grupo de Apoyo Mutuo which represents the families of disappeared persons. We encourage the government of Guatemala in its commitment to provide support to this group dedicated to locating disappeared persons.

Continuing disappearances remain a great concern to my government. The special rapporteur notes that four groups are responsible for these disappearances — the security forces, the guerillas, common criminals and other organizations consisting of off-duty police and military and right-wing political groups. We encourage the government in its efforts to prevent lawless elements from perpetrating such acts, and we are pleased that the government has helped to bring to light, through co-operation with the special rapporteur, the abuses which have been committed. However, the participation of government forces in the disappearance of their own nationals is both profoundly disturbing and a most serious violation of the responsibility of member states of the UN to protect human rights. The government must begin by restraining its own forces from such acts.

Of equal concern is the notable increase in urban violence in Guatemala. We urge the government of Guatemala to stop this violence and bring to justice those who are responsible, including those who are members of the military. Recourse through due process of law is an essential step along the path toward respect for human rights. The independence and the effectiveness of the judiciary lie at the heart of a government's commitment to promote and respect human rights. Without an independent judiciary, the proposed new constitution will remain a hollow document unable to guarantee the full enjoyment of civil and political rights.

While there remains a great distance to travel before human rights are fully enjoyed in Guatemala, my government would like to thank the government of Guatemala for its full co-operation with the special rapporteur. This co-operation is a sign of respect for the concerns of the international community which charged the rapporteur with his mandate. Through this co-operation we have the opportunity to work together to bring about the needed improvements in Guatemala. We therefore hope that the next report will be able to reflect substantial improvements in the respect accorded human rights in Guatemala.

I noted earlier that international condemnation can isolate a state. However, a state may choose to isolate itself. Both these factors apply to some extent with the case of Chile. My delegation continues to be distressed that the government of Chile refuses to co-operate with the special rapporteur. Certainly, the rapporteur has produced a thorough report, based on information which has been made available to him from sources outside of Chile, and he has made useful recommendations. However, without the co-operation of the government of Chile, the United Nations remains unable to fully encourage and support the improvements necessary. We, therefore, appeal to the government of Chile to demonstrate its intention to fulfil its Charter obligation to promote and protect human rights by extending full co-operation to the special rapporteur. As a corollary, however, we equally appeal once again to member states to the Commission on Human Rights, to consider the situation of human rights in Chile under item 12 of the Commission agenda along with the consideration of the situations in El Salvador, Guatemala, Iran, Afghanistan, Poland and other countries.

Our appeal is an effort to break the deadlock which exists in consideration of this situation. Our appeal is not based on satisfaction that the situation in Chile has improved. The special rapporteur, in fact, notes that the situation with regard to the protection of fundamental human rights and freedoms in Chile has continued to deteriorate. The recent declaration of yet another state of siege in which civil liberties have been suspended, and the recent widespread detentions of large numbers of individuals have not alleviated our concern. Our concern, however translates directly into a desire for peaceful change, for human rights to be fully respected in Chile. We therefore urge the government of Chile to take all steps possible to rescind the state of siege at the earliest date and to permit a resumption of the peaceful process of return to democracy.

We have commented upon the reports concerning the situation in three states where systematic and flagrant violations of human rights occur. But human rights violations are not restricted to these few countries. I would challenge any state in this room to claim with impunity that human rights are fully protected *and* realized within their borders. We all fail in some respects, my own country included.

Most of us can point to impressive national constitutions and extensive domestic legislation to protect rights, both civil and political and economic, social and cultural. But it requires a genuine and persistent political will to implement human rights provisions. And when we fail, there must be recourse through both national and international procedures to protect and promote respect for human rights.

The Charter of the United Nations has clearly made human rights a legitimate subject of international concern and debate. The United Nations will continue to articulate international standards against which we can measure the achievements of states in promoting and protecting human rights. We have created mechanisms designed to monitor our efforts to realize these standards. The challenge for the next few years will be to further develop the implementation mechanisms that will better encourage member states to achieve these standards.

In concluding, my delegation would like to propose three objectives to guide the work of the United Nations to promote the implementation of human rights standards. The first would be to encourage wider ratification of the existing instruments, particularly the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. These instruments are the basis of efforts to promote and protect human rights. The second objective would be to strengthen procedures for the implementation of human rights instruments. As I have already said, recourse through national and international procedures is essential for the protection of rights. And the third objective would be to balance the concentration on particular country situations with the study of types of human rights violations, and the development of mechanisms to redress these.

It is the view of my delegation that these objectives could provide useful signposts for the work of the United Nations in human rights for the years ahead. What remains however will be to fire our political will, both individual and collective, to implement these standards. Let us all rise to meet the challenge of creating a world where the full dignity of each individual can be realized.

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