

# STATEMENT DISCOURS



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Statement of the Canadian  
Observers Delegation by  
Mr. Gordon Fairweather  
to the Forty-Second Session  
of the Commission on  
Human Rights

Geneva, March 5, 1986

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Mr. Chairman,

During this, the first session of the Commission in which I have had the privilege of representing Canada, I have been struck by the atmosphere of expectation attending the lead-up to debate on what is known by everyone simply as "item 12". This comes as no surprise, for the Commission is here engaged in what I assume to be its basic purpose, an examination of situations of flagrant, persistent and systematic violations of human rights that exist throughout the World. As we do so, it is important to review the role and responsibility of the Commission in this respect.

In this connection, Mr. Chairman, we must be concerned that the claim can still be heard that international interest in the condition of human rights in a particular state represents undue interference in its internal affairs. Such a view is, to say the least, out-dated and deserves an unambiguous response from this Commission.

Through the Charter of the United Nations, member states have jointly pledged to promote and encourage respect for human rights as one of their major common objectives, and utilizing this Commission, the international community has developed truly international standards of human rights, standards intended to have universal application. The

Charter, the Universal Declaration, the Covenants, and numerous other instruments have created a complex and impressive web of commitment, among all states, to observe these standards. In this Commission and in other appropriate fora, member states call one another to account for their performance of these commitments. And, what is of equal - indeed paramount - importance, our citizens, in whose name and for whose benefit we have incurred these obligations, are entitled to expect no less of us as we pursue our work. To deny this conclusion, in the name of non-interference, is to deny the very legitimacy of this body and all that the United Nations has built in the field of human rights over the past forty years.

My delegation believes that this Commission must look across frontiers and beyond governments, and concentrate on the human rights of individual persons and groups in all states. When these rights appear to be violated, the Commission must determine the facts objectively and, if warranted, speak clearly and strongly against any violations. In doing so, the Commission, must, of course, show due respect for the state concerned, and must be conscious of the need to persuade governments to improve the situation. The strongest condemnation may not always serve to encourage change. At the same time, however, the Commission must be even handed regardless of systems of government or geographic location. Neither political system nor location excuse any state from these universal obligations.

Unfortunately, Mr. Chairman, there is no shortage of incidents which, on the basis of these standards of objectivity, demand the attention of this Commission. Cries of anguish are no longer muffled by distance. The silicon chip and satellite communications technology telescope sounds and scenes across vast distances, and boundaries arbitrarily drawn on maps are not able to resist the transmission of truth. The institutions of the United Nations must evolve to meet the challenge posed by human rights violations in the modern day. My delegation is convinced that a High Commissioner for Human Rights will be a central element of our ultimate response.

The Commission has in recent years developed a most effective means of taking up those situations which it considers deserving of urgent attention. I refer here to the system of special rapporteurs and representatives

assigned to look into specific national situations. The Commission this year is charged with reviewing five such cases, and I want to say a brief word about each.

In the case of Guatemala, I personally witnessed the open and democratic election which gave that nation its first civilian government in thirty years. Madame Cerezo and Foreign Minister Quinones outlined eloquently for us the commitment of the new administration to political, social and economic reforms and to the full protection of human rights. These undertakings have been supported by decisive action since January 14th, but a great deal remains to be done before Guatemalans can be confident of their rights, and be free from the political terrorism and violence that has not completely ceased with the transfer of power because not all elements in the country share the commitment of the government. In the view of my delegation, the Commission should support and encourage the new government in its difficult task of rebuilding and strengthening the legislative and judicial structures of democracy, to provide rule by law rather than by bullet. We believe that to this end the Commission should keep Guatemala on its agenda, so as to provide the new government with support and assistance during this difficult transition period. The Commission should also request that a Special Representative continue to monitor and report under these new circumstances.

There are sometimes conflicting reports of the situation of human rights in El Salvador, and the Commission has been most fortunate in having the careful and thoughtful reports of its Special Representative. While there seems to be little doubt that the situation in El Salvador continues to improve, our Representative reports continued political assassinations at a relatively high level, as well as acts of urban terrorism committed by the insurgent opposition. Reports of the bombing of civilians in rural areas continue to be received, although some at least have proved to be without foundation. The situation is such that both El Salvador and the international community can benefit from the efforts of an impartial and objective representative of the Commission. My delegation believes that the Commission should renew the mandate of the Special Representative, and continue to keep the situation under review in order to provide maximum support to the Government of El Salvador in its efforts to provide increasing protection to human rights in that country.

Let me turn now, Mr. Chairman, to the situation in Chile which my delegation considers ought to be dealt with under this item. After years of pressure the Canadian delegation is pleased that the Government of Chile is now offering its cooperation and assistance to our Special Rapporteur. Our hope is that his assistance will help Chile return to democracy and to restore full respect for human rights and freedoms. Our optimism is tempered however by our knowledge of the existing limitations on basic freedoms, including the rights of workers, and by the continuing reports of serious and widespread abuses of human rights. The Commission must continue to press for a decisive and early move to democracy, and end to the cycle of violence, and the full restoration of human rights in Chile.

Concerning Iran, the Canadian delegation must again register its profound regret that the Government of Iran has not yet felt able to receive the Special Rapporteur of this Commission. As a result, serious allegations of grave violations of human rights remain unanswered and uninvestigated, allegations that include torture, extra-judicial killings, religious persecution and mistreatment of ethnic minorities. It is unacceptable that citizens of the Bahaf faith are singled out for some of the most egregious denials of their fundamental rights including the right to life itself. It is our hope that the Government of Iran will now agree to cooperate with this Commission, and accept the value of a Special Rapporteur in dealing with these allegations. We expect that the Commission will persist in its unrelenting requests that this be done.

There can be no real improvement for human rights in Afghanistan while that nation remains under foreign domination and military occupation. But even under existing conditions there are abuses taking place which must be ended. There are widespread reports of torture and of killings in the prisons of the regime, and of the wanton killing of innocent civilian in operations being conducted against the nationalist guerilla forces. Here again, the Commission must continue to insist that its Special Representative be admitted to provide an independent assessment of the situation. This in itself might prove to be an important step in returning Afghanistan to full independence which will bring back the millions of refugees who have fled their country: the largest number of refugees from any country anywhere on earth.

Mr. Chairman, there are other countries in the world where human rights are in jeopardy and on which my delegation would like to comment. On a hopeful note, we may look to changes of government in Uganda and in Haiti to provide an opportunity for greater freedom and development for their peoples, who have suffered abuse and neglect for too long. Still more recently, the dramatic change in government in the Philippines has offered the promise of an end to the persistent and serious violations of human rights, amidst mounting insurrection.

We must, however, also take note of situations where developments have been less encouraging. In Sri Lanka, we are saddened by recent reports of bombings by the Air Force in the densely populated Jaffna Peninsula. We deeply regret the loss of life by innocent civilians on both sides in the current conflict and urge the Sri Lankan Government to make its best efforts to find a peaceful political settlement. We welcome the efforts of the Government of India to facilitate negotiations between the Government of Sri Lanka and various Tamil groups and urge that these efforts be continued.

In Kampuchea we must deplore the plight of the people, still suffering under foreign occupation and abuse, abuse that has driven so many of them to neighboring countries as refugees. And the situation in Vietnam, the occupying power, is hardly better, with many persons consigned to so-called "re-education camps", and many others who are prepared to risk their lives to flee the country.

In Nicaragua, a promise of freedom is being eroded by restrictions on civil liberties, and the violence of insurrection.

The resettlement programme in Ethiopia on which opinions are still divided also requires comment. Canada is concerned about reports of human rights abuses in the execution of the programme. We have made several representations to the Ethiopian authorities in this regard and have been encouraged by their response to our concerns. We welcome Ethiopia's assurances that corrective measures will be taken and also their undertakings to ensure donors access to resettlement sites. In consultation with the Ethiopian Government, Canada hopes to send a mission to visit the resettlement sites in the near future.

Mr. Chairman, these are only some of the situations which seem, in my government's view, to warrant concern on the part of this Commission. As I have already noted, the global incidence of human rights violations is regrettably too widespread to permit a brief catalogue. A significant response of the Commission to this grim situation has been the adoption of a thematic approach to violations. Three examples, included under this agenda item, require special mention.

In commending Mr. Amos Wako for his professional report on Summary or Arbitrary Executions, we also wish to join him in urging that the international community continue to monitor this question and seek to devise means of effective intervention in urgent situations. While we can take no solace in Mr. Wako's conclusion that there has been no respite in the number of executions, we firmly believe that his continued efforts must make a difference over the long run.

Mr. Chairman, recent experience has brought a recognition by this body and by the General Assembly that the international community has the duty to try to prevent mass displacements of populations with their attendant human suffering. My delegation wishes to register its strong support for the ongoing efforts of the Secretary-General to develop administrative measures which may assist in averting such crises. We hope that the Commission this year will again endorse this effort.

Finally, Mr. Chairman, my delegation is most encouraged that the Working Group on the Right and Responsibility to Promote Human Rights has this year begun its work with a view to eventually preparing a draft declaration on this important question. Standard-setting in international human rights has matured but it is clear that the challenge of implementing universally acknowledged principles of human rights offers much scope for creative action on the part of the United Nations. This Working Group is charged with identifying those specific rights and responsibilities which must be respected and acted upon if human rights in general are to be effectively protected and enhanced. As such, it offers a significant opportunity to focus the attention of the United Nations and the international community on the question of what must be done to give real and universal effect to the aspirations reflected in the International Bill of Human Rights.

This, Mr. Chairman, is an objective which must guide the Commission not only in the deliberations of a single working group, but in all of its endeavours. For its part, Canada reaffirms its commitment to assisting in the attainment of this goal through the fullest possible participation in all aspects of the Commission's work.