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# CONSULTATIONS

IN PREPARATION FOR THE 54th SESSION OF THE  
U.N. COMMISSION ON HUMAN RIGHTS

19-20 FEBRUARY 1998

Dept. of External Affairs  
Min. des Affaires extérieures  
OTTAWA

FEB 8 1998

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6. **Statement by Canada before the Third Committee of UNGA52: Item 112: Human Rights Questions, New York, 18 November, 1997.**

Briefing Notes on Country Situations

7. **Africa:**  
Algeria, Burundi, Democratic Republic of Congo, Equatorial Guinea, Ethiopia, Kenya, Liberia, Nigeria, Rwanda, Somalia, Sudan.
8. **Middle East:**  
Iran, Iraq, Saudi Arabia, Turkey, West Bank/Gaza.
9. **Latin America and Caribbean:**  
Colombia, Cuba, Guatemala, Haiti, Mexico, Peru.
10. **Asia:**  
Afghanistan, Burma/Myanmar, Cambodia, China, India, Indonesia, East Timor, Pakistan, Sri Lanka, Vietnam.
11. **Eastern and Western Europe:**  
Bosnia, Croatia, Federal Republic of Yugoslavia.

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**CONSULTATIONS IN PREPARATION FOR THE 54th SESSION OF THE  
UN COMMISSION ON HUMAN RIGHTS**

**19-20 February 1998  
Department of Foreign Affairs and  
International Trade  
Lester B. Pearson Building**

**Thursday 19 February 1998: Country Situations**

9:00-9:30	<p align="center"><b>Statement by Minister Axworthy Statement by NGOs (Cadieux Auditorium)</b></p>		
9:30-10:00	<p align="center"><b>Procedural Issues (Cadieux Auditorium)</b></p>		
<p><b>10:00-12:30</b></p> <p>Coffee will be available in the Lobby from 11:15 to 11:45</p>	<p><b>Working Group A: (Cadieux auditorium)</b></p> <p><u>Mexico, Central and South America</u></p> <p><u>Asia</u></p>	<p><b>Working Group B: (Robertson Room)</b></p> <p><u>Middle East, North Africa and Europe</u></p>	<p><b>Roundtable Discussion (A2-217)</b></p> <p>on the Great Lakes Region (Rwanda, Burundi, Congo, DRC)</p> <p><b>(10:00-11:30)</b></p>
12:30-13:30	<p align="center"><b>Lunch in the Lobby</b></p>		
<p><b>13:30-16:30</b></p> <p>Coffee will be available in the Lobby from 14:45 to 15:15</p>	<p><b>Working Group A: (Cadieux Auditorium)</b></p> <p><u>Asia</u> (continued)</p>	<p><b>Working Group B: (Robertson Room)</b></p> <p><u>Sub-Saharan Africa</u></p>	<p><b>Roundtable Discussion (A2-217)</b></p> <p>on Colombia and Peru</p> <p><b>(13:30-15:00)</b></p>

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**Friday 20 February, 1998: Thematic Issues**

<p><b>8:30-10:30</b></p>	<p align="center"><u><b>Plenary</b></u> (Robertson Room)</p> <p><b>1. Overview</b></p> <ul style="list-style-type: none"> <li>• Outlook for CHR54</li> <li>• Report on UNGA52 Third Committee</li> <li>• Report of the High Commissioner for Human Rights</li> <li>• Five year review of the VDPA</li> <li>• Universal Declaration 50th anniversary</li> <li>• CHR institutional issues</li> <li>• Effective functioning of treaty bodies</li> </ul> <p><b>2. Civil and Political Rights</b></p> <ul style="list-style-type: none"> <li>• Freedom of expression</li> <li>• Disappearances</li> <li>• Arbitrary Detention</li> <li>• Extrajudicial Executions</li> <li>• Torture</li> <li>• Independence of the judiciary</li> </ul>	
<p><b>10:30-10:45</b></p>	<p align="center"><b>Coffee in the Lobby</b></p>	
<p><b>10:45-12:30</b></p>	<p align="center"><u><b>Plenary</b></u> (continued) (Robertson Room)</p> <p><b>3. Right to Development</b></p> <p><b>4. Economic, Social and Cultural Rights</b></p> <p><b>5. Other Thematic Issues</b></p> <ul style="list-style-type: none"> <li>• Religious intolerance</li> <li>• Racism</li> <li>• Use of mercenaries</li> <li>• Effects of illicit dumping of toxic wastes</li> <li>• Impunity</li> </ul>	<p align="center"><u><b>Roundtable Discussion</b></u> (A2-217)</p> <p><b>Mass Exoduses/ Forced Displacement Migration</b></p> <ul style="list-style-type: none"> <li>• Refugees, Internally Displaced, Temporary Protection</li> <li>• Migrant Workers</li> <li>• Human rights and mass exoduses</li> </ul>
<p><b>12:30-13:30</b></p>	<p align="center"><b>Lunch in the Lobby</b></p>	

## Friday 20 February, 1998: Thematic Issues (continued)

13:30-15:30	<p style="text-align: center;"><u>Plenary</u> (continued) (Robertson Room)</p> <p>6.     <b>Advancement of Women</b></p> <ul style="list-style-type: none"> <li>• Violence against women</li> <li>• Mainstreaming and integration of women's rights as human rights</li> </ul> <p>7.     <b>Indigenous Issues</b></p> <ul style="list-style-type: none"> <li>• Working Group on Draft Declaration on Indigenous Rights</li> <li>• Working Group on Indigenous Populations</li> <li>• Permanent Forum on Indigenous Populations</li> <li>• Other Decisions and Resolutions</li> </ul>
15:30-15:45	Coffee in the Lobby
15:45-17:15	<p style="text-align: center;"><u>Plenary</u> (continued) (Robertson Room)</p> <p>8.     <b>Minority Rights</b></p> <p>9.     <b>Rights of Persons with Disabilities</b></p> <p>10.    <b>Working Group on Human Rights Defenders</b></p> <p>11.    <b>Rights of the Child</b></p> <ul style="list-style-type: none"> <li>• Special rapporteur on the sale of children</li> <li>• CHR working groups on optional protocols to the Convention on the Rights of the child</li> </ul>
17:15-17:30	Wrap Up and Closure

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## PROCEDURAL FACT SHEET

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

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

\* \* \* \* \*

**NOTE:** Parking is very limited at the Lester B. Pearson Building. We suggest public transport (OC Transpo buses #3 and #13 can be boarded along Slater Street) or taxis be used. Regular bus fare is \$1.85. Taxi fare is approximately \$7.00 from the downtown core. Foreign Affairs and International Trade is located at 125 Sussex Drive.

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**Economic and Social  
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**COMMISSION ON HUMAN RIGHTS**  
**Fifty-fourth session**  
**16 March - 24 April 1998**

**PROVISIONAL AGENDA**

**Note by the Secretary-General**

**Duration and venue of the session**

1. The fifty-fourth session of the Commission on Human Rights will be held at the United Nations Office at Geneva from 16 March to 24 April 1998. The first meeting will be convened at 11 a.m. on Monday, 16 March 1998.

**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-fourth session of the Commission is preceded by meetings of nine working groups in connection with the following items:

(a) **Item 5:** An open-ended working group established to elaborate policy guidelines on structural adjustment programmes and economic, social and cultural rights (Commission decision 1997/103, Economic and Social Council decision 1997/283) is scheduled to meet from 16 to 20 February 1998.

(b) **Item 6:** An intergovernmental working group of experts established to elaborate a strategy for the implementation and promotion of the right to development (Commission resolution 1996/15, Economic and Social Council decision 1996/258) met from 29 September to 10 October 1997;

(c) **Item 8 (d):** An open-ended working group established to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Commission resolution 1997/24, Economic and Social Council resolution 1997/49) met from 13 to 24 October 1997.

(d) **Item 10 (b):** The Working Group on Situations, composed of five members of the Commission, is scheduled to meet from 9 to 13 March 1998 to examine situations referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities pursuant to Economic

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Sub-Commission on Prevention of Discrimination and Protection of Minorities pursuant to Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 (Commission resolution 1990/55, Economic and Social Council resolution 1990/41);

(e) **Item 11:** 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 1997/15, Economic and Social Council decision 1997/243) is scheduled to meet from 17 to 21 November 1997 and from 16 to 20 February 1998;

(f) **Item 19:** An open-ended working group established to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (Commission resolution 1997/70, Economic and Social Council resolution 1997/51) is scheduled to meet from 23 February to 4 March 1998;

(g) **Item 20:** An open-ended working group for the elaboration of a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts (Commission resolution 1997/78, Economic and Social Council decision 1997/281) is scheduled to meet from 2 to 13 February 1998;

(h) **Item 20 (d):** An open-ended inter-sessional working group for the elaboration of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Commission resolution 1997/78, Economic and Social Council decision 1997/281) is scheduled to meet from 19 to 30 January 1998;

(i) **Item 23:** An open-ended inter-sessional working group established to elaborate a draft United Nations declaration on the rights of indigenous peoples (Commission resolution 1997/31, Economic and Social Council resolution 1997/50) met from 27 October to 7 November 1997.

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

### **Provisional agenda**

1. Election of officers.
2. Adoption of the agenda.
3. Organization of the work of the session.
4. Question of the violation of human rights in the occupied Arab territories, including Palestine.
5. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:
  - (a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development;
  - (b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms.
6. Question of the realization of the right to development.

7. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.
8. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:
  - (a) Torture and other cruel, inhuman or degrading treatment or punishment;
  - (b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
  - (c) Question of enforced or involuntary disappearances;
  - (d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
9. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:
  - (a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms;
  - (b) National institutions for the promotion and protection of human rights;
  - (c) Coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights;
  - (d) Human rights, mass exoduses and displaced persons.
10. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:
  - (a) Question of human rights in Cyprus;
  - (b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by Economic and Social Council resolution 1990/41 of 25 May 1990.
11. Measures to improve the situation and ensure the human rights and dignity of all migrant workers.
12. Racism, racial discrimination, xenophobia and related intolerance.
13. Status of the International Covenants on Human Rights.
14. Effective functioning of bodies established pursuant to United Nations human rights instruments.
15. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-ninth session.
16. Rights of persons belonging to national or ethnic, religious and linguistic minorities.
17. Advisory services in the field of human rights.
18. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

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19. Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.
20. Rights of the child, including:
  - (a) Status of the Convention on the Rights of the Child;
  - (b) Report of the Special Rapporteur on the sale of children, child prostitution and child pornography;
  - (c) Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography;
  - (d) Question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication.
21. Follow-up to the World Conference on Human Rights.
22. The question of conscientious objection to military service.
23. Indigenous issues.
24. Election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
25. Draft provisional agenda for the fifty-fifth session of the Commission.
26. Report to the Economic and Social Council on the fifty-fourth session of the Commission.

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**THE 53 MEMBERS OF THE COMMISSION ON HUMAN RIGHTS  
54th SESSION 16 MARCH - 24 APRIL 1998**

**WESTERN GROUP (10)**

Austria	1999*
Canada	2000
Denmark	1998
France	1998
Germany	1999
Ireland	1999
Italy	1999
Luxembourg	2000
United Kingdom	2000
United States	1998

**LATIN GROUP (11)**

Argentina	1999
Brazil	1998
Chile	2000
Cuba	2000
Ecuador	1999
El Salvador	2000
Guatemala	2000
Mexico	1998
Peru	2000
Uruguay	1999
Venezuela	2000

**ASIAN GROUP (12)**

Bangladesh	2000
Bhutan	2000
China	1999
India	2000
Indonesia	1999
Japan	1999
Malaysia	1998
Nepal	2000
Pakistan	1998
Philippines	2000
Republic of Korea	1998
Sri Lanka	2000

**AFRICAN GROUP (15)**

Botswana	2000
Cape Verde	1999
Congo	2000
Dem. Rep. Congo	1999
Guinea	1998
Madagascar	1998
Mali	1998
Mozambique	1999
Morocco	2000
Rwanda	2000
Senegal	2000
South Africa	1999
Sudan	2000
Tunisia	2000
Uganda	1998

**EASTERN GROUP (5)**

Belarus	1998
Czech Republic	1999
Poland	2000
Russian Federation	2000
Ukraine	1998

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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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CANADA

The Permanent Mission of Canada  
to the United Nations  
at Geneva

La Mission permanente du Canada  
auprès des Nations Unies  
à Genève

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

**53RD SESSION/53È SESSION**

**STATEMENT BY THE HONOURABLE CHRISTINE STEWART  
SECRETARY OF STATE (LATIN AMERICA AND AFRICA)  
ALLOCATION PRONONCÉE PAR L'HONORABLE CHRISTINE STEWART  
SECRÉTAIRE D'ÉTAT (AMÉRIQUE LATINE ET AFRIQUE)**

**GENEVA/GENÈVE  
19 MARCH/19 MARS 1997**

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I was honoured to address this Commission in 1995, and following the visit of Foreign Minister Axworthy last year, I am pleased to be with you again today. Regular ministerial attendance at these meetings reflects the importance human rights play in Canada's foreign policy -- as a threshold issue in our relations with other states. And it reflects the central role of the Commission in advancing the cause of human rights in all parts of the world.

Over the past 50 years, the Commission on Human Rights has presided over a transformation of the common values of humanity -- freedom and democracy, sharing and community -- into internationally recognized norms -- universal standards of civil, political, economic, social and cultural rights.

Today, our attention increasingly focuses, in this Commission and elsewhere, on the task of implementing those norms. In this, there can be no question of choosing certain rights over others. Human rights begin with the day's first meal, but without the freedom to speak, how can anyone say they are hungry?

The challenge of implementation is complex, and must be met by each society in its own way. But this does not relieve the international community of its responsibility: under the Charter of the United Nations, all of our governments are pledged, individually and collectively, to promote "human rights and fundamental freedoms for all".

So Canada considers it a matter of obligation: we must seek to address human rights concerns in a forthright and effective manner. And we must do so at every appropriate opportunity -- and certainly before this Commission, which exists for no other purpose.

The preferred approach to this shared responsibility is one of dialogue and engagement.

This explains the particular effort Canada and its independent Canadian Human Rights Commission have invested in working with other countries to assist the development of national institutions for the protection of human rights. Independent national human rights institutions are among the most effective means of safeguarding the constitutional and legal rights of individual citizens.

This Commission, and the many mechanisms created by the UN to promote human rights, offer a wide variety of opportunities for engagement. The High Commissioner has made an important contribution to assisting Rwanda begin the reconstruction of its devastated judicial and human rights infrastructure. At this session, Canada will again work closely with Rwanda and others to reinforce that effort. We hope the Commission can also contribute to a coordinated international response to the situations in Burundi, and in Zaire -- where the sacrifice of innocent civilian lives must not be regarded merely as a cost of military pursuits.

In another part of the world, Canada congratulates both the High Commissioner and the Government of Colombia on their progress in establishing a UN human rights office in Bogota. But we do want to see practical steps urgently implemented to meet the challenge of protecting human rights in a very difficult environment.

Mr. Chairman, the pursuit of dialogue and engagement in support of human rights must be sustained by this Commission in all circumstances -- even in the face of refusal by some governments to respond in kind.

Frank, forthright discussion of specific situations and problems is not an alternative to dialogue. It is, rather, an essential element of the process -- especially in cases where governments deny the existence of problems, or challenge the Commission's authority to consider them.

Therefore Mr. Chairman, when the Commission takes up its debate on human rights situations in all parts of the world, Canada will participate actively. We will, in a frank, constructive manner, express our views on a range of situations in specific countries. Situations like that in Nigeria - whose government Canada has sought, with disappointing results, to engage in serious human rights dialogue through bilateral and multilateral channels.

And situations like that in China with whom we have discussed human rights in a constructive bilateral dialogue on the basis of mutual respect. We will urge all governments to engage in similarly constructive dialogues with this Commission.

I hasten to add Mr. Chairman, the Canadian delegation will - as in the past - be more than prepared to hear out and respond constructively to concerns that others, governments and NGOs alike, may wish to express about human rights problems in Canada. For there is no country represented in this room that does not have human rights problems -- and this Commission is the place to discuss them.

As I have said, the review of specific situations is a matter of obligation -- obligation under our Charter, but above all obligation to victims of human rights violations wherever they may occur. We would do well in this connection to recall the eloquent words of Mrs. Olusegun Obasanjo in receiving the Indira Gandhi International Prize on behalf of her husband last November: in the face of injustice to individuals anywhere, we must not become "quiet and seemingly acquiescent to realpolitik."

It is a matter of obligation, also, to the countless individuals, many of them members of non-governmental and other organizations who daily place their own rights on the line to defend those victims.

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I want today to pay tribute, on behalf of Canada, to those who have in the past year made the ultimate sacrifice in this cause, including the human rights monitors recently murdered in Rwanda. Canada has lost two of its own in the past twelve months: Ms. Nancy Malloy, a nurse with the International Committee of the Red Cross in Chechnya, and Father Pinard, a Missionnaire d'Afrique in Rwanda. They will not be forgotten.

I want also to join those who have called for the early completion of the Declaration on Human Rights Defenders. In the 11 years since Canada and Norway tabled the first draft for this declaration, individuals and members of NGOs have played an increasingly important role, as an essential front-line force, in promoting and protecting human rights throughout the world. We were gravely disappointed at the limited progress at the most recent Working Group session. We strongly urge all parties -- and above all the very few who have raised obstacles to the process -- to give renewed attention and commitment to concluding the work on the Declaration in the coming year.

Mr. Chairman, Canada attaches similar priority to advancing the Commission's work on a comprehensive Declaration on the Rights of Indigenous Peoples. At the 1996 session of the Working Group, Canada sought to give momentum to the discussions in recognizing that indigenous peoples have a right to self-determination which respects the territorial integrity of democratic states. We encourage all parties to seek ways to cooperate so that important progress can be made in developing the Declaration at the next Working Group meeting.

On the scale of human injustice, there can be no greater cause for alarm than abuses suffered by children. The Canadian Government has made the rights of children a priority in both domestic and foreign policy. We take seriously our commitments under the UN Convention on the Rights of the Child, and we strongly support the work of this Commission on guidelines for two optional protocols to the Convention: one on the sale of children, child prostitution and child pornography; and the other on children in situations of armed conflict.

We are also following up on the Agenda for Action of the Stockholm World Congress Against Sexual Exploitation of Children. As Foreign Minister Axworthy said at that conference, it is hard to believe that on the eve of the 21st century, we are still trying to deal with what is essentially a form of slavery: the sex trade involving children. Canada's efforts on this front have included a parliamentary bill that will make Canadians who engage in child sex tourism abroad liable to prosecution in Canada.

Last month, I attended the Amsterdam Child Labour Conference, where representatives of governments, international organizations such as the ILO and concerned non-governmental organizations came together in common cause to meet this challenge. Canada recognizes child labour as a human rights issue as well as a development issue, a challenge demanding a multi-disciplinary

response from a broad alliance of national and international authorities, civil society and non-governmental organizations.

Mr. Chairman, as I said before this Commission two years ago: the Charter's promise of "human rights for all" will not be fulfilled until the rights and full equality of half the world's population, women, are recognized and respected, in law and practice, in all countries.

This Commission has played an important role in advancing this cause, including through the creation in 1994 of the post Special Rapporteur on Violence Against Women. The Special Rapporteur has now completed her first term. We believe her work has made an important contribution to the search for concrete solutions that can be applied at all levels of society. At this session, the Canadian Delegation is honoured to lead in seeking renewal of this important mandate for a further three years.

Mr. Chairman, I have mentioned but a few of the substantive areas in which Canada hopes to work with others during the current session of the Commission. However, our agenda will not be complete, and our efforts to advance the many vital causes before us will not reach their potential if inadequate attention is given to the basic health of the United Nations human rights system.

We are, in this regard, entering a period of great challenge and opportunity. On March 10, our proceedings were launched by the words of a new Secretary General, pledging to be a champion of human rights in his own right. Canada has been encouraged by the initial steps he has taken in reforming the Secretariat, identifying human rights as one of the core functions of the United Nations. The further reforms he is developing, and the crucial personnel choices he must now make for the Human Rights Programme, present an opportunity to give operational reality to that vision, and to ensure that human rights will, as he declared last week, be fully integrated into the action of the organization in all domains -- peace and security, development, and humanitarian affairs.

He will have Canada's full support in that effort. He can also count on our contribution in practical ways, including the human rights roster Canada is developing to assist in creating a rapid reaction capacity for the UN and other international organizations.

Next year -- the 50th Anniversary of the Universal Declaration of Human Rights and occasion for the 5-year review of the Vienna Declaration and Programme of Action -- will provide a further critical opportunity to respond to the human rights challenges of a new millennium. A crucial milestone, within our reach for 1998, would be the establishment of an effective and independent International Criminal Court. Canada will spare no effort in seeking to achieve that goal.

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I would like to mention three other areas in which Canada sees scope for important progress.

First, new information technologies should be an important part of our strategy for the future promotion of human rights. The Internet can give human rights advocates increased access to information and an improved capacity to communicate. Information technologies can also be tools in human rights education which will help ensure the commitment of the next generation to human rights. Canada intends to play a leadership role in this area.

Second, Canada has for several years advocated efforts to make the work of this Commission, of its many mechanisms, and of the human rights treaty bodies better known and more accessible to the media and the general public. The many rapporteurs and working groups of the Commission, and the various committees do superb work with the resources available to them -- but it is frankly among the best kept secrets of the United Nations.

One vehicle to help remedy this would be an Annual Report on the State of Human Rights worldwide, based on the findings of the UN's independent human rights mechanisms. As part of our commemoration of the 50th anniversary of the Universal Declaration of Human Rights, Canada will sponsor the development and publication of a prototype for such a Report.

Finally, and in the same vein, Canada believes the time is long past due for this Commission to mobilize the great interest shown in its work by political figures and other distinguished personalities from all parts of the world.

A high-level segment of the Commission, bringing leaders, ministers, and top representatives of civil society together at the same time would go a long way toward carrying the Commission's message beyond the basement of the Palais, and out to the real world and to the people whose well-being we seek to advance. Canada thus strongly urges the holding of a high-level segment at the 54th session of the Commission on Human Rights.

To conclude Mr. Chairman, the quest for human freedom and justice is a noble cause -- a UN Charter obligation in its own right. But it is even more. It is, in Canada's view, an indispensable instrument in the pursuit of all of the basic purposes of the United Nation: peace, justice and prosperity for all. We believe that the United Nations' human rights machinery can and must serve all of these goals. And to that end, Mr. Chairman, we pledge our full cooperation to you and to all participants in this session of the Commission on Human Rights.

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# Canada

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STATEMENT TO  
THE THIRD COMMITTEE OF THE 52ND GENERAL ASSEMBLY

MR. ROSS HYNES  
REPRESENTATIVE OF CANADA

ITEM 112: HUMAN RIGHTS QUESTIONS

NEW YORK, 18 NOVEMBER 1997

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ALLOCUTION DEVANT  
LA TROISIÈME COMMISSION  
DE LA 52<sup>ÈME</sup> SESSION DE L'ASSEMBLÉE GÉNÉRALE

M. ROSS HYNES  
REPRÉSENTANT DU CANADA

POINT 112: QUESTIONS RELATIVES AUX DROITS DE L'HOMME

NEW YORK, LE 18 NOVEMBRE 1997

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No government has a monopoly on the moral high ground on human rights, and no country is without problems. This Assembly's annual debate on human rights situations thus presents one of the most difficult, sensitive challenges we face each year.

It is nonetheless a challenge from which we cannot shrink. For it provides an essential demonstration that the United Nations is serious about the standards and institutions we have developed over the past 50 years on the foundation of the Universal Declaration of Human Rights. The Declaration itself embodies obligations that, by virtue of our membership in the United Nations, all of us owe to all of our citizens. And we are obliged to take notice when these obligations are breached.

This necessity is recognized not only in the United Nations, but also in other fora.

Last month the Commonwealth took an important and welcome step when it set firm objectives which the government of Nigeria will have to meet if it wishes to remain a member of that organization. The Commonwealth acted because the continued absence of representative government in Nigeria hinders progress with regard to due process and the rule of law. Important visits by thematic Special Rapporteurs have not taken place, while key recommendations of the 1996 UN fact-finding mission go unimplemented. Full cooperation with the newly appointed Special Rapporteur would send an important and welcome signal of Nigeria's commitment to return to democracy and to full participation in the international community.

Tragically, there is no sign of any such commitment by the government of Iraq, which continues to show a blatant disregard for the lives and human rights of its citizens. The regime continues to rule by terror, brutality, indiscriminate arrest, imprisonment and execution in order to maintain its grip on power. It has taken no steps to end widespread human rights abuses, and has refused all cooperation with the Commission's Rapporteur.

In Burma, the military regime has refused to comply with repeated UN resolutions and offers no prospect of engagement with the international community on human rights issues. It shows no commitment to negotiations with Aung San Suu Kyi and the National League for Democracy towards national reconciliation and the restoration of democracy. In August, Canada joined other countries in imposing selective economic measures against Burma, to convey the seriousness of our concern over the suppression of political freedom.

Canada joins others in appealing to the Democratic Peoples Republic of Korea to cooperate with UN human rights institutions. We are aware of North Korea's difficulty in feeding its population and are among those trying to help the North Korean people. But that situation, however serious, does not justify ongoing human rights violations.

In this debate, concerns are frequently voiced over selectivity. This is indeed a serious problem: states must respect all of their human rights obligations, without exception; the United Nations cannot condone a selective approach to the recognition or protection of particular rights or freedoms.

Canada is encouraged by the level of dialogue it has developed together with Cuba in recent months. However, as we have frequently stated, we remain concerned about the lack of respect for the civil and political rights of Cuba's citizens. This was illustrated this summer by the treatment of independent journalists in Cuba, and the arrests of four human rights activists.

We have been disappointed by the new Iranian government's inaction on human rights issues. We had hoped to see more progress in implementation of the recommendations of the Special Rapporteur on Religious Intolerance, and an end to the government's discriminatory policies. We urge the Iranian government to take seriously the report of Professor Amor and to respect the religious freedom of the Bahais and other groups, as well as to engage more fully in cooperation with the Special Representative on Iran.

In Afghanistan, where extremely serious human rights violations continue, we condemn the intolerable restrictions imposed on the rights of women, including on their access to employment, health care, and education. Canada calls on all Afghan factions to respect Afghanistan's international commitments on human rights and to cooperate with the United Nations Special Mission to achieve a peaceful settlement.

There are states who argue that they must suppress human rights in order to foster stability and economic development. Nothing could be further from the truth. Respect for human rights is a vital factor in building the rule of law, which is at the heart of long term stability and sustainable growth. Economies may grow in spite of a poor human rights environment, but they will never grow because of one, nor reach their full potential when basic freedoms are curtailed.

Canada recognizes the great strides China has made in recent years in improving the living standards of its people. We nevertheless remain concerned that a greater effort be made by China to respect freedom of speech, of religion and of peaceful dissent, both throughout the country and in Tibet in particular. We welcome China's recent signature of the Covenant on Economic, Social and Cultural Rights

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and indication of early ratification and hope that it will be followed by similar action on the Covenant on Civil and Political Rights. Canada is also encouraged by the willingness of the Chinese government to discuss human rights issues frankly and constructively.

We also welcome Indonesia's readiness to discuss human rights with us: this past October, our governments co-hosted a Human Rights Colloquium in Jakarta; and we are encouraged by the continuing cooperation between our national human rights commissions. However, continuing infringements upon freedom of association and freedom of expression remain of concern. In East Timor, we call on the authorities to fully respect due process and human rights, and we urge all parties to exercise restraint in face of the increased level of violence. We are hopeful that with the necessary political will by all concerned, a just, lasting and internationally-acceptable solution can be reached.

Human rights and democracy are mutually reinforcing concepts. If a regime is not fully representative, if genuine and periodic elections are not held, the only sure route to maintain power is through force. A government which is truly the expression of the will of the people has no need to resort to force and intimidation to maintain itself in power.

In Sierra Leone, the violent overthrow of the government of Ahmad Tejan Kabbah has led to a breakdown of law and order and to widespread human rights abuses. We fully support the efforts of ECOWAS, the United Nations and others to bring about the reinstatement of the legitimate government and restore a climate of peace.

The violent conflict which took place in Congo-Brazzaville and the consequent loss of life trouble Canada deeply. We find it unacceptable that a democratically elected president has been overthrown by force, and deplore the intervention of foreign forces in Congo-Brazzaville. Canada calls for constructive and inclusive dialogue, and for full respect of human rights obligations by the new regime.

Canada is also gravely concerned by the persistent conflict in Burundi and by the human rights situation in that country. We call for the "camps de regroupement" to be closed immediately, and for those in the camps to be reintegrated into their original communities. We urge all parties involved to engage in a genuine dialogue, and support the efforts of countries in the region to contribute to a peaceful solution.

Canada calls on the Democratic Republic of Congo to respect fully all human rights and humanitarian norms. We are pleased by the initial steps taken by the government to renew Congolese democratic institutions. We regret the forced repatriation of refugees, but are encouraged by the current negotiations between

UNHCR and the Democratic Republic of Congo. Canada calls upon the government to grant full access and adequate security guarantees to humanitarian organizations, so that they can come to the assistance of refugees and displaced Congolese. Canada is pleased that an agreement on deployment of the Secretary-General's human rights investigative mission has finally been reached, so that the mission can soon begin its work on the ground.

Internal conflict in a State is often used to justify abuse of human rights. It is argued that exceptional circumstances justify exceptional measures, that human rights are a luxury to be postponed until a more peaceful time. However, a government which fails to respect the rights of its citizens in its efforts to suppress terrorism or armed opposition soon loses the trust and loyalty of its people.

In Sudan, we remain concerned about continued reports of arbitrary arrests, indiscriminate bombing of civilian targets by government forces, religious intolerance and persecution, as well as slavery. The internal conflict in Sudan is causing great hardship and suffering, and all parties bear responsibility for violations of human rights and humanitarian law. We continue to hope for a negotiated settlement of the civil war in Sudan.

In Colombia, although guerilla forces have repeatedly violated international humanitarian law, notably during the recent election campaign, the government has a responsibility to safeguard human rights. Canada believes that the government must redouble its efforts to combat impunity and corruption. We urge it to investigate and punish atrocities committed by paramilitary organizations, and to provide increased protection for human rights defenders. We strongly welcome the government's cooperation with the Office of the High Commissioner for Human Rights in Bogota.

The conflict in Sri Lanka throws into sharp relief the importance of protecting civilian populations, and the obligation of the State to defend human rights. We therefore welcome Sri Lanka's ratification of the first Optional Protocol to the Convention on Civil and Political Rights, and hope the government will take all necessary steps to ensure that the recently established Human Rights Commission becomes fully operational at the earliest possible date. Canada likewise urges all parties to work towards a peaceful solution to the conflict, and we condemn the recent terrorist attacks which have taken place in Colombo.

Canadians are horrified by the massacres in Algeria, and we condemn in the strongest possible terms the terrorists who carry out these vicious attacks on innocent people. Ultimately a free and pluralistic society is an instrument against terrorism and human rights abuses. We therefore support the political and economic reforms the Algerian authorities have embarked on, and we urge vigilant respect for human rights by those charged with combatting terrorism.

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Even once a conflict is resolved or a dictatorial regime is overthrown, the challenges of rebuilding civil institutions from the ashes of violence can be daunting.

Canada acknowledges the efforts of the Government of Rwanda to reintegrate more than a million refugees. We welcome the holding of the first genocide trials, and ongoing efforts to eliminate the culture of impunity. However, we are deeply disturbed by the increase in ethnic violence in the north-west of Rwanda, and call on all parties to respect human rights fully and scrupulously.

We welcome Haiti's efforts to build a peaceful and democratic society. Canada believes that the creation of the Haitian National Police is an important step towards fuller respect for human rights, and we welcome the disciplinary measures introduced to combat brutality. We hope that the HNP will soon become a fully functional force. However, we are concerned that despite considerable international assistance, judicial reform proceeds slowly. We are also disturbed by inhumane conditions of detention.

In Guatemala, we are encouraged by MINUGUA's recent assessment that there has been significant progress in implementing human rights commitments. Canada strongly supports MINUGUA, whose work is essential both to progress on human rights and to successful implementation of Guatemala's peace agreements.

I began this statement by emphasizing that no country is without human rights problems. This is certainly true of Canada, whose record has on occasion been found wanting by UN treaty bodies to which we report. In addition to addressing such problems through our own institutions, Canada is committed to ongoing cooperation with the UN and its human rights institutions. Such cooperation is a fundamental obligation that we all owe to the international community. But, under the UN Charter, we are obliged to go further, to promote "universal respect for human rights and fundamental freedoms for all." Our participation in this debate is inspired by the desire to live up to that obligation, and to urge the broadest possible cooperation in securing realization of the human rights of everyone, everywhere. Canada pledges its full support for this Assembly's efforts to that end.

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## ALGERIA

### ISSUE

According to observers, human rights in Algeria are regularly violated by radical Islamic terrorists and, in their anti-terrorist campaign, by certain elements of the law and order forces.

### BACKGROUND

The domestic conflict that has raged in Algeria since the electoral and democratic process was interrupted in 1992 has resulted in over 65,000 deaths. Since that time, violence has been a routine occurrence with daily reports of victims among the civilian population. Women, children and the elderly are bearing the brunt.

With the radical Islamists having taken up arms, the authorities have resorted to armed repression to ensure the defence of the state. The authorities employ the security forces and self-defence groups against a host of radical, armed Islamic groups who are predominantly responsible for the violence perpetrated on the public.

Reports of the security forces inaction in the face of large-scale killing have drawn the attention of the international community and some NGOs which placed indirect blame for the massacres on the Government. The Algerian Government has vigorously denied any direct or indirect involvement in the massacres. However, it does recognize that some elements of the security forces are responsible, occasionally, for human rights violations, and claims that these perpetrators are prosecuted and punished when the authorities are informed of their actions.

Aside from the Government's inability to protect the public from violence, observers interested in human rights issues have noted the following:

- extra-legal executions, torture and disappearances are quite frequent. The Algerian Human Rights League has reported receiving hundreds of complaints concerning disappearances, transmitting this information to the Ministries of Justice and the Interior for investigation has proved fruitless;
- information is systematically censored for security reasons. Nevertheless, Algeria has more freedom of the press than most Middle-Eastern countries do. Journalists are a favourite target of the terrorists: 59 have been killed since 1992.

The legitimate desire of international observers to find out what is happening in Algeria and to help improve the situation has been expressed on a number of occasions by various political figures, including the UN Secretary-General. Their statements have been dismissed by Algerian authorities, who accuse them of interfering in the country's internal affairs. The Algerians also argue that observers are drawing no distinction between the Algerian Government's legitimate efforts to fight the Islamic terrorists, and human rights violations. Although the Algerian Government initially agreed to have the Special Rapporteur on Extrajudicial Executions visit the country, it now says that such a visit would no longer be desirable.

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Algeria is facing a daunting socio-economic challenge. The population is increasing by 600,000 annually, and 70% of young people under 30 are not working. The general unemployment rate is fully 28%. Wages have been reduced, making it difficult for Algerians to meet all their essential needs. Although more than four million housing units have been constructed since independence, a crisis still exists. The occupation rate is 7.4 persons per unit.

The Constitution proclaims Islam as the state religion, while the Christian and Jewish minorities are free to pursue their faiths. The Constitution also prohibits discrimination based on birth, race, sex or religion. However, women continue to encounter legal and social discrimination. Women's associations claim that the 1984 family code violates the constitution. Based on the Sharia, this code relegates women to the status of minors under the guardianship of their husbands or fathers. Many women have been killed by armed groups.

Education is free for children six to sixteen. However, Algerian jurists claim that criminal and family law does not accord sufficient protection to children.

### CANADIAN POSITION

Canada condemns terrorism without reservation. However, the legitimate fight against it should not be used as an excuse to neglect human rights. Canada maintains a dialogue with Algeria on these issues in the hope of promoting greater openness and better understanding.

Canada supports the political and economic reforms currently under way as the best means of helping the country to emerge from its crisis, through strengthening the rule of law and promoting economic recovery to create collective and individual wealth.

Through its Embassy-managed cooperation program, Canada is helping groups of victims of terrorism with projects such as the reconstruction of media facilities, restoring day-care centres to enable women to return to work, the purchase of machine tools which will help rehabilitation of handicapped, and so on.

On January 13, a special Canadian emissary visited Algiers to deliver a letter to President Zérual from Prime Minister Chrétien. The letter proposed humanitarian aid to Algeria, in particular to the victims of terrorism, and called for greater transparency on the part of the Algerian authorities as regards the humanitarian and security situation in their country.

## BURUNDI

### ISSUE

The search for a peaceful solution to the political crisis ongoing since 1993, is at an impasse. The continuing war between pro-Government forces and Hutu rebels remains the main cause of flagrant human right violations on all sides.

### BACKGROUND

The peace process in Burundi is at an impasse. Former president Pierre Buyoya, who regained power in 1996 following a coup d' état, announced a new transition phase of three years that was to lead to a new process of democratisation and declared his intention to start a new national dialogue. However, the Hutu opposition in exile suspects the Government of merely trying to delay finding a compromise. On the other hand Buyoya is under pressure from radical Tutsis who completely oppose dialogue.

The last attempt at negotiation within the Arusha peace-process, in August 1997 in Arusha, was a failure due to, amongst other factors, the absence of Buyoya. At a regional summit in Dar es Salaam in the beginning of September, the leaders of the region decided to maintain economic sanctions and reaffirmed their support for Mwalimu Nyerere as mediator, in spite of the open opposition of Buyoya and some other Burundian factions (Tutsis). Shuttle diplomacy between President Museveni of Uganda and Buyoya has not succeeded in reinitiating the process.

In spite of political pressures from all sides (including Canada), the peace process has stalled. Buyoya has hinted that he might be ready to go to Arusha, but that nobody could force him to negotiate.

Respect for human rights in Burundi has become a victim of ethnic strife. Assassinations, "disappearances" and torture are common. The war rages with undiminished brutality. Since the loss of their bases near Uvira (Congo) due to the ADFL rebellion, the CNDD has regained a certain ability to mount military operations such as the attack on the Bujumbura airport on New Years day 1998. There are signs of a possible alliance between the CNDD and the two other Hutu rebel movements, PALIPEHUTU and FROLINA.

While the attacks by Hutu rebels cause numerous victims, the army uses excessive brutality in its fight against the insurgency and has committed large scale violations of human rights. Hundreds of thousands of Burundians have fled the fighting to neighbouring countries and, following last years crisis in Kivu, are now in Tanzania.

In its efforts to fight the rebels, the Government has forced large parts of the rural Hutu population to live in camps ("camps de regroupement") in order to prevent them from collaborating with the insurgents. Although the Government has promised to let the people return to their home communes, it apparently intends to resettle them in new villages.

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The Burundian justice system, which is largely dominated on a monoethnic basis (ie Tutsis), is heavily criticised for its failure to respect minimum standards. More than a dozen defendants have been sentenced to death and six have been executed since 1996 on charges of participation in massacres after the assassination of President Ndadaye in October 1993. Virtually all defendants have been denied legal representation. Human rights groups have also criticised other flaws in legal proceedings.

A small UN Human Rights Field Operation is present in Burundi, but its ability to monitor the human rights situation effectively is limited by security considerations.

### **CANADIAN POSITION**

Canada supports the efforts undertaken by countries of the region aimed at a return to constitutional order in Burundi. In this context, Canada supports the mediation by Mwalimu Julius Nyerere as the representative of regional leaders.

Canada has condemned the coup d'état of July 1996 and demands the restoration of the constitutional order in Burundi. The complete closure of the grouping camps and the reintegration of their inmates into their home communes is a Canadian priority.

At the 53rd session of the Commission on Human Rights, Canada did not co-sponsor the consensus resolution renewing the mandate of the special Rapporteur on Burundi. We believed that the resolution was not sufficiently critical of human rights abuses committed by the Government of Burundi.

Canada maintains that the Burundian military solution to the political crisis in Burundi is no solution. A diplomatic approach, allowing Africans to negotiate an African solution, offers the only real prospect of an improvement in this serious situation.

January 1998

## THE DEMOCRATIC REPUBLIC OF THE CONGO

### ISSUE

The takeover by the Alliance of Democratic Forces for the Liberation of Congo/Zaire (AFDL) at the end of May 1997 provided fresh impetus to major political reform. However, in view of the inherited State disorder, efforts by the Kabila Government to end the chaos and corruption have slightly set aside respect for human rights, both for citizens and refugees. The UN Mission of inquiry looking into the allegations of massacres of Rwandan refugees has not yet completed its job.

### BACKGROUND

Following the Kivu crisis of October-December 1996, the troops of the AFDL undertook their liberation march from January to May 1997. The failure of South African mediation to achieve a negotiated transition, from the end of the Mobutu regime to the complete takeover of power by the AFDL, amplified the country's administrative vacuum as the AFDL leaders assumed power without knowledge of existing civil service.

In March 1997, at the 53rd session of the Commission on Human Rights (CHR), in response to allegations of massacres and the existence of mass graves involving Rwandan refugees, a number of delegations (including Canada) proposed and supported the creation of a UN Mission of inquiry. Despite Kabila's initial acceptance and numerous efforts by a number of countries, including Canada, disagreements between the UN and Kabila's ministers made it necessary to modify the Mission's mandate and composition. The new Mission, led by the Togolese Kofi Améga, finally began its work in the field last December. In the meantime, as decided during the last session of the Commission, Roberto Garreton, the original leader of the mission and Special Rapporteur on the Democratic Republic of the Congo, published an interim report on the inquiry on July 2, 1997.

During his swearing-in as President on May 29, 1997, Kabila put forth an ambitious timetable for constitutional reform and announced the holding of elections within two years. There were delays in the formation of the Constitutional Commission and democratic reforms, apparently largely because of the Government's inexperience and the country's considerable domestic problems, including that of maintaining public security during the six months of the Brazzaville crisis. It is still too early to assess the Commission's effectiveness.

While there was a general call for openness between the domestic opposition (the forces of the National Conference) and the external opposition (the AFDL and the Diaspora), Kabila's Government have included few opposition members. After a difficult beginning, good relations and trust between the Government and Congolese civil society were restored, as attested by the preparations for the National Conference for the country's reconstruction.

As soon as it took power, the AFDL began investigating "ill-gotten gains" and corruption. However, the process went beyond the legal framework, and human rights violations occurred. Some of the ground gained during the last years of the Mobutu regime, including press freedom, was lost.

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Some statements and measures by the President at the swearing-in of the most recent Kabila Government seemed to indicate that the international criticism of the failure to comply with human rights and constitutional law standards would have been beneficial.

The Resolution on Zaire, presented at the 53rd session of the CHR (co-sponsored by Canada), was adopted with a consensus in the absence of the Kabila Government, which was not represented during the negotiations.

### CANADIAN POSITION

Canada continues to support the UN Mission of inquiry: it favours immediate pursuit of the investigation and the publication of a full report, as soon as possible. Although we do not know what the conclusions will be, Canada believes that members of the international community must work together to ensure that the mission has a positive effect on the entire region.

Canada is prepared to work with the Congo in its reconstruction efforts. The re-opening of the Kinshasa embassy is a demonstration of that will. Canada wishes to establish a regular, constructive dialogue with the Congolese authorities. We support the work of the new Constitutional Commission and hope that the timetable of democratic reforms announced by President Kabila will be respected.

Canada is involved in international efforts to revive the economy and to develop the democratic Congo. We are prepared to immediately help the Congolese in the following sectors:

- economic and government management;
- national reconciliation (ethnic and political) and reduction of local conflicts;
- strengthening of civil society and development of democratic institutions specific to the Congo;
- stability and security in the region, through projects addressing the proliferation of and trafficking in light arms.

## EQUATORIAL GUINEA

### ISSUE

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

### BACKGROUND

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

Early presidential elections were held on February 25, 1996. As in the past, no mechanism was in place to ensure the neutrality of the election process. Amnesty International reported that many political opponents were jailed or tortured on the eve of the election. None of the leaders of the legitimate opposition parties accepted the President's invitation to join the new national unity government announced on April 8. Opposition leaders alleged that the President had refused to consider their minimum demands for a freer political environment. In August 1996, the regime invited the parties to dialogue, but with no concrete resolutions.

Despite the fact that in February 1997 President Nguema Mbasogo publicly ordered the security forces not to obstruct peaceful political activities, arrests of political activists have continued and increased soon after the signing of a new National Pact between the Government and most opposition parties in late April. Three opposition parties have been particularly targeted: the FDR, the Convergencia para la Democracia Social (CDPS), and the Partido del Progreso (PPGE), whose members were targeted for some weeks following the Government claim that the party's leader, Severo Moto, had organized a plot to overthrow the Government in May 1997.

Ties with Spain were frozen on September 18th, 24 hours after Madrid had refused to withdraw the asylum status enjoyed by the PPGE leader who has been in exile since being implicated in the May coup plot. Subsequently, Mr. Moto was to hint to the Spanish daily, El Pais, that he had indeed been involved in the conspiracy.

On November 5, 1997, two members of the Equatorial Guinean opposition, Felipe Ondo Obiang and Guillermo Nguema Ela, were arrested by the Gabonese security forces in Libreville, Gabon, and transferred the same day to Malabo, the capital of Equatorial Guinea. The arrest were carried out shortly after the arrival in Libreville of the Equatorial Guinean President for the ACP-EU (countries of the African, Caribbean and Pacific-European Union) summit. They were reportedly told that they had been arrested for their own security and that they would be released at the end of the summit. However, on November 5 they were taken to Malabo in the Equatorial Guinean presidential plane. Felipe Ondo Obiang and Guillermo Nguema Ela were subsequently released in Malabo on November 15, 1997.

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On 21 January 1998, armed elements of an opposition group on the island of Bioko, the Movement for the self-determination of Bioko (MAIB) attacked government forces in Luba, a city south of the capital. Four government soldiers were reported killed before calm was restored. Initial reports highlighted the continuing dissatisfaction of the native Bubi tribe with what they saw as oppression by the governing Fang tribe of President Nguema Mbasogo.

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

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

#### **CANADIAN POSITION**

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

The Canadian ambassador and other members of the diplomatic corps took part in the municipal election observer mission on September 17, 1995. This group of observers shared its comments with local authorities immediately after the vote. However, Canada and many Western countries refused to send observers for the presidential election of February 25, 1996, because electoral conditions did not meet international standards. Legislative elections are scheduled to take place in late 1998.

January 1998

## ETHIOPIA

### ISSUE

The Government of Ethiopia has a good record on instituting economic and social development. It has taken steps to combat corruption and to improve the situation of women. However, limited tolerance for political pluralism and dissent, reports of arbitrary arrests, and long delays in bringing charges against detainees, remain causes for concern.

### BACKGROUND

In 1997, there continued to be progress in reforms to promote economic and social development, albeit at a slower pace than in previous years. The effects of "El Niño" adversely affected economic growth which in turn had a negative impact on the implementation of social programs. The Government did institute reforms to improve the situation of women. The Women's Affairs Office is leading the campaign to improve the status of women, and is actively supporting efforts to review and revise laws which negatively affect women. In the Amhara region land redistribution program, almost a quarter of the beneficiaries were single female heads of households, an innovation in this patriarchal society.

Government leaders and officials recognize that there are human rights problems in Ethiopia; they reaffirmed their commitment to improve the situation, part of which is due to traditional attitudes on the part of regional officials, civil servants, and privileged elements of the population who continue to resist governance reforms. Particularly worrying are the reports of abuse of power (arbitrary detentions, disappearances, restriction of individual freedoms, etc.) at the regional and local levels.

In March, 250 Addis Ababa University students were arrested while attempting to hold a peaceful demonstration to protest what they considered to be inequitable land redistribution. It was claimed that "poor" farmers and people connected with the governing Ethiopian Peoples' Revolutionary Democratic Party were given three times as much land as two other categories, stigmatized as "feudal remnants" who owned private land under Emperor Haile Selassie, and "bureaucrats and children of bureaucrats" who were associated with the Derg regime. On May 8, Teklu Maru, Vice-President of the Ethiopian Teachers Association and member of the Board of the Ethiopian Human Rights Committee was killed by the civil authorities while "trying to escape arrest". Witnesses questioned the official explanation. Also in May, Region 14 (Addis Ababa) officials harassed shopkeepers and business people who demonstrated against rent increases--the authorities sealed their shops, confiscated their goods, and withdrew their trading licences as arbitrary punitive measures.

Ethiopia has attacked corruption and abuse of power. In May, Tamirat Layne, former Prime Minister, was charged along with other defendants, with three charges of abuse of power. In Afar and Oromia regions, elected officials and civil servants were dismissed on various grounds including nepotism, dishonesty, incompetence and lack of qualifications to do their jobs. Critics of the Government questioned the division of roles between the party and the state and of transparent due process with respect to such dismissals.

Progress to implement some democratic provisions of the Constitution has been slow--the planned international conference to assist in establishing a Human Rights Council and an ombudsman position is now scheduled to take place in 1998. The country continued to suffer a shortage of trained judges, lawyers and law courts. This has had a negative impact on the justice system. Some of those detained for crimes committed under the Derg had been incarcerated without charge for over five years. In 1997 charges were finally laid for the trials of 5,198 people; ninety five per cent of those charged are for genocide while lesser numbers are charged for crimes against humanity or murder. Unfortunately, as not all the charges have been read out in court, they have not all been made public. As well, due to the limitations of the justice system, the actual trials could still take several years to complete.

The Government entered into a dialogue with opposition groups such as the Oromo Liberation Front and a faction of the Ogaden National Liberation Front. Unfortunately, both processes appeared to have broken down by the end of 1997. Key Oromo elders have since been arrested and charged with, among other charges, terrorism and involvement in bombing attacks.

Key institutions of civil society - universities, free press, independent trade unions, NGOs - continue to encounter difficulty in their relations with the Government. NGO's continue to be subject to a rigorous registration procedure. A considerable number of journalists were imprisoned, especially towards the end of the year. The causes varied: some journalists who (it was claimed) were provocative and printed misinformation, were charged with libel, a criminal offence in Ethiopia; others were arrested and charged with working for the media organs of alleged terrorist organizations such as the OLF.

Ethiopia is still adapting to new realities, in particular the enhanced role of the civil society. The Government is adjusting to the need for greater tolerance for pluralism and criticism. Elements of civil society are equally learning to play a more responsible role.

### CANADIAN POSITION

Canada follows closely developments touching human rights, democratic development and good governance in Ethiopia. Canadian policy is to work with the Government of Ethiopia to establish the systems and institutions required to promote the evolution of democracy, the rule of law, civil society and a market economy in Ethiopia. In this context, Canada provided assistance to the judiciary; developed financial management capacity; contributed to capacity-building of the civil service through training programs for officials and managers; and provided technical advice to develop and strengthen the machinery of government.

Canada also contributed to democratisation by supporting the emergence of civil society. John Bosley, former speaker of Parliament in Canada, has been working under contract with UNDP to help establish procedures for Ethiopia's Parliament.

As appropriate, Canada has raised and continues to raise human rights issues with representatives of the Federal and regional governments. Canada's ambassador chairs the Ambassadorial Donors' sub-group on human rights, democracy and governance. The sub-group exchanges information about the state of human rights and how best to encourage progress on human rights issues and in institution-building.

## KENYA

### ISSUE

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

### BACKGROUND

Despite the generally positive role played by the police during the General Election of December 1997, allegations of torture, police brutality and forced confessions continue. The Kenya Human Rights Commission, a local NGO, reports that 88 people died at the hands of police or security forces during the first half of 1997. Prison conditions remain appalling, overcrowded and lacking basic amenities. Although the Constitution provides for freedom of association, local authorities frequently used violence to break up critical demonstrations, the most notable being the "Nane-Nane" national strike on August 8, which resulted in three deaths.

Against this background and under pressure from the general public, the civil society led by the National Convention Executive Council (NCEC) and from the international community, the Government of Kenya legislated and began implementing a package of constitutional and electoral reforms proposed by the Inter Party Parliamentary Group (IPPG). Included in the reforms were amendments to the Public Order Act and the Chiefs Act to improve freedom of assembly, enlargement of the Electoral Commission to reflect the new multi-party system and an increase in the responsibilities and legal framework of the Electoral Commissioner. In addition, the crime of sedition was abolished, so that Kenyans could no longer be prosecuted for simply criticizing the Government. As well, the reform package called for a complete review of the Constitution after the general election of 1997. The reforms showed that Kenya's political culture has changed and matured since the first multi-party elections of 1992, with the public becoming more conversant with its rights and more demanding for transparency from Government.

The conduct of both Presidential and Parliamentary elections on 29/30 December, demonstrated the problems and improvements in the human rights situation in Kenya. The elections were plagued by irregularities and confusion, some of which stemmed from the removal of administrative support from the Regional and Provincial Administrations, required under the IPPG reforms and implementation. All political parties were registered, including those previously banned. The Government allowed widespread and exhaustive election monitoring. Despite confusion and irregularities in the operation of party primaries, few reports were received of candidates being prevented from presenting registration papers. The general behaviour of the police and security forces was positive, few opposition meetings were prohibited and the police played an important role in maintaining peace and order. There were few signs of systematic harassment of opposition candidates by the police and provincial administrations. Generally, voting was conducted without violence. The voter turnout was high and the electorate made its will known, re-electing President Moi, but trimming his party's parliamentary majority to a paper thin margin.

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The 22-nation Donors Democratic Development Group (DDDG), chaired by Canada, supported the judgement of the local election monitors that, despite shortcomings in the conduct of the election, the results were a credible expression of the will of the Kenyan people.

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 harbour suspicions that the independence of the judiciary is subject to political interference and this situation is unlikely to improve with the Presidential appointment to Chief Justice of the former Electoral Commissioner. With the release of the well known political detainee, Koigi wa Wamwere and his co-accused, the Government does not currently seem to be holding political prisoners.

Kenya's electronic media are controlled by the KANU Government, which ensures a pro-government coverage of events. Access to opposition parties during the election period improved only marginally, despite being a requirement of the IPPG reform package. However, the print media continue to exercise a large degree of freedom and criticism of the President and his Government was frequent and trenchant during the election process.

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. NGOs estimate up to 10,000 thousand street children populate Nairobi alone, and a recently established government foundation to help them has had little visible effect. 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 call on the Government of Kenya to demonstrate its stated commitment to improvements in human rights, good governance and democratic development. During 1997 Canada continued to chair the Donors Democratic Development Group (DDDG) which engaged the Government on the requirements of a free and fair election. The Group established a diplomatic election monitoring body which worked closely with local NGOs to monitor the recent election. The DDDG also issued public statements on human rights issues.

The Canadian High Commission in Nairobi maintains regular contact with human rights organisations such as the Kenya Human Rights Commission and the Standing Committee on Human Rights and makes representations regularly. As examples, a formal diplomatic note was sent after the death of Solomon Muruli in January 1997, and the issue of female genital mutilation was raised with the Kenyan authorities.

In 1997 CIDA launched a five-year \$5 million Gender Equity support project and established two funds, each worth a half million dollars, to support democracy and good governance. In addition, CIDA funds a variety of projects dedicated to improving health, education and social conditions in Kenya.

January 1998

## LIBERIA

### ISSUE

The elections on July 19, 1997, brought Charles Taylor and his National Patriotic Party (formerly the National Patriotic Front of Liberia, or NPFL) to power for the next six years with 75 percent of the popular vote and 70 of the 90 seats in the Legislature. While the elections marked the end of the seven-year civil war, they also introduced the enormous task of consolidating peace, security and human rights.

### BACKGROUND

The campaign leading up to the April elections was conducted in an atmosphere of intimidation and was marred by several incidents of violence. However, the elections themselves, supervised by some 13,000 ECOMOG troops (ECOWAS Cease-fire Monitoring Group) and 500 international observers, were described as peaceful and transparent, although plagued by many irregularities.

Despite its role in supervising the elections, the ECOMOG force, and specifically the Nigerian troops who are by far the largest contingent, was the subject of numerous human rights complaints throughout 1997, for rape, torture, summary execution, illegal detention, kidnapping and brutality. In May, during a sweep for illegal arms, they flogged several civilians, killing one, and in September, while assisting the police, they opened fire on striking workers at a Firestone plant, wounding many of them. ECOMOG is due to be pulled out of Liberia by February 2, 1998.

The credibility of the new Government has been strained by a number of events, including the as yet unsolved murder of a political opponent of President Taylor, Samuel Dokie and three members of his family. Vice President Dogolea ordered the public flogging of a member of the Legislature because of a minor traffic incident. The legislation creating the National Human Rights Commission was passed quietly, without fanfare and without consultation with any national or international human rights organizations. Considering the fear still lingering among many sectors of the population, for example the Krahn and Mandingo peoples known to have supported the regime of Samuel Doe and later to have opposed Taylor's NPFL, the lack of publicity about the NHRC is not encouraging.

It is reported that human rights organizations and journalists, although now working in better conditions, are still subject to threats and intimidation by members of the Government and the police. The justice system is in a pitiful state, with its independence much in doubt and a huge backlog of cases. There is no system for dealing with young offenders, of whom there are many.

Much remains to be accomplished in the field of women's rights in Liberia. In law a woman has full status as a person and, in case of widowhood, should inherit from her deceased husband. In fact she is the property of her husband and as such has virtually no rights at all. Female genital mutilation is widespread, although there are no official statistics to support this well-known fact.

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The most daunting task facing the new Government is the resettlement of more than a million internal and external refugees. A Liberian Refugee, Repatriation and Resettlement Commission (LRRRC) is working with the UNHCR on this issue. However, fear of reprisals and lack of a credible effort toward national reconciliation are a hindrance. The Government has now appointed a former opposition leader, Alhaji Kromah to head up a new National Commission for Reconciliation. The UN Secretary General has appointed a veteran UN official, Gambian Felix Downes-Thomas as Head of the UN Peace-Building Support Office in Monrovia.

A Chairman statement on Liberia was adopted under the "advisory services" item at the 53rd session of the Commission on Human Rights. It called for technical assistance to Liberia in the field of human rights.

### **CANADIAN POSITION**

Canada has no resident diplomatic mission in Monrovia. Our Ambassador accredited from Accra is still waiting to present his credentials. As in the past, Canada will act through multilateral fora, principally the United Nations, in assisting the consolidation of peace and democratic rule. 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.

## NIGERIA

### ISSUE

Despite continued pressure from the international community, including the United Nations and the Commonwealth Heads of Government, who met in Edinburgh on October 24-27, 1997, the human rights situation in Nigeria has worsened over the past year.

### BACKGROUND

The Commonwealth Ministerial Action Group (CMAG), having met for the ninth time since its establishment at Auckland in 1995, presented a report to the Commonwealth Heads of Government Meeting in Edinburgh. CMAG's recommendations with regard to Nigeria were adopted unanimously: unless there has been a credible transition to democratic civilian government, rule of law and respect for human rights by October 1998, Nigeria could be expelled from the Commonwealth and come under severe economic sanctions.

In Nigeria a number of recent events are cause for concern. Although General Abacha announced in November that political prisoners would be released, none in fact have, and the number of people in detention has increased dramatically. There has been a steady stream of journalists picked up and held without charge. Oppression of the Ogoni people in the Niger Delta has continued unabated, with a vicious crackdown on January 3, 1998 putting another 30 people in jail. The arrest on December 21, 1997, of General Oladipo Diya, Abacha's deputy, and 11 accomplices in an alleged coup plot, has been followed by the arrest of more than 100 suspects. Many others are in hiding or on the move as a result, while journalists have been warned to exercise extreme caution in reporting about the coup. The death in prison from unexplained causes of one of the country's most prominent prisoners of conscience, former military Vice-President Shehu Musa Yar'Adua, caused wide-spread shock and dismay.

The so-called Transition Plan has seen the elections for State Assemblies go ahead on December 6, 1997, but with only the five government-approved political parties in the running and a very low voter turn-out. The draft constitution, which contains the framework for the transition process, has yet to be published. Government continues to be by decree, with civilian court rulings subject to overruling by the military regime.

Apart from the Ogoni people, we have little information about persecution of other minority groups. It has been widely noted that General Diya and two of his senior colleagues who were arrested are Yorubas; there are again reports of increased Yoruba dissatisfaction with a largely northern, Muslim regime. Women's groups have not been targeted, as they are not seen as posing as great a threat as the opposition groups or the press.

One positive development has been that, perhaps as a result of relentless international pressure, Nigeria announced in December that human rights were to be a subject in the secondary school curriculum.

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The UN General Assembly 3rd Committee has again passed a resolution, co-sponsored by Canada, expressing concern at continuing grave violations in Nigeria and calling on the Government of Nigeria to meet its obligations and ensure the observance of fundamental human rights and freedoms. At the 53rd session of the Commission on Human Rights, Canada co-sponsored a resolution which approved, by a vote of 28 to 6 with 19 abstentions, the creation of a UN Special Rapporteur on the Situation of Human Rights in Nigeria. The new Special Rapporteur, Mr. Soli J. Sorabjee, was appointed in October, 1997. He has written twice to General Abacha to arrange a visit, but has not yet had a positive response.

### **CANADIAN POSITION**

Canada continues to be a member of the CMAG and has played a leading role in urging the Commonwealth to maintain a firm stance on Nigeria's human rights performance. We have implemented the full range of non-economic sanctions authorized by CMAG and have now closed our High Commission in Lagos, albeit for security reasons. Although we now have no diplomatic representation in either capital, we nonetheless are trying to engage the Nigerian regime in a dialogue.

Although suspended, Nigeria is still a Commonwealth member and a signatory to the 1991 Harare Declaration. It is also a signatory to the International Covenants on Human Rights and other human rights instruments. Canada will continue to press Nigeria to meet its international obligations. Our \$2.2 million Democratic Development Fund will continue to be used to support non-governmental organizations in their quest to strengthen civil society.

## RWANDA

### ISSUE

The Rwandan Government is still only at an early stage in dealing with the fundamental problems of the country: restoration of a constitutional order, development of a permanent independent judicial system and national reconciliation. The renewed armed struggle between Government forces and Hutu militias causes immense suffering for the civilian population.

### BACKGROUND

Four years after the 1994 genocide, a political solution to the ethnic strife in Rwanda is still not in sight. The renewed armed struggle between Government forces and armed insurgents in the northwest of the country has become increasingly bitter and is the main cause of human rights violations.

While the return of refugees has eased the threats to Rwanda's security emanating from the outside, it has also facilitated the return of a considerable number of armed enemies (members of the Interahamwe and ex-FAR). They have managed to establish bases in the northwest of the country (mainly Ruhengeri and Gisenyi), the heartland of the former regime, where they can build on a certain cooperation, or at least the silence, of the local population. From there they try to destabilise large parts of the country, attacking representatives of the Government, Tutsi refugee camps and Hutu collaborators. The insurgents have committed several massacres of unarmed civilians, killing hundreds of people. The Rwandan army has reacted with brutal force, often not distinguishing between combatants, supporters, collaborators and unarmed civilians. During recent months, fighting and massacres have resulted in thousands of deaths.

More than 130,000 people have been arrested for alleged participation in the 1994 genocide. Conditions in the hopelessly overcrowded prisons and especially the "cachots communaux" are appalling. The re-establishment of the Rwandan justice system is progressing slowly. After the promulgation of the September 1996 Law which deals with the genocide, a small number of accused have been brought to trial. The first genocide trials were met with harsh criticism by human rights groups, who complained especially about the lack of legal representation for the defendants and the lack of respect for defendant's 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.

Although the Rwandese justice system has finally started working, it will be physically impossible to bring all genocide suspects to court. The plea bargaining procedure introduced with the 1996 Law (a novelty in the Rwandan legal system) has not had much success so far. No satisfactory solution for dealing with the vast number of cases has yet been found. The Government has not yet discussed a large-scale amnesty for crimes committed during the genocide. A Presidential Decree has been issued regarding the creation of a National Human rights Commission, despite pleas for more consultation in establishing the mandate of the Commission.

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The International Tribunal for Rwanda (ICTR) is slowly picking up speed, three years after its creation. The chief prosecutor, Madam Justice Louise Arbour, has begun dealing with the main mismanagement issues. Although 11 prisoners are already in captivity in Arusha, only two trials have begun. The first sentencing is expected by March. With the expected creation of a second chamber of trial judges, the Tribunal should soon be able to work faster.

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. This is the largest UN human rights field operation ever, although the Government of Rwanda is increasingly vocal in objecting to HRFOR's exercise of its monitoring mandate.

The Rwandan legal system still reflects the traditionally subordinate role of women in Rwandese society. The Rwandan Government intends to undertake reforms in this regard.

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 was suspended. Recent fighting in Rwanda is indicating that this transition phase might have to be prolonged.

### **CANADIAN POSITION**

Canada is continuing its support for national reconciliation. Canada is assisting with the efforts to combat the effects of the 1994 genocide and to ensure it is not repeated. To this end, Canada is concentrating its efforts, bilaterally and multilaterally, on the restoration of an independent Rwandan judicial system.

In its contacts with the Rwandan Government, Canada has repeatedly reiterated its position that a military solution to the problems of the region is not possible. Canada urged the Government to continue its efforts to promote reconciliation between the ethnic groups of the country and to develop a democratic perspective for the country.

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 53 the African Group insisted that it takeover responsibility for drafting the resolution. The Group's draft text proceeded to call for the elimination of the mandate of the Special Rapporteur. The eventual compromise was to replace the Special Rapporteur with a Special Representative, whose mandate is primarily (though not exclusively) focussed on technical assistance. At the last session of the General Assembly, Canada resumed its traditional lead on this resolution. However, the Rwandans lobbied very strongly for the resolution to be dropped and then, once it became clear that this would not be permitted to happen, pressed for language which would have constrained the activities of the Field Operation. At the last minute, redrafting of the resolution preserved the status quo, but it is anticipated that at CHR54, Rwanda will again lobby for the resolution to be dropped.

## SOMALIA

### ISSUE

With various peace processes for Somalia underway, there was a decrease in conflict-related human rights abuses in 1997. However, 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), there continued to be incidents of unlawful killings of civilians, kidnapping and abductions, oppression of minorities, and so on.

### BACKGROUND

In 1997, a number of initiatives were launched to promote peace and stability in various parts of Somalia. Such efforts contributed to decreasing conflict-related human rights abuses, especially outside Mogadishu and Baidoa. As in the past, the south, including Mogadishu, had the worst record. Large parts of the population live in fear of murder, rape and kidnapping by armed militia who have no respect for (or knowledge of) humanitarian law. The Northeast experienced relative calm, although there was an increase in armed conflicts prior to the dates for the peace and reconciliation conference in Bossasso scheduled for the end of November, but now postponed. The self-declared "Republic of Somaliland" in the Northwest had the least number of reported abuses.

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 continued to be problematic. There are no effective local human rights organizations in operation in Somalia today, and international humanitarian organizations and non-governmental organizations (NGOs) find their work limited by security problems. Most international NGOs evacuated their international staff in early 1995 because of the security situation. Those remaining continue to be vulnerable to kidnapping (including a Canadian citizen working with a UN Agency), to arbitrary detention, or to intimidation by various militia or individuals. In May 1997, a doctor from Médecins Sans Frontières was killed, apparently in a personal dispute. International relief organizations, including UN Agencies, operate primarily through national staff to maintain humanitarian assistance to the beleaguered population.

Throughout Somalia, the judicial system is a hodge-podge arbitrarily maintained by factions and clan-based elders or courts, which apply a combination of traditional and customary practice, Sharia law, and the pre-1991 Penal Code. Prison conditions are generally severe due mainly to the lack of funds.

Boys as young as 12 years old are still recruited by the militia. An estimated 98 per cent of girls are subject to female genital mutilation (FGM). The United Nations Population Fund, which Canada supports, has projects aimed at focusing on the adverse effects of FGM on the health and well-being of women.

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As civil society participation in the various peace processes increases, women are reportedly playing a more active role in the negotiations. However, very few women are visible in public positions. Women's rights are generally subordinated by the overwhelmingly patriarchal culture.

Discrimination along clan and sub-clan lines, and by ethnic Somalis against Bantu and Swahili populations remained common practice. As well, there were reports of the use of forced labour in farming areas in Lower Shabelle.

At the 53rd session of the Commission on Human Rights (CHR), a consensus resolution, co-sponsored by Canada, renewed the mandate of the Independent Expert on Somalia. The resolution called on her to report to the CHR54 on the means necessary to establish a human rights technical cooperation program in Somalia.

The various peace processes for Somalia contributed to an overall decrease in human rights abuses and promoted a limited measure of stability in this fractured country. The prospects for the future are encouraging, but still precarious.

### CANADIAN POSITION

Canada has aligned itself with the Organization of African Unity's position of not recognizing any of the self-proclaimed governments in Somalia. Canada continues to follow local, regional and international efforts to bring the factions together, but does not, at this time, foresee playing a direct role in any of the peace efforts for Somalia.

Canada has informal contacts with representatives of various factions, in particular, through the Canadian High Commission in Nairobi and the Canadian Embassy in Addis Ababa. General expressions of concern about the human rights situation were conveyed through such channels. In Nairobi, Canadian human rights concerns, including female genital mutilation and the use of child soldiers, were raised on several occasions in informal contacts with faction leaders.

Canada provides humanitarian assistance as needed through various multilateral and non-governmental channels. Since 1991, Canada has provided over \$60 million in aid, mostly in emergency aid, including \$250,000 to the International Committee for the Red Cross. There is also a Canada Fund of \$150,000 for local projects in Somalia in areas such as agriculture and animal husbandry.

## SUDAN

### ISSUE

The greatest cause of the human rights abuses in the Sudan continues to be the on-going civil war, which began as the result of the denial of the rights of the animist and Christian southern populations by the Islamic North. Civilians, especially those displaced by the war, continue to be the principal casualties of the conflict; the Government remains responsible for the majority of the abuses.

### BACKGROUND

Belligerent parties on all sides of the civil conflict in Sudan have been responsible for extrajudicial killings, deportations, abductions, looting and enforced mass displacement. The Government continues to indiscriminately bomb civilian populations. However, the International Committee of the Red Cross (ICRC) does not subscribe to charges that the Government is responsible for deliberate genocide, or ethnic cleansing in the south. For its part, the Sudanese Peoples' Liberation Army (SPLA) has recently shown some concern for humanitarian principles by allowing the ICRC to inspect its Prisoner of War Camps.

Following the offensive by the opposition coalition, the National Democratic Alliance (NDA), between January and May, scores of activists and opposition supporters were arrested and detained by the security forces. While many were released, as many as 250 may still be in "preventive custody" and will not be brought to trial. There are reports that the security forces' "ghost houses", or detention camps, resumed activity (torture, flogging, electric shocks, etc.) after the first half of the year.

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Since the escalation of the war in January 1997, the Government has declared a state of full mobilization; all men between the ages of 18-25 are subject to conscription. While conscription is legal, only volunteers can be sent to the front lines according to the law. School leavers must report for military training, and many other students have been picked up on the streets, some as young as 12-13, trained and forcibly deployed to the southern front. Reports of forcible conscription by the SPLA appear to be isolated actions taken by local commanders. Some refugees in Ethiopia claim to have fled such action committed by the Southern Sudan Independence Movement (SSIM).

In December 1997, security police arrested 37 women who demonstrated in front of the UNDP building in Khartoum demanding the return of conscripts from the south. The women were fined and 12 were lashed for un-Islamic behaviour (e.g. wearing non-Islamic dress). As a result of such protests, a few of the young conscripts have been sent back from the front.

Economic, political, social and cultural rights remain limited: multiparty politics is still not allowed; regional elections in the south were controlled by the Government; the Constitutional Committee, tasked with formulating a new Sudanese Constitution, was hand-picked by the Government and does not include political representatives; there are still no independent human rights organisations in Sudan. The treatment of Southerners in the north has improved marginally, but there is still religious discrimination by the police and the military even if it has no official sanction. Non-Muslims in the north continue to be subject to sharia, despite assurances to the contrary.

Journalists must adhere to an unwritten code or face government pressure and prosecution. Within that framework there is scope for discussion of issues such as the merits of various forms of government considered by the Constitutional Committee. There was also a measure of increased press freedom in the south following the signing of the April 1997 Peace Agreement between the Government of Sudan and factions which had split from the SPLA. A newspaper banned in July recently won a court case and has been allowed to re-open.

The displaced continue to face particular problems. Many in the large resettlement camps around Khartoum are being moved, apparently as a result of urban planning. Communities are given no warning before the bulldozers arrive to destroy their homes and community centres. Lately, there has been some prior consultation before the action. Although inhabitants are to have tenure in their new locations, there is no guarantee on how secure the tenure will be. While residents of the settlements are free to come and go, it is difficult for them to hold jobs. Jobs in factories are insufficient to cover the cost of one meal per day plus the transport to and from work. There are many female-headed households but little or no income-generation projects. Children leaving resettlement camps are picked up from the streets of Khartoum and sent to other camps where there is a program of islamisation.

The extent of slavery, an outgrowth of traditional practices which have been exacerbated by the civil war, is difficult to estimate. However, captured Southern women and children, including Muslims, are forced to work as household servants, on the land or as concubines in the households of Northern families. In 1997, the Government-appointed Special Investigation Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery issued a report that found no evidence of the existence of slavery. As many Committee interviewees were linked with the Government, the report is seriously flawed.

### CANADIAN POSITION

Canada maintains a dialogue with the Sudanese authorities and rebel factions on questions of peace and security, human rights and good governance issues. During such discussions, in particular, during visits to Sudan by representatives of the Canadian Embassy in Addis Ababa, Canadian officials have underlined that respect for human rights is a fundamental conditioning factor of the bilateral relationship.

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 international human rights conventions, and urge the placement of human rights monitors. The resolutions call for visits by the UN Special Rapporteur on Freedom of Opinion and Expression and the UN Working Group on Contemporary Forms of Slavery, and encourage unimpeded access for international human rights observers. Recent resolutions also called on all parties to allow Operation Lifeline Sudan to have unimpeded access to civilian populations to deliver humanitarian assistance and encourage a negotiated settlement of the conflict. At CHR 53, the resolution renewed the mandate of the Special Rapporteur on Sudan and was adopted by consensus. Canada is also supporting the IGAD peace talks under Kenyan chairmanship to bring a mediated end to the civil war based on the IGAD Declaration of Principles.

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## IRAN

### ISSUE

Despite international pressure and Iranian claims of an evolution in the internal political climate since the election of President Mohammed Khatami, there has been little evidence of action to match his stated intentions. The regime continues to resist the implementation of certain internationally recognized human rights norms. State-sanctioned executions have increased, religious persecution remains a problem, and limits on freedom of expression foster a restrictive social climate.

### BACKGROUND

Serious individual human rights abuses are attested to by the UN Special Representative for Iran, Human Rights Watch International, Amnesty International, and various religious bodies such as the international Bahai communities and the Pentecostal Assemblies of God. Abuses are occurring with regularity. Individuals who suffer the most persecution, particularly restrictions to freedom of expression and of assembly, questionable judicial proceedings, random killings, and ostracism applied to family members in areas such as higher education, often do so because of their affiliation with specific groups or communities.

Persecution of individuals often appears to be carried out at the local level under the auspices of revolutionary courts, military commanders and religious figures. The imposition of the death penalty for criminal behaviour has risen in the past year and there are concerns that this punishment is used for political reasons. Particularly worrying are the extrajudicial and random killings of Bahais and Evangelical Christians and the subsequent lenient treatment of the perpetrators by the courts. Insufficient transparency, fairness and independence of the court system protecting individual human rights has been noted by the UN Special Representative as a problem needing serious attention.

The relatively open political debate which took place during last spring's presidential election and the victory by a candidate not supported by the establishment, reflected a level of democratic development. However, pro-regime mobs can still be mobilized to intimidate opponents as was done to Ayatollah Montazeri when he challenged the authority of the Supreme Leader.

Discrimination against women arises largely from the principles entrenched by the Islamic republican revolution. It manifests itself most immediately in a strict dress-code for women, separation of the sexes in many areas of daily life and a bias within the legal system in certain family law matters. The UN Commission on Human Rights Special Representative reported that a lively discourse about the role of women is underway, but there is little evidence of progress. He added that senior members of the governing circles continue to incite violence in support of discriminatory conduct against women. Homosexuality is forbidden under the Sharia but severe persecution appears to be rare.

Since the election of Mohammed Khatami, there has been an expectation of changes to the regime's human rights behaviour. While there have been some encouraging developments in

treatment towards the Bahais, their legal existence is still not recognized and more Bahais are currently imprisoned than when President Khatami assumed office. The stated intentions of the regime on implementing a civil society based on the rule of law is a positive development but some concrete examples of improvement are required before a determination can be made that the Government has truly changed its views on human rights.

Iran continues to extend a degree of tolerance to mainstream branches of the three monotheistic religions and to the Zoroastrians. However, neither proselytism nor apostasy are tolerated. Members of specific religious groups are subject to various degrees of repression. Some, such as the Bahais, have experienced a high degree of mistreatment and judicial persecution, including a number of cases of Bahais being sentenced to death. Some sentences have been commuted in the face of international appeals but arrests and convictions continue.

Resolutions condemning human rights abuses in Iran are passed at both the UN Commission on Human Rights and the UN General Assembly 3rd Committee. Attempts to negotiate consensus resolutions have been unsuccessful because Iranian proposals have not adequately addressed Western concerns.

### **CANADIAN POSITION**

Iran's human rights performance, together with other issues such as support for terrorism and the *fatwa* regarding British author Salman Rushdie, have impeded progress towards a normal political and diplomatic relationship between Iran and Canada.

Canada continues to make strenuous efforts to change Iranian behaviour especially with respect to the Iranian Bahai 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 a major change in certain policies of the regime before normal relations are possible.

Canada co-sponsored this year's resolution on human rights in Iran at the UN General Assembly 3rd Committee, which passed by a vote of 68 for (Canada), 27 against and 49 abstentions. We continue to raise specific human rights cases with the Iranian Government, both in Ottawa and in Tehran. Canada also maintains regular consultations with governments and international human rights groups on the issue of human rights in Iran.

January 1998

## IRAQ

### ISSUE

The Government of Iraq has for many years waged war on its own citizens. During the last ten years, the rights of a number of ethnic and religious communities have been systematically violated. The regime has maintained a brutal repression of the population through murder, summary execution, mutilation, torture and incommunicado detention. 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 important minorities have all been singled out for especially cruel treatment by the Iraqi leadership.

The UN Special Rapporteur on Human Rights in Iraq, Max Van Der Stoel, 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). Iraqi forces continue to launch military actions against the majority Shia population in the southern region. Rumours abound of regular purges of the officer corps for suspected sedition.

The international community has been unable to restrain the Government in Baghdad. The Iraqi Government acts in clear violation of UN Security Council resolution 688 which demanded an end to repression of the civilian population. The UN Special Rapporteur has 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' value on human life is extremely low! He also considers the total suppression of freedom of expression to be at the core of the human rights situation in Iraq.

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. Although UN sanctions have had a serious negative impact on the Iraqi economy, the regime has refused to take full advantage of provisions designed to minimize their impact on the civilian population.

### CANADIAN POSITION

Canada does not favour the ending of UN sanctions against Iraq until it fully complies with all relevant UN Security Council resolutions. It is hoped that Iraq will accept the continuation of UN Security Council resolution 986 (the so-called "food for oil" deal) and will not use its continued existence as a political tool against the UN. However, what is required is a fundamental change in the behaviour of the Iraqi Government towards its own citizens. Canada co-sponsored the resolutions on Iraq at both the Commission on Human Rights and the UN General Assembly 3rd Committee in December 1997.

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## SAUDI ARABIA

### ISSUE

Home to the Holy Moslem sites of Mecca and Medina, Saudi Arabia follows a strict interpretation of Islam, distant from the Western view on human rights.

### BACKGROUND

The Koran and rigidly enforced Islamic law provide the basic precepts under which the Kingdom of Saudi Arabia is governed. This accounts for such characteristic features as the public separation of the sexes, the covering of women and a total ban on alcohol and pork products. These practices are widely accepted and even promoted within the community.

Fifty years ago, the Kingdom was still a nomadic and town-dweller culture, with a political system shaped in the eighteenth century by a key alliance between the ruling Al-Saud family and religious authorities or "Ulema" following the austere Wahhabi practice of Sunni Islam. This religious school involves strict and often literal interpretation of the Koran and discourages innovation and change. The introduction of oil wealth moved the Saudis rapidly into the modern world, without the benefit of centuries of transition through which the West had evolved. While Saudi society is advancing rapidly in many areas of technology and social welfare, the social culture remains tied to the past, to its unique role in Islam, resistant to the main tenets of Western civilization.

In modern Saudi Arabia, all citizens benefit from cradle to grave benefits. Children are well treated and child labour is not a problem. Primary, secondary and university education is provided free in sexually segregated schools. There are no specific rights nor affirmative action plans for persons with disabilities, who are rarely seen in public and are looked after in homes and special institutions. Seniors are highly respected and their care is the culturally accepted responsibility of families.

Tradition continues in many areas. The public role of women is constrained. The society promotes strong sexual segregation and women's employment remains limited largely to the fields of medical health, education and the arts. They must cover-up when in public, wearing the traditional black "Abaya", and are not permitted to drive automobiles. There are strong prohibitions against unchaperoned male-female contacts. Adultery is punishable by stoning or decapitation but rarely occurs due to the requirement under Islamic law for four witnesses. Homosexuality is illegal and those caught by the police are punished.

Traditional Wahhabbi Islam demonstrates little tolerance for religious or cultural diversity. Christianity and the Shia school of Islam are anathema to the Wahhabbis, and the practice of other religions is repressed. Those (typically expatriate workers) who attempt to celebrate Christian or Shiite rites are subject to intimidation and arrest.

High-problem criminal cases, such as Sara Dematera, have highlighted the difficulties sometimes suffered by foreign workers. Upon arrival, workers must surrender their passports to their employers and cannot leave on travel without his approval.

Capital punishment is practised in Saudi Arabia for serious crimes such as murder, rape and drug smuggling. Executions, which may be effected by firing squad, beheading or stoning, increased during the 1990's. Repeated convictions for theft result in the amputation of the right hand. The Saudi's failure to respect the principles of fair trial and due process of law are a particular area of concern.

A good deal of genuine support continues to exist in Saudi Arabia for these and other strict interpretations of Islamic law and the prevailing trend is toward even greater influence of Islam on the direction of government and society. A quasi-official Religious Police (the "Mutawwaen") is granted broad licence to enforce public morality.

### CANADIAN POSITION

Canada's approach recognizes that deeply-held traditional attitudes cannot be changed overnight. For social change to occur in Saudi society in a stable fashion, it must of necessity be implemented gradually.

The Saudi Government is expected to continue to move very cautiously in these areas. Over time, it is likely to be the attraction and pervasive influence of Western systems of education which will make the greatest impact for social change and religious liberalization. Canada is playing a role in this area by promoting studies in Canada by young Saudis.

In the meantime, Canada continues to raise human rights issues of concern with the Government of Saudi Arabia in both bilateral and multilateral fora. Canadian consular staff in the Kingdom of Saudi Arabia make representations on behalf of Canadian citizens regarding mistreatment by the Mutawwa and the regular police. In both Geneva and Riyadh, Canadian diplomatic officials encourage their Saudi counterparts to fully and constructively engage in the Commission on Human Rights process, where this year Saudi Arabia will again be considered under the confidential 1503 procedure.

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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 a functioning democracy. 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.

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 human rights 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.

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.

While the Government of Mesut Yilmaz has, since it came to power in July 1997, expressed its intention to improve the human rights situation, concrete, measurable change has been slow. The Government has openly admitted that legislative modifications to the constitution, criminal code and the anti-terrorism law are needed and has promised to enact these changes.

Additionally, a Human Rights High Advisory Council has been operating since July and 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.

### 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, when he met with his Turkish counterpart. Our Embassy 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.

Some Canadian NGOs have established contacts in Turkey with counterpart organisations. By working directly in support of Turkish NGOs and sometimes in offering concrete suggestions as to what can be done by third parties and governments, NGOs can play a very useful role in encouraging change in Turkey.

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## THE WEST BANK AND GAZA

### ISSUE

Although most large population centres in the West Bank and Gaza were transferred to Palestinian control in late 1995 and democratic elections for the President and the Legislative Council took place in 1996, there has been little or no substantial improvement in the human rights situation over the past year.

### BACKGROUND

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

### Israeli Practices

Canada remains concerned by on-going settlement expansion, closure, ill-treatment and torture of detainees, land confiscation, and the use of administrative detention. According to Israel's Landau Commission, Israeli security forces are allowed to use "moderate physical pressure" during interrogation when human life may be in imminent danger - a policy which was upheld by the Israeli Supreme Court's November 1996, January 1997 and January 1998 rulings lifting injunctions against these coercive methods. At the 1997 53rd UN Commission on Human Rights, Canada described the 1996 and 1997 rulings as "regrettable and illegal under international law". Amnesty International and Israel's B'tselem consider "moderate physical pressure" to constitute torture. These views were reinforced in May 1997 when the UN Committee Against Torture ruled that such practices contravene the UN Convention Against Torture as well as the Fourth Geneva Convention.

Suicide bombings in Jerusalem in July and September 1997 led to complete closure of the West Bank and Gaza for over 70 days, coupled with the temporary withholding of millions of dollars of Palestinian tax transfers. The Palestinian economy is estimated to have lost \$10 million per day and unemployment rose dramatically. Over the past year, settlement construction and demolition of Palestinian houses has continued. In addition, legislation was introduced in the Israeli Knesset calling for denial of compensation to Palestinians killed or injured by the Israeli security forces and the institutionalisation of severe interrogation techniques. Although the measures were not passed, they did serve to further complicate the search for peace.

## Palestinian Authority (PA)

While there has been little or no improvement in respect for human rights over the past year, some tentative signs are beginning to emerge that pressure by donor countries, by NGOs and by influential Palestinians may be having some positive effect. Prison conditions have in some cases been improved and regular visits by the Red Cross have begun.

However, in 1997, three persons died while in custody - for a total of 14 since the establishment of the PA. Following interventions by Canada and other donors, the PA has prosecuted officials guilty of human rights offenses such as those responsible for the deaths of Nasser Radwan and Yusuf Al Baba while in detention in 1997. In these cases the legal system worked but the PA is nonetheless frequently criticized by human rights organizations for being intolerant of criticism, routinely jailing vocal opponents and failing to respect the independence of the judiciary. NGOs have been particularly concerned by the High Court refusal to hear matters deemed by the PA to concern "security issues". It refers such cases to the State Security Court which is composed of military judges. This Court is reported to hold express midnight `trials' invariably ending in a sentence for the accused.

Municipal elections were postponed three times in 1997 with no definite date set yet. Canada, along with other major donors, is a member of the Municipal Elections Steering Committee and as such has continued to press the Minister of Local Government, Sa'eb Erekat, and Chairman Arafat on the timing of the elections.

The PA's treatment of minority and vulnerable groups is good. Participation by women in the 1996 election was high with several women being elected to the legislature. In addition, there are two female cabinet ministers, one of whom is a Christian. Women are benefitting from access to education. For example, women in some cases constitute over 50% of some non-traditional faculties such as architecture and science. Women's organizations are numerous and very active politically and socially. Other than the observance of some aspects of Islamic law in civil cases, there are no legal impediments to Palestinian women enjoying the same rights as men. However, polygamy and arranged marriages are still practised in some conservative Muslim communities; and families often favour sons over daughters in education and career opportunities. Children have been negatively affected by the decline in the economy. Some 44% of them have been forced into the labour market to help make up for losses in family income. This could have a negative impact on the area's traditionally low illiteracy rate. Collectively, the PA, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and NGOs provide universal primary education and relatively high quality health care for children, including a reasonable level of services for disabled children. However, the burgeoning school-age population is straining the system. UNRWA is especially hard pressed to maintain the quality of its services. The rights of Christians are well respected and a special effort is being made to prepare for the celebration of the millennium in Bethlehem. Homosexuality remains a social taboo, but the PA does not publicly discriminate against homosexuals.

Five resolutions on the Occupied Territories are passed annually at the Commission on Human Rights (CHR). They are established, political texts which change little from year to year. At the 53rd Session the debate on the Occupied Territories was particularly vituperative. Suggestions that had been made on the margins of CHR52 about expanding the mandate of the Special Rapporteur on the Palestinian territories to cover the PA and making it more consistent with the mandate of other CHR country rapporteurs received no follow-up.

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## CANADIAN POSITION

Over the past year, Canada was an active proponent of human rights in the West Bank and Gaza. Canadian representatives have raised the broad range of human rights violations with Chairman Arafat, Deputy PLO Leader Abu Mazen and Speaker of the Palestinian Legislative Council, Abu Ala. In several cases, the Embassy intervened on behalf of individual detainees such as academic, Dr. Fathi Subh, independent television producer, Daoud Kuttab, and a group of 30 union leaders. At the UNHCR debate on the Occupied Territories in May, Canada spoke out against the poor human rights record of the PA.

The Embassy has established a close relationship with the most important human rights groups and has used the Canada Fund for Local Initiatives to support their activities. For example, the Fund was drawn on to help launch the 'Human Rights Monitor' a new leading-edge human rights magazine.

The Canadian Fund for Dialogue and Development was established in 1992 to promote cooperation and dialogue between Arabs and Israelis. Priority areas for funding have included human rights. Projects have included human rights training for lawyers and an international colloquium on human rights.

The Embassy is developing a comprehensive plan of action for the support and promotion of human rights, good governance and democratic development in the Occupied Territories. It will include the setting up of an informal human rights advisory committee and the expansion of contacts between Canadian and Palestinian human rights NGOs.

In April, the Speaker from the Palestinian Legislative Council and an accompanying delegation are scheduled to visit Canada at the invitation of Mr. Gilbert Parent, Speaker of the House of Commons. The purpose of the visit will be to provide the group with an overview of the Canadian parliamentary system and offer concrete examples of democratic practices and good governance.

In Israel, Canada has undertaken demarches to the Foreign Ministry to raise Canada's concerns with the Government's response to the ruling of the UN Committee Against Torture, Israeli treatment of Palestinian detainees and settlement activities. Canada's rejection of the use of coercive interrogation techniques was reiterated to Israel at the September 1997 bilateral foreign policy consultations. In a letter to former Foreign Minister Levy, Minister Axworthy encouraged Israel to ease the closure of the Territories, noting the effects of closure on the Palestinians.

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## COLOMBIA

### ISSUE

While there were some positive legislative developments in 1997, the overall human rights situation in Colombia has deteriorated. The country's guerrilla war reached new heights of violence in 1997. The most flagrant abuses of human rights in Colombia occur in the context of this conflict, especially by guerilla and illegal paramilitary groups.

### BACKGROUND

The intensification of the guerilla campaign and the rise of paramilitarism posed the greatest challenge to human rights. Violations of international humanitarian law by both the FARC and the ELN increased in 1997. Violence against civilians by guerilla groups increased, including kidnapping, assassination and extortion. Elected politicians and political candidates were particular targets; the guerillas killed dozens while kidnapping or threatening hundreds more in an attempt to subvert the October 1997 Departmental elections. In September 1997, the Constitutional Court struck down legislation that exempted the guerrillas from prosecution for the killing of military personnel.

Violence by illegal rightwing paramilitary groups, often exceeding the guerillas in their brutality, was also a growing concern. Paramilitary groups were estimated to have grown by close to 50% since 1995, a trend which continued in 1997. In early December 1997, after a wave of massacres attributed to these groups in the Antioquia and Cundinamarca Departments, the Government announced a new set of measures to "get tough" on paramilitaries, including increased rewards for the capture of known paramilitary leaders. However, these efforts have not yet yielded results.

A related development in 1997 was the growth of officially sanctioned rural self-defence security cooperatives, the "convivires". Originally created by the Government as a means of helping to maintain law and order, many have been accused of exceeding their mandate and committing human rights abuses. Their continued existence is perceived as a *de facto* encouragement of paramilitary activities. Following challenges to their constitutionality by local NGOs, the Constitutional Court stipulated new rules for the functioning of the security cooperatives. Despite criticism, the Government continues to view them as necessary. This underlines the extent to which the Government is incapable of addressing by itself the significant law and order crisis, where the impunity rate remains at 97% and the majority of murders are not related to the civil conflict.

While guerrilla and paramilitary abuses have risen, violence by the armed forces has decreased. A number of steps have been taken to reduce the military's immunity from prosecution. A court decision in August 1997 allowed for soldiers to be tried in civil courts, instead of military courts, on charges related to "crimes against humanity". Revision of the military code of penal justice will be debated in Congress in March 1998. However, allegations of collusion with, or indifference to the actions of paramilitary groups remain the most serious worry.

A growing concern is the plight of up to one million persons displaced as a result of the civil conflict. An increased presence by the UNHCR is under consideration to address this problem.

The situation of human rights activists also remains a concern. Arrests have been made in the killings in the spring of 1997 of two members of the well-respected CINEP. The Government has also instituted a special protection program for members of NGO's.

Overcrowding in Colombian prisons became more acute in 1997, with 43,000 prisoners in facilities designed for 29,000. While the Government responded with legislation allowing for the early release of certain categories of prisoners, the more fundamental problem of the absence of an effective judicial process remains unresolved.

The Office of the United Nations High Commissioner for Human Rights opened in Bogota on April 6th 1997, headed by Ms. Almudena Mazarrasa. The Office has received the cooperation from the Colombian authorities and is playing a very active role in the monitoring and reporting of human rights violations in Colombia.

At the last three sessions of the Commission on Human Rights (CHR), a Chairman's Statement was adopted expressing concern about the human rights situation in Colombia. Last year, the Statement asked the High Commissioner for Human Rights to report to CHR54 on the human rights situation in Colombia and the activities of the Office.

#### **CANADIAN POSITION**

Canada will continue to take an active approach regarding the protection and promotion of human rights. Our development assistance in Colombia focusses on programs in this area. In 1997, Canada committed \$1.5 million for a 3-year project involving 4 NGOs to create awareness and respect for human rights; \$2.45 million to the International Committee of the Red Cross for training in international humanitarian law in South America and \$500,000 to the same Committee for its operations in Colombia; \$100,000 for a human rights fund to support small-scale projects; and \$200,000 to the Pan American Health Organization for a program for displaced people.

Embassy officials have made a concerted effort to travel to the most isolated and troubled regions of Colombia, including the Departments of Meta and Putumayo, the Uraba region of Antioquia and the Magdalena Medio region. Embassy officials also held discussions with other like-minded countries to improve information sharing and cooperation for the promotion of human rights and our concerns were raised at all levels in both bilateral meetings and at multilateral fora.

## CUBA

### ISSUE

There is a continued lack of respect in Cuba for the civil and political rights of its citizens. Over 600 persons remain imprisoned for acts of a political nature. There is an overall absence of due process and of freedom of expression, assembly and association.

### BACKGROUND

**General Situation.** Despite a deterioration in services as a result of economic pressures, Cubans continue to enjoy widely accessible systems of health, education and social security. 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.

All forms of discrimination are prohibited under the Cuban constitution. However, there is a deep-seated race consciousness in Cuba, and discrimination against Afro-Cubans is still a cultural reality, as in much of the Americas. Women are well-represented in government ministries and in professions, but under-represented in senior political positions and in the emerging export/foreign investment sector. The rights of persons with disabilities are well-protected in Cuba, with access to special health services, schools and work places.

Systematic violations of the integrity of the person (torture, forced disappearances, summary executions) have not existed in Cuba since the early 1960s. Nevertheless, opponents to the Government and prisoners (both common and political) are occasionally subjected to rough or degrading treatment, including psychological intimidation. Cuban law and trial practices do not meet international standards for fair public trials. There is an overall absence of freedom of expression, assembly and association.

The Cuban Government continues to refuse to cooperate with the UN Commission on Human Rights (CHR) Special Rapporteur on Cuba, and denies him access to the island. Cuba has not acceded to the International Covenant on Economic, Social and Cultural Rights, although possible adherence is under review.

Traditionally, resolutions on Cuba are brought forward at both the CHR and the UN General Assembly 3rd Committee. At CHR53, the resolution, which renewed the mandate of the Special Rapporteur on Cuba, was adopted by 19 votes to 10, with 74 abstentions. Canada co-sponsored the resolution.

**Recent Developments.** Improvements in the human rights situation in Cuba in 1995 included the release of some political prisoners, the ratification of the UN Convention Against Torture, the lessening of general repression and visits by international human rights organizations. However, 1996 saw a hardening in the area of civil and political rights. Most notable was the action taken with respect to the Concilio Cubano, a grouping of some 140 opposition groups. The Cuban Government detained over 120 members of the Concilio; four leaders were sentenced for varying periods of time. It is estimated that over 300 civilians were arrested and

detained for varying lengths of time in 1996, accused of counter-revolutionary activity, enemy propaganda, illicit association, contempt for authority, clandestine printing, or the broad offence of rebellion.

Over the past year, the Cuban Government has maintained pressure on citizens accused of "social indiscipline"; independent reporters have been detained and questioned. Efforts to revive the hopes of human rights defenders with the formation of the Internal Dissidence Working Group have faced continued pressure from Cuban authorities. During the summer, the Government rounded up four of the working group's leaders, who had publicly criticized a Communist Party policy document, and accused them of disseminating "enemy propaganda"; they remain in prison without having been brought to trial. In 1997, authorities continued to show a willingness to condemn dissidents to long prison sentences. Organized opposition is weak and scattered.

Only in the area of religious freedom has there been positive movement. 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. In anticipation of the Pope's visit, the Church succeeded in opening further space for its activity and for participation by the populace.

#### **CANADIAN POSITION**

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

In its regular discussions with the Cuban Government on human rights issues, Canada has focused on individual cases involving excessive sentences for political crimes, the legal registration of human rights groups, concerns over the conditional release of political prisoners (who have often been forced to go into exile) and the need for improvement in the conditions of political prisoners. The Canadian Embassy in Havana maintains contact with a variety of non-governmental groups, human rights activists and Cuba's religious communities.

In recent months, Canada has moved into new areas of cooperation with Cuba. During his January 1997 visit, Minister Axworthy and the Cuban Foreign Minister issued a Joint Declaration setting out a number of areas of agreed activity. Several of these were directly related to human rights and good governance, including the provision of Canadian expertise to the justice and legal systems, the sharing of Canadian experience in the strengthening of Cuba's machinery to receive citizens' complaints, the establishment of an on-going dialogue on human rights, and the encouragement of parliamentary exchanges directly related to institution strengthening. This declaration is unprecedented; for the first time, the Cubans have committed themselves publicly to work with a Western country on human rights and good governance.

The initial implementation of the Canada-Cuba Joint Declaration is proceeding reasonably well. We were particularly pleased in May of this year that the Cuban leadership cooperated in releasing to Canada a prisoner of conscience, Cecilio Ismael Sombra Haber, a Cuban writer and journalist of some distinction. Our embassy in Havana has underlined, at senior levels, Canada's concern about the arrest in July of the four human rights activists.

## GUATEMALA

### ISSUE

The number of gross human rights violations in Guatemala declined significantly over the last year, but serious incidents still occur at times. There are continuing concerns about: harassment and intimidation of political, human rights and labour activists; violations of due process by government officials and agencies; absence of effective implementation of the government's economic and social commitments; and impunity, especially the lack of progress in investigating and prosecuting past cases of serious human rights violations.

### BACKGROUND

The quantitative and qualitative decline in human rights violations reported by the Ombudsman, the Human Rights Office of the Archbishop of Guatemala (ODHA) and MINUGUA (the United Nations Verification Mission in Guatemala) during recent months appears partly due to reduced political tensions since the final Peace Accord. In particular, extrajudicial killings and disappearances have declined markedly. A larger proportion of human rights violations relates to threats (including death threats) and intimidation against union leaders and labour activists, human rights activists, civil society leaders, journalists, judges, prosecutors and even politicians. Particularly alarming is the almost total impunity throughout Guatemala, due to an ineffective, mistrusted judicial system; in addition to impunity's negative effects on human rights cases, the popular sense that the system does not work has contributed to a rising number of lynchings of suspected criminals. Although government violations of the right of due process are still common, MINUGUA reports that their number has decreased over the last year.

The Government of Guatemala has publicly committed itself to respect human rights and believes that the long-term changes flowing from peace should help improve the situation. However, the Government is frequently unable to enforce its will or to implement commitments, in part due to a lack of institutional capacity. The Government clearly understands that a substantial effort is required to make the police, prosecutors and judicial system effective in order to eliminate impunity, but has not yet made enough progress to have a substantial effect. It appears however to have better control than its predecessors over the military. While the media in Guatemala are generally free from government interference and debate on many issues is lively, the Arzu government's relations with the media have often been difficult. Despite concerns that amnesty legislation passed in connection with the Peace Accords would be used to allow human rights violators to escape, this did not happen.

In the field of economic and social rights, there has been little change since last year. The Peace Accords contain important commitments on health, education, housing and other social areas, but implementation has been slow. On the other hand, the Ministry of Education has begun to act on commitments related to bilingual education for indigenous people and, despite the difficulty of finding bilingual teachers, a small but growing number of communities are beginning to receive this service. Unresolved conflicts over land resulted in serious incidents including deaths in a number of areas.

Respect for rights of the indigenous and for minorities and vulnerable groups such as women, children, homosexuals and the disabled remains problematic. While Guatemala's indigenous majority made important gains in the Peace Accords and organized to participate actively in their implementation, racism against indigenous people remains widespread and their poverty makes it very difficult for them to improve the situation. The situation of women and children has not improved much. Despite the urging of the Government, the Congress decided in September 1997 to postpone the implementation of the new Code for Children and Youth. Discrimination against homosexuals is prevalent and several transvestites have been murdered during the last year. On the other hand, in this area and that of provision for the disabled, there are some signs that the sensibilities of Guatemalans reached by American TV and other external influences may be gradually changing.

### CANADIAN POSITION

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

The \$5 million Phase II of CIDA's Democratic Development Fund continues to support innovative projects in areas such as women's rights, the fight against impunity, capacity building for deputies and others to prepare draft laws for Congress, training in conflict resolution, support for dialogue between civil society and the national government and implementation of the Peace Accords. Canada provides 3 RCMP officers to MINUGUA's civilian police component, and CIDA has approved a \$750,000 contribution via MINUGUA to support the extension of the justice system in Huehuetenango Department and its adaptation to mesh better with local indigenous dispute resolution systems. The Peace-Building Fund provided \$100,000 to the Historical Clarification ("Truth") Commission to support its start-up activities. CIDA also provided \$500,000 to the UNHCR for its quick impact projects for returning refugees. Both the Canada Fund's support to implementation of the Peace Accords and the \$8 million Phase II of CIDA's Local Development Project (PADEL) contain strong components in support of women and indigenous groups.

At the 53rd session of the Commission on Human Rights, a consensus resolution on Guatemala was adopted under the "advisory services" agenda item, with Canadian co-sponsorship. However, during the Commission the resignation of Monica Pinto, the Independent Expert, was announced and after her resignation the mandate was not renewed. Canada valued her work, supported the continuation of the mandate and was disappointed by her decision to resign. The UN Secretary-General will now report to the CHR's 54th session on the human rights situation in Guatemala, based on the work of actors within the UN system, non-governmental organizations and others. Canada continues to support work on human rights in Guatemala by both the Centre for Human Rights and MINUGUA, as well as the CHR's continuing consideration of this issue. It is expected, however, that the Government of Guatemala and states which support it will make a determined effort at CHR 54 to end the Commission's consideration of the human rights situation in that country.

## HAITI

### ISSUE

After the restoration of democracy in 1994, the Haitian Government's objective was to establish institutions and mechanisms guaranteeing the existence of a State based on the rule of Law, and to bring to justice those responsible for human rights violations that occurred during the 1991-1994 dictatorship. Increasingly, judicial reform and efforts to improve conditions of detention are proving to be tremendous challenges.

### BACKGROUND

On September 30, 1991, a military coup d'état forced President Jean-Bertrand Aristide, elected democratically in December 1990, into exile until October 1994. This period was marked by massive human rights violations. The situation has improved considerably since the return of the democratic regime: legislative, municipal and presidential elections have taken place, the Haitian army has been dissolved, a national civilian police force has been formed, systematic repression has ended, and fundamental freedoms have been largely restored. In 1998, Haiti continues to enjoy the support of the international community in the form of a UN Civilian Police Mission (MIPONUH) and a Human Rights and Justice Assistance Mission, formed jointly by the UN and the Organization of American States (MICIVIH).

Early in 1995, President Aristide announced the creation of the National Truth and Justice Commission, responsible for shedding light on the violent acts committed during the three years following the coup d'état. In its 1996 report to President Préval, the Commission recommended that those responsible for serious violations of human rights be brought to justice and their victims compensated financially. The MICIVIH called upon the Government to disseminate the report and apply its recommendations. Recent court cases riddled with irregularities, including the trial of the murderers of Guy Malary, Justice Minister in the Malval Government, have drawn attention to the shortcomings of Haitian justice. The forthcoming trial of those responsible for the Raboteau massacre in Gonaives, in 1994, will reveal how much progress has been made.

The Government's activities have been seriously limited by the political paralysis stemming from the elections of April 1997, which were also riddled with irregularities, and from the formal resignation of the Prime Minister and his cabinet in June (reiterated in October in the case of the Prime Minister). In addition, the judicial system suffers chronic problems, and despite considerable international support reform is slow in coming. The judiciary applies the law very unevenly. Shortcomings in the judicial system are hindering political, economic and social life and the full development of the police force. The Haitian National Police have nonetheless improved, although some cases of abuse have been cited. The Inspector General of Police has taken disciplinary measures against those found to have committed offences, but there have been delays. In detention centres, most prisoners must wait for months before they can be trialed, even for misdemeanours. The number of prisoners has increased considerably. Registries, now obligatory, have not yet been developed properly. The conditions of detention are often deplorable, although there has been some improvement. Human rights protection is hindered by lack of coordination and by inter-institutional disputes.

The Haitian Government has asked the Special Rapporteur on violence against women to investigate violence committed during the dictatorship; the invitation still stands. The situation of the most vulnerable groups, including women and children, has been worsened by the country's poverty. The fact that children are employed as unpaid servants has been denounced by the UN's Independent Expert for Haiti. At the 53rd session of the Commission on Human Rights, the mandate of the independent expert was renewed in a resolution passed by consensus under the "advisory services" item.

#### CANADIAN POSITION

Canada strongly supported the return of democracy to Haiti, and is contributing to the MIPONUH and the MICIVIH. We have co-sponsored resolutions at the General Assembly and the Commission on Human Rights which address human rights problems in Haiti and request the UN to continue supplying assistance to the Haitian Government in the field of human rights. On a number of occasions we have expressed concern over inhumane conditions of detention and the need to actively pursue extensive judicial reform.

Bilaterally we are participating in judicial reform efforts and, both bilaterally and multilaterally, we are supporting the formation of the National Police. A two-week training course was given in Canada to persons recruited for the new Citizen Protector's Office. We continue to support the MICIVIH, and are carefully keeping track of developments in Haiti. On a number of occasions, we have expressed our concerns to members of the Government, including President Préval, about the political deadlock and the urgent need for judicial reform.

## MEXICO

### ISSUE

Mexico is making significant progress in terms of democratization, an important benchmark being the historic July 6th mid-term elections. However, the human rights situation has not improved in 1997, and in some respects has deteriorated.

### BACKGROUND

There are a number of factors which explain this contradictory trend. As a result of a decision by authorities to depend on the Army for anti-drug and some policing roles (as opposed to the federal police, a body which the Government is now attempting to reform), there is an increased military presence in large parts of Southern Mexico, in particular the states of Chiapas, Oaxaca and Guerrero. This appears to have led to an upswing in abuses since mid-1996. In more than half of Mexico's 32 states, military officers have been given command of state police forces. Although historically the Army has a better human rights record than the police, the presence of the Army in police roles has led to concerns about long-term implications. The human rights dynamic also varies considerably from region to region: in Guerrero or Oaxaca, aggressive military tactics to subdue a small but violent insurgency (the EPR) may be to blame; while in Sonora or Chihuahua, the source of increased violence is often drug-related. Violence rooted in struggles over land rights and political, religious and ethnic differences, continues in areas such as northern Chiapas, most recently with the massacre of 45 villagers in Chenalhó, Chiapas, on December 22, 1997.

President Zedillo is strongly committed to democracy and a society characterized by the rule of law. The clean, successful manner in which mid-term elections were carried out in Mexico in July, 1997, is an important benchmark of progress in Mexico's democratic development. For the first time in 70 years, opposition parties won a majority of seats in the lower house of Congress, and made inroads at the state and municipal levels, including Mexico City itself. The elections will clearly have a long-term, positive impact on the human rights climate. Mexico's new democratic reality, in combination with important new political and judicial reforms, will bring greater transparency and debate to bear on questions of human rights and social justice. There have been other positive human rights developments. On Mexico's invitation, the UN Special Rapporteur on Torture visited Mexico in August, 1997 (his report is expected in February), and an Inter-American Human Rights Commission team was given unlimited access throughout Mexico in 1996. Although Mexico continues to emphasize its sovereignty and the principle of "non-interference", these overtures reflect a positive shift in Mexican thinking. The Office of the Attorney General is seriously attempting to address corruption and other criminal activities within the federal police, beginning with large-scale dismissals of officers in 1996. Thousands of other officers are currently being re-trained. In June, 1997, the Army publicly recognized for the first time that its troops have engaged in practices such as torture on certain suspects during anti-insurgency campaigns, and the Defence Minister called for an investigation into human rights violations by the Army.

However, many concerns remain. Impunity remains a fundamental problem. Only a handful of convictions have been registered for the practice of torture in the last six years. While reports of torture have been on the decline since 1991, the number of new cases grew to

over a hundred in 1997. Disappearances are also on the rise, although 77 of the 100 reported cases in 1997 eventually "re-appeared". 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 local interests associated with the governing PRI. NGO activists periodically receive threats and harassment, and the authorities seem disinclined to take decisive action. Other developments in 1997 have given 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.

Regarding Chiapas, talks have been on hold since the Government rejected, in late 1996, proposed constitutional amendments designed to implement the 1996 San Andrés Larrainzar accords. However, the Chenalhó massacre has sparked a renewed, national debate on finding solutions to the problem of Chiapas. President Zedillo immediately condemned the attack, and adopted a series of immediate measures, including a special investigation which has already produced numerous arrests. The Government has acted decisively in the aftermath of Chenalhó. In addition to calls for a renewed dialogue with the EZLN, the naming of a new Interior Minister (Labastida), a new government Negotiator for Chiapas (Rabasa Gamboa), and a new interim Governor for Chiapas (Albores), appear to be further evidence of a renewed commitment by the Government to negotiations and a peaceful solution.

Much work remains to be done to advance the interests of the most vulnerable segments of Mexico's population. While the Chiapas uprising focussed unprecedented attention on indigenous issues, the indigenous population as a whole continues to be victimized by discriminatory treatment, and is disproportionately affected by poverty, poor education, and other social indicators. A third of Mexican children under five years of age suffer from malnutrition, and 11 million children under 15 years have to work. Three out of four families have less than CDN\$7.50 per family member to spend each week. Women continue to face discrimination and maltreatment, either in the workplace where they usually occupy lower, poorly-paid positions, or more generally as victims of under-reported domestic and sexual abuse. While Mexico City recognizes the right of the disabled to access to public buildings, this is not the case elsewhere, and there is almost a complete absence of federal action in this area. Homosexuals are victims of intolerance, often resulting in abuse and violence.

### CANADIAN POSITION

The Canadian Government recognizes human rights concerns in Mexico. We also recognize the real efforts Mexico is making towards reform. Canada wants to be, and is, supportive of and engaged in this process. Canadian ministers raise human rights issues with their Mexican counterparts. Immediately after the Chenalhó massacre, Minister Axworthy spoke with his counterpart and expressed Canadian concerns. Chiapas was discussed during Minister Marchi's meeting with President Zedillo during the recent Team Canada mission to Mexico. In 1997, the Canadian Embassy played an active role in raising select, priority human rights issues before the Mexican authorities. There is an increasingly close, cooperative relationship between the Canadian and Mexican Electoral Commissions, and our respective Human Rights Commissions are now working to implement a bilateral cooperation proposal. In November, 1996, Canada hosted an "Aboriginal Economic Round Table" at the Canadian Embassy, bringing together indigenous business and community representatives from both countries to explore avenues of economic cooperation. The Round Table gave rise to an ongoing process in which promising Indigenous-to-Indigenous joint ventures can and are being pursued, encouraging the development of our respective aboriginal communities. The Canadian Embassy "Canada Fund" supports the activities of various Mexican human rights NGOs, including a focus on indigenous communities, and a geographic focus on Chiapas.

## PERU

### ISSUE

Although the number of reported human rights violations declined, Peru continued to strengthen its constitutional and institutional framework for dealing with human rights in 1997. The threat of violence remains high due to renewed terrorist activities. The most serious challenge to human rights remained abuses relating to the emergency measures imposed in 1992. The Government argues they must remain in place to curb terrorist activities of guerilla groups, including the MRTA.

### BACKGROUND

These exceptional measures continue to raise serious human rights concerns. The emergency zones, controlled by the military, restrict freedom of movement in 18% of the national territory. Other measures remain intact including military trials for civilians accused on charges of terrorism, and an amnesty law for military and police officers. Allegations of arbitrary arrests, torture and brutality continue while state agents alleged to be involved retain their immunity. The Government is reluctant to dismantle its emergency measures, pointing to the MRTA hostage-taking incident in 1996 and continuing threats from terrorist groups to justify their decision. The Government also maintains a high level of popular support for its approach given its success in reducing terrorist activity.

There have been both advances and setbacks in the development of human rights institutions and in improving the judicial system. Under the direction of its capable and influential head, Jorge Santisteban, the Ombudman's office created by the Government in 1995, has emerged as the key institution in the defence of human rights.

Further measures taken by the Government in 1997, aimed at bolstering constitutional rights, include the establishment of a register of those detained on charges of terrorism, the promotion of police/military cooperation, the more expeditious review of cases, and the transfer of detainees to civilian authorities. The Secret Courts which were established in May 1992 and handled some 3000 cases, all of which received heavy sentences, lapsed in October 1997, closing an infamous chapter in Peruvian law. Cases pending before these courts will be transferred to civilian courts.

The absence of an efficient judicial system continues to contribute to prison overcrowding. While the Government has invested \$100 million in prison infrastructure since 1992, prison conditions, including allegations of torture, remain a serious problem. Visits by the International Committee of the Red Cross to prisoners convicted of terrorist offenses resumed in December 1997. The Ad Hoc Commission which reviews cases of prisoners considered wrongfully imprisoned on terrorist charges has to date granted pardons to 147 prisoners, an improvement over 1996.

The independence of the judiciary continues to be challenged. Three justices were dismissed by Congress from the Constitutional Tribunal in 1997 for issuing their opinion that President Fujimori cannot run for office in 2000. The Tribunal was established in 1996 as an independent body which rules on challenges to citizens' rights. Despite domestic and international protest, the dismissal has been upheld.

At the same time, in an unprecedented case, the Government accepted the ruling of the Inter-American Court of Human Rights that Maria Elena Loayza, a Peruvian citizen, was innocent of terrorism charges. The question of financial reparations remains pending. However, the Government's decision is the first time Peru has taken this step, signalling a modest improvement from past practice.

The Government continues to address the problem of an estimated 3,000,000 citizens without identity cards. The situation has effectively excluded them from participating in the formal economy. There have also been efforts to regularize land titles in poor rural and urban areas with 400,000 titles expected to be granted over the next two years.

Violence by narcotraffickers, and guerilla activities undertaken in concert with them, remains a serious concern especially in the remote regions of the country. The prospect of eradicating both the drug trade and the subsequent abuses in the short term is minimal.

#### **CANADIAN POSITION**

Embassy officials consistently express Canadian concerns in both broad and specific terms with Peruvian officials and NGO's. Canada works closely with the Ombudsman's office to provide information, expertise and technical assistance. Canada expressed concern to the President of the Congress at the OAS General Assembly, in September 1997, over the dismissal of the three Justices of the Constitutional Tribunal. The Canada Fund for Local Initiatives contributed \$100,000 to 7 human rights projects in 1996/97 and \$41,000 to 4 projects in 1996/97. The human rights and democratic development projects funded from other sources totalled \$69,800 and the Canada/Peru Counterpart Fund spent \$5,000,000 on alternative development projects.

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## AFGHANISTAN

### ISSUE

The human rights situation in Afghanistan is among the world's worst. The ongoing civil war itself is very detrimental to human rights, fought as it is with disregard for the safety of civilians. While Taliban rule in the 75% of the country it controls has reduced brigandage and rape, this has been accompanied by the elimination of personal freedoms and rights, especially for women.

### BACKGROUND

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

The 1980s saw some 6 million people take refuge, in roughly equal numbers, in Pakistan and Iran. While some have returned, there are still approximately 1.7 million refugees in Pakistan, and 1.2 million in Iran, with a further 800,000 to one million displaced internally.

The UN Special Mission to Afghanistan, and its predecessors, have to date failed to surmount the preference of the warring Taliban and opposition Alliance for a military solution as opposed to a negotiated ceasefire and settlement. The Organization of the Islamic Conference (OIC), and various neighbouring countries, notably Pakistan, have also unsuccessfully attempted peace-making.

The Taliban take-over of Kabul in September 1996 brought their policies to prominence. Taliban forces, emerging from Quranic schools, gained initial acceptance from war-weary populations by combatting extortion, robbery, rape, and general lawlessness. However, their imposition of an extreme form of "Islamic" behaviour and its concomitant severe restrictions on women's access to employment, education, and health care has been criticized by the UN Secretary General, UN agencies operating in Afghanistan, and by NGOs and the world community at large. Only Pakistan, Saudi Arabia, and United Arab Emirates have established diplomatic relations with the Taliban authorities; the UN seat continues to be occupied by the former Rabbani regime, now part of the opposition Alliance, and the Afghan seat at the OIC remains empty. According to the report of the UN Special Rapporteur for Afghanistan, women's rights began to deteriorate when the *mujahudeen* 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, with few exceptions, 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 relatively more relaxed in areas where the Taliban are more confident of their control. Women also face restrictions in Alliance territory, although girls' schools are operating in many Alliance areas.

Consensus resolutions on Afghanistan are passed at both the Commission on Human Rights and the UN General Assembly 3rd Committee. The mandate of the UN Special Rapporteur on the human rights situation in Afghanistan was extended for one year by the UNCHR during its last session, and will likely be extended again this year, given the overall lack of progress.

### **CANADIAN POSITION**

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

The Canadian Government is deeply troubled, as is the international community, by the serious human rights violations in Afghanistan, especially the grave deterioration in women's rights in areas under Taliban control. Canada strongly supports the actions by the UN and its agencies to persuade the Taliban authorities to respect Afghanistan's international obligations on human rights. In this regard, the UN Secretary General in October 1996 issued a statement highlighting concerns about the treatment of women in Afghanistan, making clear that the design and delivery of UN assistance programs must respect internationally accepted norms of gender equality.

When Minister Axworthy attended the UN General Assembly in September 1997 he handed over to the Secretary-General some 5000 letters from Canadian women expressing their deep concern over the deterioration of women's rights and freedoms in Afghanistan. In his speech to the General Assembly, Mr. Axworthy singled out the Taliban's gross violations of the human rights of women in Afghanistan as unacceptable in the eyes of the world's citizens.

Canada continues to be one of the major donors supporting relief operations in Afghanistan. From 1992/93 through 1996/97, Canada has approved humanitarian aid of C\$32.25 million. The principal activities, funded through UN agencies, are demining, health, assistance to displaced persons and repatriation, and food aid (wheat). We ensure that funded activities are not detrimental to women. A case in point is the Afghanistan Canada Fund which specifically excludes all projects that discriminate against women or do not allow female participation.

## **BURMA (MYANMAR)**

### **ISSUE**

Burma continues to have one of the worst human rights records in Asia. Despite changing its name from the State Law and Order Restoration Council (SLORC) to State Peace and Development Council (SPDC), the Burmese military regime has not changed its repressive policies.

### **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. In fact, 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 continuing with its plans for a constitution entrenching the role of the military. Aung San Suu Kyi has reacted by pulling the NLD out of the constitutional convention and has called on the international community to freeze foreign investment and increase diplomatic pressure on the military regime.

Since September 1996, Aung San Suu Kyi has been under virtual house arrest and the harassment of her supporters has increased. 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, the only ethnic military group still resisting the military regime's authority, forcing tens of thousands of Karen refugees into Thailand and creating an ongoing humanitarian emergency on the Thai-Burma border. Opium production in the ethnic areas continues to expand with increasing signs of Burmese Government complicity. 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, forced relocation and forced labour.

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 and the United States underscored their condemnation with selective sanctions, the EU by withdrawing Burma's special trading privileges under the General System of Preferences in March 1997 and the USA by announcing a ban on new investment in April. ASEAN governments, however, have maintained their policy of "constructive engagement" and in July 1997 admitted Burma into ASEAN, a move that represents a political and diplomatic victory for the Burmese regime.

## CANADIAN POSITION

At Canada's initiative, the P8 Foreign Ministers at the Denver Summit, in June 1997, issued a strongly-worded statement on Burma, inter alia, calling on ASEAN to use its influence to encourage a return to democracy in Burma. The Summit Communique also called on the Burmese military regime to enter a meaningful dialogue with leaders of the democratic opposition and ethnic minorities and stressed that the international community holds the Burmese regime responsible for the safety of Aung San Suu Kyi.

In July, 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.

Canada already had 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 exports of all controlled goods are scrutinized closely. No Canadian export programs are open for Burma. Bilateral trade remains minimal. In 1996, Canada's exports were worth \$1.75 million and imports \$14.6 million (mostly textiles and seafood). Burma's ASEAN membership does not mean automatic accession to the Canada-ASEAN Economic Cooperation Agreement, nor will Burma be included under any new or ongoing Canada-ASEAN regional development projects.

Canada withdrew its traditional co-sponsorship from the Swedish-led resolution on human rights in Burma at the 52nd session of the UN General Assembly after finding that it was not possible to remove a number of last-minute amendments to the resolution that detracted from its tough language on human rights. Canada thereby joined Denmark, Finland, Ireland, Norway and the Netherlands in conveying the view that the resolution was not critical enough of the Burmese military regime's actions in 1997. A resolution on Burma will again be brought forward at the 54th session of the Commission on Human Rights.

January 1998

## CAMBODIA

### ISSUE

Cambodia's human rights record continues to be a matter of concern as an increasingly authoritarian coalition Government tries to maintain power and authority, especially in the aftermath of the factional fighting in July 1997.

### BACKGROUND

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

The United Nations Transition Authority in Cambodia (UNTAC) in 1992 established a human rights component to assist in the promotion and protection of fundamental human rights in the country. The period since the end of the UNTAC exercise in September 1993 has seen a gradual erosion of the democratic structures established at that time and in the effectiveness of human rights organizations in the country. The granting of an amnesty to the notorious Khmer Rouge leader Ieng Sary in August 1996, while perhaps defensible for political/military reasons, is symbolic of the limited commitment of Cambodian authorities to live up to their human rights obligations.

One of the most serious concerns is the apparent impunity of police and military authority, abetted by a weak, politicized judiciary. The August 1997 report of the Cambodian Office of the UN Centre for Human Rights documents arbitrary arrests and extrajudicial killings, mainly of FUNCINPEC-aligned military, police and bodyguards, and including a half dozen senior officials, in the immediate wake of the fighting in July. 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, in which at least 15 persons were killed. None of these cases has been resolved. The government is proposing a national Human Rights Commission and has launched an "independent" inquiry into the abuses committed during and after July 5-6, but there is concern about using NGOs, which have no police training or protection, for this purpose. The most important immediate objective must be progress toward the rule of law and political stability, including the fostering of a climate of confidence conducive to free and fair elections in July 1998. Therefore it is worrying that there is renewed harassment of opposition media and outspoken members of the international press corps.

On the positive side, the Cambodian government has established an improved working relationship with the Special Representative of the Secretary General, human rights education efforts continue and there has been some limited progress in establishing a functioning system of justice. The Royal Government is proceeding, apparently seriously, with preparations for

the elections, the success of which will be heavily dependent on international commitments of support, so far forthcoming from the European Union, Australia and Japan. The passage of the Law on the Election of the National Assembly, which established an independent National Election Commission in the face of high level opposition, is a constructive development. Cambodia is also becoming a world leader in the removal of antipersonnel landmines and has stated its intention to ban such weapons.

Protection for the rights of women, children, minority groups and disabled persons continue to be weak. Domestic violence against women and children is common. The ethnic Vietnamese minority faces widespread social discrimination and some violence from the Khmer Rouge; people with disabilities also face societal discrimination.

The Government does not adequately enforce existing legal prohibitions against anti-union discrimination, nor provisions outlawing forced labour.

Citizens living in areas controlled by the Khmer Rouge are denied virtually all political rights and are subject to serious human rights abuses by the KR leadership. KR forces commit numerous extrajudicial killings and are responsible for disappearances, forced labour, and restriction of freedom of speech, the press, assembly, association, religion, and movement.

#### **CANADIAN POSITION**

Canada has supported the ASEAN initiative to promote reconciliation between the Cambodian parties and considers the holding of free and fair elections, scheduled for July 1998, to be essential for the restoration of peace and democracy in Cambodia. Since mid-1994, Canada has supported good governance initiatives, including projects with the National Assembly and election preparations. Canada has twice sponsored visits to Canada by Kem Sokha, Chairman of the Human Rights Committee of the National Assembly. Since the July 5-6 crisis in 1997, Canada has called on all parties to refrain from violence, and to maintain their commitment to the 1998 elections. A Parliamentary Centre mission which went to Cambodia in August 1997 concluded, in its report to Ministers, that such assistance should continue. Canada is providing technical assistance in preparation for the 1998 national elections, and will be assisting in the electoral process, in a manner yet to be determined.

Australia presented resolutions on the human rights situation in Cambodia at the 53rd session of the Commission on Human Rights (under the "advisory services" item) and at the UN General Assembly 3rd Committee in December 1997. Both resolutions were adopted by consensus, with Canadian co-sponsorship.

## PEOPLE'S REPUBLIC OF CHINA

### ISSUE

During the past year, the Chinese Government has made progress addressing some human rights concerns. Most notable is the welcome signature of the UN Covenant on Economic Social and Cultural Rights. However, Canada remains concerned about continued human rights violations, especially in the areas of political dissent, religious freedom, administrative detention and in our view, the excessive use of the death penalty. Over the course of 1997, Canada has placed additional emphasis on bilateral initiatives that address human rights, good governance and respect for the rule of law.

### BACKGROUND

1997 has been a significant year for China, encompassing the death of DENG Xiaoping, the return of Hong Kong to Chinese sovereignty, the convening of the Fifteenth Congress of the Chinese Communist Party and resulting consolidation of JIANG Zemin's position as first among equals in China's present collective leadership. In 1997, the Chinese leadership's main focus was economic, rather than social or political development. Moreover, the Government remains wary of perceived threats to political stability and national unity. This economic focus is linked to the need for continued stability, which results at times in a willingness to severely curtail individual rights.

At the same time, through sustained economic growth China has been able to reduce the number of its citizens living in absolute poverty and has opened its society to non-state business activity. Economic growth and greater openness in the economic sphere has lessened the power of the central Government over certain aspects of Chinese life, allowing for greater individual freedoms, including greater control over career choices. Considerable autonomy is now given to the provinces and major cities, while the devolution of power through direct elections by secret ballot at the lowest levels of local government is an important, if limited, experiment in democracy.

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." Tolerance for political dissent has not improved over the past year. Despite the medical parole and exile of WEI Jingsheng, many other political dissidents remain incarcerated including Tiananmen activist WANG Dan. The death of YU Zou, another Tiananmen activist, while in police custody is also cause for concern. In addition, numerous human rights and pro-democracy activists, labour organizers and members of religious groups not officially approved by the state, continue to be arrested and detained.

In 1997, the "strike hard" (yanda) anti-crime, anti-corruption campaign intensified, resulting in more arrests, harsher sentences and an increase in the use of the death penalty. Even under China's reformed criminal code and procedure, the accused is not always granted due process and appropriate procedural safeguards. In addition, the death penalty is being administered more frequently for non-violent crimes.

The situation in the minority regions of Tibet, Xinjiang and Inner Mongolia remains a special concern. In these regions "strike hard" has led to the arrest and mistreatment of Tibetan monks, Muslim Uygurs and other minorities for alleged separatist activities. While often difficult to confirm, due to their remote geographical locations, reports of repression and violence in these regions are increasing.

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 no legal guarantees of equality based on religious belief, social origin or sexual orientation. 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. Legally guaranteed rights for certain vulnerable groups (women, children, religious, ethnic minorities) was discussed at the meetings of the Canada China Joint Committee on Human Rights held in Ottawa in July and Beijing last October.

Positive developments in 1997 included the welcome signature by Beijing of the UN Covenant on Economic Social and Cultural rights and the announcement that Beijing would maintain Hong Kong's status under both the Covenant on Civil and Political Rights and the Covenant on Economic and Social Rights by meeting obligations to report on conditions in the former colony. Another positive development was the announcement that China and Canada will jointly host a human rights symposium with Asia-Pacific countries in early March, 1998. It should also be noted that China has made further progress in reforming its legal system and continues to improve the living standards of its enormous population. Also welcome is the expanding number of bilateral human rights dialogues between China and other states.

While the Chinese Government has given indications that it is more willing to participate in international human rights dialogues, it continues to react defensively to international scrutiny. The resolution on China's human rights situation at the last Commission on Human Rights (CHR) did not reach the floor for a vote, after a Chinese no-action motion was carried, 27 votes to 17, with 9 abstentions. Canada did not co-sponsor the resolution but voted against the no-action motion. Canada also stated it would have supported the resolution had it come to a vote.

### **CANADIAN POSITION**

Canada is concerned about the human rights situation in China. Canada's objective is to promote the advancement of human rights in China both by supporting and initiating positive change.

After Canada's decision not to co-sponsor the CHR53 resolution, Minister Axworthy announced a package of human rights initiatives. Major components of the package included: 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 have been designed and implemented by CIDA in partnership with Canadian and Chinese NGO's. Another result of this bilateral package of human rights initiatives is the symposium on human rights, which Canada will co-host with China.

Canada continues to raise human rights concerns during meetings between 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.

## INDIA

### ISSUE

India's legal framework to a large extent protects the rights of Indian citizens. Implementation, however, is uneven and human rights abuses continue in India, notably in Kashmir.

### BACKGROUND

Although India is a parliamentary democracy and a secular state with an open society, communal and inter-religious tensions show no sign of abating soon. The combination of poverty and communalism has a strong negative impact on the human rights situation, despite the protections established within India's legal framework.

The situation in Kashmir has improved over the past year, and the army is being withdrawn from certain urban areas. Responsibility for public order is increasingly being transferred to the state police force. However, the armed conflict continues, as do abuses of human rights committed by the police, security forces and militant groups.

A ceasefire between militant groups in Nagaland has contributed to the lessening of violence and human rights abuses by security forces in that state, although the situation elsewhere in India's Northeast remains unchanged.

Mistreatment of detainees in police and military custody appears to be widespread throughout India, but prosecution of officers continues to increase, mainly due to a continued activist approach on this issue by the Indian Supreme Court. In October 1997, India signed, but has not yet ratified, the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The situation in Punjab has now improved to a level comparable to that in India as a whole. An investigation is currently underway into disappearances in the state during the period of militancy, and members of the police continue to be held accountable for their actions.

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

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

The rights of ethnic and religious minorities and aboriginal people in India are guaranteed by law, and the Indian Government has taken several steps to promote their rights and full participation in Indian civil society. Despite these efforts, societal discrimination against minorities continues.

Although persons with disabilities in India do have some benefits and some civil service positions are reserved for them, there is no legislation covering accessibility issues.

India's National Human Rights Commission (NHRC), established in 1993, has continued to grow in influence and continues to demonstrate a willingness to take up controversial cases and to focus on critical human rights issues.

### **CANADIAN POSITION**

Bilaterally, Canada continues to maintain a dialogue on human rights with the Indian Government, both at the national and state levels. As there has been no high-level visit since that of Minister Axworthy in January 1997, opportunities to raise these issues at the political level have been few. However, a number of high-level, including ministerial, contacts are planned in 1998 which will permit the raising of human rights questions with key Indian decision-makers.

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 Child Development Fund and the NHRC/Canadian Human Rights Commission cooperation project, Canada provides funding to Indian NGOs to assist their efforts in the human rights field. Furthermore, Canada's contributions to India's sustainable development and growth help to address the poverty which hinders the development of a human rights culture.

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

## INDONESIA

### ISSUE

With the economic crisis has come frank and open debate on political as well as economic issues. However, the human rights situation in Indonesia continues to cause concern.

### BACKGROUND

The ongoing economic crisis in Indonesia has resulted in an explosion and openness of public debate on economic, social and political issues including the presidential succession. Calls for political change have come from many quarters: prominent mass Moslem organizations; former eminent Ministers of the Government; retired generals; newspapers -- especially the Jakarta Post; and Megawati Soekarnoputri, daughter of Indonesia's first President. Responding to IMF pressure, President Soeharto announced in mid-January 1998 unprecedented changes to the country's economic structure, abolishing cartels, monopolies and subsidies that had benefitted businesses of family and friends. Implementation of Government's austerity measures in coming months will be hard-felt by the population.

The year 1997 was one punctuated by outbreaks of ethnic and religious violence in West Kalimantan and South Sulawesi, riots, demonstrations throughout the country, a renewed wave of violence in East Timor, and hostage-takings in Irian Jaya. The campaign period leading up to the May 1997 parliamentary election was widely considered to be the most violent since the beginning of the thirty-two year-old New Order Government, characterized by rioting and violent clashes between party supporters. Encouragingly, restraint was exercised by the security forces in dealing with demonstrations.

Decades of social and economic reforms have steadily improved the lot of the average Indonesian, although tens of millions of Indonesians will fall below the poverty line this year due to the current economic crisis. Political and civil reforms, however, lag behind. The Indonesian Constitution (1945) makes little reference to human rights, nor has Indonesia ratified the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, or the Convention on Torture. Indonesia is developing draft legislation to counter discrimination against persons with disabilities; nevertheless, economic barriers remain to hiring disabled workers, and education and health care systems are poorly equipped to deal with special needs. As a result, Indonesia's disabled population is largely dependent on the support of family and charitable organizations. Homosexuality is illegal according to Koranic law, but is tolerated if discreet.

Indonesian human rights NGOs were active during the year, and the media continue to encourage public debate on issues such as economic policies, political developments, judicial independence, corruption and even activities of the President's family. The Indonesian National Human Rights Commission (Komnas Ham) has undertaken independent investigations into prominent human rights cases such as the Liquica killings, the Marsinah affair and the Jakarta 1996 riots, and has grown to occupy an important political place in Indonesia.

Leader of the Independent Trade Union (SBSI), Muchtar Pakpahan, remains on trial for his political role in the July 1996 riots. His case has served to focus international attention on the Government's treatment of trade unions, and its infringement of freedoms of expression and assembly.

Fundamental structural problems remain at the root of human rights abuses in Indonesia. The military maintain an oppressive presence in East Timor and generally operates with little regard for human rights. The police are a branch of the armed forces. The legal system remains subject to political interference and the political system has no true democratic accountability. The Government is rife with corruption at all levels. While reforms have been pursued at gradual pace, the economic crisis has emboldened the population to push more stridently for meaningful reforms, in a society that has undergone very little political change in 32 years.

### **CANADIAN POSITION**

Canada has consistently expressed its concern over Indonesia's human rights record, particularly in East Timor. Human rights were discussed at numerous high level meetings in the past two years. During Mr. Axworthy's visit to Jakarta in July 1997, he and FM Alatas signed a Joint Declaration establishing a Bilateral Consultative Forum with a mandate to facilitate dialogue in bilateral and international areas, including governance and human rights. Under this initiative, Canada and Indonesia co-hosted a bilateral Human Rights Colloquium in Jakarta on October 29-30, attended by Canadian and Indonesian officials, NGOs, the media, business representatives, and ASEAN and other international observers. The Canadian International Development Agency (CIDA) continues to fund cooperative activities of the Canadian Human Rights Commission and Komnas Ham. A highly successful human rights workshop was held in Jakarta in December 1997, opened by Vice President Try Sutrisno.

Canada continues to take interest in the case of Muchtar Pakpahan. In December, the Canadian Government facilitated the travel of a Canadian medical team to Jakarta to diagnose Mr. Pakpahan's condition using Canadian LIFE equipment. The results of tests performed on Mr. Pakpahan are awaited.

Canada's development cooperation program furthers our human rights objectives in Indonesia, addressing fundamental social, environmental and economic issues. CIDA, through its bilateral and partnership channels, cooperates with local organizations promoting women's rights, child labour, access to legal reforms, human rights training and religious tolerance.

## EAST TIMOR

### ISSUE

The deteriorating human rights situation in East Timor is cause for concern.

### BACKGROUND

A former Portuguese colony, East Timor found itself without institutions or local government in the aftermath of the Portuguese revolution of 1974. A civil war ensued and on November 28, 1975, the victorious FRETILIN movement declared the independence of East Timor. Under the pretext of answering a call for aid from other Timorese groups and preventing a communist threat, Indonesian troops invaded the territory on December 7, 1975. The territory was annexed and became the 27th province of Indonesia on July 17, 1976. While the Indonesian Government admitted that 30,000 lives had been lost, East Timor lobbyists set the figure at 200,000. The UN does not recognize the annexation of East Timor. On November 12, 1991, international concern was heightened when military forces opened fire on a funeral procession in Dili, resulting in scores of deaths. East Timor remains in the international spotlight, especially after the joint award of the 1996 Nobel Peace Prize to Bishop Carlos Belo and José Ramos-Horta, spokesperson of FRETILIN. The award has re-kindled international demands that Indonesia make sincere efforts to resolve the question of East Timor.

The May 1997 parliamentary elections in Indonesia occasioned a renewed wave of violence in East Timor which was characterized by guerilla attacks on polling stations and attacks on Indonesian security forces resulting in some 34 deaths. Following the attacks, some 120 people were arrested by the security forces. In an incident still under investigation, David Alex, prominent leader of the East Timorese armed resistance, *Falintil*, died following an encounter with Indonesian security forces on 25 June 1997. Various factors have contributed to the rising social and political tensions in East Timor: the widespread and oppressive military presence in East Timor; proliferation of Indonesian paramilitary groups and counterinsurgency forces; in-migration of Indonesians to East Timor -- partly due to official transmigration programs; and contentious economic development plans for East Timor. The military continues its practice of widespread and frequently arbitrary arrests, detentions and torture in response to guerrilla incidents. In this conflict, both sides have been responsible for committing human rights abuses.

For several years, Indonesia has participated in the UN-sponsored Trilateral Talks with Portugal with the aim of finding "a just and internationally acceptable solution." The appointment of Secretary General Kofi Annan gave new impetus to a negotiated solution; in March, the Secretary General's special representative, Jamsheed Marker, visited Indonesia and East Timor. In June, Indonesian Foreign Minister Ali Alatas and Portuguese Foreign Minister Jaime Gama resumed talks in the presence of the Secretary General in New York. In August, senior officials met again under this process. The All-Inclusive Intra-East Timorese dialogue (AIETD) also continues; the third meeting was held on October 20-23 in Austria. (The mandate of the AIETD does not permit it to address the political status of East Timor.) In the AIETD final declaration, the participants agreed to encourage visits by participants residing in the diaspora to East Timor, and by participants living in East Timor to diaspora communities in Australia, Portugal and Macao -- the purpose of these visits to strengthen the dialogue among Timorese.

The participants also expressed their deep concern at the escalating violence in the territory and reaffirmed the need for the implementation of adequate measures for the promotion and protection of human rights. Finally, they approved the name, objectives and funding for the newly created Centre for Culture and Development Timor Lorosae (CCDTL).

### CANADIAN POSITION

Canada supports the only international process in existence for dealing with East Timor's status, that is the UN-sponsored talks between Portugal and Indonesia. Canada contributed financially to the third of the All-Inclusive Intra-East Timorese Dialogue meetings which was held on October 20-23 in Austria.

Canada regularly registers its concerns regarding East Timor to Indonesian government officials. In response to the 1991 Dili massacre, Canada suspended three planned CIDA projects for Indonesia worth \$30 million. The Prime Minister raised human rights and East Timor in his meeting with President Soeharto during the January 1996 Team Canada visit to Indonesia. After raising East Timor with his Indonesian counterpart Ali Alatas in July 1996 during ASEAN ministerial meetings in Jakarta, MFA Axworthy followed up with letters to the Foreign Ministers of Indonesia and Portugal, encouraging their further support for the UN-sponsored Trilateral Talks. In April 1997, Canada co-sponsored an EU-led resolution on the Situation of Human Rights in East Timor at the UN Commission on Human Rights (which was tabled only after Indonesia rejected the approach of previous years -- a consensus statement by the Chairman). Indonesian officials have been sharply critical of Canada for co-sponsoring the resolution, which was adopted by a vote of 20 to 14, with 18 abstentions.

MFA Axworthy again raised East Timor in meetings with President Soeharto and FM Alatas during his visit to Indonesia in July 29-31, 1997. At that time, he signed a Joint Declaration with FM Alatas to establish a Bilateral Consultative Forum with a mandate to promote cooperation in addressing international and bilateral issues, including human rights. Under this initiative, Canada and Indonesia co-hosted a bilateral Human Rights Colloquium in Jakarta on October 29-30. East Timor was one of the subjects raised during the Colloquium. A Memorandum of Understanding on technical cooperation in the field of human rights is under negotiation.

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

## PAKISTAN

### ISSUE

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

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.

### BACKGROUND

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

What momentum on human rights that existed under the former Government of Benazir Bhutto was dissipated with the election of Nawaz Sharif, whose priority is economic reform and revival. 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. However, higher court justices routinely overturn such death sentences. In August 1997 his Government passed the Anti-Terrorism Act in response to public alarm over growing sectarian violence. In spite of its controversial aspects, the Act has not ended sectarian violence, which has recurred. Sharif's hand-picked candidate for President, elected in December 1997, Rafiq Tarar, is known for his conservative religious views. On the other hand, reform to the blasphemy laws to prevent frivolous use is under parliamentary review. In the meantime, far fewer blasphemy cases are now being filed.

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

Elimination of all Forms of Discrimination Against Women (CEDAW) and earlier participated positively in the Beijing Women's Conference. The Lahore High Court has ruled that a Muslim woman has an unconditional right to *Khula* (divorce) and to choose her own husband.

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

The Ahmadis, a religious minority, are the targets of religious vilification and systematic persecution. The Ahmadis regard themselves as Muslims. They believe Muhammad was the last "law-bearing" prophet, but not the very last prophet. These claims, and Ahmadi proselytising efforts, offend many orthodox Muslims. Blasphemy laws have been extensively used to abridge their religious freedom, and violence against Ahmadis often goes unpunished. Christians have at times also been caught up in this discriminatory atmosphere. The most blatant example was the mob attack against hundreds of Christian homes and property in February 1997 in Khanawal; the authorities responded immediately and strongly condemned the attack.

### **CANADIAN POSITION**

Canada has maintained a 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, and child labour, have been addressed multilaterally and in meetings with Pakistani officials, the most recent being the Senior Officials Meeting which took place in Islamabad in December 1997.

Canada has sought to engage human rights issues in a constructive manner, providing support to human rights NGOs, supplying information related to blasphemy litigation, and Canada's Access to Information and Privacy legislation. Canada is giving higher priority in its assistance programming in Pakistan to social development, a reflection of our view that economic and social underdevelopment contributes to human rights abuses, particularly for women and children. Canada's development cooperation in Pakistan also emphasizes governance, with the aim of strengthening those community and governmental institutions which underpin progress in human rights and the development of civil society. All CIDA projects are designed and monitored to maximize the involvement of women. Since 1996, CIDA's Women's Development Project has supported organizations working with women in areas such as human rights activities, family planning, education, and economic development.

## SRI LANKA

### ISSUE

In 1997, ethnic conflicts in Sri Lanka intensified, with adverse effects on the lives of thousands. The Human rights situation, especially as it effects on displaced persons, continued to be of concern to Canada.

### BACKGROUND

The election of a new Government in 1994 seemed to offer the possibility for a peaceful solution to the ethnic conflict that has ravaged Sri Lanka for more than a decade. It also raised hopes that there would be a tangible improvement in human rights. Although some efforts have been made, much remains to be done.

When it came to power, the current Government established several mechanisms, including three Presidential Commissions, to investigate human rights violations. The reports of these Commissions were tabled in September 1997. How Sri Lankan authorities will respond remains to be seen. In March 1997, several months after the Human Rights Commission was officially created, its members were finally named by the President. No women were included among the five Commissioners. Seen nonetheless as a step in the right direction, the Commission must demonstrate its effectiveness throughout the country. This is one important step to show that protection of human rights is a government priority. The Commission must prove that it was created as more than merely a token gesture. Ratification of the Optional Protocol to the International Covenant on Civil and Political Rights represents a positive commitment to human rights.

The Sri Lankan authorities have indicated their willingness to work with international human rights mechanisms in the past. They agreed to have an Amnesty International mission visit Sri Lanka in August 1997. While this gesture was commendable, it will be important to see what action is taken in response to the mission's report. The report, published in November 1997, raises a number of questions concerning disappearances and contains recommendations to improve the situation. It is the Sri Lankan Government's responsibility to do everything it can to respond to the many questions raised by the issue of disappearances. The Government must also continue to cooperate with the UN human rights agencies in order to demonstrate its good faith.

The various military operations have resulted in there being many groups of displaced persons. In this regard, Canada is aware of the difficulties facing the Sri Lankan Government in providing essential services. However, the Government remains responsible for the welfare of its people. It is therefore the duty of the authorities to facilitate the work of international organizations providing aid to displaced persons and to see that they are not unduly encumbered by red tape.

It is important to look at the situation of women in the conflict zones, as during 1997 many observers noted a major deterioration in their treatment (harassment, rape, poor health

conditions, etc.). In 1995, the Sri Lankan Criminal Code was amended to include a broader definition of, and more severe penalties for rape. However, these positive changes do not seem to be applied in the conflict zone. The Government must apply the existing laws rigorously if women's rights are to be protected.

While the Government is primarily responsible for protecting the rights of its citizens, the human rights abuses by the Liberation Tigers of Tamil Eelam (LTTE) should not be minimized. The latter's performance in this area gives cause for concern. The list of abuses is a long one, including summary executions, attacks on isolated villages, terrorist acts against civilian populations, hostage-takings, executions, the use of children as combatants, etc.

The Commission on Human Rights has taken no official position on Sri Lanka since 1995, although Canada has actively discussed the issue. In August 1997, the Special Rapporteur on extrajudicial executions visited the country; his report should be tabled at the Commission's next session.

### **CANADIAN POSITION**

Encouraging dialogue, seeking peaceful solutions, advocating human rights and condemning acts of terrorism have been central to our position in Sri Lanka from the outset. The Canadian Government has worked constructively with various human rights organizations in Sri Lanka, and intends to continue doing so. Bilaterally, we have given notice of our position by discontinuing bilateral aid and channelling it through NGOs. We have taken every opportunity to express our concerns and our willingness to help promote a human rights culture in Sri Lanka, for example by reinforcing existing human rights mechanisms. Multilaterally, we have raised the human rights situation in Sri Lanka in appropriate UN fora, such as the UN General Assembly and the Commission on Human Rights, and plan to continue doing so.

Canada is concerned by this continuing conflict, by the absence of peaceful solutions and by the effect of this situation on human rights. We will encourage the Sri Lankan Government to continue its efforts to find a peaceful solution, taking into account the interests of the public at large. For its part, the LTTE must respect human rights and help to seek a peaceful solution to the conflict. We encourage the Government of Sri Lanka to ensure that institutions responsible for protecting human rights are able to function independently and effectively. We encourage it to continue its efforts to have government organizations take their human rights responsibilities seriously.

We realize that the war in Sri Lanka continues to be a major source of human rights violations and unfortunately, with the continuation of hostilities, the situation will probably continue to be of concern. However, parties to the conflict are fully responsible for ensuring that human rights are protected. Widespread use of exceptional measures and indiscriminate violence will do nothing to help establish an environment favourable to respect for human rights.

## VIETNAM

### ISSUE

Vietnam's human rights record is mixed despite some improvements.

### BACKGROUND

Vietnam remains one of the world's last one-party communist states, currently undertaking sweeping economic but much more limited administrative and political reforms. The human rights situation has continued a trend of modest improvement over the last several years. As a result of the reform process, limited freedom of speech, religion and political discussion are now tolerated.

Despite these modest positive trends, Vietnam's overall performance continues to be mixed and the human rights situation is far from satisfactory. The 8th Congress of the Vietnamese Communist Party in June 1996 and the opening session of the 10th National Assembly, which elected a new and economically more progressive leadership, have both entrenched existing policies. While continuing economic reform policies, the new party leadership rejected political pluralism and confirmed the commitment to one-party rule. An extensive and pervasive security apparatus remains in place. There have been, however, no serious accusations of political killings, while violence committed against those in police custody is under increasing scrutiny. Capital punishment exists for a variety of crimes, including drug dealing, corruption and fraud, and is frequently carried out.

Vietnam's 1992 constitution notes that "human rights in all aspects, political, civic, economic, cultural and social are respected". The constitution also guarantees the customary personal freedoms of speech, movement, association, belief and practice of religion, press, ownership of lawful income, and even the right of self-expression. The caveat, however, is that all of these freedoms must be practised "in accordance with the law." This permits the incarceration of dissidents, for example, for openly advocating a multi-party system. The lack of an independent judiciary also limits the possibility of individuals from exercising these rights or challenging state contravention of individual rights.

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

The rights of women, children, minority groups and disabled persons continue to be weak. While the law protects both women and minority groups and guarantees them equal participation in governing the country, they are woefully underrepresented. The past years have seen a rhetorical recognition of this fact but little substantial action. Vietnam is a signatory to the Convention on the Rights of the Child, but children do not have any special protection in the judicial system. With the deterioration of the health and education system, especially in the rural areas, some are also increasingly disadvantaged. Widespread poverty

has led to a reported increase of trafficking of minors domestically and internationally as prostitutes. Disabled persons have a very difficult life in Vietnam, although traditional family structures continue to serve the needs of individuals with mild disabilities.

The cumulative impact of ten years of "doi moi" or "renovation" has been most evident in the expansion of economic rights. There is a palpable sense of improvement as Vietnam's economy becomes based on market principles. The introduction of a Civil Code is meant in part to address the lack of protection for the individual in the economic sphere, but it is too soon to judge its effects. Nevertheless, Vietnam has seen the growth of discontent and violence by rural inhabitants over the growing disparity in the distribution of economic benefits and over the growing corruption of party and government officials. There have been numerous government statements deploring corruption but no evidence of any action to control it.

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

#### **CANADIAN POSITION**

Canada continues to have concerns with the human rights situation in Vietnam. Vietnam has come under scrutiny in the Official Development Assistance (ODA), human rights and democratic development review process and these considerations have been taken into account in the development of the ODA program. The current orientation is to work with the Government of Vietnam to support administrative and legal reform.

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

There has been no action on Vietnam in recent years at the Commission on Human Rights, and there is no likelihood of a resolution in the foreseeable future. Canada has, where appropriate, continued to voice its concern about the human rights situation in Vietnam in relevant international fora.



January 1998

## **BOSNIA AND HERZEGOVINA**

### **ISSUE**

Two 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 ethnic communities has fully honoured commitments made under the agreement.

### **BACKGROUND**

Progress on human rights, with the help of the international community, is steady but slow. Political freedom is slowly improving, with the help of international organizations such as the OSCE, the Office of the High Representative, the United Nations Mission in Bosnia, and other groups including the Bosnian National Ombudsperson and the Federation Ombudsperson. The September 1996 national and entity elections in Bosnia, although not flawless, marked the beginning of a new stage of democratization. This was confirmed by the municipal elections, held in September, 1997, which unfolded reasonably well, with a participation estimated at over 80 %, and by the parliamentary elections held in Republika Srpska in November, 1997.

An independent media still needs to be fostered in Bosnia. All state media continue to pursue a nationalist and inflammatory editorial line. Following particularly acute abuses by the Serb Pale television SRT, SFOR seized transmitters and the High Representative is imposing stringent conditions for future broadcasts of Pale SRT. The Open Broadcast Network (OBN), supported by the international community, is now broadcasting in approximately 60 % of the territory of Bosnia.

In areas under the control of each of the three communities, members of other communities continue to be threatened, harassed and evicted. 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 resolve the issue of missing persons, by failing to provide assistance, information and access to potential burial sites. Restrictions on freedom of movement continue to occur. Illegal police checkpoints have, however, dramatically decreased, due to the active monitoring of the International Police Task Force (IPTF), with the support of SFOR.

Only a very small number of the three million displaced persons and refugees have been able to return to their homes. The situation is worst for those wishing to return to areas where the majority of the population is from another ethnic community. In 1997, approximately 100,000 refugees returned, most of them to areas where the majority is of their own ethnic background. 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. In 1998, the international community will press for more reforms of property legislation and better implementation.

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 utterly destitute by the war, have very little social support.

Cooperation in the arrest of indicted war crimes suspects and their transfer to the International Criminal Tribunal for Yugoslavia remains patchy at best. With the recent transfer of Bosnian Croats to the Hague, the Republika Srpska is now conspicuous as the least cooperative on this issue. It is clear that until war crimes indictees are brought to justice, reconciliation in Bosnia will be difficult.

The human rights situation in Bosnia and Herzegovina 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 53rd session of the Commission on Human Rights, this was adopted by 44 votes to none, with 7 abstentions. Canada co-sponsored the resolution, which renewed the mandate of the Special Rapporteur on Former Yugoslavia. However, for CHR54, concerned States have suggested that resolution should be adopted on each individual country.

#### **CANADIAN POSITION**

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

Canada has made several financial and personnel contributions to international organizations promoting human rights in Bosnia and the former Yugoslavia. These include: a grant to the operations of the UN High Commissioner for Human Rights, including the Special Rapporteur for human rights in the former Yugoslavia; providing the Senior Deputy for Human Rights in the OSCE mission in Sarajevo; providing the Deputy to the national Ombudsperson; and, providing personnel for the Human Rights Coordinating Centre in the Office of the High Representative. In addition, Canada has made financial contributions to the International Commission of the Red Cross to support its work on detainees and missing persons, to the Bosnian Human Rights Commission (Ombudsperson and Human Rights Chamber), and to the Commission for Real Property Claims for Refugees and Displaced Persons which operate under the principles of the Dayton agreement and the European Convention on Human Rights. 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.

January 1998

## THE REPUBLIC OF CROATIA

### ISSUE

The Human Rights situation in Croatia, although marginally better this year, is still a serious concern, particularly as regards the treatment of the Serb minority and freedom of expression.

### BACKGROUND

Generally speaking, human rights of the average ethnic Croatian citizen are typically respected by the Government. There are, however, very real concerns, mostly in connection with the rights of the Serb minority, media freedom, electoral processes, property rights (especially for Serbs) and good governance, among others.

There has been a decrease in the number of violent human rights violations against the remaining Serb population, due partly to an increase in the local police presence and the vigilance of the international community. However, incidents continue to take place and reports continue to be received of discrimination and ill-treatment practiced against Croatian Serbs throughout the country, particularly in sectors retaken during operations Storm and Lightning - be it by withholding of public services such as electricity, water or by bureaucratic harassment. However, there are signs that this is beginning to wane.

Although the Croatian Government claims to have moved very strongly to punish those responsible for committing such offenses, little enforcement has taken place. Even if investigations lead to criminal proceedings, the judiciary's freedom and independence is questioned by a number of human rights organizations.

There is concern over the security and welfare of the Croatian Serb population remaining in Krajina and Eastern Slavonia, particularly as the United Nations Transitional Administration (UNTAES) withdraws from the region in January 1998, to be replaced with a UN Civilian Police presence and an expanded OSCE (Organization for Security and Cooperation in Europe) presence in the rest of the country. The optimism spurred by the passage of the long-awaited Amnesty Law in September 1996, has been dispelled by cases of rearrests of people who were released following the law's enactment. Equally, concerns continue to be expressed that the issuance of Croatian documents to Serbs wishing to remain in Eastern Slavonia is still an unnecessarily slow and opaque process. Without Croatian documents, people cannot exercise their pension rights, nor for that matter, property rights.

Croatia is making progress towards democracy, but the democratic rights are still below accepted OSCE standards. OSCE observers at the presidential elections held on June 15, in which President Tudjman was re-elected, characterized the elections as "free but not fair". There are serious concerns about the extent to which constitutional power is concentrated in the hands of the President.

Croatia still supports Bosnian Croats who favour dividing Bosnia and Herzegovina along ethnic lines and who continue to maintain the elements of the so-called independent "Republic of

Herzeg-Bosna" within Bosnia and Herzegovina. However, the Croatian Government's role in the surrender of 10 Bosnian Croats indicted for war crimes to the International Criminal Tribunal for former Yugoslavia (ICTY) was a welcome positive action.

On the media front, the Government continues its efforts to censure criticism or dissent. There are also disturbing reports of international organizations and Croatian ones with international affiliations being the target of systematic harassment by the Government.

Among the positive trends over the past year were: public statements of concern by members of the Government, the enacting of legislation such as the Media Law and the creation of the Programme on the Establishment of Trust, Accelerated Return and Normalization of Living Conditions. As well, it should be noted that the Ombudsman Office is becoming increasingly more forthright and critical in its reports on the Government's human rights performance, particularly as regards Serbs. It also is to be hoped that Croatia's membership in the Council of Europe and the concomitant obligation to uphold the highest standard of human rights will have an impact on the democratization process in the country.

The human rights situation in Croatia is addressed in the omnibus resolutions on Former Yugoslavia adopted at both the Commission on Human Rights (CHR) and the UN General Assembly 3rd Committee, which Canada traditionally co-sponsors. At the 53rd session of the Commission on Human Rights, this was adopted by 44 votes to none, with 7 abstentions. Canada co-sponsored the resolution, which renewed the mandate of the Special Rapporteur on Former Yugoslavia. However, for CHR54, concerned States have suggested that resolution should be adopted on each individual country.

#### CANADIAN POSITION

We consider that Croatia does not yet fully comply with the Dayton Peace Agreements, of which it is a signatory. Canada insists that the Croatian Government ensure that those refugees and displaced persons wishing to return or those wishing to remain, are able to do so in a secure environment. We 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 monitor and promote respect for human rights obligations, particularly through an expanded role in Croatia for the OSCE. A Canadian RCMP officer will be the OSCE's senior advisor for policing issues.

January 1998

## THE FEDERAL REPUBLIC OF YUGOSLAVIA

### ISSUE

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

### BACKGROUND

Overall, although less egregious than in the early years of the Yugoslav conflict, the Government's human rights record justifiably remains a key element of concern for the international community. The situation 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. Pro-active measures in support of human rights accordingly are virtually non-existent.

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

Still, the trend is once again worsening and we expect further deterioration in the observance of human rights. This will be due to the collapsing economy, forcing the Government to cut back still more on social services, and a more competitive domestic political situation, which will lead 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. While the voting for the Serbian parliamentary and presidential elections in 1997 went relatively smoothly and without major technical flaws, in each instance the OSCE observer missions judged the overall electoral process to be unfair due to extensive state control of the media, the electoral commission and the judicial system.

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 the over 600,000 refugees from Bosnia 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, so too will the rights of employees and unions. The Yugoslav Government's poor record in terms of War Crimes deserves mention. Although it has shown signs of openness towards the ICTY, for example by allowing an ICTY office to open in Belgrade, it continues to harbour indicted war criminals including the occasional visits of the most notorious suspects, Radovan Karadzic and Radko Mladic. Until these individuals are extradited to the Hague, the FRY record on this issue will justifiably be considered poor. In addition, the Government shows no inclination to prosecute those responsible for 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. Admittedly, there is a tradition of broad social tolerance of minorities in Serbia, and the Government does permit linguistic, ethnic and religious diversity. However, minorities face significant education and employment discrimination, and there is a tendency towards the marginalization of minorities in all spheres. Ethnic Albanians, a majority in Kosovo, face systematic political, economic and cultural persecution by Serb authorities. The Muslims of Sandjak are more threatened, as they face generalized economic, political and cultural discrimination from Serb authorities, but have few resources to counter this pressure and lack the population superiority as in the case of the Kosovo Albanians. The situation for Hungarians, Croats and other minorities in Vojvodina is better, but they too encounter obstacles, particularly in employment and schooling.

Pro-active measures in support of the rights of women and children are undeveloped, largely as this is a patriarchal society; and 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 53rd session of the Commission on Human Rights, this was adopted by 44 votes to none, with 7 abstentions. Canada co-sponsored the resolution, which renewed the mandate of the Special Rapporteur on Former Yugoslavia. However, for CHR54, concerned States have suggested that resolution should be adopted on each individual country. In addition, a separate resolution on human rights in Kosovo was adopted last December by the UN General Assembly 3rd Committee.

### 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. When demonstrations in Belgrade and in Kosovo were violently quashed by Government security forces, the Canadian Ambassador personally raised Canada's concerns with President Milosevic. The FRY Government was 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.

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