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CONSULTATIONS

IN PREPARATION FOR THE 55th SESSION OF THE
U.N. COMMISSION ON HUMAN RIGHTS

MARCH 4-5, 1999

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6. Statement by Canada to the Third Committee of the 53rd General Assembly: Item 110: Human Rights Questions, New York, November 10, 1998.
7. Selected Ministerial Speeches on Human Rights Issues.

Briefing Notes on Country Situations

8. **Africa:**

Algeria, Burundi, DRC, Ethiopia, Kenya, Liberia, Nigeria, Rwanda, Somalia, Sudan.

9. **Middle East:**

Iran, Iraq, Turkey, West Bank/Gaza.

10. **Latin America and Caribbean:**

Colombia, Cuba, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Peru.

11. **Asia:**

Afghanistan, Burma/Myanmar, Cambodia, China, East Timor, India, Indonesia, Pakistan, Sri Lanka, Vietnam.

12. **Central and Eastern Europe:**

Bosnia and Herzegovina, Republic of Croatia, Federal Republic of Yugoslavia, Russia.

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Agenda for Annual pre-UNCHR NGO Consultations

March 4-5, 1999

Government Conference Centre

Thursday 4 March 1999: Country Situations

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9:00-9:30	Statement by Minister Axworthy Statement by NGOs (Main Hall/Lounge) <i>JC</i>		
9:30-10:00	Procedural Issues (Main Hall/Lounge)		
10:00-12:30 Refreshments will be available from 11:15 to 11:45	Working Group A: (Room TBC) <i>Kisumu Hall</i> <u>Central and South America</u> <u>Asia</u>	Working Group B: (Room TBC) <i>Sussex Room</i> <u>Middle East, North Africa and Europe</u>	Roundtable Discussion (Room TBC) <i>Sussex building</i> on the Great Lakes Region (Rwanda, Burundi, Congo, DRC) (10:00-11:30)
12:30-13:30	Lunch		
13:30-16:30 Refreshments will be available from 14:45 to 15:15	Working Group A: (Room TBC) <u>Asia (continued)</u>	Working Group B: (Room TBC) <u>Sub-Saharan Africa</u>	Roundtable Discussion (Room TBC) Mexico (13:30-15:00)

Agenda for Annual pre-UNCHR NGO Consultations

Friday 5 March 1999: Thematic Issues

<p>8:30-10:30</p>	<p style="text-align: center;"><u>Plenary</u> (Main Hall/Lounge)</p> <p>1. Overview</p> <ul style="list-style-type: none"> • Outlook for CHR55 • Report on UNGA53 Third Committee • CHR54 reform proposals • Effective functioning of treaty bodies <p>2. Economic, Social and Cultural Rights Right to development <i>See Steffen - 992-3964</i> ✓</p>
<p>10:30-10:45</p>	<p style="text-align: center;">Refreshments</p>
<p>10:45-13:00</p>	<p style="text-align: center;"><u>Plenary</u> (continued)</p> <p>3. Civil and Political Rights</p> <ul style="list-style-type: none"> • Freedom of Expression • Disappearances • Arbitrary detention • Extrajudicial executions • Torture • Independence of the judiciary <p>4. Other Thematic Issues</p> <ul style="list-style-type: none"> • Racism <i>Migrant workers</i> • Use of mercenaries <i>Refugees</i> • Impunity <p>5. Advancement of Women</p> <ul style="list-style-type: none"> • Violence against women • Mainstreaming and integration of women's rights as human rights
<p>13:00-13:30</p>	<p style="text-align: center;">Lunch</p>

Agenda for Annual pre-UNCHR NGO Consultations

Friday 5 March 1999: Thematic Issues (continued)

13:30-15:30	<p><u>Plenary</u> (continued)</p> <p>6. Rights of Persons with Disabilities</p> <p>7. Rights of the Child</p> <ul style="list-style-type: none"> • Special rapporteur on the sale of children • CHR working groups on optional protocols to the Convention 	<p><u>Roundtable Discussion</u> (Room TBC)</p> <p>Religious freedom and religious intolerance</p>
15:30-15:45	Refreshments	
15:45-17:00	<p><u>Plenary</u> (continued)</p> <p>8. Indigenous Issues</p> <ul style="list-style-type: none"> • Working Group on Draft Declaration on Indigenous Rights • Working Group on Indigenous Populations • Permanent Forum • Other Decisions and Resolutions 	

Sue Steffen - 992-3964

Kerry Buck - 944-0612 - usually talks about CHR

- efforts to integrate HR perspectives throughout UN system

- Could we talk about HR perspectives in the IFIs -

↳ governance - for lending

- 2 minutes

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January 1999

PROCEDURAL FACT SHEET

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

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

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**UNITED
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**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1999/1
29 October 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
22 March-30 April 1999

PROVISIONAL AGENDA

Note by the Secretary-General

Duration and venue of the session

1. The fifty-fifth session of the Commission on Human Rights will be held at the United Nations Office at Geneva from 22 March to 30 April 1999. The first meeting will be convened at 11 a.m. on Monday, 22 March 1999.

Provisional agenda

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

Inter-sessional and pre-sessional working groups

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

(a) Item 9 (b): The Working Group on Situations, composed of five members of the Commission, is scheduled to meet from 22 to 26 February 1999 to examine situations referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities pursuant to Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 (Commission resolution 1990/55, Economic and Social Council resolution 1990/41);

(b) Item 10: An open-ended working group established to elaborate policy guidelines on structural adjustment programmes and economic, social and cultural rights (Commission decision 1998/102, Economic and Social Council decision 1998/276) is scheduled to meet from 1 to 5 March 1999;

(c) Item 11 (a): An open-ended working group established to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Commission resolution 1998/34, Economic and Social Council resolution 1998/35) met from 28 September to 9 October 1998;

(d) Item 13: An open-ended working group for the elaboration of a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts (Commission

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Convention on the Rights of the Child on involvement of children in armed conflicts (Commission resolution 1998/76, Economic and Social Council decision 1998/271) is scheduled to meet from 11 to 22 January 1999;

(e) Item 13: An open-ended working group for the elaboration of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Commission resolution 1998/76, Economic and Social Council decision 1998/271) is scheduled to meet from 25 January to 5 February 1999;

(f) Item 14 (a): A working group of intergovernmental experts established to elaborate recommendations to strengthen the promotion, protection and implementation of the human rights of migrants (Commission resolution 1998/16, Economic and Social Council decision 1998/244) is scheduled to meet from 23 to 27 November 1998 and from 8 to 12 February 1999;

(g) Item 15: An open-ended working group established to elaborate a draft United Nations declaration on the rights of indigenous peoples (Commission resolution 1998/14, Economic and Social Council resolution 1998/34) is scheduled to meet from 30 November to 11 December 1998;

(h) Item 15: An open-ended working group established to elaborate and consider further proposals for the possible establishment of a permanent forum for indigenous people in the United Nations system (Commission resolution 1998/20, Economic and Social Council decision 1998/247) is scheduled to meet from 15 to 19 February 1999.

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

Provisional agenda

1. Election of officers
2. Adoption of the agenda
3. Organization of the work of the session
4. Report of the United Nations High Commissioner for Human Rights and follow-up to the World Conference on Human Rights
5. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation
6. Racism, racial discrimination, xenophobia and all forms of discrimination
7. The right to development
8. Question of the violation of human rights in the occupied Arab territories, including Palestine
9. Question of the violation of human rights and fundamental freedoms in any part of the world, including:
 - (a) Question of human rights in Cyprus;
 - (b) Procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII)
10. Economic, social and cultural rights
11. Civil and political rights, including the questions of:

- (a) Torture and detention;
 - (b) Disappearances and summary executions;
 - (c) Freedom of expression;
 - (d) Independence of the judiciary, administration of justice, impunity;
 - (e) Religious intolerance;
 - (f) States of emergency;
 - (g) Conscientious objection to military service
12. Integration of the human rights of women and the gender perspective
- (a) Violence against women
13. Rights of the child
14. Specific groups and individuals:
- (a) Migrant workers;
 - (b) Minorities;
 - (c) Mass exoduses and displaced persons;
 - (d) Other vulnerable groups and individuals
15. Indigenous issues
16. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities:
- (a) Report and draft decisions;
 - (b) Election of members
17. Promotion and protection of human rights:
- (a) Status of the International Covenants on Human Rights;
 - (b) Human rights defenders;
 - (c) Information and education;
 - (d) Science and environment
18. Effective functioning of human rights mechanisms:
- (a) Treaty bodies;
 - (b) National institutions and regional arrangements;
 - (c) Adaptation and strengthening of the United Nations machinery for human rights

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- 19. Advisory services and technical cooperation in the field of human rights
- 20. Rationalization of the work of the Commission
- 21. (a) Draft provisional agenda for the fifty-sixth session of the Commission;
- (b) Report to the Economic and Social Council on the fifty-fifth session of the Commission.

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Geneva, Switzerland

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**THE 53 MEMBERS OF THE COMMISSION ON HUMAN RIGHTS
55th SESSION MARCH 22 - APRIL 30 1999**

AFRICAN GROUP (15)

Botswana	2000*
Cape Verde	1999
Congo	2000
Dem. Rep. Congo	1999
Liberia	2001
Madagascar	2001
Mauritius	2001
Mozambique	1999
Morocco	2000
Niger	2001
Rwanda	2000
Senegal	2000
South Africa	1999
Sudan	2000
Tunisia	2000

ASIAN GROUP (12)

Bangladesh	2000
Bhutan	2000
China	1999
India	2000
Indonesia	1999
Japan	1999
Nepal	2000
Pakistan	2001
Philippines	2000
Qatar	2001
Republic of Korea	2001
Sri Lanka	2000

EASTERN GROUP (5)

Czech Republic	1999
Latvia	2001
Poland	2000
Romania	2001
Russian Federation	2000

LATIN GROUP (11)

Argentina	1999
Chile	2000
Colombia	2001
Cuba	2000
Ecuador	1999
El Salvador	2000
Guatemala	2000
Mexico	2001
Peru	2000
Uruguay	1999
Venezuela	2000

WESTERN GROUP (10)

Austria	1999
Canada	2000
France	2001
Germany	1999
Ireland	1999
Italy	1999
Luxembourg	2000
Norway	2001
United Kingdom	2000
United States	2001

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

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Department of Foreign Affairs
and International Trade

Ministère des Affaires étrangères
et du Commerce international

98/24 CHECK AGAINST DELIVERY

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

GENEVA, Switzerland
March 30, 1998

At this time, and in this place, it is fitting that we celebrate the 50th anniversary of the Universal Declaration of Human Rights (UDHR) by asking how we can strengthen and adapt the UN human rights system in an era of unprecedented global change. It is true that the UN has developed impressive human rights credentials and tools over the last 50 years. But are these enough to meet the profound underlying changes that we face?

Human Rights in a Changing World

The breakdown of the old bipolar world order has created new possibilities to promote and protect human rights. Globalization has opened up borders to new ideas and information, providing opportunities to build a universal culture of human rights. Democracy has taken root in the majority of the world's states, and civil society is thriving. The conditions are there to achieve progress on human rights unimaginable by those who drafted the Universal Declaration in 1948.

At the same time, human rights violations continue in many parts of the world: political dissidents are being jailed, people are being tortured and internal conflicts are claiming innumerable civilian lives. Globalization has a dark side: transnational organized crime, terrorism, environmental pollution, hate propaganda distributed over the Internet, and growing global economic inequities.

Even though, in short, although recent years have seen impressive progress, there is still a significant gap between the current respect for human rights on the ground and the lofty principles set out in the Universal Declaration 50 years ago.

The UN Human Rights System at 50

We should see this 50th anniversary as a defining moment that can either build on the momentum of the past few years, or stall our advance. It is not just a milestone, but also a crossroads.

At this crossroads, we should take the road that leads toward full implementation of the standards that we have set over the last 50 years. We should ensure that our words and our written agreements produce real, concrete improvements to the application of human rights standards on the ground. This is not to say that there are no more standards to be set — but simply that implementation requires greater attention than has been accorded to date.

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To meet this fundamental test of translating standards into action, Canada has planned a number of forward-looking events to mark the 50th anniversary of the UDHR. From June 22 to 24 we will sponsor, in co-operation with an NGO consortium, a conference for NGOs [non-governmental organizations] from across the globe to review progress in implementing the VDPA [Vienna Declaration and Program of Action]. Our aim is to ensure that civil society is able to provide the strongest possible input into the UN's five-year review of the VDPA.

This conference will also mark the official unveiling of a major implementation initiative that Canada has funded: a global human rights report based solely on information from UN sources, organized by country and by theme. We believe that this will be an invaluable guide for the implementation of human rights commitments, because it will place on record all UN recommendations in a more accessible form. It will also provide a broad overview of human rights developments, as seen by the UN's independent experts and human rights bodies. This initiative is a response to the recommendations of an international conference held last year at York University in Canada, which looked ahead to the international human rights treaty system in the next century.

In September, Canada will sponsor a conference in Montréal on human rights and the Internet. New information technologies have already demonstrated their potential for good and for bad — for publicizing human rights abuses, or for spreading hate propaganda. The conference will look at ways that we can use new technology creatively, to defend and promote human rights worldwide.

As we look ahead to the next 50 years of the UN human rights system, it is only appropriate that our young people should be involved in the celebrations. Through our program of international youth internships, Canada will place 50 young Canadians in human rights-related positions in over 20 countries around the world this year, in addition to 55 placed last year. Many of them, through placements with bodies such as the Canadian Resource Bank for Democracy and Human Rights and the United Nations Association in Canada, will be seconded to UN and UN-related agencies, and to field operations in a variety of UN activities.

Renewing Our Vision of Human Rights

I spoke of adapting and strengthening UN institutions in an era of change; an era in which we grapple with issues ranging from labour standards to children's rights, impunity to peace-building, military expenditures to the export of small arms or landmines — complex, cross-cutting issues that have an undisputed human rights dimension. To address them effectively, I believe that we must start viewing human rights through the more comprehensive lens of human security, and, following the lead taken by the Secretary-General within the UN, integrate human rights concerns more fully into other aspects of international relations.

A human security approach calls not only for remedial action to address existing abuses, but also for preventive measures to address their root causes, including, as the High Commissioner noted, greater attention to the human right to development.

The link between human rights and human security is particularly clear in cases of conflict or the threat of conflict. Human rights abuses are often the early warning signal of emerging conflict. In countries torn by interethnic strife, ensuring respect for the human rights of every sector of the population is the key to building sustainable peace. Conversely, states that respect human rights and the rule of law are less likely to go to war with one another, unleash waves of refugees, create environmental catastrophes, engage in terrorism, or break their commercial commitments. Global stability and peace are intimately linked with

respect for international human rights.

A key element of healing war-torn societies is restoring the rule of law and ending impunity. This is why the timely establishment of an independent and effective International Criminal Court, with inherent jurisdiction over the "core" crimes of genocide, war crimes, and crimes against humanity, is so important. If there is no impartial means to uncover truth and administer justice in the aftermath of war, nations will find themselves plunged into continued cycles of violence.

To be truly independent and effective, the Court must have a constructive relationship with the United Nations, particularly the Security Council, in which its independence and impartiality are preserved. Proceedings of the Court should not be "triggered" only by a state complaint or a Security Council referral; prosecutors should also be able to initiate proceedings. Above all, the Court should focus firmly on providing justice for the victims of conflict, incorporating considerations of gender and the rights of children.

I am following the progress of these negotiations closely, and would encourage my colleagues in other member states to give their attention to this very important exercise. The international community must not wait for another catastrophe before establishing a permanent body able to respond to the widespread atrocities that so often occur in armed conflict. As the century draws to a close, the creation of the Court would be an important and fitting accomplishment. We must not allow those who are wedded to an outmoded world view to delay us in this task.

The Human Perspective: The Campaign to Ban Landmines

The campaign to ban landmines is a clear example of how we can bring new approaches with a human focus to bear on the traditional international security agenda. For the first time, a majority of states agreed to ban a weapon that was part of the military arsenal of nearly every nation. Why? Because, with the communications revolution, the human cost of landmines had become increasingly visible.

Banning landmines could no longer be seen primarily as question of disarmament, where the focus was on the weapon itself. Instead, we began to see this as a question of humanitarian law, which takes account of civilians and the horrible impact that these weapons have on their lives. Humanitarian law put a human face on the landmines crisis.

Married to this new way of seeing landmines was a new approach to international diplomacy, based on the exercise of "soft power" — a coalition of the willing, including governments and civil society as equal partners, united around a set of core principles. This coalition built support for a total ban on anti-personnel mines with unprecedented speed and success.

I see this shift from a disarmament focus to a humanitarian focus as part of a larger trend to look at security issues from the perspective of the human being — to focus on human security. Small arms proliferation, child combatants, excessive military expenditures and peacebuilding must also be addressed from this human perspective. International humanitarian law, with its focus on the civilian cost of conflict, and international human rights law, with its focus on core standards of human dignity, are the keys to transforming the traditional security agenda. A "soft power" approach can, I believe, help us to achieve our goals under this new security agenda. Seen from this perspective, a number of key themes clearly emerge as priorities.

A Thematic Approach

Children's rights are a particularly high priority for Canada. We have been working hard on the two Optional Protocols to the Convention on the Rights of the Child, and hope to see them completed soon. At home, we have amended our Criminal Code to allow for the prosecution of Canadians who engage in commercial sexual activities with children while abroad. We hope that other countries, recognizing the importance of reducing the demand for this despicable trade, will follow suit.

Another priority for Canada is the adoption of a strong and effective Declaration on the Rights of Indigenous Peoples during this, the International Decade of the World's Indigenous People. As a demonstration of Canada's commitment to activism in promoting indigenous interests and to developing new partnerships with the Aboriginal peoples of Canada, we have appointed our first ever Counsellor for International Indigenous Issues, Mr. Blaine Favel.

On the rights of persons with disabilities, the need is, above all, for a new way of looking at the issue. It is essential to recognize that this is not simply a social development issue; it is, fundamentally, a question of human rights. Until we acknowledge the need to analyse our mainstream policies and programs from the perspective of persons with disabilities, both at home and within the UN, we are denying their claim to full participation.

This concept of "mainstreaming" also underpins Canada's long-standing commitment to promoting the human rights of women. If we are to make the statement "women's rights are human rights" more than mere words, we must take action at home. When developing policies and legislation, we must integrate gender equality and respect for human rights from the start in all we do. That is what "mainstreaming" is all about.

Violations of the rights of women remain all too frequent. In Afghanistan, the most basic rights of women and girls — the right to work, to education and to proper health care — are routinely denied, not as matter of neglect, but as a result of policy. Most recently, the Taliban have imposed new restrictions on expatriate Muslim women working in Afghanistan. These women are essential to humanitarian relief efforts in that country. Restrictions on their ability to work will put at risk the lives of thousands of the most vulnerable Afghans, in particular women and children. The international community must speak out, and show women in Afghanistan that they are not alone.

Mobilizing and empowering all segments of society — including children, indigenous peoples, those with disabilities and women — is key to implementation of human rights. So, too, is an enhanced partnership between states and civil society.

Full participation by the non-governmental community, including at the Commission and throughout the UN system, is central to the promotion, protection and implementation of human rights. Equally essential as a foundation for the work of NGOs is recognition of their right to defend human rights. For this reason, Canada is strongly committed to seeing final adoption of the Draft Declaration on Human Rights Defenders at the 53rd session of the UN General Assembly. It seems to us particularly appropriate, and symbolic, to adopt the Declaration in this anniversary year.

When the Secretary-General spoke to this Commission, he sent a strong message that human rights are universal. They are limited to no continent. They are the concern of all levels and sectors of society. They are an obligation of all governments. In pursuing this goal of universal respect for human rights, an open and co-operative approach is essential. If we wish to see standards implemented, we must work together to ensure that member states have the capacity to do so.

Developing countries — particularly those struggling with the aftermath of conflict, the effects of

globalization, or a sudden transition to democracy — need help in building their own human rights institutions and human rights capacity. Developed countries can also take measures at home that help to stem human rights abuses elsewhere, by cutting off exports of arms to countries riven by internal conflict, or by prosecuting citizens who exploit child prostitutes in other countries, for example.

Conclusion

Building respect for human rights is one of the most challenging tasks facing the international community as we approach the end of the century. We have come a long way, certainly, and that is cause for celebration. But there is still a clear and pressing need for sustained action, bilaterally and multilaterally.

By taking a comprehensive, co-operative and flexible approach, which places human rights within a broader nexus of human security issues and applies the principles of international human rights, we can create the conditions needed to bring the Universal Declaration into the next 50 years with renewed vigour. Above all, we can narrow the gap between the principles that the international community set down in the Declaration half a century ago, and the reality of human rights around the world today.

Thank you.

© Department of Foreign Affairs and International Trade, 1998

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Canada

CHECK AGAINST DELIVERY
SOUS RÉSERVE DE MODIFICATIONS

STATEMENT TO THE THIRD COMMITTEE
OF THE 53RD GENERAL ASSEMBLY

MR. ROSS HYNES
REPRESENTATIVE OF CANADA

ITEM 110: HUMAN RIGHTS QUESTIONS

NEW YORK, NOVEMBER 10, 1998

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ALLOCUTION À LA TROISIÈME COMMISSION DE LA 53^{ÈME} SESSION
DE L'ASSEMBLÉE GÉNÉRALE

M. ROSS HYNES
REPRÉSENTANT DU CANADA

POINT 110: QUESTIONS RELATIVES AUX DROITS DE L'HOMME

NEW YORK, LE 10 NOVEMBRE 1998

Mr. Chairman,

As we mark the fiftieth anniversary of the Universal Declaration, many have decried the failure of the United Nations to achieve universal realization of the ideals elaborated in that historic document. The reasons for failure are sometimes complex; and the search for solutions can often be difficult and sensitive. It is nonetheless our responsibility in the debate under this agenda item - however difficult it may prove - to address such situations in a forthright manner, demonstrating that this Organization is serious about translating the noble principles of the Universal Declaration into reality for the people we all represent.

Some of the most brutal and repressive human rights violations continue to be committed in the course and immediate aftermath of wars and armed insurrections.

The current conflict in the Democratic Republic of Congo, as well as the persisting ethnic violence in neighbouring Rwanda and Burundi, raise grave concerns for the respect of humanitarian law and human rights in that region. We are most concerned that the return of hate propaganda and calls for ethnic violence could lead to an horrific spiralling of serious human rights abuses.

Similarly, Canada deplores in the strongest terms the violence that has taken place in the province of Kosovo over the past year, in particular the direct targeting of civilians by the Serb authorities in clear violation of their obligations under international law. We also condemn all abuses committed by the "Kosovo Liberation Army" in the course of their armed insurrection. We welcome the establishment of the OSCE Kosovo Verification Mission, and call on both sides to fully cooperate with the Mission.

Canada expects Croatia, Bosnia and Herzegovina, and the Federal Republic of Yugoslavia to fully meet their obligations under the Dayton Peace Agreement, in particular on the critical issue of return of refugees and displaced persons. We remind these countries once again of the need for those indicted for war crimes to face justice before the International Criminal Tribunal for the former Yugoslavia in the Hague. We also note with concern the unacceptable situation with regard to press freedoms in both Croatia and the Federal Republic of Yugoslavia. In particular, we strongly condemn the recent adoption of the Serbian Information Law and the repressive actions taken as a result, including the closure of such independent media as Danas and Dnevni Telegraph.

In Sudan, we remain concerned about continued reports of human rights violations including arbitrary arrests, religious intolerance and persecution, as well as slavery. Although commending the parties to the conflict for adhering to a cease-fire in Bahr el Ghazal to deliver humanitarian assistance, we deplore the use by all parties of military force to disrupt or attack relief efforts, and particularly the indiscriminate bombing of civilian targets by government forces.

The human rights situation in Afghanistan is among the worst in the world. Abuses of every description appear to be growing increasingly severe and widespread. The Taliban militia have instituted a policy of systematically denying women and girls the most fundamental human needs: education, medical care, and even a livelihood. There are credible reports that the Taliban have conducted atrocities against civilians in areas they have captured. The world at large must speak with one voice in demanding that the Taliban respect internationally established norms.

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It is not only in situations of armed conflict that serious, systematic abuses of human rights take place. The UN Charter commitment to universal respect for human rights and the obligation to cooperate with the Organization to that end applies to all member states.

The government of Iraq continues to rule by terror, indiscriminate arrest, imprisonment and execution in order to maintain its grip on power. It has taken no steps to curb widespread human rights abuses, and has refused to cooperate with the Special Rapporteur of the Commission on Human Rights.

In Iran, encouraging improvements in the areas of speech and media freedoms since last year's election were setback in recent months with the closure of several newspapers and magazines and arrests of journalists. Of great concern, is the heightened persecution of the Iranian Baha'i community, including executions and imprisonment, for practicing their religious faith. The full and equal enjoyment by women of their human rights remains one of the critical markers for the overall improvement of human rights in Iran.

The absence of respect for human rights and fundamental freedoms in the Democratic People's Republic of Korea has long been a matter of concern for Canada. Now added are serious humanitarian concerns as the Pyongyang government's imposition of needless bureaucratic obstacles on UN agencies and international NGOs threatens distribution of food aid to the most needy recipients.

Burma's poor human rights record is of grave concern to Canada. We deplore the widespread detention of elected representatives and members of the National League for Democracy and other political parties. We call on Burma's military regime to release these detainees and to demonstrate a genuine commitment to national reconciliation and the restoration of democracy by entering into dialogue with Daw Aung San Suu Kyi and other representatives of the opposition and minority groups.

In Algeria, Canada remains deeply concerned by the security and humanitarian situation, particularly as events of major political and religious significance converge in the coming months. At the Commission on Human Rights this year, Canada joined others in encouraging Algeria's engagement on these concerns with the United Nations. The visit of the Panel of Eminent Persons was a most welcome development in this connection, and Canada hopes that this spirit of cooperation will, as the Panel has suggested, be extended to the human rights mechanisms of the UN.

In some countries of South East Asia the continuing economic crisis has placed stresses on the political and social fabric.

In Malaysia, concerns have been raised about the government's use of the Internal Security Act to detain political opponents and others without trial and to restrict freedom of speech and freedom of assembly. Canada is concerned about the treatment of former Deputy Prime Minister Datuk Seri Anwar Ibrahim and hopes that allegations of police brutality while in custody will be properly investigated.

In **Indonesia**, we welcome the government's notable progress in the area of human rights, including the commitments under the National Plan of Action on Human Rights and moves to ratify international human rights treaties. We encourage the government to push forward with these and other initiatives to meet the aspirations of Indonesians for greater democracy and for more equitable and sustainable development. Canada also welcomes the new approach in dealing with **East Timor**. Canada believes, however, that **East Timorese** themselves should be involved in the process and should have a say in determining their future. We encourage the government of **Indonesia** also to consider other initiatives, such as the release of **Xanana Gusmao**, conducive to a full and lasting settlement of this longstanding international issue.

The situation in **Indonesia** is just one example of where serious domestic human rights challenges are beginning to be addressed, often with recourse to international human rights instruments and mechanisms.

A welcome example is the significant improvement that has recently taken place in **Nigeria**, particularly regarding the transition to democracy. We laud the release of large numbers of political prisoners, urge that remaining pending cases be dealt with expeditiously and that **Decree No. 2** providing for detention without trial be repealed soon. We welcome **Nigeria's** confirmation yesterday that the visit of the Special Rapporteur to **Nigeria** will take place in the course of 1998.

We welcome **China's** recent signing of the International Covenant on Civil and Political Rights as well as last October's signing of the Covenant on Economic, Social and Cultural Rights. We urge **China** to ratify and implement both covenants swiftly. Canada remains concerned about the extensive use of the death penalty, restrictions on freedom of religion and the suppression of political dissent throughout the country, including in **Tibet**. We take **China's** willingness to conduct bilateral dialogues with Canada and others on human rights as an important indication of **China's** greater acceptance of the principle of the universality of human rights.

We appreciate our frank bilateral human rights dialogue with **Cuba**, and welcome such positive developments as **Cuba's** growing space for religious freedom, its invitation to selected UN Special Representatives, and the release of political prisoners earlier this year. However, the continued existence of prisoners of conscience, particularly the four arrested in July 1997, and the failure to protect and promote freedom of expression, and civil and political rights in general, remain matters of deep concern for Canada.

In **Haiti**, while acknowledging efforts towards improving the human rights situations, we underline that much remains to be done, particularly with regard to impunity, abuse of authority, the state of prisons, and the essential reform of the judicial system. We remain very concerned at the absence of an agreement regarding a Prime Minister. However we are encouraged by the **Haitian** government's continued commitment to the cause of human rights as further evidence by its invitation to the Special Rapporteur on violence against women.

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Human rights in Colombia is an important area of concern for Canada. Although we warmly welcome recent initiatives aimed at ending the long-running civil conflict, we have grave concerns about increasing violations of human rights and international humanitarian law. Canada was pleased that the High Commissioner for Human Rights visited Colombia in October.

For all the changes the world has seen in the past fifty years, the Universal Declaration of Human Rights remains as relevant and important as the day it was adopted. Its principles provide for all governments an ultimate standard - a measure of their legitimacy and effectiveness in serving the best interests of their citizens. This represents a standard against which all countries must be assessed and against which all countries, including my own, will sometimes be found wanting. We can pay proper tribute this year to the Declaration and all that it stands for only by redoubling our individual and collective efforts to address such shortcomings wherever they may arise. In this indispensable task of the United Nations, Canada pledges its full cooperation with all.

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SELECTED MINISTERIAL STATEMENTS AND SPEECHES ON HUMAN RIGHTS ISSUES

(FEBRUARY 1998 - FEBRUARY 1999)

All of these documents are available on the web site of the Department of Foreign Affairs and International Trade, Human Rights, Humanitarian Affairs and International Women's Equality Division at:

<http://www.dfait-maeci.gc.ca/human-rights/Statement-e.asp>

1999:

99/4: Notes for an Address by the Honourable Lloyd Axworthy Minister of Foreign Affairs to the National Forum

1998:

98/79: Notes for an Address by the Honourable Lloyd Axworthy Minister of Foreign Affairs to the International Conference on "Universal Rights and Human Values: A Blueprint for Peace, Justice and Freedom."

98/75: Notes for an Address by the Honourable Lloyd Axworthy Minister of Foreign Affairs to the Conference "Children Caught in Between"

98/59: Notes for an Address by the Honourable Lloyd Axworthy Minister of Foreign Affairs to the 53rd Session of the United Nations General Assembly

98/54: Notes for an Address by the Honourable Lloyd Axworthy Minister of Foreign Affairs to the NGO Forum on the Internet and Human Rights

98/47: Notes for an Address by the Honourable Lloyd Axworthy Minister of Foreign Affairs to the NGO Global Forum on the Five-Year Review of the Vienna World Conference on Human Rights

98/46: Notes for an Address by the Honourable Lloyd Axworthy Minister of Foreign Affairs to the Foreign Policy Association "The Landmines Campaign in Context"

98/24: Notes for an Address by the Honourable Lloyd Axworthy Minister of Foreign Affairs to the United Nations Commission on Human Rights (54th Session)

98/11: Notes for an Address by the Honourable Lloyd Axworthy Minister of Foreign Affairs at the Consultations with NGOs in Preparation for the 54th Session of the United Nations Commission on Human Rights

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January 1999

ALGERIA

ISSUE

In the face of recurring violence, Algeria's human rights record has been the target of continued criticism over the past decade.

BACKGROUND

In recent months, the international community has paid less attention to the situation in Algeria. This might be attributable to the reduced scale of the massacres being perpetrated against Algeria's most vulnerable population. Despite the relative lull in media coverage, however, violence continues to be a daily reality in Algeria. Criticism continues to be directed against the country's human rights violations, namely summary executions, torture, arbitrary arrest, etc. **Armed Islamic groups** are said to be the main perpetrators in terms of human rights violations, but the government has also been criticized in this regard. Only the Front des Forces Socialistes continues to call for an International Commission of Enquiry into the situation in Algeria.

The fate of **Algeria's disappeared** is one of the most discussed human rights issues. Public demonstrations where the demonstrators (mostly women) seek to learn what has happened to the members of their families represent a new reality in Algeria. Centres have been set up to receive citizen complaints in this regard.

Women and children continue to be favourite targets of the violence. Amendments brought by the government to the Family Code have failed to win over Algeria's women and Islamists. The country's overburdened schools are unable to provide students with a complete education, despite the fact that school is free in Algeria. Increased demand is placing a strain on the public health care system. A shortage of housing remains at the heart of the country's social problems, along with unemployment (upwards of 30%), illiteracy and the growing impoverishment of the population. Strengthened rules to promote the Arabic language have aggravated cultural tensions, especially in Kabylie, the scene of public unrest in the aftermath of the assassination of Kabyle singer Mahtoub Lounes. While the rights of persons with disabilities are recognized, it is often left to the family to assume responsibility for their care. Homosexual rights are not recognized.

The Algerian government submitted (albeit belatedly) its human rights report to the **Committee on Human Rights**. The Committee's comments on the report were criticized in Alger. The government received several foreign delegations, including one from Canada, and notably the one from the United Nations delegation led by the former President of Portugal, Mario Soares. The UN's special rapporteurs do not have access to Algeria.

The coming months will see the election of a new **President of the Republic**. Despite significant progress in getting democratic political institutions up and running, the opposition parties have denounced various irregularities during the most recent municipal/regional elections.

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CANADIAN POSITION

Canada continues to favour dialogue with Algeria to convey its concerns and those of Canadians. Prime Minister Chrétien sent a special envoy to Algeria at the height of a terrible wave of violence in early 1998. A parliamentary delegation headed by the Minister of State and Government House Leader Don Boudria also visited Alger to communicate Canada's views to Algeria's highest officials. A delegation from Algeria's Senate visited Canada to meet with Canadian parliamentarians.

Canada was one of the few countries to express its concerns about the continuing violence in Algeria during the last **UN General Assembly**.

The dialogue approach favoured by Canada has enabled a few Canadian NGOs to travel to Algeria. Furthermore, Canada is the only country working with Algerian authorities to implement a psychological assistance project for child victims of the violence in Algeria.

Canada continues to base its policy on strong condemnation of terrorism, the pursuit of political and economic reforms, assistance for the victims of violence and transparency in managing the security situation.

BURUNDI

ISSUE

Although negotiations are under way as part of the Arusha regional peace process, clashes continue between government and rebel forces. These confrontations remain one of the main causes of flagrant human rights violations.

BACKGROUND

Burundi President Pierre Buyoya installed a **reconciliation government** in June 1998 with the appointment of FRODÉBU members to government positions.

The third round of negotiations within the framework of the **Arusha regional peace process** took place in late October 1998. During these negotiations, chairs and deputy-chairs were proposed for four of the five committees which will be looking into the following questions: the nature of the conflict; democracy and good governance; peace and security; reconstruction and development; and implementation of the negotiated agreement. Canadian Carolyn McAskie, Vice-President of Multilateral Programs for CIDA, was appointed vice-president of the Commission on reconstruction and development.

Meetings were held to examine the situation in Burundi in Ottawa on August 20, 1998 and New York on January 11, 1999. Both were chaired by Canada, with the latter co-chaired by the Department of Political Affairs (DPA) of the UN Secretariat and the UNDP. These meetings were held prior to Arusha III and Arusha IV, respectively, and were aimed at mobilizing the international community and encouraging the **Burundians to continue to participate actively in the regional peace process**. At the Ottawa meeting, donor countries reached agreement on a broader definition of humanitarian assistance for Burundi, one that included direct assistance for development. The New York meeting strengthened this definition.

Ethnic violence and armed confrontations between government forces and Hutu (and now Tutsi) rebels are the main source of human rights violations. Assassinations, disappearances and torture remain widespread. The civil war rages on and continues to be very brutal. The situation is becoming all the more precarious with the involvement of the Burundian forces in the Democratic Republic of Congo and the alliance between the Hutu rebels and the Kabila Government. The latter is alleged to have supplied the rebels with arms.

While the attacks by Hutu rebels have left numerous victims, the **army is also excessively brutal** in its struggle against the insurgents and sometimes simply in retribution for the popular support shown the rebels. Fleeing the conflicts, hundreds of thousands of Burundians have sought refuge in neighbouring countries, especially Tanzania.

In its efforts to put down the rebellion, the government had ordered large segments of the rural population to live in **resettlement camps** to prevent them from collaborating with the insurgents. In the face of international criticism, Burundi now maintains it has dismantled the camps and is allowing the "resettled" residents to return to their communities (but not necessarily their communes). Apparently, the camps still exist but on a voluntary basis; camp life is characterized by sickness, malnutrition, and unsanitary living conditions.

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An impartial legal system is nonexistent. Flagrant violations of human rights include non-compliance with limits on how long a person can be detained in custody, preventive detention in the absence of formal accusations, non-compliance with legal arrest procedures, and abuse during interrogations. Prisons are overcrowded, with poor health and living conditions.

Economic sanctions imposed by regional leaders have resulted in a deterioration in living conditions for the general population, without affecting those in power. Essential subsistence goods (e.g. food and fuel) are prohibitively expensive. The region's heads of state maintain that the purpose of the sanctions against Burundi (imposed in the wake of the coup d'État), including a total trade embargo, is to force President Buyoya to open a true dialogue with all the parties to the conflict. The lifting of sanctions was announced at the meeting of heads of state that took place in Arusha on January 23, 1999.

CANADA'S POSITION

Canada supports the efforts made by countries in the region to restore constitutional order to Burundi. Accordingly, Canada supports the regional leaders' choice of Mwalimu Julius Nyerere to act as a facilitator.

Any humanitarian assistance must bring relief to all sectors of the population, without discrimination or exclusion. Canada insists that its humanitarian activities do not influence the political workings and manoeuvres surrounding the regional peace process.

At the 54th session of the United Nations Commission on Human Rights, Canada did not co-sponsor the resolution to renew the mandate of the Special Rapporteur for Burundi, although it voted in favour. We feel that the resolution was not sufficiently severe with regard to the abuses committed by the government. A small UN mission on human rights is present in Burundi, but its ability to monitor the situation effectively is limited by security considerations.

Canada remains deeply concerned by the continuing hostilities and civil war, as well as by the state of human rights in Burundi. Canada maintains that a Burundian military solution to the political crisis is not a viable option. A diplomatic approach, enabling all Burundians to negotiate and achieve a peaceful solution, offers the only chance of improving the situation.

Canada supports and is prepared to contribute to a regional conference that would examine peace and security issues in the African Great Lakes region.

DEMOCRATIC REPUBLIC OF CONGOISSUE

The DRC has been stifled by a civil war since August 1998. At the outset, the conflict appeared to be an internal rebellion with support from some neighbouring countries. However, increasing involvement of DRC neighbouring countries and ensuing alliances have resulted in a regional conflict that threatens to develop into a continental war. Corruption, uncontrolled armed groups and lack of leadership characterize the war, leading to serious human rights abuses throughout the country, attributable to all parties involved.

BACKGROUND

On July 27, 1998, President Kabila ordered the **withdrawal of foreign troops** (Rwandan and Ugandan) from the country. These troops had previously been his allies, together with the Angolan troops during the war of liberation that brought him to power. The troops refusing to leave Congolese territory, a rebellion emerged within the Banaymulenge (Congolese-Tutsi). Alliances rapidly developed with Angola, Zimbabwe, Chad and Namibia supporting Kabila and the rebels receiving support from Rwanda and Uganda.

Throughout this war, the international community has been receiving alarming reports of arbitrary executions, disappearances, torture, harassment and detention of civilians based on their ethnic origin. Hate propaganda broadcasted over the mass media are sadly reminiscent of that used during and after the 1994 Rwanda genocide. Kabila's alliances with former members of the **Forces armées rwandaises (ex-FAR)/Interahamwe and Burundian Hutu rebels** and the lack of popular cooperation with the rebel forces has resulted in severe retribution. Allegations of similar human rights abuses committed by pro-Government forces continue to flow out of the country at an alarming rate.

Another source of great concern is the sexual violence committed against **women and children**. The recruitment of child soldiers by both sides has also become a renewed feature in this conflict. The war has led to the collapse of already weakened health, sanitation and medical services. Large segments of the population in the conflict areas have become internally displaced or refugees - resulting in a potential humanitarian crisis.

In the **Eastern Congo**, humanitarian operations are facing serious constraints, including insecurity and shortages of equipment. Nearly all goods and equipment belonging to humanitarian agencies, including more than 120 vehicles, were illegally seized. While some equipment and vehicles have since been returned, the NGOs remain largely incapacitated. There are severe restrictions of the work of NGOs and media personnel, including the banning of human rights organizations, harassment and detention of human rights defenders and journalists.

Regional leaders, under the auspices of the OAU and the SADC, have been actively seeking a peaceful resolution to the conflict. Reports indicate that an agreement in principal on a cease-fire was agreed to by Rwanda, Uganda, Zimbabwe and the DRC at the France-Africa summit on November 27th. However, the rebels, who did not take part in the negotiations, refuse to adhere to a peace agreement. Kabila refuses to acknowledge the rebels.

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During its 53rd session, the UN Human Rights Commission (CHR) approved the creation of a **UN Mission of Inquiry** (proposed by a number of delegations, including Canada) and the deployment of a Team to the DRC to investigate allegations of human rights abuses during the 1996 war of liberation. The investigation was fraught with difficulties and interrupted. On the recommendation of the High Commissioner for Human Rights, following a series of incidents culminating in the detention a Canadian, Christopher Harland, who was part of the Team, the UN Secretary General withdrew the Investigation Team from the Congo on April 17, 1998.

The Resolution on DRC presented at the **54th session of the CHR** (co-sponsored by Canada) strongly condemned the circumstances which obliged the Secretary General to withdraw the Investigation Team. It was adopted after a vote called by the DRC delegation (28 in favour, 7 against and 18 abstention).

Following the reports of massacres in the Makobola area, Kabila has invited **UN Special Rapporteur Garreton** to investigate. Kabila has assured the government's full cooperation in the event of an investigation.

CANADIAN POSITION

Canada supports the investigation by the **Special Rapporteur** of allegations of recent massacres.

Canada made several appeals in favour of a **cease-fire**, the withdrawal of all foreign troops and the start of negotiations between all parties. Canada has been supporting regional efforts to achieve a negotiated settlement and is in favour of both a Congolese and a regional conference to address the deep-rooted causes of the conflict.

The **Canadian Minister of Foreign Affairs** has made statements to the press indicating that perpetrators of human rights abuses will be held accountable.

January 1999

ETHIOPIA

ISSUE

Despite the government's commitment to democratic reform and the implementation of human rights obligations, the human rights situation in Ethiopia suffered significant setbacks during the course of 1998.

BACKGROUND

The border conflict with Eritrea led to mass deportations of thousands of Ethiopians of Eritrean origin, without regard to due process. Those deemed a "security risk" face deportation to Eritrea. Amnesty International reports that up to 52,000 Ethiopians of Eritrean origin have been deported from Ethiopia since June 1998. Despite discussions between the government and the main armed opposition groups, military operations continued in some areas of the country, creating an atmosphere conducive to human rights violations. Arbitrary arrest and detention without charge, on suspicion of being supporters or sympathizers of various rebel groups, continue as systemic problems. Although the law requires a judge to approve police arrest and search powers, in practice the necessary warrants are rarely sought. Pre-trial detention for periods much longer than allowed under Ethiopian law continues. Ethiopian prisons are overcrowded and conditions are bad: reports continue that prisoners are mistreated and tortured by police, particularly in remote regions of the country where the government continues to battle armed opposition groups. However, visitors are permitted and some international oversight is allowed.

Thousands of Ethiopians of Eritrean origin have been deprived of their nationality, hence of their civic rights, as a result of the border conflict with Eritrea. The Ethiopian government argues that "Eritreans" present in Ethiopia who voted in the 1993 referendum on independence effectively indicated their desire to acquire Eritrean citizenship and thus lost their Ethiopian citizenship.

Despite its stated support for a free press, Ethiopia now has the highest rate of imprisoned journalists of any country in Africa. Nevertheless, a relatively vibrant free print press exists in Addis Ababa, although circulation is very small and few newspapers critical of the government are available outside of the capital. Although the state media have theoretical autonomy from the executive branch, they continue to play the role of official press, and tend not to criticize the government. The private press still has difficulty gaining access to government officials.

Over the past year, the government has continued to take steps that severely limit the exercise of the rights to freedom of assembly and of association, including an ongoing dispute with the Ethiopian Teachers Association that led to closure of the Association's offices and the arrest of members of its executive. As well, a number of non-governmental organizations (including international NGOs and the two major domestic human rights monitoring organizations), experienced significant difficulty in acquiring official registration from the government, as required by law. On the political front there are about 60 registered parties. They complain that their freedom of movement is restricted outside of Addis Ababa. Although the right to freedom of movement and residence within the country seems to be respected, the right to leave the

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country and return may be restricted through exit visa requirements. In addition, public funding for opposition political parties, which should be made available in accordance with the national election law, has not yet been forthcoming.

Women are equal in law, although they remain under-represented in the workforce and in political life. However, the government has taken a number of steps to promote the advancement and protection of women's rights, including the appointment of a Special Advisor to the Prime Minister on women's issues. Female genital mutilation is a widespread practice and is the target of programs by a number of national and international organizations. **Child labour** is still a problem, particularly in the informal sector. The government has not ratified ILO Convention 138 on the minimum age for admission to employment, but has ratified the Convention on the Rights of the Child, and the Labour Code stipulates that the minimum age for employment is 14 years of age.

The donor community continues to support the government's **reform of the judiciary and legal system**, to ensure respect for the rule of law and the application of due process. These reforms appear to be making some headway, with the Supreme Court asserting some autonomy, improved efficiency in court administration becoming more evident, and legal training for civil servants at the civil service college expanding. However, the government has been hampered in its efforts by a shortage of personnel and resources. The trial of former Derg officials for genocide and other crimes against humanity continue, albeit at a very slow pace, and stretch the government's resources to the limit. As well, the Government organized and hosted, with donor support, the long-promised conference on the **establishment of a Human Rights Commission and Ombudsman**. A program for concrete action has recently been drafted. However, victims of human rights violations have difficulty in obtaining an effective remedy due to a congested court system and an apparent reluctance by the judiciary to intervene in what are often seen as political cases. This problem is compounded by the fact that the police and other officials will, on occasion, ignore court orders with which they disagree.

CANADIAN POSITION

Canada has made representations to the Ethiopian government on the issue of the **deportation** of Ethiopians of Eritrean origin at the highest levels and maintains an ongoing dialogue with the government on the issue of human rights.

During the year, Canada chaired two **donors groups on human rights**. Canada is a major donor in the democratic development and good governance sector and the largest donor in the justice and judicial sector, and provided support inter alia to the conference on establishing a Human Rights Commission and Ombudsman, and for judicial and legal reform.

KENYA

ISSUE

Democratic development and respect for human rights are moving forward slowly in Kenya. This evolution is receiving close scrutiny from Canada and the international community.

BACKGROUND

Documented cases of forced confessions, police brutality, arbitrary detentions, along with ethnic violence and government controls on the media and civic society remain causes for concern. So too are the lethal conditions of the prisons and the widespread practice of female genital mutilation (FGM), despite the Government's opposition to this traditional practice. However, Kenya is in **political, social and economic transition**, and there have been recent signs that the country is moving towards more open and accountable governance.

Despite these serious human rights violations, Kenyans witnessed improvements in 1998. These emerged from the **December 1997 national elections**, when Kenyan civil society mobilized itself in defence of the electorate's political rights. The Government was forced to take note of this groundswell of opinion, and has been obliged to recognize the need to respect these rights and support greater transparency. The Parliament of Kenya became more active and critical in 1998; a vote of no-confidence put pressure on the Government to improve its accountability, as did the public revelation of Government members' involvement in a loan scandal with the National Bank of Kenya and in illegal acquisition of land. There were efforts to continue to protect privileges, but the Government nevertheless had to move seriously to address the corruption issue. A new advisory board was appointed to re-constitute the Kenya Anti-Corruption Agency and various public and private sector groups have denounced corruption. An Office of the Ombudsman was created by Parliament as well, with strong donor support.

During 1998, resistance to the Government's control of the media was strong, with the print media retaining a large measure of independence. As well, the Government finally agreed to grant TV and radio licenses to the independent Nation Group Ltd. The report of the Press Task Force was presented to the Government, and made public. Parliament will deliberate in 1999 on new media bills. Public support for freedom of the airwaves has grown, with Kenyans exercising their freedom of expression as never before.

The Government's promised **constitutional review** is underway. With the active participation of NGOs and Church leaders, the review body promises to be a key instrument of reform, reflecting the views of stakeholders. The engagement of this process has contributed to stemming the politically-induced ethnic violence which afflicted the Rift Valley and the Coast Province in 1997 and early 1998. The Akiyumi Commission investigating this ethnic violence has credibly exposed in the media the actions of Ministers and others in fomenting violence.

Kenya is party to most international instruments on human rights and the Constitution contains *de jure* protection for a broad range of rights and freedoms. Many Kenyans believe that the judiciary is subject to political interference, a belief seemingly substantiated by the findings of

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the UN Special Rapporteur on Independence of Judges and Lawyers and the Kenyan Standing Committee on Human Rights which is about to publish its first report. With the release of the Apiny Odhiambo, the Government does not currently appear to be holding political prisoners.

The educational infrastructure has seriously deteriorated, particularly in rural areas. Employment of children is illegal and the Government works closely with the ILO to enforce the law. However, many children are forced to work on family farms or as servants. Officials estimate up to 45,000 thousand street children populate Nairobi alone, many of whom work as child prostitutes and the figure is increasing by as much as 10% annually. While constitutional and legal provisions generally do not discriminate against women, societal expectations about their role limit their education and employment opportunities.

CANADIAN POSITION

Canada continues to engage the Government of Kenya on its stated commitment to improvements in human rights, good governance and democratic development. Kenya is not on the agenda of the UN Commission on Human Rights. During 1998, Canada continued to chair the Democratic Development Group (DDG) which engaged the Government on a series of human rights and good governance issues. As well, sixteen DDG missions including Canada observed the Makueni by-election on January 16, 1999.

The Canadian High Commission maintains regular contact with human rights organizations such as the Kenya Human Rights Commission and the Standing Committee on Human Rights and makes representations regularly, as for example, in the case of Lomoduro Amodia, whose case was raised with the Director of Public Prosecutions. The granting of TV and radio frequencies was raised with the Kenya Posts and Telecommunications Authority. Canada sits on the Economic Governance Group chaired by the World Bank.

CIDA runs a five-year \$5 million Gender Equity support project, and established two \$500,000 funds in early 1998 to support democracy and good governance. Projects on civic education, voter education and the Ombudsman's office have been undertaken in coordination with other donors.

LIBERIA

ISSUE

Assuming the government is genuinely determined to enforce its obligations and promises to re-establish the rule of law, respect for human rights and promotion of national reconciliation, it still faces enormous obstacles and challenges in consolidating peace and security.

BACKGROUND

President Taylor won the 1997 elections, supervised by some 13,000 ECOMOG troops and 500 international observers, which marked the end of a seven-year civil war. Taylor promised to give high priority to a stable environment for economic development, and eliminate corruption. The Liberian Constitution provides most of the human rights protections associated with liberal democracies.

The human rights record in 1998 was poor with problems in many areas. A culture of violence, ethnic tension, and impunity has taken root. Essentially, the Taylor government has not taken the necessary measures to mitigate the chaos that has marked Liberia's recent past, and this has resulted in increased insecurity in Liberia, combined with a war-ravaged economy in severe disarray.

Members of the **Armed Forces of Liberia**, no longer engaged in fighting, have turned to looting and harassing civilians. Intimidation of journalists by **security forces**, arbitrary arrests, illegal detentions and torture to obtain confessions were common. The **national Human Rights Commission**, created by legislation in 1997, can only investigate present and future human-rights abuses but lacks the power to compel witnesses, as well as government funding to conduct its activities. The judiciary is prone to political and economic influence.

Nigeria's unilateral withdrawal from ECOMOG in Liberia in January 1999, leaving the mission with few resources, is likely to aggravate an already deplorable human-rights situation. Nigeria accused Liberia of assisting the rebel **Revolutionary United Front (RUF)** forces fighting the democratically-elected government in Sierra Leone.

Liberia has no laws against **gender-based discrimination or female genital mutilation (FGM)**. This practice is widespread in the northern, central, and western parts of the country. In rural areas, where traditional customs are stronger, a woman is normally considered the property of the husband and his clan, and usually is not entitled to retain custody of their children or inherit from a deceased husband.

The **UN Special Representative on Children Affected by Armed Conflicts** visited Liberia in March 1998 to assess the situation of children after a period of protracted civil war. The report notes that the conflict has had a devastating effect on children, many of whom have known no other way of life. The categories of children identified as having special protection needs include **ex-combatant youth, refugee and internally displaced children, sexually abused girls, and unaccompanied and street children**. A major legacy of the Liberian civil war has been the many child soldiers that are in Liberia. This problem, however, does not engage the attention that it should deserve from the government.

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Liberia has more than a million internally-displaced persons and refugees in neighbouring countries. The Liberian Refugee, Repatriation and Resettlement Commission (LRRRC) headed by a former opposition leader, Alhaji Kromah, has been working with the UNHCR on the displaced-persons issue. However, the fear of reprisals and the lack of a credible effort towards national reconciliation are undermining the refugee program.

CANADIAN POSITION

Canada's policy on Liberia is to assist the **consolidation of peace and democratic rule**. We will continue to pursue human-rights objectives through multilateral channels and through Canadian non-governmental organizations doing humanitarian work in Liberia.

Since the beginning of the civil war, Canada had contributed \$37 million in food and humanitarian aid and another \$5 million during the months leading up to the 1997 elections. **Children in conflict** is a major Canadian concern. Canada has given assistance to Canadian and international NGOs working on their rehabilitation in Liberia. In 1998, Canada provided UNICEF with \$200,000 for a project on the rehabilitation of war soldiers in the country.

Canada believes that **the ultimate responsibility lies with the Taylor government to improve the situation by**, among other things, a) ratifying the International Covenant on Civil and Political Rights (ICCPR) and respecting its tenets, b) effectively reintegrating refugees and the internally displaced, c) reconstructing the judiciary at all levels, d) bringing detention facilities up to international standards, and e) training the police force to function in a civilian environment.

January 1999

NIGERIA

ISSUE

The change in Nigeria's leadership which took place last June has resulted in a much improved human rights situation but there is more to be done.

BACKGROUND

During the regime of General Abacha, the **UN Special Rapporteur on the situation of human rights in Nigeria**, Mr. Soli Sorabjee, appointed in October 1997, was prevented by the Nigerian authorities from travelling to that country. Nevertheless, based on such data as he was able to gather, he presented in April 1998 a report to the Commission and stated: "There is extensive violation of basic human rights in Nigeria despite some changes made by the Nigerian Government and the measures initiated by it." The Special Rapporteur described a wide variety of abuses including, among others, absence of the rule of law, lack of effective legal protection for human rights, and prolonged, arbitrary detention.

Two months later, with the death of General Sanni Abacha and the accession to power of **General Abdulsalami Abubakar**, the situation began to change fundamentally. Observers note that the social and political environment of Nigeria is now no longer characterized by fear as it had been under Abacha. Within days the new military ruler began the release of some political prisoners and most others followed over the next months. The detention of the so-called Ogoni 19 ended during the September visit of the Canada Secretary of State for Latin America and Africa. Decrees hobbling activities of the Nigerian labour movement have been rescinded. Repressive decrees, notably numbers 2 and 9 which provide for arrest and detention without trial, have not been invoked. General Abubakar made clear that he regarded his position as Head of State as transitional only and he set in motion the machinery for a series of elections directed at choosing **civilian rulers to take power in May 1999**. In November 1998, for the first time, the UN Special Rapporteur, Mr. Sorabjee, was allowed to travel to Nigeria and to move freely about the country. Many Nigerians who went into exile during the Abacha period have felt it safe to return home after criminal charges, including in some cases of treason, were withdrawn by the new regime. Among these is the Nobel prize winner, Wole Soyinka, now a vocal critic of the present government from within his own country.

The international community has welcomed the important changes in Nigeria but, perhaps recognizing that they are neither as complete as they should be nor irreversible, has greeted them with a degree of circumspection. This year the **UN General Assembly Third Committee resolution on Nigeria**, previously led by the EU, was a Chair's text, accepted by consensus, and reflected the changes in Nigeria over the past year. The resolution takes a positive stance with respect to the recent changes there, although the Nigerian delegation was hoping to press for conclusion of consideration under this item. It nevertheless agreed to continue consideration "with a view to concluding it in light of further developments and relevant decisions of the Commission on Human Rights." The Commonwealth, too, has taken a positive albeit qualified position on Nigeria.

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Given the sweeping changes in Nigeria it is tempting to think that the respect for human rights manifested by the present military ruler is established and irreversible. There remains however cause for concern. Although the Head of State has indicated publicly his wish that decrees 2 and 9 be rescinded, the Inspector-General of Police has, likewise publicly, taken issue with this stand and the decrees remain in place. While almost all political prisoners have been released, several prominent people, allegedly involved in coup plots against General Abacha in 1995 and 1997, remain in detention. There is so far no established and agreed constitutional document to define the rights and duties of citizens and the relationship between governors and governed.

A serious test of the present Government's commitment to human rights will be its handling of the explosive situation in the oil-producing areas of Nigeria's southeast. There, the resentment of local peoples against the multinational oil companies and the central Nigerian government has often been manifested in violent protest. When this happened under Abacha it was harshly suppressed. Under the present government the local population is less fearful of the consequences of protest and there has been a series of violent incidents over the past months. The government is faced with a dilemma: It must keep order, and is under considerable pressure from the multinational oil companies to do so, but it cannot be seen, especially by the international community, to be quelling legitimate protest. So far the government has been moderate in the face of protest.

CANADIAN POSITION

Canada was a vocal critic of Nigeria, largely over its poor human rights record, during the Abacha regime. Now that the regime has changed for the better, Canada is anxious to help in ensuring that the present positive tendency continues throughout the life of the transitional government and is maintained and developed by the civilian administration which follows it. In that regard, Canada re-established its diplomatic presence in Nigeria in November 1998. As the most immediate concern is to promote a successful electoral process, Canada, through CIDA, has contributed or authorized \$1.25 million worth of assistance, in various forms and through both official and NGO channels, to this process.

CIDA is developing plans now for post-transition assistance and is likely to send a mission to Nigeria, shortly after the May 29 handover of power to the elected government, to further help in development of its plans.

January 1999

RWANDA

ISSUE

The continuing armed struggle (mainly in the northwest) between Government forces and Hutu militia causes immense suffering for the civilian population.

BACKGROUND

Until mid-January 1999, the continuing armed struggle between Government forces and armed insurgents in the northwest of the country, compounded by the rebellion in the DRC, was becoming increasingly bitter and a major source of human rights violations in areas of confrontation. Attacks in the northwest of Rwanda were usually led by members of the former Forces armées rwandaises (ex-FAR)/Interahamwe and other extremist groups (principal authors of the 1994 genocide). The Hutu rebels in the northwest did not hide their intention to eliminate all Tutsis and to "finish or complete" the 1994 genocide. Their political and immediate goal was, however, to prevent the minority Tutsi government in Kigali from governing effectively. The confrontations in the northwest have led approximately 630,000 Rwandans to regroup in makeshift camps gathered principally around communal offices. Conditions in the camps are miserable with poor sanitation and dwindling food supplies. The displaced are seeking military protection. Consequently, the Rwanda Patriotic Army (RPA) was able to avoid civilian casualties while conducting operations against the rebels. The Rwandan army has led several "clean-up" operations to quell the insurgents, resulting in several thousands of deaths - the casualties are reported by various sources including the United Nations and Human Rights Watch - Africa. However, since mid-January 1999, the majority of displaced persons living in camps have returned to their communes of origin and agricultural activity has resumed. It now appears that calm and security has returned to the northwest.

Since August/September 1994, more than 130,000 people have been arrested for alleged participation in the 1994 genocide. Conditions in the overcrowded prisons and especially the "cachots communaux" are appalling. A small number of accused have been brought to trial following the promulgation of the September 1996 Law which deals with the genocide. The first genocide trials were met with harsh criticism by human rights groups, who complained especially about the lack of legal representation for defendants and the lack of respect for defendants' rights prescribed by international conventions and Rwandan law. With the growing experience of the judicial personnel - some of whom were trained with foreign support - as well as with other foreign assistance, a number of these issues are being corrected.

In September 1998, 1,500 prisoners were freed for various reasons, including old-age and sickness. In November 1998, the government announced the release of approximately 10,000 detainees whose files were non-existent or incomplete and against whom the government did not have evidence.

The International Criminal Tribunal for Rwanda (ICTR), located in Arusha, Tanzania, is picking up speed, three years after its creation. The chief prosecutor, Madam Justice Louise Arbour, has begun dealing with the main mismanagement issues. Although 32 prisoners are already in captivity in Arusha, only three trials have taken place. The Tribunal has handed down a sentence of life imprisonment in two cases.

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Thirty-four per cent of Rwandan households are headed by women. Women perform almost three quarters of agricultural work as well as being responsible for food, water, wood, etc. Despite being the principal cultivators, women have no right to the land they cultivate and have been marginalised in terms of access to technical services. They have limited access to credit and their representation at communal levels is practically nonexistent. The Government of Rwanda has committed itself to eliminating discrimination against women and proposes to include, as part of the revision of the labour code, measures to increase and support women's education, training, women's organizations and enterprises, and access to justice. Although the Government of Rwanda intends to reduce the uncertainty of land tenure for Rwandans, it has not made any firm commitment towards the allocation of arable land plots to women.

After the genocide, the **UN Human Rights Field Operation (HRFOR)** was created to monitor and investigate the human rights situation and to assist in rebuilding civil society. The Government of Rwanda progressively voiced its objection to HRFOR's exercise of its monitoring mandate and on July 28, 1998, the mission was terminated. The key impasse in the negotiations between the UN High Commissioner for Human Rights and the Government of Rwanda was over the monitoring role of HRFOR and its mandate.

After its assumption of power in 1994, the new Government declared a **five-year transition phase**, during which all grassroots-level activities of political parties were suspended. Recent fighting in Rwanda is indicating that this transition phase will probably be prolonged.

CANADIAN POSITION

Canada is continuing its support for the Government of Rwanda's national reconciliation programs and supports efforts to put an end to the culture of impunity. To avoid repetition of the 1994 genocide, Canada is assisting with efforts to combat its effects. Consequently, Canada is concentrating its efforts, bilaterally and multilaterally, on the restoration of an independent Rwandan judicial system.

Since 1994, Canada has had the lead on the Rwanda resolution adopted by consensus at both CHR and the UN General Assembly 3rd Committee. However, at CHR 54, the African Group took over responsibility for drafting the resolution and secured the replacement of the Special Rapporteur by a Special Representative, whose mandate is primarily (though not exclusively) focussed on technical assistance.

Canada led the negotiations on a resolution on the Human Rights situation in Rwanda at the **UN General Assembly (UNGA53)**, which were complicated when Rwanda tabled its own resolution on the issue. Consensus was finally reached on a Chair's text which "expressed deep concern over the continued violation of human rights in the country" but which did not assign blame for withdrawal of HRFOR, and incorporated mention of the Government of Rwanda's five point human rights plan.

January 1999

SOMALIA

ISSUE

In the absence of a central government or authority, basic social and economic rights, especially relating to employment, food security, and the rights of women and children, remained problematic. In the "crisis" zones (the south, including Mogadishu) where as many as 30 clan-based factions are still fighting, there continue to be incidents of unlawful killings of civilians, kidnapping and abductions, and oppression of minorities.

BACKGROUND

There have been no dramatic political changes in Somalia over the past year. While there is evidence, particularly in the north, that respect for humanitarian law enhances the credibility of the clan factions in the eyes of the international community, the **continued disregard for human rights by many factions within Somalia** is cause for concern in the international community.

There are three **regional trends** in Somalia. The south is composed of regions experiencing crisis, armed groups fighting for the control of territory and resources; the north, including the unrecognized 'Republic of Somaliland' in the north-west and "Puntland" in the north-east, where an emergent civil society is active, are relatively stable and further ahead in terms of governance, as regional administrations are emerging, trying to rebuild an institutional framework and local governments. The remainder of Somalia is in transition from crisis to recovery.

Throughout Somalia, the **judicial system** is arbitrarily maintained by factions and clan-based elders or courts. Communities apply a combination of traditional and customary practices, Sharia law, Somali law as it stood during the former regime, and the pre-1991 Penal Code. The law is enforced by clan elders, the militias, or the militias of the Sharia courts. In the South, police forces exist with records of both arrests and releases. Prison conditions in the region, however, remain inadequate and prisoners are subject to conditions below the UN Standard Minimum Rules for the Treatment of Prisoners. The International Committee of the Red Cross (ICRC) and diplomatic representatives have been allowed to visit prisons and prisoners are usually allowed to receive food from relatives or relief agencies.

Arbitrary detention, murder, mutilation, cruel treatment and torture, kidnapping of Somalis and international relief workers still appear to be common practices, particularly in the south. As a consequence of kidnappings in parts of Somalia, many NGOs withdrew services and there has been **limited direct monitoring** of the situation by the international community. A uniformed police force of 4,000 individuals carries out daily law enforcement activities in the north-west (Somaliland). While about a quarter of them were part of the police in the Barre regime, most were recruited subsequent to the fall of the Barre regime and trained using the old police officer teaching material.

The **UN Independent Expert on the Situation of Human Rights in Somalia**, Ms. Mona Rishmawi, visited north-west Somalia in early 1998 to investigate allegations of mass graves near Hargeisa. Forensic experts confirmed the presence of mass graves and the deaths of people

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who were tied together, lined up, shot and dumped in holes. The evidence, confirmed by the credible testimony of local elders and international observers, indicates that the graves date to the period in 1988 when Siad Barre's troops summarily executed civilian opponents and members of the Somali National Movement (SNM). In the absence of an effective judicial system, evidence of past human rights violations are being preserved for use in the future.

Boys as young as 12 years old are still recruited by the militia. Women in Somalia continue to be subordinated by the overwhelmingly patriarchal culture, with an estimated 98 percent subject to female genital mutilation (FGM). UNICEF and the Administration of north-west Somalia have several small projects to promote women's rights and their participation in the peace process. The United Nations Population Fund, which Canada supports, also has projects aimed at focusing on the adverse effects of FGM on the health and well-being of women.

At the 54th session of the **Commission on Human Rights (CHR)**, a consensus resolution was adopted, co-sponsored by Canada. The resolution, *inter alia*, noted with concern that the breakdown of governmental authority has exacerbated the grave situation of human rights. It urged all parties to the conflict in Somalia to respect human rights and international humanitarian law pertaining to internal armed conflicts. It also recognized that human rights should be placed on the agenda of talks regarding the future of Somalia. Furthermore, the resolution called on regional and sub-regional organizations to continue and intensify coordinated efforts aimed at facilitating the national reconciliation process in Somalia. The resolution welcomed the decision of the High Commissioner for Human Rights to appoint a human rights officer within the framework of the Office of the UN Resident and Humanitarian Coordinator for Somalia.

CANADIAN POSITION

The Canadian High Commission in Nairobi maintains informal contacts with faction leaders and has raised with them on several occasions human rights issues, including FGM and the use of child-soldiers in the various militias. Canada maintains a **Canada Fund** of \$150,000 per annum for local projects and humanitarian assistance to Somalia through multilateral channels.

Canada actively supports regional efforts through **Intergovernmental Authority on Development (IGAD)** to mediate a resolution to Somalia's continued civil war.

January 1999

SUDAN

ISSUE

Chronic gross violations of human rights by all parties to the civil war which began some 15 years ago has perpetuated a terrible tragedy on the civilian population, making 1.9 million victims of violence, state-tolerated slavery and man-made famine. Only in 1998, famine affected over one million people in Bahr El Ghazal. Over 4 million people are internally displaced.

BACKGROUND

The civil war is waged by both sides in direct contravention of humanitarian law, with serious effects on the civilian population. As a strategy of war the Government has, for example, armed Baggara militias to divide southerners and weaken the support base of the **Sudanese Peoples' Liberation Army (SPLA)**. The effect has been that the impoverished Baggara, motivated by the prospect of booty (Dinka cattle, grain, children, women, grazing land and water resources) have displaced, killed or captured civilians and stripped them of meager assets that provide the means of survival in a harsh land.

The SPLA strategy of 'taxation' or diversion of relief food from a starving civilian population also increases their vulnerability. SPLA sieges of government towns have the most impact on civilian populations who depend on trade outside the towns for their livelihood. Canada is, however, encouraged by the ongoing work to identify the most vulnerable through the 'Joint Targeting and Vulnerability Task force' of the **Sudan Relief and Rehabilitation Association (SRRA)** and **Operation Lifeline Sudan (OLS)**.

Notwithstanding limited access to the **Nuba Mountains** by international observers, there is evidence of the wide scale violation of human rights in the region. Independent observers report that, in addition to aerial bombardments on civilian installations, government military columns devastated villages, burned crops, vandalized churches and looted livestock, virtually depopulating vast areas of the Nuba mountains. International NGOs, including Médecins Sans Frontières and the Norwegian Peoples Association, have reported the bombing of hospitals clearly marked with a standard red cross. The government has not been able to deal effectively with the well documented practice of slavery in contested parts of Sudan. By mid-1998, the government had apparently created 72 "Peace Villages" consisting of 170,000 people in the pursuit of - as President Bashir termed it - "peace by force" within the Nuba mountains. In discussions with President Bashir in May 1998, the **UN Secretary General Koffi Annan** was assured that the UN would be given access to the Nuba mountains in order to establish the humanitarian needs in the region. By the end of 1998, the government had not yet fulfilled this commitment. However, during a mission to Khartoum in January, 1999 by **UN Special Representative Tom Vraalsen**, the government indicated its agreement to an exploratory mission into the Nuba mountains in February, 1999.

With the resumption of its activities in Sudan in June, 1998, the International Committee of the Red Cross has been able to present courses on international humanitarian law to both sides. This included 31 senior SPLA officers in the Bahr el Gazal and 230 members of the Sudanese government armed forces and 180 policemen in Bentiu. Two sessions were also organized in Leer and Bentiu for 760 members of the government-supported Southern Sudan Defense Forces.

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In spite of the new Sudanese constitution of July 1998, which sets out human rights standards, the Government's actions have not always appeared to derive from such standards. While calling for the return from abroad of prominent leaders of the Sudanese opposition, the Government has continued to arrest and harass their supporters in the country. The country's new constitution allows for political associations (parties), but the law enabling their registration is restrictive and their registration is still at the discretion of the Registrar. The call for greater participation by women in public and social affairs in Sudan has gone out at the same time as women have been punished for expressing themselves too freely. While affirming in its Constitution the freedom of worship, the Government has undertaken islamization programmes and denied permission for churches to be built. It has established a 'Special Commission to Investigate Slavery and Disappearances', but has not provided the Commission with sufficient staffing or resources to carry out its mandate.

The ongoing trial before a military court of 26 civilian defendants (including two Catholic priests) is revealing of weaknesses and contradictions in the Sudanese justice system. The defendants, mostly southerners, are accused of having committed crimes against the government by trying to destroy government property with explosives. They were denied the right to counsel of their own choosing. The evidence used against them was apparently based upon confessions, which the defendants claim were gained by torture or the threat thereof. They have been publicly declared guilty by the President of Sudan. Despite this apparent disregard for international standards, monitors have reported that the trial seems to be procedurally correct.

CANADIAN POSITION

Canada's policy toward Sudan reflects its serious concern regarding human rights. High level contacts have been limited. Arms sales are banned since 1992. Bilateral aid has been terminated. Trade support services have been withheld.

Canada regularly speaks out at the United Nations General Assembly 3rd Committee and the Commission on Human Rights about the human rights situation in Sudan and co-sponsors resolutions in both fora which call on Sudan to respect its international human rights obligations, and urge the placement of human rights monitors. Canada is encouraged by the current visit of the new Special Rapporteur on Human Rights to Sudan, Mr. Leonardo Franco, and looks forward to his report to the UN Commission on Human Rights. Canada is also supporting the Intergovernmental Authority on Development (IGAD) peace talks to bring a mediated end to the civil war based on the IGAD Declaration of Principles.

Canada has also used its diplomatic contacts to express its concern for human rights with both the government and the SPLA. For example, in meetings with the most senior government leaders our Ambassador specifically expressed Canada's concern for the rights of the 26 defendants being tried before a Military Court.

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IRAN

ISSUE

Despite hopes for improvement in the internal political climate in Iran since the election of President Mohammed Khatami, internal struggle continues over the implementation of Khatami's stated objectives of building a civil society and respect for the Rule of Law. The regime continues to resist the implementation of internationally recognized human rights norms, and religious persecution remains a problem. While Iran is making progress in the field of human rights, this progress is uneven and a number of recent setbacks have occurred.

BACKGROUND

Serious individual human rights abuses in Iran are reported by the UN Special Representative, international NGOs, and various religious bodies such as the Baha'i. Abuses occur with regularity. Iranians continue to suffer persecution, particularly restrictions on freedom of expression and assembly, unfair judicial proceedings, random killings, and ostracism in areas such as higher education, often because of their affiliation with specific groups or communities like the Baha'i.

Judicial System: Persecution often appears to be carried out at the local level under the auspices of revolutionary courts, military commanders and religious figures. There are concerns that the death penalty continues to be imposed for both political and religious reasons. The death penalty for criminal behaviour also continues to be imposed in large number of cases. Insufficient transparency, fairness and independence of the court system in protecting individual human rights remains a problem.

Particularly worrying are the recent **extrajudicial killings** of writers, intellectuals and opposition figures. In the last few months of 1998, five writers and opposition figures were murdered or have disappeared. At least ten people, including some from the Government security forces, have been arrested for involvement in the murders. We are now awaiting the trial and any political fallout that may transpire.

Press: Many new newspapers, journals and magazines have opened since Khatami's election and there is a wide debate of issues, expressing a range of viewpoints. However, the conservatives have forced the closure of many reform oriented publications and have arrested a number of journalists, editors and publishers for printing stories critical of conservatives or of government behaviour. Divergent viewpoints which begin to reach a larger audience are subject to conservative censorship and intimidation. Television and radio, which are controlled by the conservatives, have not had the same type of expansion of sources and viewpoints, and remain very conservative in their content.

Democratic Development: The relatively open political debate which took place during the 1997 Presidential election and the victory by Khatami over the establishment's chosen candidate, reflected an encouraging improvement in democratic development. However, elections held in the autumn of 1998 for the Assembly of Experts, (the body responsible for choosing a new Supreme Leader) were interfered with by conservatives. Many reform minded

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candidates were not permitted to run, seriously limiting the public's choice. Conservative forces in Parliament also forced the resignation of a reform minded Minister and the reform mayor of Teheran was tried and convicted on corruption charges. Both men were among the most prominent supporters of President Khatami. Municipal elections will be held at the end of February but conservatives are again blocking reform candidates from running.

Women: Since the Islamic Revolution, discrimination against women has increased. Discrimination manifests itself most immediately in a strict dress-code for women, separation of the sexes in many areas of daily life and a bias within the legal system in certain family law matters. The UN Special Representative on Iran reported that a lively discourse about the role of women is underway, but there appears to be no commitment to change. The Parliament rejected a bill that would have provided for equal inheritance rights between men and women and passed a bill for the compulsory segregation of health-care services for men and women. This bill has been up held, but the Parliament is expected to pass it again. Iran also took the decision not to accede to the Convention on the Elimination of All Forms of Discrimination against Women.

Religion: Iran continues to extend a degree of tolerance to mainstream branches of the three monotheistic religions and to the Zoroastrians. However, neither apostasy nor proselytism are tolerated. Members of specific religious groups are subject to various degrees of repression. Some, such as the Baha'is, have experienced a high degree of mistreatment and judicial persecution. One Baha'i man was executed and two others received death sentences for committing crimes against the state, which amounted to practising their faith within their community. The government also arrested staff members and confiscated equipment and records of the Baha'i Open University in an attempt to shut it down. This university was created because Baha'i students are not allowed to study in Iranian universities.

Resolutions condemning the human rights situation in Iran were passed at both the UN Commission for Human Rights and the UN General Assembly Third Committee. Canada co-sponsored this year's resolution on human rights in Iran at the UN General Assembly Third Committee, which passed by a vote of 64 for, 41 against and 56 abstentions.

CANADIAN POSITION

Iran's poor human rights performance, together with other issues, have impeded progress towards a normal political and diplomatic relationship between Iran and Canada. Iranian human rights practices and abuses run counter both to Canadian norms and international human rights covenants.

Canada continues to make strenuous efforts to change Iranian behaviour especially with respect to the Iranian Baha'i community. The Canadian Ambassador leads a group of like-minded ambassadors in monitoring human rights concerns and raising specific cases with Iranian authorities. Canada has made it clear to Iran that there will have to be major changes before normal ties are possible.

We continue to raise specific human rights cases with the Iranian Government, both in Ottawa and in Tehran. Canada also maintains regular consultations with governments and international human rights groups on the issue of human rights in Iran.

January 1999

IRAQ

ISSUE

The Government of Iraq has for many years waged war on its own citizens. During the last eight years, the rights of a number of ethnic and religious communities have been systematically violated. The regime brutally represses the population through murder, summary execution, mutilation, torture and incommunicado detention. There is no semblance of freedom of expression and the death penalty is prescribed for criticizing the government and government officials.

BACKGROUND

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

The **UN Special Rapporteur on Human Rights in Iraq** has reported not only on the extensive sufferings of the general population at the hands of the regime but also on the organized forced displacement of ethnic minorities (Kurds, Turcomans, Assyrians) and the alarming situation of children in rural areas. Iraqi forces continue to launch military actions against the majority Shi'a population in the southern region. Rumours abound of regular purges of the officer corps for suspected sedition.

The Special Rapporteur also reported that the system of **military dictatorship** effectively requires that human rights violations occur in order to maintain the positions and privileges of those in power and that government authorities place little value on human life. The Special Rapporteur's September 1998 report condemned an execution campaign in Iraqi prisons and the assassination of two leading Shi'a religious leaders.

In the past year, both the **Commission on Human Rights** and the **UN General Assembly Third Committee** have passed resolutions, by very large majorities, strongly condemning human rights violations in Iraq. Canada co-sponsored both resolutions. These resolutions condemn human rights violations such as summary and arbitrary executions, arbitrary detention of political and religious opponents, enforced or involuntary disappearances, torture, denial of freedom of expression and freedom of the press, and forced displacement and deportation of Iraqi citizens. The CHR resolution also expressed concern over the use of chemical weapons against Kurdish civilians as well as the destruction of their towns and villages.

CANADIAN POSITION

Canada does not favour the ending of **UN sanctions against Iraq** until Iraq fully complies with all relevant **UN Security Council** resolutions. The Iraqi record on human rights is so appalling that what is required is nothing less than a fundamental change in the behaviour of the Iraqi Government towards its own citizens.

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TURKEY

ISSUE

The human rights situation in Turkey remains of concern. Reports of torture and disappearances while in custody, as well as restrictions on freedom of expression and the arrest of journalists and authors, are among the most troubling issues.

BACKGROUND

Turkey is a constitutional republic with a multi-party system and democratic electoral institutions. A member of the Council of Europe, the European Commission of Human Rights and the European Court of Human Rights, Turkey is signatory to several major international agreements on human rights including the European Convention for the Protection of Human Rights and Fundamental Freedoms. Newspapers, magazines and television outlets cover a wide political spectrum. Freedom of religious expression is tolerated within the secular parameters of the Turkish constitution and the Turkish armed forces have indicated their determination to uphold secularism in Turkey.

A separatist, guerrilla war has been waged in the southeast of the country since 1984 by the stalinist **Kurdistan Workers' Party (PKK)**, a terrorist organization. The PKK conducts terrorist operations inside and outside Turkey. Following the Gulf War, the PKK gained relative freedom of movement in northern Iraq and has used the area to launch strikes inside Turkish territory. For its part, Turkey has on many occasions entered Iraqi territory to conduct operations against the PKK.

The war in the southeast has been at times brutal with both sides being accused of severe abuses. For example, hundreds of local administrators, including teachers, have been assassinated by insurgents. To deny infiltrators sanctuary, hundreds of thousands of villagers have been forced to relocate to urban centres and some 3000 villages have been destroyed since 1984. In 1998, the Turkish Government undertook several initiatives aimed at capturing and bringing to trial the recognized leader of the PKK, Abdullah Ocalan, but none of these efforts were successful. Meanwhile, a truce proposed by the PKK on a unilateral basis had little immediate effect on the overall level of violence in the south-east of Turkey during the past year.

Six provinces of the southeast still fall under the authority of an "Emergency Rule" Governorship, essentially martial law. Additionally, country-wide anti-terrorist legislation gives the authorities powers to suppress all forms of support for the PKK. These special powers are largely connected with allegations of mistreatment of prisoners, torture and disappearance at the hands of the security authorities, as well as the circumscription of freedom of expression which led to jail sentences for journalists and even members of Parliament. However, police abuse of power and instances of brutality are not linked exclusively to the fight against the PKK, but seem to be part of long established police practices which predate the PKK. Control of police abuses by civilian authorities is perhaps the most fundamental human rights problem in Turkey.

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The government of Mesut Yilmaz, in power from July 1997 to January 1999, expressed its intention to improve the human rights situation, but, concrete, measurable change was slow. His government openly admitted that legislative modifications to the constitution, criminal code and the anti-terrorism law were needed and promised to enact these changes. Additionally, a Human Rights High Advisory Council, operating since July 1997, has recommended that an "Ombudsman" system be established. Past governments have also made commitments, and introduced some reforms, but unfortunately these have not produced the desired results. With the current interim government of Bulent Ecevit functioning essentially on a caretaker basis, progress in this area will probably have to await the formation of a new government following the 18 April 1999 general elections.

CANADIAN POSITION

Canada is concerned about abuses of human rights in Turkey and has offered to work with the appropriate Turkish authorities to assist in their efforts to improve the situation. Canadian representatives have consistently raised the human rights situation during discussions with their Turkish counterparts on every appropriate occasion, including during discussions at ministerial level. Minister Axworthy was last in Ankara in November 1997, and he hosted his counterpart, Foreign Minister Ismail Cem, in September 1998. On both occasions, human rights figured prominently on the agenda. The Canadian Embassy in Ankara keeps in close contact with and supports leading human rights NGOs in Turkey.

Canada condemns the terrorist activities of the Kurdistan Workers' Party (PKK), and those of other violent opposition groups in Turkey. At the same time, Canada urges Turkish authorities to seek non-military solutions to the problems facing its citizens. The Canadian government recognizes that Turkey has already taken some steps to address the issue of human rights, including disciplinary action against blatant cases of police abuses, changes to anti-terrorism legislation, and a degree of cooperation with organizations promoting human rights at the international level, including the UN Committee against Torture. These are steps in the right direction but Canada would welcome more.

The Turkish government has stated that the most appropriate way to address the situation in the southeast is through enhancing socio-economic programs and improving the standard of living in general. We agree but believe that patterns of human rights abuses meanwhile need to be addressed.

In 1998, a mission including an official from CIDA (Canadian International Development Agency), one from the RCMP and one from Correctional Services Canada visited Turkey with a view to examine with Turkish authorities, the possibilities of implementing concrete projects of cooperation in the area of protection of human rights. The possibility of developing technical assistance in the areas of policing and corrections services was envisaged and a return visit to Canada by Turkish officials in these sectors is expected in 1999, during which concrete forms of cooperation will be further discussed.

THE WEST BANK AND GAZA

ISSUE

There has been little change in the human rights situation in the West Bank and Gaza in the past year. Human rights problems for Palestinians in these areas persist due to the continuing Israeli occupation of large areas of the West Bank, Gaza and East Jerusalem and violations by organs of the Palestinian Authority.

BACKGROUND

As a result of the Oslo accords and follow-up agreements between Israel and the Palestine Liberation Organization (PLO), most large urban centres and most of the Palestinian population in the West Bank and Gaza are now under the jurisdiction of the Palestinian Authority. Israel continues to control security, borders and freedom of movement over the vast majority of the territory in the West Bank and Gaza.

Israeli Practices

Canada has strong concerns regarding on-going settlement expansion in the Occupied Territories, ill-treatment and torture of detainees, land confiscation, housing demolitions and the use of administrative detention. There has been some improvement, however, in the use of comprehensive closure over the past year. Canada considers Israeli practices regarding the confiscation of Jerusalem ID cards to be contrary to international humanitarian law and to Israel's obligations under the Fourth Geneva Convention and to cause significant hardship.

There are a number of resolutions passed annually in UN fora which are often political texts that remain largely unchanged year to year. At the 53rd session of the United Nations General Assembly (UNGA), three resolutions relating to the West Bank/Gaza were adopted under the agenda item *Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories*. The Commission on the Status of Women and the Economic and Social Council each pass an annual resolution on the situation of Palestinian women. Five resolutions on the Occupied Territories are passed each year at the Commission on Human Rights (CHR). A Special Rapporteur has reported to the CHR annually since 1993 on Israeli practices in the Occupied Territories. Also, an Emergency Special Session of the UNGA has called for the convening of a conference of the High Contracting Parties to the Geneva Convention to consider measures to ensure the enforcement of the Convention in the Occupied Territories. In May 1998, the UN Committee Against Torture reiterated that the use of "moderate pressure" during interrogation by Israeli security forces contravenes the UN Convention Against Torture as well as the Fourth Geneva Convention.

Palestinian Authority (PA)

The situation in the Palestinian territories has not improved significantly over the past year and the human rights record of the PA remains a matter of serious concern. Particularly worrying are the operations of security forces, including arbitrary arrest, ill-treatment of Palestinian detainees and trials which do not meet international norms. The PA is frequently criticised by

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human rights organisations for being intolerant of criticism, routinely jailing vocal opponents and failing to respect the independence of the judiciary. NGOs have been concerned by the High Court's refusal to hear matters deemed by the PA to involve "security issues". The PA also been criticized for actions taken to repress free expression by detaining journalists reporting opposing opinions.

Respect for the rights of **vulnerable groups**, such as women and children, is relatively good in the West Bank and Gaza although their situation remains difficult due to continued Israeli occupation and the harsh economic conditions in the West Bank and Gaza which magnify existing difficulties. The rights of the Christian minority are well respected. **Homosexuality** remains a taboo but the PA does not publicly discriminate against homosexuals.

CANADIAN POSITION

Canada follows closely the human rights situation in the West Bank and Gaza and stays in close contact with local Israeli and Palestinian human rights NGOs. We raise human rights issues with the Government of Israel in both bilateral and multilateral fora. Canada has raised its concerns with Israeli authorities regarding the ruling of the UN Committee Against Torture, Israeli treatment of Palestinian detainees and on-going settlement activities. At **CHR54** in March 1998, the Canadian statement conveyed our opposition to Israeli practices which are contrary to international law and counter-productive to the peace process.

The **Canada Fund for Local Initiatives** continues to support Palestinian human rights organizations and the Canadian Fund for Dialogue and Development maintains human rights as a priority area. In 1998, Canada opened a new **Representative Office in the West Bank** which will be well placed to work more closely with local human rights NGOs through our development assistance program and thus contribute to improving the human rights situation in the Occupied Territories. The Representative Office has emphasized at the highest levels in the PA our belief that adherence to international human rights norms is fundamental to the peace process.

In support of democratic development and good governance, Canada sponsored in April 1998 a visit to Canada by a delegation of the **Palestinian Legislative Council (PLC)** lead by the Speaker of the PLC, Ahmed Qurie, to provide the delegation with an overview of the Canadian parliamentary system, to view concrete examples of democratic practices and to exchange views on human rights issues. They also met with the Chief Commissioner of the Canadian Human Rights Commission. Canada is a **member of the Palestinian Municipal Elections Steering Committee** and has offered to provide **technical assistance** in support of municipal elections in the territories which have been delayed several times since 1997.

Canada's efforts as Gavel or Chair of the **Refugee Working Group** in the multilateral track of the Middle East peace process serves to highlight the needs of the Palestinian refugees and address the social and economic needs of this vulnerable group without prejudice to their political rights and future status. Canada continues to believe that a just, lasting and comprehensive peace between the parties is the best means of ensuring respect for human rights in the West Bank and Gaza.

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COLOMBIAISSUE

In tandem with steadily increasing activity by illegal armed groups, the human rights situation in Colombia deteriorated further in 1998.

BACKGROUND

There is cautious optimism that Colombia's nascent **peace process** will in the medium term have a positive impact on human rights in Colombia. However, it has come to be accepted by all parties that it is unrealistic to negotiate a cease-fire at this time, and in fact all of Colombia's principal illegal armed groups (FARC, ELN and paramilitaries) stepped up their activities in 1998, making it the most violent year in modern Colombian history.

Kidnapping represents the most frequent abuse of human rights and international humanitarian law committed by the **guerrilla**. Increasingly, the rebels kidnap not just for the purpose of financial extortion but as a means of exerting pressure on local politicians. 2216 Colombians were reported kidnapped in 1998, a 30% increase over 1997. Of these, 1800 were for "economic reasons" (ransom), and the rest for political ends. At the time of Congressional elections, in early 1998, the guerrilla made a point of targeting elected politicians and candidates for political office. The number of foreigners kidnapped was 42, (cf. 34 in 1997), among them two Canadians. The ELN created enormous environmental damage with its ever-increasing attacks on pipelines and was responsible for one attack (Machuca) that left 80 campesinos dead in a resultant fireball. The FARC began using unconventional weapons of high and indiscriminate destructive power and launched attacks on locations of no evident strategic value (e.g. Mitú), apparently with the aim of kidnapping or killing as many police as possible.

In spite of these activities, illegal right-wing **paramilitaries** represent the principal source of major abuses. The paramilitary movement is growing and is increasingly coordinated; "fronts" have sprung up in regions far from the movement's original stronghold in Córdoba. NGOs place the blame for major human rights abuses as follows: Police/Army 7.5%; paramilitaries 70%; Guerrilla 22.5%; with the trend continuing towards increased abuses by the paramilitaries and decreasing abuses by state agencies. Just as peace talks between the government and the rebel FARC began on January 7 1999, paramilitaries launched an unprecedented rampage of violence leaving over 130 civilians dead in 72 hours. The principal targets of the paramilitaries are civilian peasants perceived to be sympathetic to the guerrilla.

The **impunity** with which the paramilitaries operate is particularly worrying. Responsive measures by the government to the wave of violence in January have yet to have any effect. There does not appear to be a concerted strategy of support for the paramilitaries at the highest levels of the military, but there have over the past year been many instances of suspected collusion at local levels, and sins of omission are frequent. More positively, arrests of paramilitaries are becoming more common; most of these have come as a result of investigations by the Attorney General (Fiscalía).

In 1998 the plight of **human rights and union activists** reached a crisis level. A number of prominent human rights lawyers and a senior union leader were assassinated. The kidnapping

of four members of a Medellín human rights NGO and the killing of two members of another NGO at the end of January 1999, both incidents condemned by Canada, represent a serious development in the ongoing war apparently being waged by paramilitaries on the human rights movement. At least 32 government prosecutors working on investigations involving the military, paramilitaries or narcotraffickers have also been murdered over the past two years. Impunity in such cases is widespread, but arrests have been made in the killing of human rights activist Eduardo Umana and in the 1997 CINEP killings.

Colombia's overall murder rate improved slightly in 1998, with 23,133 homicides (cf. 25,379 in 1997); however, Colombia is still among the top three most violent countries in the world; Medellín's murder rate is 100 times Canada's. Although the political conflict accounts for only 15% of these killings, it is generally thought to have a direct multiplying effect on the overall homicide rate. An estimated 97% of reported murders are not prosecuted.

The election of the Pastrana government has, as yet, done little to slow the tide of human rights abuses. The appointment of Vice President Gustavo Bell as Senior Advisor on human rights has been a positive step; however, clear, well-articulated and adequately-funded policies in the areas of human rights and displaced persons have yet to emerge. Internal displacement of civilians, typically as a direct result of the armed conflict and/or Paramilitary terror tactics, has similarly reached crisis levels. Cumulative estimates of 1.2 million displaced persons are likely accurate. While the passage of important legislation categorising forced disappearance as a crime looks to be imminent, critical legislation reducing military immunity from prosecution is hardly advancing.

The Bogota office of the **UN High Commissioner for Human Rights** played a constructive and high-profile role in 1998, and is currently in the process of expansion. There was some controversy as to the degree to which the Office should concern itself with the peace process. A recently established smaller presence of the **UN High Commissioner for Refugees** is starting to be felt.

CANADIAN POSITION

Canada continues to step up the attention given the protection and promotion of human rights in Colombia, in terms of financial and human resources and time. In 1997, Canada committed \$1.5 million for a 3 year project involving 4 NGOs to create awareness and respect for human rights. In addition, the **Canada Fund for Local Initiatives** allocates at least \$100,000 annually in support for small-scale projects submitted for funding by NGOs. In August 1998, \$1 million in new funds were announced, destined principally for the local activities of the ICRC, PAHO and Médecins Sans Frontières. Later in the year, a framework agreement was reached with the Bogota office of the **UN High Commissioner for Human Rights**, by which Canada will disburse \$500,000 over 18 months for a variety of activities to be undertaken by the Office.

Meanwhile, the Canadian Embassy in Bogota has sought to improve the human rights climate by providing **strong and visible support to Colombian groups and individuals** working to promote human rights. Over the past year, senior Embassy representatives have travelled several times to conflictive areas such as Meta, the Magdalena Medio, Urabá, Chocó, and Putumayo. Embassy officials hold discussions with other like-minded countries to improve **information sharing and cooperation** for the promotion of human rights and our concerns are raised at all levels in both bilateral meetings and at multilateral fora.

CUBA

ISSUE

While there has been a measurable improvement in religious tolerance over the last year, Canada continues to have serious concerns about the government's human rights performance, especially in the areas of civil and political rights (freedom of assembly, freedom of speech, and freedom from arbitrary detention). At the same time, Canada recognizes Cuba's achievements in addressing economic and social rights.

BACKGROUND

The Government of Cuba restricts basic political and civil rights, including the freedom of speech, press, association, assembly and movement, the right to privacy and various workers's rights. In particular, those parts of Cuba's criminal code that facilitate state abuse of fundamental civil liberties remain in place, such as accusations of counterrevolutionary behaviour or clandestine printing. In a developing country context, however, Cuba rates well with regard to avoidance of summary executions, forced disappearances and systematic use of torture.

Organized opposition is weak and scattered and, although active repression of individuals and groups has decreased, close surveillance continues. In 1997, the government rounded up four of the leaders of the Internal Dissidence Working Group, who had published a critique of Communist Party policy, and charged them with "sedition." They remain in prison without having been brought to trial. The few NGOs operating in Cuba are tightly regulated with restrictions in such fundamental areas as material procurement and distribution of aid.

Relations between the state and the Roman Catholic Church entered a new phase following the 1996 visit to the Vatican of Fidel Castro, and restrictions on Catholic Church activity have since been relaxed. As a result of the Pope's 1998 visit to Cuba, the Church succeeded in opening further space for its activity, such as access to radio broadcasts and the right to religious processions. Partly as a result of lobbying by Canada and other concerned parties, the Cuban government agreed this year to the issuance of visas to foreign religious workers. In 1998, Christmas was re-established as a permanent national holiday for Cubans.

In terms of its social accomplishments, Cuba's record is very good for a non-industrialized country and Cuba earned second place in the UN Human Development Index in the developing countries category. Cuba can be credited with maintaining its commitment to, and heavy investment in, health and educational rights of its citizens in the face of very difficult economic circumstances since the early 1990s. These achievements are faltering with the quality and reliability of cradle-to-grave social services increasingly compromised.

All forms of discrimination are prohibited under the Cuban constitution. Afro-Cubans, representing 10%-15% of the population, are generally less educated and more disadvantaged economically than Cubans of hispanic background. Despite a degree of racial consciousness in Cuban culture, there is a high rate of intermarriage. The overall legal status of women in Cuba is comparable with women in developed countries, although women are under-represented in senior political positions and in the emerging export/foreign investment sector.

Prostitution has increased dramatically in the last few years, as a response to the economic crisis. The rights of persons with disabilities are well-protected in Cuba, with access to special health services, schools and work places. Priority is placed on programs to ensure that children are well-fed, healthy and able to attend school. Laws against exploitation of children are vigorously enforced.

Cuba generally works to limit the effectiveness of the **UN human rights system**. At the Commission on Human Rights in April 1998, the USA-led resolution on human rights in Cuba was defeated by 3 votes (19 against, 16 for (including Canada) and 18 abstentions). One effect of this vote was to terminate the mandate of the UN Special Rapporteur. Although the Special Rapporteur had never been allowed to travel to Cuba, his reports were an essential component of UN analysis of the human rights situation in the country. Nevertheless, Cuba officially invited three UN Special Rapporteurs on the Rights of Children, Violence Against Women and the Use of Mercenaries.

CANADIAN POSITION

Over the past five years, **Canada's relationship with Cuba** has widened to encompass political dialogue at the highest level, and substantial commercial and development assistance activities. On a bilateral level, Canada's foreign policy objective is to encourage institutional change that supports political and economic opening through intensified dialogue and practical technical and policy cooperation. On a broader basis, Canada continues to seek a peaceful transition to a democratic society in Cuba, a transition that will be managed by Cubans themselves. Concrete Canadian initiatives, particularly in support of the 14 point **Canada-Cuba Joint Declaration**, continue being designed and implemented to raise the Cuban government's willingness to discuss political and economic reform, including the role of NGOs and the nature of civil society.

In regular discussions with the Cuban government on human rights issues, Canada has focused on individual cases involving excessive sentences for political crimes, the legal registration of human rights groups, concerns over the conditional release of political prisoners and the need for improvement in the conditions of political prisoners. **Prime Minister Chrétien and Foreign Minister Axworthy** continue to raise human rights concerns directly with the Cuban government, and to provide leadership to other Western counterparts that are just now beginning to engage with Cuba. The **Canadian Embassy** in Cuba maintains contact with a variety of non-governmental groups, human rights activists and Cuba's religious communities, and has sought permission to attend the trial of the four members of the Internal Dissidence Working Group.

Since the signing of the Joint Declaration, consultations involving both officials and representatives of NGOs have taken place on the UN human rights system, on children's rights and on women's rights. In addition to senior-level UN human rights consultations in the fall of 1998, Cuba received a visit by the Chief Commissioner of the Canadian Human Rights Commission. Cuba will host two human rights-related events this winter: consultations with Canadian officials in preparation for the 1999 Commission on Human Rights, and the follow-up seminar on women's rights.

EL SALVADORISSUE

Seven years after the signing of the Salvadorean Peace Accords, the overall human rights situation in El Salvador is stabilizing. El Salvador is no longer inscribed on the agenda of the CHR. Nevertheless, a few issues continue to threaten the Peace Process, including high levels of criminality, abuses by the National Civil Police (PNC) and the judiciary, poverty, and environmental degradation. The impact of Hurricane Mitch and the upcoming elections need to be followed closely.

BACKGROUND

The **Salvadorean Peace Accords** have largely been implemented and the Government has made a formal commitment to human rights, democratic principles and social development. Human rights violations are neither systematic nor do they reflect government policy. However, the Government's institutional ability to deal with human rights violations remains limited and has not improved noticeably over the last two years. In a positive development, the March 1996 *Emergency Law*, intended to combat rampant delinquency and crime, was revoked in March 1998. Additionally, there were no independently confirmed cases of politically-motivated disappearances or torture in 1998.

Levels of crime remain extremely high and are rising, with **criminal violence** having replaced the political violence of the past. The PNC has had limited success in fighting organized crime and delinquency. The **Office of the Human Rights Ombudsman (PDDH)** has reported that the PNC is the source of the greatest number of alleged human rights violations, principally, excessive use of force, mistreatment of detainees, intimidation and illegal searches. Inadequate police training may be partially responsible for the failings of the PNC and there is no indication that any excesses have been either ordered or sanctioned by the government. The result of the recent "Villanova" case has resulted in several members of the PNC being arrested, charged with murder and sentenced to long jail terms.

Unsurprisingly in a country with such a high daily level of violence (3 violent deaths per day reported in 1998, a figure which is 25% higher than in 1997), violations of physical integrity and personal security were the most frequently reported human rights abuses. The PDDH reported 26 cases of "arbitrary death" at the hands of State agents, down from 197 reported violations of the right to life by "irregular armed groups" between August 1995 and July 1996. The **UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Execution** also reported that paramilitary groups have reappeared in recent years. These groups, which are allegedly fomenting violence and social unrest in the country, are said to be acting with the acquiescence of the authorities, despite the fact that their links with the latter may not be as clear as in the past.

The process of **modernization of the judiciary** and purging of corrupt or incompetent judges continues, albeit slowly, and has been extended to justices of the peace. The judicial system is not capable of coping with the demands placed on it and is thus cited by the PDDH as the second largest source of violations. Impunity continues to be a leading contributor to violence in El Salvador. Mistrust between civilians and law enforcement officials and fear of reprisal represent other contributing factors.

Socio-economic inequality and access to arms continues to pose one of the greatest threats to human rights in El Salvador. Over the past three years, the PDDH has focussed its attention away from civil and political rights and increasingly towards economic, social and political rights. Over half the population lives in poverty, with up to 30% living in extreme poverty. The harassment of union activists, and violations of workers' rights, including the right to organize, were prevalent in the now shrinking maquila industry. The minimum wage has not kept pace with inflation. Despite greater government spending on education, 20% of Salvadorean adults are illiterate, though this number is decreasing.

Women's rights organizations are active and public consciousness of violence against women and gender discrimination is increasing, but there has been little change in practice. Violation of women's rights in El Salvador include family violence, discrimination in the workplace and limited property rights. Abuse and exploitation of children, including child labour, are serious problems. The PDDH has made children's rights a priority and has undertaken education campaigns aimed both at the general public and the public sectors affecting children (ie: courts, media, police). The Government believes that its "Escuela saludable" program, which improves nutrition and basic health care for primary school children, is encouraging many parents to keep young children in school. Children in gangs poses another serious problem as the violence within and outside of those gangs increases, a phenomenon increased by the return of deportees from major gang centres in the USA. Rights of the **disabled persons** have yet to be constitutionally protected, although advocacy groups for disabled persons are becoming increasingly well organized. There is little public support for recognizing rights for **homosexuals**, but there is no systematic government discrimination in this regard. **Aboriginal people** constitute about 3% of the population.

The PDDH continues to play an important role as an **independent advocate for respect of human rights** though the present incumbent is a compromise candidate heavily criticized by NGOs for both his past record as a judge and certain actions he has taken to date. His office is severely underfunded by the Government. Nevertheless, opinion polls suggest that the PDDH continues to be the most credible public institution in the eyes of Salvadoreans. To support the efforts of the PDDH, the **UN High Commissioner for Human Rights** established an office in El Salvador in April 1997. The Office carries out various projects to consolidate the human rights protection system and to strengthen democracy and the rule of law.

CANADIAN POSITION

Canada has reiterated the importance it attaches to respect for human rights, full implementation of the Peace Accords and continued democratic development in multilateral and bilateral meetings. Individual cases are followed through the Office of the Canadian Embassy in El Salvador. **CIDA's Social Reconstruction Fund**, with its three target themes of human rights, democratic development and poverty reduction, has supported projects dealing with violence against women, child support, voter education, job-related training for the handicapped (particularly, victims of anti-personnel mines), human rights education in the schools, and promoting community-motivated youth groups. The **Canada Fund for Local Initiatives** supports grass-roots projects including those in human rights and the environment. The **Canadian FONAES** program is an official debt swap for environment program which involves a number of local NGOs who are supporting community environmental development.

January 1999

GUATEMALA

ISSUE

Despite an overall improvement in 1998, the human rights situation in Guatemala is still of concern.

BACKGROUND

The Government of Guatemala appears to be committed to implementing the Peace Accords and to furthering democratic consolidation. Earlier purges of some corrupt military and police officials and the creation of the National Civil Police (PNC) are testimony to that commitment. Agreements for the demobilization of **Unidad Revolucionaria Nacional Guatemalteca (URNG)** guerrillas, the legalization of the URNG political party, and the return of refugees from exile have been generally well implemented. In October 1998, the Guatemalan Congress passed a package of constitutional reforms to implement peace commitments, including a reduced role for the military, civilian control over security and further recognition of the rights of Guatemala's indigenous peoples. However, a referendum on these changes has temporarily been blocked by a court action initiated by conservative lawyers. The lack of effective tax and fiscal changes limits the Government's ability to fulfil its social spending commitments. The need for further development of a culture of democracy was evidenced by conflicts between the Government (the President has limited tolerance for criticisms of him by the Guatemalan media) and the press (led by *Prensa Libre*, Guatemala's largest newspaper), which peaked in mid-1998, but have since subsided.

In recent years, the Government of Guatemala has waged a largely successful diplomatic campaign to improve its image internationally. In 1997, the **United Nations Commission on Human Rights (CHR)** voted to end the mandate of the Independent Expert (Monica Pinto). In 1998, the CHR decided to drop Guatemala from consideration under the Advisory Services item of its Agenda. Guatemala is currently a member of the CHR.

There has been a notable shift in the nature of human rights violations in Guatemala over the past few years. The number of politically-motivated physical violations has dropped substantially and current human rights violations no longer appear to be "institutional." The majority of the human rights violations in Guatemala today are violations of due process. On a positive note however, MINUGUA has confirmed that there has been a marked decrease in the number of complaints concerning violations of the right to due process in 1998. Physical or verbal attacks against human rights activists, politicians, prosecutors, judges and union leaders remain a consistent concern. The overall positive trend appears to have slowed down considerably since the assassination of the Bishop Gerardi in April 1998. Personal security is the primary concern of Guatemalans today -- both in criminal and human rights terms. There was an increase in the number of violations in this category in 1998, due to the expulsion of squatters occupying farms, "social cleansing" by paramilitary groups, and extra-judicial lynchings.

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The almost-total impunity throughout the country also remains of concern, due primarily to an ineffective judicial system which does not command the respect of most Guatemalans. As a direct result of the ineffectiveness of the judicial system, there has been a dramatic increase in the number of lynchings of suspected bandits, particularly in the countryside.

The recently created (1996) **Policia Nacional Civil (PNC)** has helped to reduce the number of extra-judicial executions in Guatemala. Newly trained and better paid recruits are on the street every day, in both the cities and in the rural areas, although there are concerns about the policing model adopted and its long term implications for Guatemalan society. **MINUGUA's** 8th Report to CHR emphasized that the effect of the deployment of the PNC has been positive. The number of accusations of human rights violations and corruption against the police has decreased, and the general public appears to trust the new police officers more than they did their predecessors.

Despite the fact that Guatemala ratified ILO Convention 169 in 1996, racism against indigenous peoples continues to be widespread among the Ladino population. Social classes are very marked, and Guatemalan society continues to be very rigid socially. Progress in the area of women's rights in Guatemala, particularly amongst indigenous women and poor Ladino women has been limited. There has been little improvement in the area of children's rights since 1997, and, faced with opposition from fundamentalist Christians and adoption lawyers, Congress decided to put off the implementation of the code on youth and children passed in 1997 until the year 2000. There has been minimal change in the rights of persons with disabilities in Guatemala since 1997, although awareness of the issue is beginning to increase. Homophobia continues to be prevalent in Guatemalan society.

The Guatemalan public school system continues to be a concern, particularly in the rural areas. Many remote areas do not have schools, others may have schools but lack teachers. According to the 1997 UNDP Report on Human Development, more than half of Guatemalan women (52.4%) and 33.3% of men are illiterate. Some gains have been made in education sector however, particularly the initiation of bilingual education.

CANADIAN POSITION

Canada continues to monitor the human rights situation in Guatemala closely. In his address to the 1998 UN General Assembly, **Minister Axworthy** mentioned Guatemala as a case which Canada is committed to following. Canada's concerns about the lack of progress in investigations and trials related to a number of serious human rights cases such as the murders of Myrna Mack and Bishop Gerardi have been registered with senior Guatemalan officials, including at the IADB Consultative Group meeting in Brussels in October 1998. Canada has provided over \$600,000 in support of the work of Guatemala's **Historical Clarification Commission ("Truth Commission")**. The Embassy keeps in close contact with Guatemalan civil society groups, including human rights organizations, and has continued its active support of the return process for Guatemalan refugees through financial support to the activities of UNHCR. Over the past 8 years, Canada has provided over \$13 million to programs and activities in Guatemala which promote human rights, peace building and democratic consolidation.

January 1999

HAITI

ISSUE

Human rights violations have decreased since military rule ended in 1994. People enjoy certain individual political rights, but extreme poverty and the long political crisis are impacting negatively on human rights, especially among the most vulnerable groups, including women and children. Despite international aid and the efforts of the government, a significant amount still has to be achieved in terms of impunity, abuses of power, detention conditions and reform of the judicial system in general.

BACKGROUND

The military coup d'État (1991-1994) was marked by massive human rights violations. Since the return of the democratic regime, the human rights situation has improved considerably: legislative, municipal and presidential elections have taken place, the Haitian army has been dissolved and a National Civilian Police (PNH) has been formed. Systematic repression has ended and fundamental freedoms have been largely restored. However, many problems remain.

The judicial system suffers from chronic problems. Corruption, administrative incompetence and a large number of unprocessed cases are the rule. People do not have confidence in the courts and there is frequent recourse to summary justice and lynchings. There has been a definite improvement in the confidence inspired by the PNH among Haitians, though relations remain fragile. In July 1998, the Haitian authorities presented the international community with a detailed proposal for judicial reform and an action plan. The legislation on judicial reform was enacted in August 1998. Despite these positive steps, progress in the field of justice has been minimal and judicial reform is at a virtual standstill.

Detention conditions are very bad. Overcrowding, poor services and mistreatment by guards persist in detention centres. Eighty percent (80%) of prisoners are awaiting trial. Considerable efforts have been made, however, especially in terms of registries of detainees and training of prison staff, and have brought about marked improvement.

The newly formed PNH has continued to be reinforced, with the support of the UN Civilian Police Mission (MIPONUH) and bilateral cooperation programs. Progress is precarious, however, and a great deal remains to be done in such areas as logistics and training. Abuses of power and corruption problems (often associated with drugs) have been reported. The Inspector General of the police force has taken disciplinary measures and dismissed several delinquent members of the PNH.

The 1996 report of the National Truth and Justice Commission, responsible for reporting violations committed during the three years of the coup d'État, recommended that those responsible be brought to justice and that their victims receive financial compensation. The government has been slow in responding to these recommendations. The long delays in the trial of those responsible for the Raboteau massacre at Gonaïves in 1994 highlight the problems of impunity that are rampant in Haiti.

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The political crisis that has lasted since the resignation of Prime Minister Rosny Smarth in June 1997 significantly limits government activity and seriously undermines efforts to protect and promote human rights in Haiti. Furthermore, the political crisis is considerably slowing down the electoral process.

Haiti will continue to benefit from the support of the international community through the UN Civilian Police Mission (MIPONUH), which has had its mandate renewed until November 1999, and a Human Rights and Justice Assistance Mission formed jointly by the UN and the Organization of American States (MICIVIH), which has had its mandate renewed until December 1999.

In 1998, the Commission on Human Rights and the Third Committee of the United Nations General Assembly adopted resolutions on the human rights situation in Haiti. The independent expert, Adama Dieng, presented a report to the United Nations General Assembly on the human rights situation in Haiti. The Secretary General of the United Nations produced a report on the situation of democracy and human rights in Haiti, and the Haitian government invited the UN Special Rapporteur on violence against women to visit Haiti.

CANADIAN POSITION

Canada strongly supported the return of democracy to Haiti, and is contributing to the MIPONUH and the MICIVIH. We have repeatedly expressed our concerns regarding inhumane detention conditions, the importance of institutional cooperation in the area of human rights and the need to actively proceed with thorough judicial reform.

The assistance program in Haiti is our largest one of its kind in North and South America; it has an important bilateral component focussing on professional training of police and support for reform of the justice system.

We are closely following developments in Haiti and have raised our concerns on many occasions with members of the Government, including President Préval, regarding the political impasse and our hope that fair and transparent elections will be held as soon as possible.

January 1999

HONDURAS

ISSUE

Although some progress has been registered, human rights violations continue to pose a real problem to democratic consolidation in Honduras. Violations include abuse of power, corruption, immunity for legislators, long periods in jail without trial, the jailing of minors with adults, intimidation and death squad activity. The impact of Hurricane Mitch on the human rights situation in Honduras will need to be followed closely. Honduras is not on the agenda of the CHR.

BACKGROUND

Widespread poverty complicates the historically weak promotion of human, social and political rights in Honduras, and impedes the general population's ability to exercise their rights. Civil-military relations traditionally have been a major source of human rights problems in Honduras. The current President, Carlos Flores, is continuing with reforms initiated by his predecessor, Carlos Reina, to limit the powers of the armed forces.

On Jan. 26, 1999, the Honduran Legislature unanimously ratified a **Constitutional Amendment** transferring the authority of Commander-in-Chief from the Chief of the Armed Forces to the President. The President exercises this authority through the Secretary of Defence who, in turn has authority over the military Joint Chiefs of Staff. The current Minister of Defence is a military officer, Col. Cristobal Corrales, but the position is intended, eventually, to be filled by a civilian.

President Flores has also followed through on Reinas' initiative to create a **civilian police force** under the Public Security Secretariat (policing was formerly under military jurisdiction). Flores successfully responded to criticisms of the proposed law (approved December 5, 1998) to demilitarize the police by creating a Commission of national human rights NGOs to monitor the activities of the new police force. The new police force is severely handicapped by a lack of resources: the officers are not paid regularly, do not receive adequate training, and are not sufficiently equipped. The weakness of the police force is reflected in worsening and widespread criminal violence and in police violations of human rights. This situation also impedes the government's ability to keep the military out of the realm of public security.

Honduras remains mired in controversies over the **amnesty law** which protects those members of the armed forces who were implicated in gross crimes against humanity in the 1980s. Despite amnesty, however, the power of the Honduran military has been dramatically curtailed. Immunity is also a controversial requisite of elected office; legislators enjoy immunity from prosecution, a fact that contributes to rampant corruption in Honduras.

The **administration of justice** continues to be one of the greatest failings of the Honduran state. Criminal investigations are very slow, even when the culprits are known. The judiciary is underfunded, and many of the judges are corrupt or incompetent. The penal system is also problematic. Overcrowding is a real problem in the jails, with up to 90% of those incarcerated awaiting trial or formal charges. The weakness of the judicial system, particularly the

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widespread sentiment that criminals will not be brought to justice, has been a catalyst for violent crime, the proliferation of private security and, an alleged recourse to privately-financed death squads involving current or former military personnel.

The Congress plans to consider a new **Criminal Procedure Code** in 1999 to expedite cases and provide greater rights to the accused. In reality however, the lack of resources is an almost insuperable hurdle and the long tradition of corruption and incompetence in the police and judiciary would make any improvements difficult to achieve.

Honduran poverty levels and birth rates are similar to those of Sub-Saharan Africa. Widespread poverty and a burgeoning population contribute to general problems of health and unemployment. **Child poverty and exploitation** are critical problems in Honduras, which has a large population of street children. Hurricane Mitch further compounded the situation and left a significant number of new orphans in its wake.

The struggle of indigenous peoples in Honduras continues, particularly the Garifunas on the Atlantic Coast. The Garifunas are currently protesting the recent Government-promoted Constitutional Amendment that allow foreigners to purchase beachfront property, lands traditionally inhabited and claimed by the Garifunas.

Freedom of the press is not a major problem in Honduras, although the President, who is the owner of one of the nation's largest newspapers, is said to influence the press through the use of gifts and other benefits.

CANADIAN POSITION

Officials of the Canadian Embassy have met with the Minister of Defence, the Human Rights Commissioner, and officials of the Ministry of Foreign Affairs in Honduras to discuss human rights issues, civilian policing, public security and judicial and military reforms in Honduras. Embassy officials maintain regular contact with human rights NGOs in Honduras -- particularly CODEH, COFADEH and Casa Alianza -- and have provided financial support for human rights-related activities.

Canadian officials monitor human rights cases, including the violent deaths of Gerson Noel Delgado, Mario Escalante Espinal, William Fredy Perez and the defamation case which was launched against human rights lawyer, Ramon Custodio, by the former Commander of the Armed Forces. Canadian officials are also following the cases being investigated by the Inter-American Commission for Human Rights such as that of Carlos Enrique Jaco.

Canada has funded a number of peace-building and democratic development projects in Honduras. In 1997-1998, Canada, through the Embassy's Canada Fund, supported projects promoting the welfare and rights of children, the indigenous, and women.

MEXICOISSUE

Mexico is making significant progress in terms of political and judicial reform and democratization, an important benchmark being the historic July 1997 mid-term elections. However, the incidence of human rights violations continues to be of concern, and in some respects appears to have deteriorated over the past two years.

BACKGROUND

Although President Zedillo has called for a society characterized by the rule of law, impunity remains a fundamental problem. Only a handful of convictions have been registered for serious human rights violations in the last six years. Hundreds of people have died in conflicts of a political or socio-economic nature, often in more remote areas of Mexico, with the local police often taking the side of interests associated with the local Institutional Revolutionary Party (PRI), which still governs most of Mexico's states. NGO activists periodically receive threats and harassment, and the authorities seem disinclined to take decisive action. There have been further developments in 1997-98 that give rise to concern, including the expulsions of a number of international human rights observers, and the outright refusal of Mexico to accept a ruling by the Inter-American Human Rights Commission to release General Gallardo, who many believe has been imprisoned for his support of military reforms. It should be underlined that human rights violations are not generally government-led or the result of any policy. They are rather the result of weak rule of law in some areas, and generally weak judicial and police institutions. As the Inter-American Commission on Human Rights observed in its recent country report on Mexico, the dynamic of this rapidly changing society and the elimination or attempt to eliminate privileges are causing reactions and practices from certain sectors of civil society and state agents that lead violations of human rights, such as violence and attacks.

The governing Institutional Revolutionary Party (PRI), which historically mediated all conflicts and distributed all benefits, must now - and is - reinventing itself as a competing political party, but the subsequent vacuum which has been created needs to be filled with the rule of law. Particularly in the poorer southern states with large indigenous populations, political and social conflict has resulted in increased violence and an upswing in violations since mid-1996. As a result not only of small but violent insurgency movements, as well as a policy decision by the authorities to use the Army for anti-narcotrafficking and some policing functions (as opposed to the federal police, a body which the government is now attempting to reform), there is now an increased military presence in parts of Southern Mexico, in particular the states of Chiapas, Oaxaca and Guerrero.

Although historically the Army has a better record on human rights abuses than the Mexican police, the presence of the Army in so many roles formerly held by the police has led to concerns about the long-term implications of the phenomenon. The human rights dynamic also varies considerably from region to region: in Guerrero aggressive military tactics to combat insurgency may be to blame; while in Sonora or Chihuahua the source of increased violence is related to drug interests. Violence rooted in struggles over land rights, political and religious differences, and serious socio-economic inequities, continues in areas such as northern Chiapas, painfully underscored by a massacre of 45 villagers in Acteal, Chiapas, on December 22, 1997.

The long-term, positive impact of the 1997 elections to improve the human rights climate cannot be over-emphasized: Mexico's new democratic reality, in combination with important new political and judicial reforms, is bringing greater scrutiny to bear on questions of human rights and social justice. Democratization, reform, and an increasingly active, independent press, have produced a tangibly greater awareness within Mexico of human rights concerns.

There have been other positive developments. Mexico is increasingly willing to accept greater scrutiny by international human rights mechanisms. On Mexico's invitation, the UN Special Rapporteur on Torture visited Mexico in August 1997. In his March 1998 report, he noted the widespread use of torture, generally by poorly-paid and poorly-trained police and military forces, and made a series of useful and specific recommendations. An Inter-American Human Rights Commission team was given unlimited access in 1996, and released in September 1998 an updated "Country Report". The report is comprehensive and balanced, giving credit for the fundamental reforms which have taken place, but at the same time underlining serious human rights challenges that need urgently to be addressed. More recently, Mexican authorities appear to have accepted the validity of a comprehensive, critical report issued in January by Human Rights Watch, which reported in particular on the issue of impunity and how to combat it. Mexico announced in April 1998 that it intends to recognize the binding jurisdiction of the Inter-American Court of Human Rights, and ratification procedures are nearly complete. In May 1998, the Government of Mexico and the International Committee of the Red Cross (ICRC) reached an agreement by which the ICRC was able to resume humanitarian and other activities in Chiapas. These developments reflect a positive shift.

CANADIAN POSITION

The Government of Canada recognizes that there are serious human rights concerns in Mexico, and we raise these concerns at all levels. At the same time, the human rights situation needs to be viewed in the broad context of the fundamental transition to democracy that is now underway in Mexico. Canada's present view is that Mexico in transition deserves our constructive support, engaged as it is in a long-term process towards reform. Canada provides this support in a wide variety of ways, including cooperation between our electoral and human rights commissions; promoting Canada-Mexico indigenous-to-indigenous partnerships to advance the economic development of our respective aboriginal communities; or supporting initiatives to build linkages between our respective civil societies. Through its **Canada Fund for Local Initiatives**, the Canadian Embassy supports the work of various Mexican human rights NGOs.

With respect to Chiapas, Minister Axworthy asked that a Canadian parliamentary delegation visit the region in May 1998 to get a first-hand look at conditions in the region. The delegation returned with an appreciation of the complexity of the situation, and made a number of recommendations, many of which the Government of Canada has already acted on. For example, a special \$100,000 fund was created within the Canadian Embassy's Canada Fund to support indigenous socio-economic development in Mexico. Also, on Canada's invitation, Mexico's Federal Coordinator for Chiapas, Mr. Emilio Rabasa, visited Ottawa in late September and met with parliamentarians, officials, non-governmental organizations, as well as Secretary of State Kilgour. The parliamentary delegation also recommended that Canada follow up on a Mexican invitation to send observers to the October 4, 1998 Chiapas state and local elections. Minister Axworthy therefore requested that a Canadian team, composed of a second parliamentary delegation in partnership with the Assembly of First Nations, visit Chiapas in this

capacity. The Canadian team found that the elections were a positive step forward in the democratic process but that more remains to be done. AFN representative Chief Ghislain Picard further suggested that the electoral process could benefit from recognizing indigenous practices and customs. Just prior to the elections, Chiapas was affected by severe flooding. The **Canadian International Development Agency (CIDA)** responded on September 22 with a contribution (via the Pan-American Health Organization) of \$150,000 in humanitarian assistance.

During the recent **Regional Anti-Personnel Landmines Regional Seminar** held in Mexico City January 11-12 (co-hosted by Mexico and Canada to promote regional ratification of the Ottawa Treaty), Minister Axworthy met bilaterally with Mexican Foreign Secretary Green and raised the recent country reports on Mexico by the **UN Special Rapporteur on Torture and the OAS Inter-American Commission on Human Rights**. At a press conference afterwards, he also reiterated Canada's support for a peaceful solution in Chiapas, and urged all parties to work with the Government of Mexico to resolve the conflict in a peaceful manner. At the recent **Canada-Mexico Joint Ministerial Committee (JMC)** meeting held February 17-19 in Ottawa, broad discussions were held between various Ministers on social and indigenous issues, including the subject of human rights.

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NICARAGUA

ISSUE

In the first year of President Alemán's government, the human rights situation appeared to deteriorate somewhat. Despite allegations of an "Alemán-Ortega Pact", tensions between the ruling Liberal Alliance and the Sandinista opposition remain and further complicated the human rights question, as do widespread poverty, isolation and the devastation caused by Hurricane Mitch.

BACKGROUND

Gross abuses of human rights, such as torture, disappearance and arbitrary detention are no longer a major concern in Nicaragua. However, the inconsistent application of judicial and civil guarantees continue, in a society which is still recovering from years of civil warfare, social inequality and discrimination. Nicaragua is no longer inscribed on the CHR agenda.

The root causes of human rights violations are integrally connected to the economic, political, structural and geographic problems in the country. Nicaraguan citizens' knowledge of their rights, and their ability to exercise those rights, are limited.

We have not heard of any substantial allegations of any systematic, government-directed violations of human rights in Nicaragua, though there is evidence of Nicaraguans jailed without trial and other abuses resulting, in no small measure, from a lack of adequate financial and human resources. In the highly-charged political atmosphere in Nicaragua, there is a tendency to portray some government policies as indirectly violating human rights.

As set out in the constitution, Nicaragua's democratic institutions are sound. In practice, however, major weaknesses are evident and a general sense of malaise characterizes the political system. For example, the National Assembly was paralyzed by in-fighting within the Liberal Alliance for the better part of May and June 1998. The ruling party has done little to build bridges to those sectors of Nicaraguan society outside of their immediate constituency. Since taking office, President Alemán has taken active steps to concentrate power in the hands of the executive. One example is the passing, in September 1998, of a Law on the Organization of the Executive Power which centralizes key functions within the Presidency. In April 1998, the elections in the Atlantic Coastal area -- where a majority of the indigenous population of Nicaragua lives -- were marked by accusations of political irregularities on the part of the Liberal Alliance (campaign funding etc.). The Alliance's victory was challenged by the indigenous peoples of the area.

Nicaragua's Central and Atlantic zones are very poor. The government is less present outside of the capital (Managua) and community-based organizations are more active in those regions. In the isolated areas, it is very difficult to monitor the human rights situation as impunity, corruption, private security and violence are common. The isolation of these areas has contributed to a resurgence in armed delinquency. The Alemán government has taken a tough stand against these armed groups, a decision which has broad support, but also has the potential to threaten the human rights of the population if security forces are not properly controlled, particularly in isolated areas of the country.

Widespread poverty further compounds the problems outlined above. Even prior to Hurricane Mitch, Nicaragua was the second poorest nation in the Americas. The under and unemployment rate is around 52%. Approximately 83% of the population does not have access to medical care, and according to the UNDP, only 53% have access to potable water. Approximately 35% of the population is illiterate and over 40% of Nicaraguans earn less than US\$1 per day.

Violence against women (including sexual abuse, rape and incest) remains a serious problem in Nicaragua. Either because of the lack of resources or a lack of interest, it does not seem to be an issue that will be adequately addressed by the government in the near future. There are some excellent and dedicated women's groups in the country, but they face serious problems of inadequate resources and a culture which has, traditionally, undervalued the rights of women.

On a positive note, the number of **civil society organizations**, and human rights groups in particular, is on the rise and gaining in importance. Due to the efforts of Nicaraguan NGOs, the Government passed a law in August 1998, the Children and Family Code, which protects the rights of children and adolescents. Nevertheless, child poverty continues to be one of the gravest problems in Nicaragua (1.6 million children under the age of 18 live in poverty), a situation which was severely compounded by Hurricane Mitch. Furthermore, the rate of juvenile delinquency is high, with a steep rise in the number of teenage gangs. According to human rights groups, 74% of the incarcerated population in 1997 was between the ages of 13 and 25.

CANADIAN POSITION

Canada has been very active in the promotion of human rights, and the rights of aboriginal people in particular, in Nicaragua for many years. Canada's efforts to promote human rights in Nicaragua have been closely linked to **poverty reduction programs** and our approach to trade promotion, particularly in the sectors of mining and forestry, have been tied to socio-economic development and local capacity-building.

Between 1988 and 1996 Nicaragua received more than \$100 million in **development assistance** from Canada. Rehabilitation of potable water and sewage systems, rehabilitation of the energy sector, and human resources training are among our current major projects. Canada also provided \$1 million in financial assistance to help organize the 1996 elections. Current official development assistance will be effectively doubled as a result of additional support promised by Canada for **post-Hurricane Mitch relief**, reconstruction and transformation.

The **Office of the Canadian Embassy** in Managua is in close touch with NGOs throughout the country, and Embassy staff often travel to the more remote areas of the country to monitor the situation there. Canadian officials take every appropriate opportunity to emphasize Canada's commitment to the promotion of human rights and equitable development for indigenous peoples and other marginalized groups.

January 1999

PERU

ISSUE

While overall observance of human rights continues to improve, recent trends have been towards undermining the independence and power of constitutionally-mandated autonomous bodies designed as checks and balances to the Executive.

BACKGROUND

Peru's human rights record has improved over the past several years. Problems remain, many of which are linked to terrorism and narco-trafficking. On paper, Peru has a full range of institutions for the protection and promotion of human rights and democratic development as stipulated in the 1993 Constitution. In practice, the **Ombudsman** (Defensor del Pueblo) has become the main independent defender of human rights.

Illegal or arbitrary detention (particularly on suspicion of terrorist activities) is a major problem. Significant numbers of cases of torture have been reported, suggesting this practice can be considered institutionalized. In recognition of this situation, the Congress passed in January 1998 a law making torture (along with genocide and forced disappearance) a specific crime under the criminal code.

Canada also has concerns regarding **freedom of expression**. While the media is free to express opinions on most subjects, direct criticism of the President's bid for re-election, appeals for accountability on the part of Advisor Vladimiro Montesinos, or direct attacks on the military leadership appear taboo, and journalists have suffered harassment and threats. A November 1998 Mission of the Inter-American Commission on Human Rights concluded that there are restrictions on freedom of press which the Government must address, and stressed that concept of freedom of expression includes a guarantee of protection by the Government. The Government has not yet responded positively to the request of the UN Special Rapporteur on Freedom of Expression for an invitation to visit.

There has also been a deterioration in respect for the **rule of law**. The independence of judiciary is of concern, with the process for appointing judges (70% of whom are provisional) far from transparent. The question of impunity is also of concern. On the positive side, "secret courts" established to try terrorist cases were abolished in October 1997. The Ad Hoc Commission to review cases of those believed to have been unjustly imprisoned on terrorism charges continues its work under a renewed mandate. To date, 435 individuals have now been released through the Ad Hoc Commission process. Nonetheless, those still imprisoned on charges of terrorism often face military rather than civilian judges. A Presidential decree in May 1998 also places cases of extremely violent crime before military courts. There are concerns about the access of prisoners (both common and terrorists) to attorneys.

Also of concern is the plight of some 10,000 persons with outstanding warrants against them based on charges of aiding and abetting terrorism. They remain fugitives without legal protections. The Ad Hoc Commission has also been charged with investigating this issue. Under 1992 anti-terrorism legislation, "Emergency Zones" were established where terrorist

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groups were most active. In these zones, military rule is in effect and democratic practices are stifled. Freedom of movement within these zones (now covering 16% of national territory) are restricted by authorities, but also by terrorist groups. The UN Working Group on Arbitrary Detentions visited Peru in February 1998, drawing attention to the high level of arrests.

A further problem, largely the heritage of terrorism, is that of lack of identity documents. An estimated 3,000,000 Peruvians have no identity documents and thus formally do not exist, cannot vote or travel abroad. A system of issuance of National Identity Documents has been instituted, but the process is slow and cumbersome.

Also serious is the undermining of constitutionally-mandated autonomous bodies designed as checks and balances to the **Executive branch**. Over the past year, Congress (dominated by Fujimori-loyalists) has cleared all obstacles to a possible re-election bid by Fujimori in 2000, including the rejection of the possibility of a referendum on the issue. Protest marches in major cities on 30 September indicate dissatisfaction with the closure of democratic space.

CANADIAN POSITION

Canada's concern with the deterioration in democratic practices has been raised during high-level visits, and frequently by the Ambassador and other officers. These issues were raised with **President Fujimori** by the Prime Minister during his state visit in October 1998. Most recently, during his visit to Peru January 27, Secretary of State for Latin America David Kilgour raised several specific human rights cases with the Minister of Foreign Affairs and the Ombudsman: the Ivcher citizenship issue and the IAHCR ruling on reinstating 3 judges from the Constitutional Tribunal. The **Canadian Embassy in Lima** holds frequent meetings with Canadian, Peruvian, and international NGOs both to exchange information and to examine ways to further the respect for human rights.

Through the **Canada Fund for Local Initiatives**, \$100,000 in funding per annum has been provided for human rights projects. In May 1998, this funding was doubled, to a total of \$200,000 per year. Further **CIDA** assistance has been provided through the Gender Fund and the "Modernization of the State" program. Canada was an early supporter of Peru's Ombudsman and CIDA in October 1998 announced a major project (\$2.3 million over three years) to further support it. Essential funding has also been provided to the Ad Hoc Commission, without which it would not be able to continue functioning.

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AFGHANISTAN

ISSUE

The human rights situation in Afghanistan, particularly for women, is among the world's worst. The ongoing civil war is fought with disregard for the safety and human rights of civilians. While Taliban rule in the 90% of the country it controls has reduced incidents of brigandage and rape, it has also brought gross violations of human rights and fundamental freedoms, especially against women, and instances of ethnic cleansing.

BACKGROUND

Afghanistan has suffered continuous armed conflict since the Soviet intervention in 1979. Since the toppling of Kabul's communist regime in 1992 by an unstable coalition of *mujahideen*, the country has been a patchwork of separate fiefdoms divided along ethnic, linguistic, tribal and factional lines. The result has been a widespread and chaotic breakdown of legal and humanitarian norms. Over 2 million Afghans remain in refugee camps in Iran and Pakistan, while another 1.2 million are internally displaced.

Over the last two years, the radical Taliban faction has gradually extended its control over Afghanistan. The Taliban gained initial acceptance from war-weary populations by combatting general lawlessness. However, this has been overshadowed by their imposition of an extreme form of "Islamic behaviour" and its concomitant severe restrictions on women have been criticized by the UN Secretary-General, UN agencies operating in Afghanistan, and by NGOs and the world community at large.

Though women's rights began to deteriorate when the *mujahideen* factions overthrew the communist regime in 1992 and imposed village-based social values on the cities, the Taliban have carried this regression to extremes not seen elsewhere in the Muslim world. In particular, women have been barred from employment and most girls from schools, restrictions have been placed on health care available to women, and women are required to cover themselves from head to foot when venturing outdoors. In addition, "Islamic punishments" such as amputations and stoning to death have been instituted as penalties. Taliban strictures are applied most forcefully in Kabul; they are less strictly enforced in areas where the Taliban are more confident of their control. Women also face restrictions in the Alliance's territory, although girls' schools were operating in many Alliance areas.

The killing this past summer of a UN Military Observer and two NGO staff members in Jalalabad, as well as the Taliban's decision to relocate all international NGO offices to a remotely-located school compound in Kabul, resulted in the unanimous decision by international NGOs to withdraw from Afghanistan. Despite the October 1998 signing of a security agreement between the UN and the Taliban, no UN agency personnel will return to Afghanistan until the Taliban provide a satisfactory accounting of their efforts to bring the murderers of UN personnel to justice. The absence of the UN and NGOs has had a negative impact on the level of humanitarian assistance available in Afghanistan, but some NGO staff are now returning.

News of serious breaches of international humanitarian law by the Taliban emerged in August 1998 soon after the Taliban captured **Mazar-I-Sharif**. Reports surfaced of mass killings of civilians, particularly of male members of the Hazara (Shia), Tajik and Uzbek communities. Amnesty International and Human Rights Watch have indicated that as many as 2,000 civilians may have been killed in the days following the takeover. Also killed were eight Iranian officials at the Iranian consulate and an Iranian journalist. It is believed that the killings were in retaliation for the massacre by thousands of Hazaras when the Taliban were driven out of Mazar-I-Sharif in 1997. The Taliban have agreed to allow an International Commission of Inquiry to investigate the August 1998 killings.

Consensus resolutions on Afghanistan are regularly adopted at both the **UN Commission on Human Rights** and the **UN General Assembly**. The mandate of the UN Special Rapporteur on the human rights situation in Afghanistan was extended by CHR in 1998. In March 1998, the Canadian delegation to the **UN Commission on the Status of Women (CSW)** worked to ensure strong language in the first-ever USA-led resolution on the situation of women and girls in Afghanistan and co-sponsored that resolution. In December 1998, the UNGA resolution on human rights in Afghanistan led by Germany and co-sponsored by Canada was adopted. The resolution condemned the mass killings and systematic human rights violations against civilians and prisoners of war and called upon the Taliban to fulfil their stated commitment to cooperate in investigations of these crimes. It urged all the Afghan parties to extend their cooperation to the Commission on Human Rights and its Special Rapporteur on Afghanistan.

CANADIAN POSITION

A lasting peace settlement is a necessary precondition for ending Afghanistan's human tragedy. Canada has not had diplomatic relations with any regime in Kabul since the Soviet invasion in 1979, and our direct influence in Afghanistan is limited. Nevertheless, the Canadian Government, through its **High Commission in Islamabad**, closely monitors the situation, and consults with the UN Special Envoy, the UN Special Mission, the Office of the United Nations High Commissioner for Refugees (UNHCR) and other organizations with respect to the promotion of a peaceful settlement and the alleviation of the human rights situation. We view the UN Special Envoy and the Special Mission as the best mechanisms for achieving peace.

The Canadian Government is deeply troubled by the serious human rights violations in Afghanistan, especially the grave deterioration in women's rights in areas under Taliban control. Canada strongly supports the actions by the **UN** and its agencies to persuade the Taliban authorities to respect Afghanistan's international obligations on human rights. In this regard, Canada worked - in close cooperation with like-minded countries - on a strategic framework for development assistance activities to ensure that the delivery of assistance conforms to international human rights standards.

Canada continues to be one of the major donors supporting relief operations in Afghanistan. From 1990/91 to the present, Canada has provided C\$110 million in humanitarian assistance and food aid with a substantial component of our assistance being directed to vulnerable women. The principal activities, undertaken through UN agencies (such as UNICEF, UNHCR, WFP, UNOCHA, and ICRC), Canadian NGOs (Aga Khan Foundation, CARE - Canada, Doctors Without Borders - Canada), and through the Canada Fund for local initiatives, are demining, health programs, assistance to displaced persons and repatriation, and food aid. In 1998, CIDA contracted with CARE International to provide CDN\$3 million in food aid directly to 11,000 war widows and female-headed households in Kabul. In addition, CIDA contributed CDN\$2.9 million to ICRC's programming in Afghanistan, plus \$1.0 million to UNOCHA for demining activities.

BURMA (MYANMAR)

ISSUE

The human rights situation in Burma continued to deteriorate in 1998. The prospects for any improvements in 1999 are bleak.

BACKGROUND

Burma's military regime continues to show no commitment to negotiate with Nobel Laureate Aung San Suu Kyi and the National League for Democracy (NLD) which won the 1990 elections with an overwhelming majority. Since the release of Aung San Suu Kyi in 1995 from 6 years of house arrest, the military regime has remained intent on marginalizing her while pursuing its plans for a constitution entrenching the role of the military. Aung San Suu Kyi has reacted by pulling the NLD out of the national constitutional convention and continues to urge the international community to freeze foreign investment and increase diplomatic pressure on the military regime. Her threat, in August 1998, to convene the parliament elected in 1990 prompted a major crackdown against the NLD.

The Burmese economy is deteriorating, in large measure because of the regional economic crisis. The foreign investment anticipated from Burma's Southeast Asian neighbours has not materialized. Poverty in the countryside is increasing and the Burmese regime is hard pressed to cover basic human needs.

Although the Burmese military has negotiated **cease fires** with fifteen ethnic groups that were fighting for greater autonomy, some of these cease fires have become fragile as pressure mounts for a more comprehensive political settlement. In January 1997, the Burmese army launched a military offensive against the Karen National Union forcing tens of thousands of Karen refugees into Thailand and creating an ongoing humanitarian emergency on the Thai-Burmese border. In three separate incidents, during 1998, pro-Rangoon forces staged cross-border raids on refugee camps in Thailand.

Despite some limited progress by the military regime in **narcotics eradication**, opium production is continuing in the ethnic areas. There have been reports suggesting that individual government officials are directly involved in opium production and trafficking. Burma remains the largest source of illegal heroin entering North America.

Violations of human rights continue on a wide scale including extrajudicial and arbitrary killing, torture, arbitrary arrests and detention, deaths in custody, absence of due process of law, severe restrictions on freedoms of opinion, expression, assembly and association, violations of freedom of movement and forced relocation. An International Labour Organization (ILO) Commission of Inquiry reported, in August 1998, that there was abundant evidence of the pervasive use of forced labour throughout Burma.

The Burmese military regime's actions have been condemned by the international community through repeated consensus resolutions of the **UN General Assembly and the UN Commission on Human Rights**. The European Union, the United States and Canada have underscored their condemnation with selective sanctions. ASEAN governments, however, maintain a policy of "constructive engagement" towards Burma, which became a member of ASEAN in July 1997.

Burma continues to refuse visits by the **Special Rapporteur of the UN Commission on Human Rights**. The Special Representative of the UN Secretary General, Alvaro de Soto, visited Rangoon in January and November of 1998 but there are no signs yet of progress towards a political dialogue.

CANADIAN POSITION

In July 1997, at the ASEAN meetings in Kuala Lumpur, **Foreign Affairs Minister Axworthy** presented the Burmese Foreign Minister with a list of eight suggested actions that the military regime could take to improve the human rights situation in Burma. The Burmese Foreign Minister did not respond to any of these proposals. On 7 August, Mr. Axworthy announced economic measures against Burma to convey Canada's concerns over the suppression of political freedoms in Burma and our frustration with Burma's failure to curb the production and trafficking of illegal drugs. The Canadian Government **withdrew Burma's General Preferential Tariff eligibility and placed Burma on the Area Control List**, thereby requiring all exports from Canada to Burma to have an export permit.

At the **ASEAN meetings in Manila in July 1998**, Mr. Axworthy joined six other foreign ministers in meeting informally with the Burmese Foreign Minister Ohn Gyaw to impress on him the international community's concerns over the safety of Aung San Suu Kyi. Canada's Ambassador to Burma, based in Bangkok, has visited Burma five times since presenting his credentials in September 1998 and has raised Canada's concerns directly with Burma's military leaders.

Canada has limited relations with Burma. **CIDA bilateral aid was suspended in 1988** after the army's massacre of thousands of pro-democracy demonstrators in Rangoon. Canada does not support multilateral assistance to Burma through the international financial institutions. There is no resident Canadian diplomatic presence in Burma. No encouragement is provided to Canadian firms doing business in Burma, military sales are not allowed, and all exports are scrutinized closely. **No Canadian export programs are open for Burma**. Bilateral trade remains minimal. In 1997, Canada's exports were worth \$3.5 million and imports \$19.9 million (mostly textiles and seafood). With the accession of Laos to the 1993 Canada-ASEAN Economic Cooperation Agreement, Burma remains the only ASEAN member not a party to the Agreement. Burma will not be included under any new or ongoing Canada-ASEAN regional development projects. Since 1991/92, Canada has provided approximately \$11.5 million in aid to Burmese refugees in Bangladesh and Thailand.

For the last two years Canada joined consensus but withheld its traditional co-sponsorship of the **UN General Assembly resolution** on human rights in Burma after finding that it was not possible to strengthen the text. In Canada's view the resolution was weaker than the CHR resolution, particularly on meaningful political dialogue with the NLD, implementation without delay of the recommendations of the ILO commission of inquiry on forced labour, respect for and protection of the rights of women and children, and on allowing the CHR Special Rapporteur to visit Burma and meet with any person he deemed appropriate.

CAMBODIAISSUE

Cambodia's human rights record continues to be a matter of concern. The people responsible for the fighting that took place in July 1997 and the extrajudicial killings that followed, as well as the killings that occurred more recently, have yet to be punished. At the same time, the international community and Cambodia's political class are considering the possibility of prosecuting Khieu Samphan and Nuon Chea, the two Khmer Rouge leaders who turned themselves in to authorities on Christmas Day 1998.

BACKGROUND

For nearly four years in the late 1970s, Cambodia suffered under a regime that was arguably one of the most systematic, vicious and egregious violators of human rights. Between 1975 and 1979, more than a million and a half Cambodians (of an estimated population of eight 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 continuous civil war. During the 1980s, state structures existed in only the most rudimentary form with minimal protection of human rights.

In 1992, the **United Nations Transition Authority in Cambodia (UNTAC)** established a unit of the Centre for Human Rights to assist with the promotion and protection of basic human rights in the country. The period since the end of UNTAC intervention in September 1993 has seen a gradual erosion of the democratic structures established under the auspices of the UNTAC and in the effectiveness of human rights organizations in Cambodia. The granting of an amnesty to the notorious Khmer Rouge leader Ieng Sary in August 1996 reflects this trend. The apparent impunity of police and military authorities abetted by a weak, politicized judiciary continues to be a major concern. The **Office of the United Nations High Commissioner for Human Rights** in Cambodia blames the arbitrary arrests and extrajudicial killings committed in the wake of July 1997 fighting on military, police and bodyguards aligned with the political party FUNCINPEC. In the two years prior to that, there were attacks on journalists, including two killings, and a grenade incident at a peaceful political demonstration in March 1997 that took at least 15 lives. None of these cases has been resolved. The government continues to propose a national Human Rights Commission and has asked for technical assistance from Canadian and other authorities. The government has also launched an "independent" inquiry into the abuses committed in and after July 1997, but all of the members of the commission are advisors to the leader of the coalition that was in place at the time of the incidents.

At this time last year, the most important objective was progress toward the rule of law and political stability, including the fostering of a climate of confidence conducive to holding free and fair elections in July 1998. The rule of law may still be a long way off, but the international community generally declared last July's elections to be "free and honest", even though the various political factions took four months to agree on a coalition government. There were some incidents of voter intimidation, but they were few and far between, and the biggest problem with the media was more their near-universal devotion to the CPP (Cambodian People's Party) than any real impediment to free, neutral work by the media corps.

Also on the positive side, the Cambodian government continued its good working relationship with the **Special Representative of the United Nations Secretary General, Thomas Hammarberg**. Human rights education efforts continued and limited progress was made in establishing a functioning system of justice. The outcome of wrangling over the possibility of a trial involving Khmer Rouge leaders Khieu Samphan and Nuon Chea will shed light on the direction the Cambodian government plans to take in overhauling its legal system.

Protection for the rights of women, children, minority groups and disabled persons continues to be weak. Domestic violence against women and children is common, the ethnic Vietnamese minority faces widespread social discrimination and some violence at the hands of the Khmer Rouge (fuelled in part by anti-Vietnamese slogans chanted during post-election demonstrations), and disabled persons also face societal discrimination. The government does not adequately enforce existing legal prohibitions against anti-union discrimination, nor provisions outlawing forced labour.

CANADIAN POSITION

Canada, like most of the world's countries, supported the holding of elections in July 1998 and believes that the elections were reasonably fair and honest. Since mid-1994, Canada has supported good governance initiatives, some in cooperation with the National Assembly, and election preparations. It twice sponsored visits to Canada by Kem Sokha, Chairman of the National Assembly's Human Rights Committee. Canada has continued to call on the parties to put an end to all the violence since the crisis of July 5-6, 1997, and did the same during the period of social instability that followed the July 1998 vote. Through its ambassador in Phnom Penh, Canada has constantly demanded that the Cambodian government punish those found guilty of criminal acts. Canada provided technical advice on preparations for the 1998 national elections and sent short- and long-term election observers.

Australia tabled resolutions on the human rights situation in Cambodia at the 54th session of the **Commission on Human Rights in April 1998** and at the **53rd session of the 3rd Committee of the United Nations General Assembly in November 1998**. The Australian resolutions, co-sponsored by Canada, were adopted by consensus.

Canada, through its ambassador in Phnom Penh, has contacted Cambodian authorities in order to share its concerns and preferences regarding the treatment of Khmer Rouge leaders Khieu Samphan and Nuon Chea. We are now waiting for the report from Sir Ninian Stephen, Special UN Representative to Cambodia, who was given a mandate by the General Assembly to review the options (national or international panel of judges) for trying these Khmer Rouge leaders. His report should be released to the public in mid-March 1999.

PEOPLE'S REPUBLIC OF CHINA

ISSUE

On October 5, 1998, China signed the International Covenant on Civil and Political rights, a step which has long been urged upon Beijing by Canada with other states. Despite this positive change, there are still many short-comings in China with respect to human rights.

BACKGROUND

In 1998 China displayed a greater willingness to discuss human rights issues. However, in late 1998, the Chinese government began a crackdown on individuals who had begun to organize new Chinese political parties. The harsh sentences handed down to these individuals represents a clear step backward in the progress China has made on human rights issues over the past several years. China's short-comings with respect to human rights were highlighted in 1998 with the arrests of high-profile dissidents such as Xu Wenli, Wang Youcai and Qin Yongmin, for activities related to the formation of the China Democracy Party (CDP). The trio were sentenced to 13, 11 and 12 years respectively.

The Constitution of the People's Republic of China guarantees in principle a wide range of rights and freedoms, including freedom of opinion and expression, as well as freedom of association and assembly. However, article 52 of the Constitution also states that all legal rights are subservient to interests of "state, society and collective." More important than this caveat, however, is that many provisions of the PRC constitution which touch on fundamental freedoms have not been respected by the Chinese government.

While the Chinese Government has shown itself to be more open to international human rights dialogues, it continues to react defensively to international scrutiny, repeatedly stating that there was no conflict between the trials of pro-democracy activists and China's efforts to safeguard human rights. Canada underlined the contradiction between China's October 1998 signing of the United Nations International Covenant on Civil and Human Rights, and its harsh sentencing of political dissidents through four separate démarches with the Chinese Ministry of Foreign Affairs and by publicly criticising the arrests of political dissidents in China.

In 1998 China has managed better than most Asian states to deal with the Asian financial crisis and to protect the economic gains of the past two decades that have allowed great improvement in the living standards of much of the Chinese population. While not minimizing the importance of economic growth for the wellbeing of the Chinese people, Canada does not accept that the need for stability and economic growth justifies the neglect of fundamental human rights. Economic decentralization and greater openness in the economic sphere has lessened the power of the central government over many aspects of Chinese life, allowing for greater individual freedoms, such as greater control over career choices. The limited experiments in direct elections by secret ballot at the lowest levels of local government could help to change the political landscape of China if they were to be implemented on a broad scale.

In 1998, the "strike hard" (yanda) anti-crime, anti-corruption campaign continued, with a large number of arrests resulting in harsh sentences, including widespread use of the death penalty. Even under China's reformed criminal code and procedure, accused persons have not always been accorded **due process** and appropriate procedural safeguards. In addition, the death penalty is being administered more frequently for non-violent crimes. There are some indications, however, that China recognizes the need for better trained judges and a more modern judicial system, and some steps have been taken in this direction.

The human rights situation in the regions of Tibet, Xinjiang and Inner Mongolia remains a special concern to Canada. In these regions the "strike hard" campaign has led to the arrest and imprisonment of Tibetans, Uygurs and Mongolians for alleged separatist activities. While often difficult to confirm, the reports of repression by the Chinese officials and police agencies are both serious and numerous.

With respect to the human rights situation of more **vulnerable groups**, discrimination on the basis of sex, language, race, gender and ethnicity are illegal and religious freedom is protected under the constitution. There are only partial guarantees of equality for disabled individuals. Perhaps more importantly, the implementation of these rights through enforceable pieces of legislation and other mechanisms is often incomplete or non-existent.

CANADIAN POSITION

Canada remains very concerned about the human rights situation in China. A central goal of Canada's policy towards China is to promote a greater respect for human rights by supporting and initiating positive change in Chinese attitudes and actions on human rights questions. In 1998 Canada used its **bilateral human rights dialogue** with China to express its concern on a range of issues including: children's rights, women's rights, minority rights and the rights of the accused.

Canada has launched a number of initiatives to promote human rights, good government and respect for the rule of law in China. Our goal is to **promote change from within**, through ongoing dialogue with the Chinese government and through support for projects such as the provision of legal aid for the accused.

The major components of **Canada's package of human rights initiatives** include: the establishment of a Canada China Joint Committee on Human Rights to address human rights concerns, assistance with the review of China's Criminal Procedure Law, assistance in the training of judges, development of a legal aid system, promotion of women's rights and addressing China's obligations under UN Conventions. Many of these initiatives were designed and implemented by CIDA in partnership with Canadian and Chinese NGOs. Another result of this bilateral package of human rights initiatives was the International Symposium on Human Rights, which Canada co-hosted with China in British Columbia in 1998.

Canada continues to raise human rights concerns during meetings with Chinese government officials and Ministers. Canada registers concerns about human rights abuses both in general terms and regarding specific cases, where appropriate. Canada continues to make reference to China in our annual "country situation" statements at the **UN General Assembly Third Committee** and the **CHR**, and to support multilateral initiatives which promote our human rights objectives.

EAST TIMOR

ISSUE

Although positive trends were seen, particularly in the diplomatic field, human rights abuses continued in East Timor in 1998.

BACKGROUND

A former Portuguese colony, East Timor was invaded by Indonesian troops on December 7, 1975 in the aftermath of a rapid Portuguese withdrawal in August 1975 and a period of civil war in the territory. Indonesia's annexation of East Timor on July 17, 1976 is not recognized by the UN. While the Indonesian government admitted that 30,000 lives had been lost in the invasion, East Timor lobbyists set the figure at 200,000. On November 12, 1991, East Timorese civilians were massacred by Indonesian troops at the Santa Cruz cemetery in Dili. This year, a former governor of East Timor revealed that additional, previously unknown killings took place immediately afterwards. In 1996, the Nobel Peace Prize was awarded to Carlos Belo, Bishop of Dili, and José Ramos-Horta, exiled East Timorese spokesperson.

President Habibie has shown flexibility on East Timor and has addressed most of the criteria established in the 1998 Commission on Human Rights (CHR) Consensus Chair's Statement on East Timor: 52 East Timorese political prisoners were released; Indonesia signed a memorandum of understanding (MOU) on technical cooperation with the UN High Commissioner for Human Rights, including access to East Timor; the Working Group on Arbitrary Detention is scheduled to visit East Timor in February 1999; the government launched a 5-year National Action Plan on Human Rights; Indonesia ratified the Convention Against Torture; and progress has been made towards a solution to the East Timor question. In addition, Indonesia has made progress in areas raised by Canada during the 1998 CHR discussions, including the National Action Plan and negotiations with Canada on an MOU on technical cooperation on human rights.

In August 1998, Indonesia proposed 'wide-ranging autonomy' as the basis for negotiations under UN auspices with Portugal, negotiations which led to the exchange of diplomatic interest sections between the two countries on January 30, 1999. On January 27, 1999, the eve of the resumption of the UN negotiations, the Indonesian Cabinet announced that it would recommend to the next General Session of the People's Consultative Assembly to "release" East Timor from Indonesia if the UN-sponsored negotiations fail to produce an agreement on autonomy, or if the East Timorese reject autonomy. The Cabinet also decided that imprisoned East Timorese leader Xanana Gusmao will be transferred to a form of house arrest from which he will be able to take part in the negotiations on East Timor. Details of Gusmao's role and of how the East Timorese are to be consulted are unknown.

Since July, Indonesia has undertaken measures to improve the human rights situation in East Timor. Police and soldiers in the territory have received handbooks on human rights, and the Indonesian military (ABRI) has apologized for some incidents in which excessive force was used. Although ABRI claimed to have reduced its troop levels in East Timor in August, leaked documents originating inside ABRI indicate the contrary. Nonetheless, ABRI has, according to many observers, reduced its visibility in Dili, improving the political atmosphere there. Large student demonstrations in Dili have met with muted responses from the security forces.

ABRI and its paramilitaries, however, remain an oppressive presence in East Timor. Clashes continue between ABRI and Falantil, and there have been credible reports of arbitrary arrest, detention and torture by the military. Recently, ABRI announced plans to arm more paramilitaries, some of which are implicated in recent killings around Suai. Both sides have committed human rights abuses, particularly, according to reliable reports, in fighting around Alas in November. There are recurring allegations that ABRI massacred large numbers of civilians at Alas, but independent sources, including the International Committee of the Red Cross, have denied the reports.

Radhika Coomaraswamy, the U.N. Special Rapporteur on Violence Against Women, who visited the territory in late November 1998, was troubled by evidence that rape had been used as a weapon of interrogation and torture, and gained a promise of compensation for rape victims from the military commander in the territory.

Various factors have contributed to continued heightened social and political tensions in East Timor: the widespread ABRI presence in East Timor, the further proliferation of paramilitary groups, the conflict between migrants from other parts of Indonesia and East Timorese, and the rising expectations and growing radicalization of Timorese youth. Bishop Belo and Foreign Minister Alatas have launched separate community reconciliation processes.

CANADIAN POSITION

Canada believes that the current situation provides a promising opportunity to reach an inclusive, peaceful political solution for East Timor, through the UN-sponsored talks between Portugal and Indonesia. We believe that the East Timorese should be involved in the UN process and, thereby, have a say in determining their own future. Canada continues to call for the full release of all East Timorese political prisoners, including Xanana Gusmao. Canada has contributed financially to the last three rounds of the All Inclusive Intra-East Timorese Dialogue (AIETD).

Canada regularly registers its concerns regarding East Timor with the Indonesian government. Minister of Foreign Affairs Axworthy raised Canadian concerns with the Indonesian FM Alatas at ASEAN and APEC meetings during 1998. In October, Mr. Axworthy discussed East Timor with the Portuguese, and, accompanied by Secretary of State Chan, with East Timorese spokesperson, José Ramos-Horta. During his October 1998 visit to Jakarta, Mr. Chan met with the imprisoned East Timorese leader, Xanana Gusmao.

A Canadian Embassy mission, led by the Ambassador, visited East Timor from December 13-17, 1998, and enjoyed unusually good access to individuals on both sides. The mission met members of the National Committee of Timorese Resistance (CNRT), Bishop Belo, the Governor, the Military and Police Commanders, NGO activists and many others in and outside of government.

In East Timor, Canada is the third largest donor (\$1.1 million annually). Canadian assistance is delivered through NGOs and targeted at grassroots organizations in the areas of agriculture, education and training, health and nutrition, water and sanitation, and womens' programmes. Canada believes that it is through cooperation at the grass roots level that Canada can best promote democratic values in East Timor. In line with this, CIDA and DFAIT are examining possible capacity- and peacebuilding projects in East Timor.

INDIA

ISSUE

India's legal framework protects the rights of Indian citizens to a large extent. Implementation, however, is uneven and human rights abuses continue in areas of insurgency, such as Kashmir, and, more generally, because of poverty, illiteracy and lack of awareness of human rights.

BACKGROUND

Although India is a parliamentary democracy and a secular state with an open society, the combination of poverty and entrenched customs such as the caste system has a strong negative effect on the human rights situation, despite the protections established within India's legal framework.

The situation in Kashmir has improved somewhat in recent years, and the army has been withdrawn from certain areas. Nevertheless, the armed conflict continues, as do abuses of human rights committed by the police, security forces, irregular auxiliaries, and militant groups. Likewise, in the remote states of northeastern India, fighting continues between government forces and rebels, giving rise to human rights abuses.

Despite constitutional guarantees of equality and secularism, and institutionalized affirmative action programs (eg, reserved parliamentary seats), unofficial discrimination against religious minorities (particularly Muslims), tribal peoples and the lower castes is widespread. Recent months have witnessed heightened concern by many Indians over statements and actions of "communalist" (Hindu nationalist) organizations. The great majority of Indians, including national leaders, are worried that recent localised outbreaks of anti-Christian violence in tribal areas could lead to a wider, dangerous breakdown of relations among ethnic and religious groups. Although the central government has condemned this violence and made some arrests, certain ministers have made ambiguous statements about its origin.

Notwithstanding efforts by the judiciary and the National Human Rights Commission, mistreatment of people in police and military custody and in jails is widespread, but awareness of and respect for human rights obligations within security and legal institutions is growing. India ratified the UN Convention Against Torture in 1997, but because of opposition from state governments did so with reservations to certain key articles. India's overburdened courts mean that justice is often delayed indefinitely or denied altogether, and that accused prisoners awaiting trial are often incarcerated for periods longer than the maximum sentence if found guilty.

The situation in Punjab has improved dramatically since the early 1990s, and is now at a level comparable to that prevailing in India as a whole. There is greater accountability of the state police, and greater respect for human rights, but no official action yet has been taken to look into "disappearances" during the insurgency.

The status of women in India remains poor, notwithstanding extensive legal protection. While a deeply-rooted social problem, there are signs, however, that it is being addressed more seriously at the political level. "Dowry deaths," in which wives are killed by their husbands' families, remain a widespread crime, which often goes unpunished. India has not yet ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Child labour is the main challenge to children's rights in India. Although child labour is in violation of Indian constitutional provisions, the 44 million children who work in India are evidence of the gap between legislation and implementation, caused by poverty and traditional social structures. India has ratified the UN Convention on the Rights of the Child and has promised to eliminate child labour in hazardous industries by 2000 and all forms of exploitative child labour by 2010. Progressive legislation on the rights of the disabled was passed in 1995, but has yet to be implemented.

India's **National Human Rights Commission (NHRC)**, established in 1993, has continued to grow in influence, to demonstrate a willingness to investigate controversial cases, and to urge the government to correct human rights abuse, while expanding human rights education and awareness. It works with the active NGO sector in India with which it is acquiring more credibility. A number of states have also established their own human rights commissions (eg, Punjab, Kashmir, West Bengal) which work with the NHRC. The National Minorities Commission has also become a more active and influential actor, most recently investigating and reporting on anti-Christian violence.

CANADIAN POSITION

Canada maintains a **dialogue on human rights** with the Indian Government, both at the national and state levels. Canadian representatives are in regular contact with relevant Indian authorities, to discuss both the general human rights situation and specific concerns. Most recently, for example, the High Commission in Delhi raised concerns about attacks on Christians in Gujarat and elsewhere.

Canada is working with the Indian Government, other governments, the private sector, NGOs and international institutions to improve the human rights situation in India. Through the **Governance Support Fund, the Gender Equity Fund, and the Child Development Fund** Canada provides funding to Indian NGOs to assist their efforts in the human rights field. The NHRC/Canadian Human Rights Commission partnership strengthens the capacity of the NHRC and other Indian institutions to promote and protect human rights.

INDONESIAISSUE

Indonesia's human rights situation since the resignation of President Soeharto in May 1998 is improving. Governmental actions and plans have been impressive, but the culture of human rights violations created by Soeharto's 30 years in power has yet to be rooted out.

BACKGROUND

Following the resignation of President Soeharto after the bloody riots of May 1998, President Habibie's government distanced itself from its predecessor by setting a date for elections, releasing political prisoners, adopting a more flexible approach on East Timor, signing a memorandum of understanding on cooperation with the UN High Commissioner for Human Rights, ratifying the Convention against Torture, and committing to ratify other international human rights conventions. In November, the Special Session of the People's Consultative Assembly (MPR) passed a decree requiring the ratification of all UN human rights conventions, attacking corruption, and revoking special presidential emergency powers. In addition, the police are to be separated from the military (ABRI) and, in the future, placed under civilian control. A flourishing media and a host of new political parties demanding accountability are signs of the new Indonesia. Indonesians are re-learning the art of politics; for example, Parliament revised the government's controversial draft law on demonstrations due to public pressure.

While opening up the political arena and making promises to respect human rights, the government has, nonetheless, shown a willingness to use authoritarian means to suppress dissent, and a limited comprehension of human rights. It was slow to accept the reports of organised rapes against ethnic-Chinese women during the May riots or to protect activists investigating the rapes. The investigation, after the Special Session of the MPR, of 18 prominent political figures for sedition, because they allegedly manipulated the students to bring down the government, is one example of an old practice reborn. ABRI used excessive force against students on November 13, 1998, when it had previously shown a capacity for restraint.

The government has shown increasing willingness to investigate human rights violations, but within certain limits. It appointed a Joint Fact-Finding Team to analyze the violence surrounding the May riots, but follow-up on the Team's report has lacked vigour. The trial of 11 soldiers for involvement in some of the disappearances before the overthrow of Soeharto, and the arrest of 31 soldiers for killing four Acehnese in custody in January 1999 show the change in approach. The lack of progress in the investigation of the Trisakti shootings and the low rank of the soldiers being tried, however, support the charge made by Komnas Ham (the National Human Rights Commission) in its January 1999 statement, that ABRI is failing to investigate soldiers suspected of human rights' violations.

The past year saw increased ethnic and religious violence, with attacks against ethnic Chinese, Christians and Muslims occurring in Jakarta, Solo, Surabaya, Medan, Ambon, Kupang, and elsewhere. There has been conflict in Irian Jaya and Aceh, despite troop withdrawals and an ABRI apology for human rights abuses in Aceh.

Komnas Ham and the Joint Fact-Finding Team confirmed incidents of sexual assaults against ethnic-Chinese women during the May riots. Ms. Raadhika Coomaraswamay, **UN Special Rapporteur on Violence Against Women**, who visited Indonesia and East Timor late in 1998, urged that legal reform and sensitivity training be the priorities of the newly formed National Commission on Violence against Women. Girls are reportedly being pulled out of high schools in greater numbers than boys due to the economic crisis.

Indonesia is developing draft legislation to counter discrimination against persons with disabilities, but economic, educational and health care barriers remain. As a result, Indonesia's disabled population depends largely on the support of family and charitable organizations. Homosexuality is illegal according to Koranic law, but is tolerated if discreet.

Indonesia is the South-East Asian economy hardest-hit by the economic crisis, contracting 15% in 1998. City-dwellers have been very hard hit and people have had to scramble to find work and any other means that will bring in income. There have been problems with food distribution and affordability due to a credit squeeze and high inflation. In the labour field, Indonesia has acceded to the International Labour Organization's Convention 87 Concerning Freedom of Association and Protection of the Right to Organize and has released labour leader Muchtar Pakpahan. Reports continue, however, of intervention by security forces in labour disputes.

The increasingly strong voice of Komnas Ham, and those of a myriad of established and new NGOs are expanding civil society's role in calling for greater accountability, democratization and respect for human rights. Through their efforts, past and present abuses by ABRI are under increased public scrutiny.

A number of structural problems contribute to continued human rights problems in Indonesia: the dual military and political role of ABRI; the absence of an independent judiciary; and endemic corruption. Social tensions rooted in the economic crisis are fostering riots and violence beyond the ability of ABRI and the police to control them, especially in the context of what is predicted to be a violent election campaign. Most fundamentally, the state repression of the past has created a legacy of popular violence which will hinder efforts to improve Indonesia's human rights situation.

CANADIAN POSITION

Canada has consistently expressed concern over Indonesia's human rights record, and has called for: the continued release of political prisoners; the respect for and protection of ethnic and religious minorities; follow-up on the report of the Joint Fact-Finding Team; revision of key laws; the holding of free and fair elections; and investigation of allegations of misconduct by the security forces. The Canadian Minister of Foreign Affairs raised human rights concerns with the Indonesian Foreign Minister at the 1998 ASEAN and APEC meetings. The Canadian Secretary of State for Asia Pacific visited Indonesia in October to discuss with President Habibie, among other things, the treatment of the ethnic Chinese minority.

Canada is in the process of negotiating a memorandum of understanding with Indonesia on technical assistance in the area of human rights, and hopes to explore further cooperation under the Bilateral Consultative Forum. CIDA programmes advance our human rights objectives in Indonesia, addressing fundamental participatory, social, gender, environmental and economic issues. It funds, among others: the cooperation between the Canadian and Indonesian Human Rights Commissions; the Women's Support Project; the Participatory Development Project; and the Indonesia Governance and Human Rights Facility. In June, the Canadian and Indonesian Justice Departments signed a Letter of Intent for cooperation in legal reform.

PAKISTAN

ISSUE

While human rights are now firmly on the political agenda in Pakistan, the improvement of human rights has not been given a high priority by the administration of Prime Minister Sharif and little progress, if any, has been seen in implementation.

BACKGROUND

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

The prevailing climate of political and religious intolerance compounded by Islamist extremism, ethnic tension, crime, terrorism, small scale public disorder, and the breakdown of legal institutions have all contributed to a worrisome human rights situation in Pakistan. Worsening socio-economic conditions, aggravated by high population growth, have contributed to the emergence of the "Kalashnikov" culture. Ethnic, sectarian, political, and criminal violence are often intermingled and increasingly lethal due to the easy availability of weapons. The police are seen by many Pakistanis not as protectors but as oppressors.

What little momentum on human rights that existed under the former government of Benazir Bhutto was dissipated with the election of Nawaz Sharif. Indeed, his first government, 1990-1993, strengthened the blasphemy laws, which date from President Zia's time, to require the death penalty (never applied) for defiling the name of the prophet Mohammed. Higher court justices routinely overturn such death sentences; despite this, in May 1998 Faisalabad Catholic Bishop John Joseph committed suicide to protest a lower court death sentence imposed on a Christian for blasphemy. In the aftermath, protests and counter-protests fanned already heated emotions resulting in attacks against Christian homes.

The Ahmadis, a religious minority practicing a variation of Islam, are also targets of religious vilification and systematic persecution by orthodox Muslims. The blasphemy law has been extensively used to abridge their religious freedom, and violence against Ahmadis often goes unpunished. While the government has proposed changes to the law to prevent its inappropriate use, no progress has been seen to date.

In August 1998, the government introduced a constitutional amendment to extend Islamic law, thereby augmenting the existing parallel Shariat judicial system with the aim of 'improving' the law and order situation. Despite protests from women and minority groups, the government denies any potential negative impact of the bill. Although the amendment has been passed in the Muslim League-dominated lower house, it appears unlikely to be passed by the Senate as currently constituted. However, this situation could change after the next Senate elections.

Discrimination against women and minorities, rationalized by reference to Islamic precepts, is a particular problem. Women face systemic discrimination in Pakistan; they have less access than men to basic requirements such as education and health care. Female literacy in rural areas is extremely

low, though increasing. The *Hadood* ordinances, ostensibly based on Islamic law, have been used to arrest, detain, and punish women for sexual offenses such as adultery. In tribal areas, women suffer high levels of domestic violence, and murders based on traditional concepts of "honour" often go unpunished. Women in both rural and urban areas have been subject to mistreatment and rape in police custody.

Child labour is part of the economic and social fabric. At least five million children work, many under exploitative conditions or as bonded labour; few receive formal education. Many others work in small family businesses or on family farms. Pakistan ratified the UN Convention on the Rights of the Child with a number of reservations, including the caveat that provisions would not apply where Islamic values and law prevail. The South Asian Association for Regional Cooperation (SAARC), of which Pakistan is a member, has committed itself to the elimination of child labour by 2010. Given economic imperatives and the attitudes of many Pakistanis (officials, politicians, landowners, business people) the problem is unlikely to be resolved for some time.

In **Karachi**, where the law and order situation is particularly bad as a result of an ongoing battle between two factions of the Muttahida Quami Movement (MQM), the Prime Minister has instituted military trial courts to dispense speedy 'justice' in an attempt to eradicate terrorism. In response to a petition following two executions, the Supreme Court has ruled that no further such executions be carried out until it has determined the validity of these courts.

While the electronic media are government-controlled (except for foreign satellite TV), the print media have traditionally provided a forum for contrary views and a wide spectrum of opinion. Recently, however, there have been troubling signs that the government is moving to put limits on press freedoms through periodic talk of establishing a "press council", and through various forms of coercion directed against newspapers which decline to support the Shariat Bill and the PM's law and order agenda.

CANADIAN POSITION

Canada has maintained a regular dialogue with Pakistan on human rights. Issues such as religious discrimination (reflecting the concerns of the Ahmadiya and Christian communities in Canada), women's rights, child labour, and blasphemy laws have been addressed multilaterally and bilaterally with Pakistani officials and politicians.

Canada has sought to engage human rights issues in a constructive manner by providing support to human rights NGOs working at strengthening civil society, advocating democratic development, human rights and good governance, as well as by supplying information related to blasphemy litigation, and Canada's Access to Information and Privacy legislation. Canada is giving high priority in its assistance programming in Pakistan to social development, a reflection of our view that economic and social underdevelopment contributes to human rights abuses, particularly for women and children. Canada's development cooperation in Pakistan also emphasizes governance and civil society with the aim of strengthening those community institutions which underpin progress in human rights and the development of civil society. CIDA projects integrate gender equality considerations in the design and implementation of its projects and maximize the participation of women in their own development. Since 1996, CIDA's Women in Development Project has supported organizations working with women in areas such as human rights activities, family planning, health, education, and economic development.

SRI LANKA

ISSUE

Political deadlock and intensified conflict characterized the year 1998. The adverse effects of the conflict continued to be felt. Although there has been some decrease in human rights violations, the environment necessary to protect human rights is deteriorating.

BACKGROUND

The new government elected in 1994 made resolving ethnic conflict one of its main objectives. At the same time, it made a commitment to take the necessary steps to improve human rights conditions in Sri Lanka. To resolve the conflict, the Government initiated large-scale military operations to weaken the Liberation Tigers of Tamil Eelam (LTTE) while pursuing constitutional reforms. In both cases, the Government achieved only moderate success. LTTE still possesses indisputable military capacity, and constitutional reform is stalled in Parliament for lack of support by the opposition.

The Government of Sri Lanka has reiterated its desire to improve the status of human rights on various occasions. There has definitely been a decrease in the number of detainees, raids and missing persons, but mechanisms for the protection of human rights are lacking. Sri Lanka's ratification of the Optional Protocol relative to the International Covenant on Civil and Political Rights, as well as the creation of a human rights commission, were hailed as major political commitments to human rights. For lack of adequate resources, however, the Commission is not yet operational, and we are still awaiting the establishment of mechanisms that would allow individuals to benefit from the effects of the Optional Protocol.

The three Commissions established by the Government in 1995 to study the issue of missing persons tabled their reports to the President in early 1998. These reports have not yet been made public, and the Government has not taken any steps to prosecute those involved in disappearances, though it has repeatedly declared its intention to do so. This situation continues to perpetuate the feeling of impunity for human rights violators. The Government's lack of urgency in responding to allegations of a mass grave near the village of Chemmani is another subject of concern.

Various military operations have resulted in persons being displaced and deprived of essential services. The extrajudicial detention of civilians by groups of armed Tamil militants is also a growing matter of concern. Although these groups are not formally part of security forces, they are government auxiliaries.

While the Government is responsible for human rights violations by security forces or other groups under its authority, the responsibility of the LTTE to comply with the various human rights standards and international humanitarian law cannot be minimized. In February 1998, moreover, the LTTE announced its desire to be subject to the application of the Geneva Convention and additional protocols. Nevertheless, the LTTE is held responsible for numerous atrocities that include the assassination of political figures, such as the mayor of Jaffna and his successor. This organization is also held responsible for several bombings that claimed the

lives of many civilians. As well, allegations regarding the use of children in combat situations continue, contrary to commitments made by the LTTE during the May 1998 visit to Sri Lanka of Olara Otunnu, the Special Representative of the Secretary General of the United Nations on Children in Armed Conflict.

CANADIAN POSITION

Canada remains concerned about the conflict and the absence of peaceful solutions, and does not hesitate to make its voice heard in appropriate international fora to advocate human rights in Sri Lanka. Canada continues to encourage Sri Lankan authorities to **pursue their cooperation** with United Nations human rights agencies. We also urge them to take steps to strengthen their own human rights advocacy agencies, and emphasize the need to work with international organizations and civil society to ensure that emergency humanitarian assistance reaches those in need. In light of the situation in Sri Lanka, Canada regards **dialogue, respect for human rights and condemnation of terrorist actions as central to furthering peace in Sri Lanka**. All parties must be involved in seeking a peaceful solution. We plan to continue working with human rights organizations in a constructive manner.

VIETNAM

ISSUE

The human rights situation in Vietnam remains a matter for concern despite some improvements.

BACKGROUND

Vietnam, one of the world's last remaining Communist countries, has embarked on **extensive economic reform** but much more limited administrative and political reforms. Recent years have seen continued modest improvement in the human rights situation. Thanks to these reforms, some degree of **freedom of expression** has begun to take hold and discussion is now tolerated so long as it does not challenge existing political institutions or touch on matters of religion.

Despite these modest improvements, **the human rights situation remains generally uneven and far from satisfactory**. The existing policies have been confirmed by both the Vietnamese Communist Party's sixth plenary meeting in October 1998 (following its 8th Congress) and the opening and closing sessions of the 10th National Assembly, which elected a new and economically more progressive leadership. While continuing the economic reform policies, the new party leadership has rejected political pluralism and confirmed its commitment to one-party rule. The vast and ubiquitous **security apparatus** remains in place. There have been no charges of political executions, but allegations of violence committed against those in police custody have come under increasing investigation. Persons found guilty of a variety of crimes including drug trafficking, corruption and fraud are potential subject to **capital punishment**, which is frequently carried out.

The 1992 constitution guarantees respect for human rights, whether political, civic, economic, cultural or social. It also guarantees the customary freedoms of expression, movement, assembly, belief and religion, press, ownership of property, lawful income, and even the right of self-expression. However, **these freedoms can be practised only in accordance with Vietnamese law**, which, for example, permits the incarceration of dissidents openly advocating a multi-party system. The lack of an independent judiciary also limits the possibility of exercising individual rights or challenging state violations of these rights.

Despite the Vietnamese authorities' insistence that all detainees are subject to due process, the facts reveal a strong tendency towards the **presumption of guilt**. It is not unusual for defendants to be held in detention for three years awaiting completion of inquiries into their cases. When a trial finally takes place, the conclusion seems to have been pre-determined. Vietnam also has a regulation for "**administrative**" or "**preventive detention**" which enables the authorities to hold persons suspected of committing offences that are not felt to be serious enough to entail legal proceedings. Periods of detention in such cases can vary from six months to two years.

The rights of women, children, minority groups and persons with disabilities remain weak. Though the law provides some protection for women and minority groups and guarantees them equal participation in governing the country, they remain under-represented on decision-making

bodies. The existence of this problem has been admitted for some years, but very little action has been taken to correct it. Vietnam's judicial system, though the country is a signatory to the Convention of the Rights of the Children, affords children no special protection. With the deterioration of the health and education systems (a high percentage of families have to pay to send their children to primary schools), especially in the rural areas, more and more children are becoming disadvantaged. With generalized poverty, there has been an upsurge in cases of minors being sold into prostitution domestically as well as internationally. Vietnamese persons with disabilities live in very difficult conditions, although traditional family structures continue to serve the needs of those with mild disabilities.

The cumulative effect of ten years of "*doi moi*," or "renovation," has been felt most in terms of **expanded economic rights**. As the country converts to a market economy, the living standard of the vast majority of its people has improved even though the per-capita Gross Domestic Product is still only US\$300. It is still too soon to gauge the effects of the introduction of a Civil Code, which is intended in part to offset the lack of protection for individuals in the economy. Riots have broken out in some provinces as rural residents increasing use violence to demonstrate their discontent with the growing disparities in the distribution of the economic benefits of progress and the increasingly rampant corruption of local authorities and in party and government ranks. Though one hears more and more statements from leaders deploring corruption, there is nothing to indicate that the battle against this scourge is actually under way.

Political and religious persecution in particular continue to warrant the concern of the international community. The many persons still incarcerated for expressing their political opinions and religious beliefs have today become symbolic of Vietnam's disrespect for human rights. Two presidential amnesties in the fall of 1998 freed a total of nearly 8,000 prisoners who included only a dozen prisoners of conscience, since such detainees are viewed as common-law prisoners. The **United Nations Special Rapporteur on religious intolerance**, Mr. Abdelfattah Amor, undertook a mission to Vietnam in October 1998. However, Mr. Amor was unable to freely conduct all the interviews he had expected to for reasons explained in his report, which is to be submitted in Geneva in March 1999. In the meantime, a large number of writers, journalists, clergymen and anonymous individuals are still imprisoned. The **United Nations Commission on Human Rights** has taken no action regarding Vietnam in recent years, and there is nothing to indicate that a resolution might be passed in the foreseeable future.

CANADIAN POSITION

Canada continues to have concerns about the human rights situation in Vietnam. We have regularly approached the Vietnamese authorities to encourage greater respect for human rights and to convey our views on issues in which we take a special interest. Visiting Canada in October 1998, the Deputy Prime Minister and Minister of Foreign Affairs, Mr. Nguyen Manh Cam, met with Lloyd Axworthy, our **Minister of Foreign Affairs**, who reminded his counterpart of Canada's concerns regarding human rights. Similarly, Canada uses the appropriate international forums to voice its concerns arising from the human rights situation in Vietnam.

Scrutinized in the **Official Development Assistance (ODA)** human rights and democratic development review process, this situation was taken into account in developing the ODA program. The current approach is to work with the Government of Vietnam to support administrative and legal reform as well as good governance programs involving public servants, journalists and even peasant farmers.

January 1999

BOSNIA AND HERZEGOVINA

ISSUE

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

BACKGROUND

Progress in human rights, with significant help from the international community, has been steady but slow. Political freedom is slowly improving, with the help of international organizations such as the OSCE, the Office of the High Representative (OHR), the United Nations Mission to Bosnia and Herzegovina, and other groups including the Bosnian National Ombudsperson and the Federation Ombudsperson. The general elections of September 1998, characterized by a strong voter turnout, had mixed results; nationalist leaders remained in key positions but multiethnic opposition parties also made significant gains.

The development of independent media still needs to be fostered in Bosnia. Since the election of a more moderate government in Republika Srpska, some progress has been made in improving the quality and objectivity of the Serb television station (SRT), which in the past committed acute abuses. In the Federation, RTV BiH is in the first stage of transforming itself into a more multi-ethnic broadcaster, representing both Bosnian Croats and Bosniaks. The Open Broadcast Network (OBN), supported by the international community, is now broadcasting in approximately 80% of the territory of Bosnia.

In areas under the control of any of the three main ethnic groups, members of the minority groups continue to be threatened, harassed and evicted from their home. Authorities in the two Entities continue to authorize occupations of houses or apartments without due regard for property rights or the relevant annexes of the GFAP. Bosnian authorities are also impeding the efforts of international organizations to address the issue of missing persons, by not providing assistance, information or access to suspected burial sites. Restrictions on freedom of movement continue to exist. Illegal police checkpoints have, however, dramatically decreased, due to the active monitoring of the International Police Task Force (IPTF), and with the support of the Stabilization Force (SFOR). New license plates, which do not identify the place of residence of the driver, have made it significantly easier for Bosnians to travel freely around the country. Also, a few train lines have been rebuilt and are running.

Only a very small number of the three million displaced persons and refugees have been able to return to their homes. The situation is worse for those wishing to return to areas where the majority of the population is from another ethnic community. One of the main obstacles to the return of displaced persons is the property laws of the two Entities, which were only partially amended in December 1997 under strong and repeated pressure from the international community. The Federation has recently passed new laws, although the OHR has had to intervene on occasion to make sure they were being properly implemented; the Republika Srpska has also passed new laws, although they are still under review by OHR.

There are many "silent victims" of the war. For instance, there are numerous cases of people having suffered serious psychological trauma, and the centres where these people are sheltered are often unfit for habitation. This category also includes many victims of rape, of both sexes, including children. Many such victims find themselves without protection and without psychological support. Children are often the most affected; many have lost their families, and legislation in Bosnia and Herzegovina basically prohibits adoption by foreigners. These children, and those whose families have been left destitute by the war, have very little social support. The war also left many people physically disabled (for example, land mine victims); the disabled do not always have access to adequate medical and social services.

Cooperation in the arrest of indicted war crimes suspects and their transfer to the **International Criminal Tribunal for Yugoslavia**, although essential to reconciliation in Bosnia, remains patchy at best. Progress is being made in apprehending indictees, although Entity governments are still doing little to help. The "Rules of the Road" process is being used more now, meaning local and Entity governments are seeking clearance from the International Criminal Tribunal for the former Yugoslavia (ICTY) to carry out their own war crimes investigations, in line with international standards of justice and due process.

The human rights situation in Bosnia and Herzegovina is addressed in omnibus resolutions on Former Yugoslavia, which Canada traditionally co-sponsors, adopted at both the **Commission on Human Rights and the UN General Assembly 3rd Committee**. At the 54th session of the Commission on Human Rights, this was adopted by 41 votes to none, with 12 abstentions. The resolution renewed the mandate of the Special Rapporteur on Former Yugoslavia. At UNGA53, the section of the resolution on Bosnia expressed serious concern about continuing human rights violations and delays in the full implementation of the human rights provisions of the GFAP.

CANADIAN POSITION

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

Canada has made several **financial and personnel contributions** to international organizations promoting human rights in Bosnia and the former Yugoslavia over the last few years. Canada believes that there can be no lasting peace and reconciliation in Bosnia without justice and therefore the arrest and prosecution of indicted war crimes suspects must be a priority. In December 1997, the Canadian government approved a \$600 000 contribution to the ICTY as part of a package which includes increased funding for exhumations, an additional courtroom at the Hague, investigators from the RCMP, and a bilateral agreement on witness relocation. Canada has also supported the "Rules of the Road" office. We provided technical expertise to help better focus and target social programmes to benefit most vulnerable groups (through assistance to the Social Policy Task Force), and funded a programme of assistance to collective centre occupants in Republika Srpska. In addition, Canada is funding a journalism training programme to begin soon in support of independent media and the OBN. A pilot project on conflict resolution mechanisms was carried out in Banja Luka and Mostar, with Canadian support. Through the Canada fund, the Canadian Embassy in Sarajevo also supports several local NGOs focusing on human rights issues.

January 1999

REPUBLIC OF CROATIA

ISSUE

The human rights situation in Croatia is slowly improving, but areas of particular concern remain, a number of which involve the treatment of the Serb minority (both domiciled and displaced).

BACKGROUND

Croatia's membership in the Council of Europe and its strong desire to join European and Atlantic institutions have a positive influence on the Government of Croatia and the attitudes of many Croatian opinion leaders and decision makers. However, the lack of a genuine democratic tradition, vestiges of the communist legacy and bitter memories of the recent conflict involving Serbs have created a petri dish in which a human rights culture is developing only with some difficulty. In general, the human rights of the average ethnic Croat citizen are respected by the government. The same cannot be said of the minority ethnic Serb population. Much attention focused on Eastern Slavonia in 1998 following the departure of the United Nations Transitional Administration in Eastern Slavonia (UNTAES) in January. A mass exodus of Serbs from the area was predicted, but did not materialize. The policing function of UNTAES was transferred initially to a UN Civilian Police presence, then to OSCE police monitors complemented by an expanded OSCE presence throughout Croatia.

During 1998, there has been a noticeable decrease in the number of violent attacks on the Serb population in Eastern Slavonia, due partly to an increase in the local police presence and the ongoing vigilance of the international community. However, constant low-level harassment, punctuated by occasional violent incidents, continue, as does a small but steady stream of departures by ethnic Serbs. There is little evidence to bear out the government's claim to have moved strongly to punish the perpetrators of violent incidents. Even if investigations lead to criminal proceedings, there appears to be little judicial follow on. The international community expressed concern throughout 1998 to the Croatian government over the ongoing departures of ethnic Serbs. The situation is complicated by the lack of economic opportunity in the area. Economic development and the return of refugees and displaced persons is also hampered by the presence of land mines in many of the areas to be resettled.

In other parts of the country, reports continue to be received of discrimination and incidents of ill-treatment against Croatian Serbs, particularly in the sectors that were retaken during military operations Flash and Storm. Local authorities have withheld electricity and water, or engaged in other forms of bureaucratic harassment. The central government has shown greater cooperation in trying to discourage this type of local discrimination. Legal issues relating to restitution of property and occupancy rights remain unresolved. While the ethnic Serb minority bears the brunt of discrimination in Croatia, other national minorities, notably Muslim Croats, ethnic Italians and Romanians also suffer from incidents of discrimination, and report difficulties with obtaining documents such as passports and land titles, and lack of access to governmental positions.

While the Croatian constitution guarantees **freedom of thought and expression**, the Government keeps tight control over television. Independent radio stations suffer some official harassment through the licensing system. The print media is much freer and provides better news coverage, but the government continues its efforts to stifle criticism or dissent by prosecuting journalists for "libelling" the government; most prosecutions do not succeed but nevertheless force many journalists to impose self-censorship. Control of the electronic media is the principal deficiency in the electoral process; the opposition parties get little coverage during electoral campaigns. The provision for the election of a disproportionate number of representatives of the Croatian diaspora is an issue.

The Croatian judiciary is not completely independent of the government. It is subject to control or influence through the processes for appointment and removal of judges, which have been used to remove individuals perceived as not supporting the ruling party. The Croatian judiciary does have independent contacts with foreign judiciaries, particularly at the level of the Constitutional Court, and has occasionally defied the government in its rulings.

The following **positive trends in 1998** are worthy of note: the smooth re-integration of Eastern Slavonia into Croatia after the end of the UNTAES mandate; increased cooperation between the Croatian government and international organizations, particularly on refugee and displaced persons issues; public statements of the government became supportive of the return of non-Croat refugees and displaced persons; the Programs of Refugee Return and Reconstruction and Development were improved; the Croatian government committed itself to remove discriminatory provisions from legislation.

The human rights situation in Croatia is addressed in **omnibus resolutions on Former Yugoslavia**, which Canada traditionally co-sponsors, adopted at both the **Commission on Human Rights (CHR)** and the **UN General Assembly 3rd Committee**. At the 54th session of the Commission on Human Rights, the resolution was adopted by 41 votes to none, with 12 abstentions and renewed the mandate of the Special Rapporteur on Former Yugoslavia.

CANADIAN POSITION

We welcome the positive developments that have taken place over the past year, but **much remains to be done**. Canada believes that the Croatian government must continue to ensure that those wishing to return to their homes can do so safely and securely. This involves amending discriminatory laws, enforcing existing laws, simplifying procedures and publicly promoting an atmosphere in which returns can proceed. Control of the media, particularly the electronic media, must be relaxed. A free and independent media is fundamental to a democratic society and essential to the maintenance of other freedoms.

We continue to urge Croatia to cooperate fully with the **International Criminal Tribunal for the Former Yugoslavia (ICTY)**, and to continue to use its influence on the Bosnian Croat authorities to arrest indicted war criminals. We fully support the efforts of the international community to promote respect for human rights and monitor their implementation, particularly through the **OSCE Mission in Croatia**.

January 1999

FEDERAL REPUBLIC OF YUGOSLAVIA

ISSUE

The human rights record of the Federal Republic of Yugoslavia (FRY) remains of serious concern, especially in Kosovo. Democratic institutions and human rights machinery are poorly developed, and there is no strong political commitment to greater protection for human rights.

BACKGROUND

Overall, the government's human rights record justifiably remains a serious concern for the international community. With the notable exception of Kosovo, the situation in the country is more one of neglect and disregard for human rights, rather than of active persecution, although instances of acute violations of human rights do occur. The government and its administrative organs, all direct descendants of the former communist regime, consistently demonstrate a fundamental lack of understanding of human rights and show no real political commitment to their protection. Proactive measures in support of human rights accordingly are virtually nonexistent.

The conflict in Kosovo has been characterized by deliberate attacks upon civilians, who have repeatedly been the victims of gross human rights violations and atrocities. The most recent example was the Racak massacre in which 45 civilians were killed, some execution style. In the FRY's efforts to defeat the armed insurrection launched by the "Kosovo Liberation Army" (UCK) massively disproportionate force has been used. Villages have been completely destroyed, forcing up to 300 000 people to flee the fighting, either within Kosovo or to neighbouring states. With the establishment of the OSCE Kosovo Verification Mission in October 1998, the confidence of the population began to return; the recent deterioration in the situation risks a return to large scale population displacements. Elsewhere in the FRY, the deterioration in respect for human rights continues. This is partly due to the collapsing economy, which forced the government to further cut back on social services, and a more competitive domestic political situation, which has led the government to step up harassment of political opponents and restriction of media freedoms. The surge of the extreme nationalist radical party and its leader Vojislav Seselj is an additional cause for concern.

On political and civil rights, there are grounds for very serious concerns as regards freedoms of the press and speech; electoral process; independence of the judiciary; restrictions on and accountability of police powers; and the rule of law. The FRY has adopted a media law which severely restricts the operations of independent media; similar actions have been taken against the academic community to restrict their freedoms.

On economic and social rights, although the government's record has warranted some commendation in past years, we perceive the situation to be worsening. The numbers of those in need of and receiving social assistance are increasing, but the government's ability to finance its social obligations is diminishing. This applies as well to over 600 000 refugees from Bosnia and Herzegovina and Croatia, many of whom are economically destitute and without basic civic protection. The rights of unions are already severely circumscribed, and as the economic situation continues to deteriorate, it is believed they will be less respected as well as the rights of employees.

Although it has shown some signs of openness towards the International Criminal Tribunal for the former Yugoslavia (ICTY), for example by allowing an ICTY office to open in Belgrade, the FRY Government continues to harbour persons indicted for war crimes and refuses to extradite them to the Hague, in violation of its obligations under international law. The FRY has repeatedly blocked access for ICTY Chief Prosecutor Louise Arbour to Kosovo, despite several Security Council resolutions obliging them to cooperate fully with the Tribunal. In addition, the Government shows no inclination to prosecute those responsible for severe human rights violations on FRY territory in the past several years, including the murder, abduction and ethnic cleansing of Sandjak Muslims.

Minorities in FRY continue to lead a difficult existence. Despite a tradition of broad social tolerance of minorities in Serbia, minorities currently face significant education and employment discrimination, and there is a tendency towards the marginalization of minorities in all spheres. Ethnic Albanians, a majority in Kosovo, faced systematic political, economic and cultural persecution by Serb authorities even before the current crisis. The Muslims of Sandjak are also seriously threatened, as they face generalized economic, political and cultural discrimination by Serb authorities, but have few resources to counter this pressure. The situation for Hungarians, Croats and other minorities in Vojvodina is better, but they too encounter obstacles, particularly in employment and schooling. Proactive measures in support of the rights of women and children are undeveloped, largely as this is a patriarchal society. Homosexuality and disability remain taboo subjects.

The human rights situation in FRY is addressed in the omnibus resolutions on Former Yugoslavia adopted at both the Commission on Human Rights and the UN General Assembly 3rd Committee, which Canada traditionally co-sponsors. At the 54th session of the Commission on Human Rights, this was adopted by 41 votes to none, with 12 abstentions. The resolution renewed the mandate of the Special Rapporteur on Former Yugoslavia. At UNGA53, the section of the resolution on FRY made several demands on the Government of FRY to respect the human rights of its citizens.

CANADIAN POSITION

Canada supports the full implementation of the Dayton Peace Agreement by all the signatories, including the FRY. The Embassy maintains close contacts with human rights groups, journalists, representatives of refugees and members of national minorities, and travels regularly to areas of concern, notably Kosovo. The Embassy supports small scale projects in the areas of human rights/civic society, national minorities, refugees, and free media, through the Canada Fund. The FRY government is reminded that Canada will continue to strictly apply its policy of making bilateral relations conditional upon the pace and scope of progress made by the FRY on human rights, democratic development, the peaceful resolution of the Kosovo issue, and implementation of the Dayton Agreement.

Canada is actively engaged in supporting the work of the Kosovo Verification Mission, including through the provision of 32 verifiers. We have also contributed almost \$3.2 million in humanitarian aid for Kosovo. We are actively engaged in efforts, through the OSCE, NATO, and the UN Security Council to support the negotiation of a political solution to the crisis which will ensure full respect for the human rights of all people in Kosovo.

January 1999

RUSSIA

ISSUE

The human rights situation in Russia is superior to that in the former USSR. But, important problems remain, especially in the areas of pre-trial detention, the status of minorities, and the situation in Chechnya. Recent economic difficulties have increased hardships for all underprivileged groups and have diverted government and public attention away from human rights issues.

BACKGROUND

In the realm of civil and political rights, the entrenchment of the practice and principle of democratic elections, evidenced by two rounds of national legislative elections, the 1996 presidential election, and subsequent regional and local elections, stands as a seminal achievement of the post-Soviet era. Unfortunately, exceptions to this trend have been noted in several regions. Tatarstan President Shaimiev, who brooks no opposition, won elections unopposed in 1991 and 1996. Controversy continues to surround the June re-election of Bashkortostan president Rakhimov, whose principal challengers were barred from the ballot. While the Supreme Court ruled against this action, Rakhimov has rejected the court's decision.

Pre-trial detention periods of up to 3 or 4 years are not uncommon and prison facilities are overcrowded at 150% of capacity. Efforts to reduce this period run up against the deep deficiencies of the court system: lack of capacity to bring people to trial expeditiously; and lack of due process. The pre-trial process is stacked against the defendant in the prosecutor's favour: the detention period can be extended and re-extended with ease as the prosecutor builds his case, and witnesses for the defense can be called only with the prosecutor's consent. Judges remain poorly trained, poorly paid, and vulnerable to corruption. The continuing tactic of state security officials using espionage charges and closed trials against environmentalists and other activists has been demonstrated in several high profile cases (eg. Aleksander Nikitin, Grigory Pasko).

Russia continues to observe its 1996 moratorium on capital punishment in keeping with its Council of Europe obligations, but the law remains on the books. With parliamentary elections on the horizon (December 1999) it is unlikely that the Duma will oppose widespread public support for capital punishment and support a permanent ban. An estimated 1000 prisoners are held on death row. Several public executions were carried out under Sharia law in the breakaway republic of Chechnya during 1998, actions which Moscow condemned as "barbaric".

Two years after the war in Chechnya formally ended, conditions in the republic and broader North Caucasus region remain deplorable. Security of the person is virtually non-existent, with kidnapping and murder commonplace across the region. Sharia law is enforced throughout the Chechen republic.

Compulsory army service is still enforced throughout Russia, though the prominent NGO "Soldiers' Mothers' Committee" reports modest gains since the passage last April of a federal law to implement the constitutional guarantee of alternative service. Service conditions remain harsh, with brutal hazing and suicides accounting for non-combat deaths virtually every day.

Despite the constitutional guarantee of freedom of movement/residency for all Russian citizens, the spirit and practice of the Soviet "propiska" (registration) regime live on in varying guises. In Moscow this has taken the form of an "administrative surcharge" to acquire residency, one well beyond the practical means of most citizens. Intimidating document checks remain common in many cities, especially for those with darker skin.

The Russian law on freedom of conscience and religion deprives certain minority groups of legal status until they meet a 15 year threshold of activity in Russia. Without legal status, the activities of Western missionary and charitable groups could be severely restricted especially in outlying regions where local officials interpret the law as they see fit.

Discrimination against many minority groups is widespread. Manifestations of anti-Semitism are common and range from graffiti to the bombing of a Moscow synagogue. Recent public anti-Semitic comments by Russian Communist Party Duma deputy Makashov have focused attention on this issue. Russia's indigenous peoples are still struggling to cope with the disastrous legacy of the Soviet period, during which many saw their traditional nomadic way of life forcibly transformed into "progressive" sedentary pursuits which are not economically viable. Indigenous groups, particularly in the north, have been hard hit by the economic crisis.

Women continue to be particularly hard hit by the difficulties of Russia's economic transition and are often chosen before men when layoffs are enacted. Victims of deep-seated cultural attitudes which take domestic violence as a given, women are particularly hesitant to report rape and abuse to Russian authorities. Trafficking of women for sexual exploitation remains an area of concern to Russian and western observers. Unaccompanied children are amongst the most vulnerable groups in Russia today. Overcrowded orphanages struggle to deal with the effects of extreme environmental pollution, high alcohol and substance abuse, limited access to contraception, and the general economic difficulties. There are large numbers of homeless children and youth in Russian cities.

CANADIAN POSITION

Canadian officials continue to monitor the human rights situation in Russia. Issues such as the law on religion, judicial backlogs, and state security harassment remain high on our bilateral agenda. Canada is seeking to assist the most vulnerable groups during this period of economic hardship through shipments of humanitarian aid to Arctic peoples.

Canadian officials continue to raise the human rights situation in Chechnya, and the lack of movement in the investigation into the December 1996 murder of Red Cross workers (including Canadian Nancy Malloy), with Russian officials. A Canadian embassy representative was present at the Nikitin trial and this issue has been raised by Canada at the OSCE and other high-level fora.

Consultations in preparation
for the ... session of the
U.N. Commission on Human
Rights. --

