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**CONSULTATIONS
IN PREPARATION FOR THE 52ND SESSION
OF THE U.N. COMMISSION ON HUMAN RIGHTS**

FEBRUARY 13-14, 1996

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 6. **Statement by Léonard Legault, Head of the Delegation of Canada, before CHR51: Item 7: Economic, Social and Cultural Rights and Item 8: Right to Development,**
- Briefing Notes on Country Situations**
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 - Angola, Algeria, Burundi, Equatorial Guinea, Ethiopia, Kenya, Malawi, Rwanda, Somalia, Sudan, Togo, Zaire
 8. **Middle East:**
 - Iran, Iraq, Syria, West Bank and Gaza
 9. **Asia:**
 - Afghanistan, Bougainville, Burma (Myanmar), Cambodia, China, India, Indonesia/ East Timor, Pakistan, Philippines, Sri Lanka, Vietnam
 10. **Latin America and Caribbean:**
 - Brazil, Colombia, Cuba, El Salvador, Guatemala, Haiti, Mexico, Peru
 11. **Eastern and Western Europe:**
 - Chechnya, former Yugoslavia

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**CONSULTATIONS BETWEEN NON-GOVERNMENTAL ORGANIZATIONS
AND
DEPARTMENT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE
IN PREPARATION FOR THE
52ND SESSION OF THE UN COMMISSION ON HUMAN RIGHTS**

February 13-14, 1996
Lester B. Pearson Building

AGENDA

Tuesday, February 13: Country Situations

8:30	Registration and Coffee		Lobby
9:00-9:30	Welcome and Plenary: Opening Statement Statement by the Network on International Human Rights		Robertson Room
9:30-12:00 Coffee Break 10:30-10:45	Working Group A: Asia Robertson Room	Working Group B: Middle East and Europe Cadieux Auditorium	Roundtable Discussion on Nigeria A2 Rm.217 (9:30-10:30)
12:00-13:30	Lunch Sandwich Lunch with Ministers		Lobby
13:30-16:30 Coffee Break 15:00-15:15	Working Group A: Africa Robertson Room	Working Group B: South and Central America Cadieux Auditorium	Roundtable Discussion on Colombia A2 Rm. 217 (13:30-14:30)

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February 14, 1996 : Thematic Issues

- 9:00-10:30**
- 1. Overview**
 - Outlook for CHR52
 - Report on UNGA50 Third Committee
 - Report of the High Commissioner for Human Rights
 - 2. Civil and Political Rights**
 - Freedom of expression
 - Disappearances
 - Arbitrary Detention
 - Extrajudicial Executions
 - Torture
 - Independence of the judiciary
 - 3. Other Thematic Mechanisms**
 - Religious intolerance
 - Racism
 - Use of mercenaries
 - Effects of illicit dumping of toxic wastes
-

10:30-10:45

Coffee in the Lobby

10:45-12:30

- 4. Effective functioning of treaty bodies**
 - 5. Economic, Social and Cultural Rights**
 - Right to Development
 - Optional Protocol
 - 6. Rights of the Child**
 - Special rapporteur on the sale of children
 - CHR working groups on optional protocols to the Convention
-

12:30-13:30

Lunch in the Lobby

13:30-15:30

- 7. Minority Rights**
- 8. Rights of Persons with Disabilities**

9. Advancement of Women

- Violence against women
- Mainstreaming and integration of women's rights as human rights

10. Refugee and Migration Issues

- Internally Displaced
- Human rights and mass exoduses
- Migrant Workers

15:30-15:45

Coffee in the Lobby

15:45-17:15

11. Working Group on Human Rights Defenders

12. Indigenous Issues

- Working Group on Indigenous Populations
- International Decade of the World's Indigenous People

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 and Justice 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
Council

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16 November 1995

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-second session
18 March-26 April 1996

PROVISIONAL AGENDA

Note by the Secretary-General

Duration and venue of the session

1. The fifty-second session of the Commission on Human Rights will be held at the United Nations Office at Geneva from 18 March to 26 April 1996. The first meeting will be convened at 11 a.m. on Monday, 18 March 1996.

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-second session of the Commission is preceded by meetings of six working groups in connection with the following items:

(a) 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 1995/33, Economic and Social Council resolution 1995/33) met from 30 October to 10 November 1995;

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(b) Item 10 (b): The Working Group on Situations, composed of five members of the Commission, is scheduled to meet from 11 to 15 March 1996 to examine situations referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities pursuant to Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 (Commission resolution 1990/55, Council resolution 1990/41);

(c) Item 15: An open-ended inter-sessional working group established to elaborate a draft United Nations declaration on the rights of indigenous peoples (Commission resolution 1995/32, Economic and Social Council resolution 1995/32) is scheduled to meet from 20 November to 1 December 1995;

(d) 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 1995/84, Economic and Social Council resolution 1995/38) is scheduled to meet from 4 to 8 March 1996;

(e) 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 1995/79, Economic and Social Council resolution 1995/37) is scheduled to meet from 15 to 26 January 1996;

(f) 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 1995/78, Economic and Social Council resolution 1995/35) is scheduled to meet from 29 January to 9 February 1996.

4. Any decisions and resolutions affecting the provisional agenda of the fifty-second session of the Commission that may be adopted by the General Assembly at its fiftieth 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:

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- (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. Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination.
 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-seventh 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.
 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. Election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.
 24. Draft provisional agenda for the fifty-third session of the Commission.
 25. Report to the Economic and Social Council on the fifty-second session of the Commission.
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THE 53 MEMBERS OF THE COMMISSION ON HUMAN RIGHTS
52ND SESSION 18 MARCH - 26 APRIL 1996

WESTERN GROUP (10)

Australia	1996*
Austria	1996
Canada	1997
Denmark	1998
France	1998
Germany	1996
Italy	1996
Netherlands	1997
United Kingdom	1997
United States	1998

LATIN GROUP (11)

Brazil	1998
Chile	1997
Colombia	1997
Cuba	1997
Dominican Republic	1997
Ecuador	1996
El Salvador	1997
Mexico	1998
Nicaragua	1997
Peru	1996
Venezuela	1996

ASIAN GROUP (12)

Bangladesh	1997
Bhutan	1997
China	1996
India	1997
Indonesia	1996
Japan	1996
Malaysia	1998
Nepal	1997
Pakistan	1998
Philippines	1997
Republic of Korea	1998
Sri Lanka	1997

AFRICAN GROUP (15)

Algeria	1997
Angola	1997
Benin	1997
Cameroon	1996
Côte d'Ivoire	1996
Egypt	1997
Ethiopia	1997
Gabon	1997
Guinea	1998
Malawi	1996
Madagascar	1998
Mali	1998
Mauritania	1996
Uganda	1998
Zimbabwe	1997

EASTERN GROUP (5)

Bulgaria	1997
Hungary	1996
Belarus	1998
Ukraine	1998
Russian Federation	1997

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

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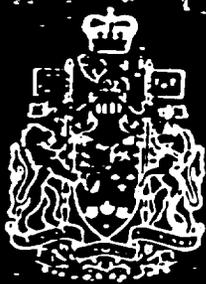
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PRESS RELEASE NO. 21

STATEMENT BY
H.E. MR. ROBERT R. FOWLER
AMBASSADOR AND PERMANENT REPRESENTATIVE
OF CANADA TO THE UNITED NATIONS

BEFORE THE THIRD COMMITTEE OF THE
50TH SESSION OF THE GENERAL ASSEMBLY

ITEM 112 (C): HUMAN RIGHTS QUESTIONS AND HUMAN
RIGHTS SITUATIONS

NEW YORK, 1 DECEMBER 1995

COMMUNIQUÉ DE PRESSE NO. 21

ALLOCUTION DE S.E. M. ROBERT R. FOWLER
AMBASSADEUR ET REPRÉSENTANT PERMANENT DU
CANADA AUPRÈS DE L'ORGANISATION DES NATIONS UNIES

DEVANT LA TROISIÈME COMMISSION DE LA CINQUANTIÈME
SESSION DE L'ASSEMBLÉE GÉNÉRALE

POINT 112 (C): QUESTIONS RELATIVES AUX DROITS DE
L'HOMME ET SITUATIONS RELATIVES AUX
DROITS DE L'HOMME

NEW YORK, LE 1 DECEMBRE 1995

PERMANENT MISSION OF CANADA
TO THE UNITED NATIONS

LA MISSION PERMANENTE DU CANADA
AUPRES DES NATIONS UNIES

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Mr. Chairman,

We are assembled today for this debate on human rights violations in all parts of the world for a simple reason: human rights are fundamental values which we are all obliged to promote and protect. This is not an issue of interference in the internal affairs of others. Sovereignty confers no license to abuse people. Just as domestic violence can no longer be considered a private matter under national law, so domestic violence of another kind is no longer an internal matter under international law. Our task here must be viewed as a common quest for the universal application of human rights standards.

Mr. Chairman,

War and civil conflict breed violations of human rights. And violations of human rights breed war or civil conflict. The situation in many parts of Africa offers all too many examples of this vicious circle. Some African countries, such as Sierra Leone and Liberia, are slowly heading towards democratic elections, after years of conflicts and human rights abuses. Others, such as Somalia, continue to suffer, with no solution in sight.

Canada is particularly troubled by the situation in Nigeria. Since General Abacha came to power in 1993, after annulling the most fair and peaceful elections in Nigeria's history, his regime has disbanded all elected bodies, jailed democratic leaders, closed newspapers, repressed labour unions and minorities, given itself absolute legal power and immunity, and abolished the right of habeas corpus. Now it has outraged the collective conscience of the world with the execution of Ken Saro Wiwa and other human rights defenders. Inhumanity is perhaps never uglier than when it takes on the trappings but not the substance of the judicial process. Canada condemns this action in the strongest terms and will support Commonwealth and UN measures to promote full respect for human rights in Nigeria.

In the Sudan, we remain concerned about the prolonged civil war in the South and widespread violations of human rights and humanitarian law by all parties to the conflict. We have noted the call by the Organization of African Unity for the Sudan to stop supporting terrorist activities, while also noting that the Government of the Sudan has released political prisoners. And we continue to be disturbed by Sudan's persistent refusal to cooperate with the Special Rapporteur.

The international community has condemned extremist factions in Burundi seeking to undermine political stability and increase ethnic tensions. Canada encourages all political parties in Burundi to step up their efforts to avert a calamity. We are convinced of the need for preventive action, particularly in the form of international human rights monitors and technical assistance.

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Rwanda faces enormous challenges as it comes to grips with the desperate need for national reconciliation, while simultaneously dealing with external threats to its security. Arrest and prosecution of those suspected of crimes against humanity, based on sufficient evidence and with full regard for due process, is imperative. Human and financial assistance is needed to strengthen the system for the administration of justice in Rwanda and we fully support the Human Rights Field Operation there and its programmes of technical assistance. We stress that urgent steps must be taken to alleviate the appalling conditions in places of detention in Rwanda, and to accelerate the processing of the 58,000 persons now in prison.

The Zairian and Tanzanian people have faced a heavy burden since taking in the massive influx of refugees from Rwanda and Burundi and the international community must be appreciative. Recently in Cairo, the Government of Rwanda reiterated its commitment to facilitate the return of refugees. We also welcome the pledge made in Cairo by President Mobutu to reduce violence and intimidation in the camps in Zaire. The rapid, orderly and voluntary repatriation of refugees to Rwanda is essential to stability in the Great Lakes region.

Canada strongly condemns violence, terrorism and human rights violations in Algeria. We encourage all parties to come to a political solution of the crisis and respect the democratic aspirations of the Algerian people as demonstrated during the recent presidential elections.

Mr. Chairman,

Threats to international peace and security are not confined to any one continent. In Europe, extreme abuses of human rights have been the hallmark of the conflict in the former Yugoslavia. With the peace settlement, the international community must now turn its attention to assisting the countries of the former Yugoslavia to build and sustain a culture of respect for human rights. To maintain stability and peace, the OSCE, the UNHCR, the Special Rapporteur, the High Commissioner for Human Rights, and other international bodies must work together to monitor human rights in the former Yugoslavia and assist in building human rights institutions.

In Asia, Canada remains concerned about the human rights situation in Jammu and Kashmir, particularly acts of violence, including the bombing of public places and the kidnapping and murdering of tourists by militants. We continue to urge a negotiated solution of the Kashmir issue with due regard for the rights of all concerned.

The vicious conflict in Sri Lanka, the displacement of people and abuse of human rights continue. Canada has consistently urged negotiations to resolve the ethnic conflict. We consider that all parties in Sri Lanka, including the LTTE, should respond positively to President's Kumaratunga's recent call for the negotiation of a lasting solution.

Mr. Chairman,

Canada sees a crucial role for the UN special rapporteurs, representatives and the human rights treaty system in assessing human rights violations and encouraging states to live up to their commitments. All governments, without exception, should cooperate fully with the Special Rapporteurs of the Commission on Human Rights and the UN's human rights treaty bodies.

As indicated in the last report of the Special Rapporteur for Iraq, gross violations of human rights continue unabated in that country, including government violence against the Shiites, the Kurds and other populations of northern Iraq. The Special Rapporteur has concluded that the Government of Iraq routinely carries out political killings and inflicts brutal punishments on its people. Above all, the refusal of the Baghdad authorities to avail themselves of SC Resolution 986, which would allow oil export proceeds to alleviate the humanitarian situation, creates untold hardship for all Iraqis.

In Iran, Canada remains concerned about arbitrary detention, lack of due process, ill-treatment of detainees, and summary or unjustified executions. We believe Iran should end these practices immediately and rescind the "fatwa" against Salman Rushdie. The situation of religious minorities -- Christians, Jews and Bahais -- is distressing. The systematic discrimination against the Baha'ais must be stopped. Canada welcomes Iran's invitation to the Special Representative for Iran, and considers it extremely important that the Iranian authorities take the necessary measures so that the visit takes place soon and without conditions.

Human rights violations continue on a massive scale in Burma. The release of Daw Aung San Suu Kyi was a welcome development, but it has not led to any improvement in the general situation. Thousands of political prisoners are still detained in deplorable conditions. Other gross abuses include extrajudicial killings, torture, forced labour and the denial of basic freedoms. We urge the SLORC to demonstrate a concrete commitment to national reconciliation and democratic reform and to adhere to the clear and substantive benchmarks to measure progress set by the international community.

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A positive development on East Timor this year was the initiation of the All Inclusive Intra-Timorese Dialogue, where a degree of consensus was achieved. Unfortunately, recurring violence and killings point to a continuing deterioration of the situation in the territory itself. We welcome moves by the Indonesian National Human Rights Commission to investigate the situation. We continue to encourage the Indonesian Government to implement the recommendations of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions and to cooperate with other UN thematic mechanisms. We are gratified by the Indonesian Government's invitation to the UN High Commissioner for Human Rights and trust he will have full freedom of movement and access to all those he wishes to meet.

We are still concerned by the human rights situation in China, especially with regard to freedom of expression and religion. Canada appreciates China's efforts in making its judicial system more transparent and open and are pleased to cooperate with China in this regard. We look forward to greater openness and dialogue with China on the issues of human rights and the rule of law.

In Vietnam, the imprisonment of religious leaders and individuals calling for democratic reforms causes us deep concern. We urge the Vietnamese authorities to implement the recommendations made by the Working Group on Arbitrary Detentions following its October 1994 visit to that country.

The release of a number of political prisoners in Cuba over the past year is a sign of willingness to address some areas of concern. We also recognize Cuba's positive record in relation to economic and social rights. Nevertheless, much remains to be done to address abuses in the area of civil and political rights. We continue to urge Cuba to receive the Special Rapporteur and to follow through on its stated willingness to work with thematic rapporteurs.

Mr. Chairman,

The situation is not uniformly bleak. Progress has been made towards greater respect for human rights in many parts of the world. The situation in Latin America as a whole continues to inspire optimism.

The Government of Haiti deserves praise for the remarkable improvement in the human rights situation since the return of President Aristide one year ago. Canada will continue to work with the international community to support civil institutions in Haiti. We are pleased that the office of the High

Commissioner for Human Rights has provided support to the Truth Commission. And we also welcome plans by the Centre for Human Rights to organize specialized training seminars in Haiti.

Canada notes with satisfaction the conclusions of the CHR's Independent Expert that El Salvador has made significant progress in respect for human rights. We attach special importance to the conclusion and effective implementation of a technical cooperation agreement between the Government of El Salvador and the Centre for Human Rights.

Canada also notes the continuing improvements in Peru's human rights situation and the fact that once again free democratic elections were held in early 1995. We remain concerned, however, that arbitrary detention and other grave human rights abuses by security forces have not yet been eradicated. We urge Peru to continue its efforts to bring an end to these remaining abuses and to strengthen democratic institutions.

In Colombia, we encourage the administration and the judiciary in their efforts to put an end to corruption, bring to justice the narcotraffickers undermining the country's stability and put an end to impunity for all human rights violators. In the face of escalating violence, the Colombian Government faces an even greater challenge in addressing human rights abuses.

Recent reports from MINUGUA, whose work we strongly support, have shown that human rights in Guatemala still provide grounds for serious concern. We hope that the results of the recent elections will help in strengthening human rights and democratic development in Guatemala.

Mr. Chairman,

In this year of the fiftieth anniversary of the UN, and more than two years after the World Conference on Human Rights, the UN system is still not adequately equipped to meet the growing demands confronting it in the field of human rights. We must enhance the ability of the system to meet these demands and to promote human rights. Nothing can be more basic than this responsibility.

It is central to the very purpose of the United Nations.

It is the indispensable foundation for economic and social development and the only sure path to international peace and security.

Thank you, Mr. Chairman.

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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

51ST SESSION/51IEME SESSION

ITEM 7: ECONOMIC, SOCIAL AND CULTURAL RIGHTS/
DROITS ÉCONOMIQUES, SOCIAUX ET CULTURELS
ITEM 8: THE RIGHT TO DEVELOPMENT/LE DROIT AU DÉVELOPPEMENT

STATEMENT BY LÉONARD LEGAULT,
HEAD OF THE DELEGATION OF CANADA/
ALLOCATION PRONONCÉE PAR LÉONARD LEGAULT,
CHEF DE LA DÉLÉGATION DU CANADA

GENEVA/GENÈVE
8 FEBRUARY/8 FÉVRIER 1995

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Mr. Chairman,

Canada joined in the adoption of the Declaration on the Right to Development in 1986 because we saw that document as a reaffirmation of the responsibility of national governments, and the international community as a whole, to work for the realization of all principles embodied in the Universal Declaration of Human Rights.

The World Conference on Human Rights firmly established that civil, cultural, economic, political and social rights are integral, indivisible and inalienable elements of fundamental human rights. There is now a strong intergovernmental consensus behind this approach, where previously we faced seemingly irreconcilable differences.

It is in the light of this spirit of consensus that my delegation has studied the reports of the Commission's Working Group on the Right to Development.

The Working Group outlined what it sees as a series of obstacles to the realization of the right to development: the lack of an integrated approach to development; an unfair trading environment; the debt problem; lack of participation of women and other vulnerable groups; lack of a strong civil society; violent conflict and use of force; and insufficient coordination within the UN system. Allow me, Mr. Chairman, to offer my delegation's views on some of these points.

For too long, development strategies were narrowly focussed on economic growth. Lack of attention to the social aspects of development resulted in marginalizing large segments of many societies in the development process. But new thinking has evolved in the past few years. Solid building blocks for a new vision of development are emerging from a series of important world conferences: Rio in 1992, Vienna in 1993, Cairo in 1994, and Copenhagen and Beijing in 1995. The vision that is emerging is a people-centred one, which sees development as improving human well-being through the eradication of hunger, disease, illiteracy and ignorance, and through the productive participation of all elements of society.

The Agenda for Development provides an opportunity to establish a fresh framework for the UN's role in international cooperation for economic and social development. Canada believes that the UN has a role to play in fostering the integration of social and economic considerations, just as it has in underscoring the relationship between development, peace, democracy, and human rights. We encourage the Working Group to follow closely the progress on the Agenda for Development, bearing in mind that the question of development must include a human rights perspective.

We agree with the Working Group's conclusion that a supportive international environment is required for the implementation of the right to development. Canada firmly believes in an open international trading system, based on a

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system of agreed rules. This is the best way for developing countries - and indeed for all countries - to ensure their access to global markets.

Another crucial obstacle to the implementation of the right to development identified by the Working Group is the continued discrimination against women, indigenous people and many vulnerable groups - such as persons with disabilities - in the development process.

Canada entirely agrees that women should be full participants in, and beneficiaries of, an integrated approach to development. Obstacles to the rights of women to full and equal participation, land and property ownership, health care, and education must be eliminated. And all forms of violence - societal or domestic - affecting women and children must be eradicated. Similarly, the inherent dignity and the unique contribution of indigenous people to the development and plurality of society should also be recognized.

Popular participation in the development process does not mean bypassing governments. The effective implementation of the right to development requires committed governments and public services. At the same time, a more determined emphasis on individual initiative and private sector promotion is equally necessary. More and more, this will require shifting away from bilateral channels of aid and building on local and national NGOs and private sectors, in order to foster a more participatory decision-making process in the implementation of the right to development.

My delegation agrees with the Working Group's conclusion that Member States bear the ultimate responsibility for the implementation of the right to development. We also agree with the Working Group that development cannot be seen as an imported phenomenon, or one that is based on the charity of developed nations. Advancing the cause of the right to development, and of all universally recognized human rights, does not imply the imposition of "western values" or forms of government. Guarantees of basic rights and freedoms can and do translate into different institutional structures based on specific national traditions, needs and habits of thought, just as economic and social programs are shaped according to national circumstances.

We welcome the Working Group's view that democracy, good governance and development are mutually reinforcing. The implementation of the right to development requires that all individuals and groups - including the vulnerable ones - take an active part in the decision-making and development processes of their own society. A vigorous civil society is indispensable for implementing the right to development, which must include ensuring respect for economic, social and cultural rights. As mentioned by the Secretary-General in his first report on the Agenda for Development, democracy provides the only long-term basis for managing competing ethnic,

religious and cultural interests in a way that minimizes the risk of internal conflict.

In addition, my delegation welcomes the Working Group's emphasis on the need for good governance in order to fully implement the right to development. That right cannot truly be realized without respect for human rights and the rule of law; without the establishment and implementation of sound economic and social policies; without low levels of corruption in public life and effective mechanisms to deal with corruption when identified; without financial probity, accountability and transparency; and without appropriate levels of military expenditure and appropriate roles for the military in society. The absence of these elements inevitably stifles and diverts development efforts.

The implementation of the right to development must also take place under conditions of peace and security. Peace is the foundation of development, but the absence of peace is a sadly pervasive reality in too many parts of the world. There is a vicious circle here, for the lack of development contributes to international tension and to a perceived need for military power. The Secretary General's Agenda for Peace emphasized that an effective early warning system is essential to prevent outbreaks of conflict.

Insufficient coordination within the UN system was another obstacle to the realization of the right to development identified by the Working Group. Development is multidimensional in nature: economic and social development are two sides of the same coin.

In our own view, the High Commissioner for Human Rights has a major role to play in ensuring the integration of human rights machinery not only in the peace and security activities of the United Nations, but also in its development activities. The High Commissioner's mandate holds great promise in this regard, and we welcome his plans to establish appropriate working contacts with international financial institutions and development agencies, to encourage them to take account of the human rights dimensions of their work.

Mr. Chairman,

My delegation believes that the conclusions and recommendations of the Working Group merit careful consideration. We also recognize that the task yet before the Working Group is not an easy one. We will support the continuation of its mandate, but in so doing we hope that the Group will continue to proceed in a focused and pragmatic manner, in full cognizance of, and in full collaboration with, related efforts being pursued in other quarters of the UN system.

Thank you, Mr. Chairman.

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December 1995

HUMAN RIGHTS IN ANGOLA

ISSUE

Peace has been slow in coming to Angola where, in spite of obvious improvements, the human rights situation continues to be a concern to the Canadian government and to the whole international community.

BACKGROUND

The year 1995 saw only a halfhearted application of the Lusaka peace accords. False starts characterized the attempts to quarter the UNITA soldiers and the armed forces, including the rapid intervention police force; nothing was achieved. Nor was there any progress in the discussions on demobilizing the combatants and forming an integrated army. The armed forces continue to attack a number of UNITA-controlled regions. Not until the end of 1995 did the government agree to end its dealings with a South African mercenary firm. Both the MPLA and UNITA are responsible for violating the terms of the peace agreements. The resultant skirmishes, distrust and bitterness are hampering any efforts to restore normality. However, the leaders of both parties have reiterated their intention to fulfill the undertakings made at Lusaka and to do their utmost to prevent a reversion to the civil war which has claimed more than 500,000 lives since 1975, most of them civilians.

In this precarious state of peace, the civilian population groups are no longer the target of military attacks; this has considerably improved the situation with regard to the right to life. Far less respect is accorded to the right to the integrity of the individual. With 10 million anti-personnel mines, Angola has one of the world's highest rates of mutilation; among the victims are large numbers of women, children and peasants. In 1995, there were even some cases of new mines being laid during localized confrontations. Since mines do not lose their potential to maim for many years, they are lasting danger to the physical security of people. Banditry is another threat. With the delay in the process of demobilizing, many inactive soldiers who are receiving little or no pay are tempted to harass, pillage, extort and kidnap. Sometimes the police are suspected of collusion with bandit groups. Public order has totally disintegrated in some parts of the country.

There are many restrictions on freedom of movement, partly because of the mines, and partly because of UNITA's and MPLA's unwillingness to allow people to pass through enemy-controlled areas. Less than one-quarter of the 1.2 million or so refugees have returned to their region of origin. Such restrictions on freedom of movement seriously hinder the delivery of humanitarian aid programs.

The new constitution of 1991 recognizes the major civil, political and economic rights, along with the independence of the judiciary. However, the constitution is disregarded in the UNITA-controlled regions, and is only feebly applied in the regions under government control, because of the lack of institutional capability, aggravated by the often arbitrary

behaviour of the police. A number of the murders that have occurred seem to be politically motivated. Ethnic discrimination is aggravated by the fact that the country is divided in large part along tribal lines, with a majority of the Mbundu supporting the government, and the Ovimbundu, UNITA. However, slight progress is being made in the aspect of tolerance between the two main political formations.

Most of the economic, social and cultural rights cannot be exercised because of the poor economic situation. Freedom of the press has deteriorated with the persistent harassment of journalists; some have even been murdered. They have been attacked not only for criticizing politicians, but also for looking into criminal activities.

CANADIAN POSITION

While the situation has improved considerably over the past few years, it is far from acceptable. Canada is encouraging the two parties to apply the Lusaka agreements, since peace is needed in order to strengthen respect for fundamental rights in Angola. In its item 12 statement before the 51st CHR, Canada urged Angola to give priority to meeting the urgent needs of the victims of its long conflict, to restoring respect for human rights and to establishing a democratic government. Prime Minister Chrétien sent a letter to President José Eduardo dos Santos in June 1995 also expressing Canada's concerns.

Canada has also challenged the Angolan government and UNITA to more fully respect international standards concerning the implementation of humanitarian aid programs, and to end unacceptable and counter-productive activities such as restrictions on freedom of movement, attacks against UN teams, and the pillaging of warehouses.

With an eye to encouraging reconciliation and greater respect for human rights and fundamental freedoms, Canada provided \$1.4 million in humanitarian aid to Angola in 1995-96, \$1 million of which consisted of health services and survival kits for underprivileged groups by way of UNICEF; \$200,000 was for the coordination of demobilizing programs; and \$200,000 by way of the Canadian Council of Churches was to promote civil education among former UNITA soldiers. Since 1993-94, Canada has also contributed \$780,000 to demining operations. We do not expect to take any new initiatives until the parties have succeeded in establishing a lasting peace on solid foundations.

January 1996

HUMAN RIGHTS IN ALGERIA

ISSUE

The human rights situation has been sorely tested by the political crisis being experienced in Algeria.

BACKGROUND

Interruption of the electoral process in January 1992 in the face of the possible assumption of power by the Islamic Salvation Front (FIS) plunged Algeria into a serious political crisis. With an integrist-inspired terrorist movement contesting its legitimacy, the High Council for Security (HSC), a so-called transitional institution established and designed to make an eventual return to the electoral process possible, has continued its fight against the Islamic Salvation Army (AIS), the armed wing of the FIS, and the Islamic Armed Groups (GIA), radicals who are convinced of the legitimacy of an armed struggle to overthrow the regime and set up a theocratic Islamic republic. The HSC has continued to use existing exceptional measures, in particular the state of emergency and an anti-terrorist law. The result has been escalating violence and an outbreak of terrorism that has left no segment of society untouched. Unofficial estimates place the number of victims at 50,000.

While pursuing a course of strict security, President Liamine Zérroual, the leader of the HSC since January 1994, has begun to talk with the incarcerated leaders of the FIS, whom he released and then incarcerated a second time, in order to reach a negotiated solution. After the failure of last June's negotiations, the HSC announced presidential elections for November 16, 1995. Three-quarters of the voters exercised their franchise, as opposed to 59% in the previous legislative elections of December 1991, a clear rejection of radical Islamic terrorism, whose adherents threatened violence on voting day, and of the moderate opposition parties, who called for a boycott of the elections. President Zérroual received 61.34% of the votes. Mahfoud Nahnah, the moderate Islamic candidate and leader of the Islamic Society Movement (MSI-Hamas), received 25% of the votes, and Saïd Saadi, the Socialist candidate, nine percent. A moderate Muslim, Nourredine Boukrouh, leader of the Algerian Renewal Party (PRA), received 4% of the vote. International observers from the OAU and the UN were present during the voting, and reported that the process was conducted in due fashion.

Having won the election, President Zérroual is in a better position to continue his efforts to develop a political consensus bringing together all of Algeria's political forces, including the moderate Islamists. A first step in this direction was taken with the arrival of three members of the legal opposition in the new government of 32 ministers and secretaries of state formed on January 5, 1996. The MIS-Hamas was given the responsibility for the Small and Medium-Sized Business Ministry and Secretary of State for Fisheries. The PRA obtained the

Ministry of Tourism and Craft Industry. Ahmed Merrani, a dissident from the former FIS, was given the Religious Affairs portfolio. This is Algeria's first ever pluralist cabinet.

Since the presidential elections, the armed opposition has radicalized around a hard core of the GIA, which accuses the FIS of seeking to achieve political reintegration, and stands against the AIS, the armed wing of the FIS. Although marginalized, the terrorist opposition is still capable of inflicting heavy damage, thereby complicating the human rights situation. Security in general is threatened by the continuation of Algeria's domestic conflict.

CANADIAN POSITION

Canada condemns the escalating violence and terrorism in Algeria and is concerned about the numerous human rights abuses cited by the international organizations. Canada is convinced that a sustained, coherent message in favour of human rights in Algeria will inevitably be echoed among moderates in all camps. However, Canada realizes that its human rights advocacy interventions in Algeria will have no significant impact as long as the political scene there is dominated by extremism. Canada has clearly expressed its desire -- most recently at UNGA's Third Committee to see a political solution to the present crisis, and has encouraged the Algerian authorities to engage in a political dialogue with all parties opposed to the use of violence as a political tool. In this regard, Canada considers the holding of presidential elections, the advent of a moderate opposition in the government and the priority placed on holding legislative elections as soon as possible as important steps toward democracy.

January 1996

THE HUMAN RIGHTS SITUATION IN THE REPUBLIC OF BURUNDI

ISSUE

The political crisis triggered by the assassination of President Melchior Ndadaye in October 1993 has deteriorated into ongoing civil unrest. Respect for human rights has suffered accordingly.

BACKGROUND

Former President Pierre Buyoya (a Tutsi) broke with the tradition of *coups d'état* which brought him and his two predecessors (also Tutsis) to power. He set in motion a political reform process which sought to reconcile the Hutu majority and the Tutsi minority and culminated in elections for the presidency and the national assembly in June 1993. These were fully free and fair and resulted in the election of a Hutu president and Hutu-dominated national assembly. Hardline elements in the army, possibly encouraged by ex-president Jean-Baptiste Bagaza, refused to countenance the army's sudden and complete loss of power and staged an abortive coup, in which President Ndadaye and members of his government were killed. A wave of massacres ensued, first killings by Hutus avenging the dead president, then reprisals by the Tutsi-dominated army. Altogether, between 50,000 and 80,000 died. Ndadaye's successor, Cyprien Ntaryamira, died in the attack on Rwandan President Habyarimana's aircraft, on April 6, 1994.

The current president, Sylvestre Ntibantunganya, replaced Ntaryamira on an interim basis, being confirmed in office only after the negotiation of the Convention on Government of September 10, 1994. Driven by the Rwandan example of what could happen to an unprotected minority, the Tutsis sought substantial protection: among other things, the convention shifted key powers of the president to a National Security Council and provided that 45% of the ministerial posts would be granted to the Tutsi party, UPRONA. Still, Tutsi hardliners refused to be content and undermined the government through general strikes and violence by Tutsi militias. In ten days of violence in March 1995, the Tutsi militias cleared many districts in Bujumbura of their Hutu residents.

Led by former Interior Minister Léonard Nyangoma, the Hutu militias, with support from the former Rwandan army based in Zaire, have conducted an insurrection which has spread from border areas near Zaire. The northern provinces are in a state of civil war and acts of sabotage have drastically reduced electric and water supplies to the capital. The army has failed to suppress this unprecedented challenge; neither it nor its adversary are conducting efficient operations and much civilian blood is being and will be shed (civilian deaths are averaging about 1,000 per month).

President Ntibantunganya, a moderate Hutu, declared a state of emergency in June 1995, in an attempt to suppress the insurrection and confirm the principle of power-sharing. He has been deserted by many nationalist Hutus for having conceded too much to the army and by

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the Tutsis for having no influence with his own people. Nyangoma sponsors anti-Tutsi hate broadcasts by radio from Zaire. The army refuses to negotiate and refuses to accept an international peace-keeping presence in the country. Tutsi political rivals vie for power. In this incoherent climate, Prime Minister Nduwayo (a Tutsi) has forecast a long year of bloodshed in 1996.

Respect for human rights is the victim of the shrill ethnic climate and increasingly critical military situation. Ethnic cleansing has made Bujumbura a "Tutsi garrison". Torture is used as a regular instrument of interrogation.

CANADIAN POSITION

Respect for human rights cannot flourish in the current climate of impunity, ethnic rivalry and civil war. Canada is therefore active diplomatically in efforts to promote recognition in the political class of the need for compromise and to press. Three Canadian Forces officers participated in a three week course on human rights arranged for the Burundian army by the UN Centre for Human Rights. We initiated the debate in the Francophonie which led to the dispatch of a joint ministerial/parliamentary mission to Burundi in April 1995. We proposed the creation of Francophone roundtables for exchanges and contacts on Burundi at the Cotonou summit in December 1995. We offered a Canadian member, Maître Michel Maurice, to the five-person International Commission of Inquiry into the Ndadaye assassination established by Security Council resolution 1012 (August 28, 1995). However, commission activity in Burundi has been severely hampered, inter alia, by the prevailing insecure conditions.

January 1996

HUMAN RIGHTS IN EQUATORIAL GUINEA

ISSUE

The human rights situation in Equatorial Guinea continues to be a concern to the Canadian government.

BACKGROUND

Independent trade unions are nonexistent. The opinion press is muzzled. The Fang tribe monopolizes political and economic power, to the detriment of the Bubi, Ndowe and Ibo. Nepotism is the rule. Sexual equality is recognized in the constitution, but the weight of cultural traditions relegating women to the background is still felt. Violence against women goes unpunished by the government. The people live under surveillance; the State Security, including an 800-strong presidential guard in the palace itself, is what keeps President Obiang in power. Equatorial Guinea is regularly denounced by observers such as Amnesty International and the United Nations.

The first years after Equatorial Guinea achieved independence (in October 1968) were dominated by a dictatorial regime of terror and death. Equatorial Guinea lost nearly one-third of its population. Many, especially intellectuals, were suppressed or done away with, and tens of thousands fled to Spain, Gabon (some 50,000) and Cameroon (30,000). Although President Teorodo Obiang Nguema Mba Nzago, the present Head of State, declared a general amnesty when he came to power in August 1979, resulting in the return from exile of a large number of refugees, it was not long before human rights violations (persecution, unwarranted arrests, summary executions, etc.) and corruption were again a part of the scene.

Political pluralism, accepted when the country achieved independence, was severely tested afterwards: the three parties formed in 1963 were banned by the Macias Nguema party in favour of a single party. President Obiang also formed his single party, the PDGE, in 1987. Elections were held in 1982, 1988 and 1989, rubber-stamping the single party's monopoly. The CCR was created by the exiled opposition in 1981. President Obiang allowed multipartism in January 1992, authorizing 13 other parties, but repression against members of the opposition continued.

The first pluralist elections were held in 1993 amidst such falsification that nearly half of the legally recognized political parties boycotted the voting, suspecting electoral fraud and repression. Much of the international community felt that this was a mere similitude of democracy. In April 1995 Severo Moto Nsa, leader of the PPGE, and two officers, were imprisoned by Obiang for a so-called attempted coup d'état. The charges against the three men were totally bereft of credibility and in many minds underscored the paranoia of this inwardly-turned regime. However, an about-face occurred in August 1995, when Moto and 25 other prisoners of conscience were released.

Multipartite municipal elections were held in September 1995. Ten parties united to form a common platform of opposition (POC). Observers pointed to the spirit of participation and felt that this experiment was a step in the right direction. The political parties even enjoyed a general ambiance of freedom and free expression during the election campaign.

Unfortunately, the balloting was fraught with irregularities, including the unwarranted seven-day delay between the vote counting and the proclamation of the official results. The opposition made an important breakthrough, but felt that it had been cheated of a victory. Repression increased, forcing a number of opponents into exile.

Presidential elections will take place in the spring of 1996, again without any mechanism having been introduced to guarantee neutrality in the election process. The election list used for the municipal elections has been done away with, and only citizens who have lived in the country for five years in a row may run; this rules out virtually all the present opposition leaders.

The UN Commission on Human Rights has consistently criticized the authorities of Equatorial Guinea. The Special Rapporteur for Equatorial Guinea will report to the Commission at its next session in March 1996.

CANADIAN POSITION

Canada has recognized Equatorial Guinea since it achieved independence in 1968, but our relations have been quite limited. Our Ambassador in Libreville, Mrs. Louise Charron-Fortin, is also accredited to Malabo. Equatorial Guinea has no ambassador accredited to Canada.

Canada is concerned about the persistent human rights violations in Equatorial Guinea. Our representatives have repeatedly raised this question with the authorities of Equatorial Guinea, challenging them to take steps to open the way for the return of political refugees, bring those responsible for violations before the courts, and respect the international obligations necessary to establish constitutional rule. Ambassador Charron-Fortin took part in a mission to observe the municipal elections of September 17, 1995, accompanied by other members of the diplomatic corps. The group expressed their comments to the local authorities immediately after the balloting.

Equatorial Guinea is not a recipient of large amounts of Canadian bilateral aid. CIDA's bilateral interventions consist of a few small projects in agriculture and education under the Canadian Local Initiatives Fund valued at \$140,000 in 1994-95. Trade between our two countries has been minimal for a number of years. In 1995, we exported aircraft parts valued at \$103,000; imports were negligible. Subcontracting in the oil sector is carried out by some Canadian companies. Prospects for improvement in the near future are dim.

January 1996

THE HUMAN RIGHTS SITUATION IN ETHIOPIA

ISSUE

As Ethiopia proceeds to consolidate its new federal system and democratic reforms, there is a need for continued efforts to improve human rights and to broaden participation in the democratic process.

BACKGROUND

The Ethiopian Peoples Revolutionary Democratic Front (EPRDF) is a coalition of ethnically based movements which, in 1991, defeated the military dictatorship of Mengistu Haile Mariam in a bloody and protracted civil war. The EPRDF won an overwhelming majority of seats in the controversial May 7, 1995 elections for national and regional governments. The elections marked the end of the transitional government which worked to establish a new state structure based on a constitutional electoral democracy, decentralized federalism, a liberalized economy and increased private enterprise.

The new Constitution of Ethiopia includes guarantees of protection for human rights, consistent with the Universal Declaration of Human Rights. Particularly important in this diverse society are guarantees of religious freedom and respect for all nationalities, areas where the government has shown strong commitment. Provision for the secession of ethnically based regions and state ownership of land are two elements of the Constitution which have proved to be controversial.

Some violent armed opposition to the EPRDF government does exist and confrontations with government forces have been reported in various parts of the country, particularly between the government and the Oromo Liberation Front and groups in the Somali region.

Even though the May 7 elections were peaceful and orderly, political reconciliation and the transition to democracy in Ethiopia is a long term process that cannot yet be taken for granted. Independent political parties were allowed to participate in the elections but did not encounter a completely level playing field. Hence, despite bilateral negotiations initiated by the EPRDF and intensive confidence building efforts by the donor community, the major opposition groupings decided not to participate in the elections, complaining of intimidation by the government and other unfair electoral conditions. Some independent parties and numerous independent candidates did participate.

Intimidation and harassment of political opposition figures continue to be reported. This is primarily related to the abuse of authority by local officials. Victims rarely seek recourse through legal channels because the administration of justice remains very weak, the result of a lack of resources and low public confidence caused by political interference in the judicial system by previous regimes.

Key institutions of civil society - universities, free press, independent trade unions, NGOs - have encountered difficulty in their relations with government. Politically active students at

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Addis Ababa University have been expelled and required to forgo continued activity and political organization in order to re-register. The repeated detention of publishers and editors of independent (but sometimes irresponsible) newspapers is often perceived to be politically motivated. There is evidence of government interference in the internal governance of a trade union confederation. NGOs are subject to close government control through a rigorous registration procedure which does not include adequate provisions for the establishment of advocacy groups and human rights organizations. The closing down last July by Ethiopian authorities of offices of the Oromo Relief Association appears to have been arbitrary and an abuse of judicial procedure, although the ORA is still pursuing legal redress.

The overwhelming dominance of the EPRDF (and its tradition as a close knit armed revolutionary movement) requires a special effort on the part of the government to reach out and ensure sensitivity to the spectrum of public opinion that respects the rule of law, in order to advance popular confidence in electoral democracy and encourage broader democratic participation.

CANADIAN POSITION

Canada remains supportive of the evolution of democracy, the rule of law and a market economy in Ethiopia. Canadian policy is to work with the Government of Ethiopia to establish the systems and institutions required for Ethiopians to enjoy their fundamental human rights, as guaranteed by the new constitution of the Federal Democratic Republic of Ethiopia.

Canada has on repeated occasions made representations to the both federal and regional governments on behalf of illegally detained individuals.

Canada actively supported the electoral process, working with others to encourage wide participation in the May 7, 1995 electoral process, contributing over \$1.4 million for electoral materials and an election monitoring group as well as intensive monitoring of the entire electoral process by Canadian Embassy staff. Canadian assistance also included support for independent electoral monitoring by local Ethiopian groups. Canada's Minister of Foreign Affairs, the Honourable André Ouellet, cancelled participation by an official group of election monitors from Canada when the Ethiopian government refused to admit one of the members because of NGO affiliations. Canada views the May 7 elections as a step forward in the democratic process, while recognizing many shortcomings in the conduct of the elections.

Canada has provided assistance to the work of the Special Prosecutors Office in bringing to justice perpetrators of atrocities under the Mengistu regime. The Canadian International Development Agency (CIDA) is currently planning two major bilateral projects to directly promote human rights and improve regional governance (decentralization and regionalization). Canada also sponsored a seminar for judges in December to strengthen the judicial system in Ethiopia.

January 1996

THE HUMAN RIGHTS SITUATION IN KENYA

ISSUE

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

BACKGROUND

In 1995, the Government of Kenya did little to move forward with political reforms or to broaden and deepen democratic development. There remain many complaints that despite the return of multipartyism in 1991, the KANU-led government has yet to reconcile itself to pluralist politics. Opposition efforts to hold rallies are often blocked by bureaucratic red tape. The public perception is that the government machinery, such as the provincial administration and the security establishment (excluding the armed forces) is used to support the ruling political KANU party, harass the opposition, and control the judiciary and the press.

Kenya is party to some international covenants/charters on human rights and the constitution contains *de jure* protection for a broad range of rights and freedoms. However, several laws, such as the Preservation of Public Security Act, give the Government draconian powers. The recent tabling of a new bill that increases court fees for a wide range of services, will in effect reduce judicial access for most Kenyans who would find it difficult to pay legal and court fees.

While it is assumed that the independence of the judiciary is subjected to political interference, it is no better or worse than before. The legal system is used to harass and intimidate opposition Members of Parliament, journalists and activists. Individuals asking donors to freeze aid to Kenya risk being charged with sedition. The case of Koigi wa Wamwere, ex-Nakuru North MP charged with raiding a police station, ended in a verdict of guilty and carried a sentence of four years in prison and six strokes of the cane. The defence is appealing the sentence.

On a positive note, the chief justice instructed the High Court to investigate allegations, made by two former judges, of corruption and external interference of the judiciary. In an effort to deal with widespread corruption, some high profile individuals were arrested for fraud, corruption and mismanagement and their cases are moving slowly through the courts.

Personal security continues to deteriorate at an alarming rate. The Government's announced war on crime has made little headway in face of the limited police resources and poorly paid police officers who supplement their incomes with bribes. This has had an adverse effect on the country's tourism industry that in turn has impacted negatively on the economy and the welfare of the general population.

Police treatment of detainees and prisoners also continues to come under unfavourable scrutiny. There are allegations of police torture during interrogations that have led to forced confessions. Kenyan prisons currently hold nearly twice as many inmates as they were intended to and the appalling conditions are life-threatening.

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Kenyan electronic media are controlled by groups sympathetic to the KANU Government. Applications to privatize the airwaves have been delayed by the Government. There continues to be tolerance of a wide range of opinion and criticism in print, except in regard to the Head of State. However, some publications were temporarily shut down or banned, while other independent magazines, also critical of the Government, were left alone. With the sale of the "East African Standard" newspaper, one of three Nairobi dailies, to a group with ties to the Government, there are concerns that editorial independence may erode.

In Nairobi, enrollment in primary schools has dropped by 46% in public schools and by 4% in private schools. Many poor parents can no longer afford to pay school fees for their children due to the increases announced by the Government. The number of street children in Kenyan cities has grown considerably (approx. 50,000). The number of child prostitutes is also multiplying and sex tourism along the Kenyan coast is on the rise. According to UNICEF, Kenya has 30,000 Aids orphans and the number could rise to 1,000,000 by the year 2000.

In November and December 1995, there was a crackdown on illegal aliens. Although there are many people living in Kenya without proper documentation, even people who possessed proper identification or valid documents were brought in for questioning. The Government stated that all individuals who were in Kenya illegally must return to their own countries or stay in recognized refugee camps.

While constitutional and legal provisions generally do not discriminate against women per se, societal expectations about the role of women affect their educational and employment opportunities. Lack of access to property, polygamy and teenage pregnancy remain problems, in particular of rural women. Physical abuse is not condoned but occurs. Women continue to be highly under-represented in government, although President Moi has appointed the first female cabinet minister to the portfolio of culture and social services.

CANADIAN POSITION

Canada continues to call on the Kenyan Government to demonstrate its commitment to improved human rights, strengthened democratic development and improved governance in both bilateral and multilateral fora. Canadian officials regularly meet with senior Kenyan Government officials in Nairobi and Ottawa and human rights issues were raised on a number of occasions with the Attorney-General.

Donor conditionalities for disbursement of aid are improvements of human rights, democratic development and good governance. However, donors are not having as much influence in changing Kenyan Government policy as they once did.

Canada has been an active member of the Donors Democratic Development Group (DDDG) since its inception and we are currently chairing the group. In coordination with other donor countries, Canada observed four of five by-elections held last year; played a part in a UNDP/Government-chaired national committee on displaced persons; maintained contact with a wide variety of Kenyan human rights activists and NGOs; and closely monitored the trial of Koigi wa Wamwere.

HUMAN RIGHTS IN MALAWI

ISSUE

After several decades of dictatorship, respect for human rights is being established satisfactorily in Malawi, although not without some difficulties.

BACKGROUND

Realizing that it was brought to power on the strength of a reaction against the many abuses of the previous regime, the government of Malawi has taken care to exhibit a sincere respect for fundamental rights and civic freedoms. It has emphasized restoration of the economy, education and institutional improvement.

A few cases of harassment of the opposition by judicial means have been cited. Thus, the leaders of the Democratic Party and of the Congressional Party have faced various court actions during the year. The government reestablished the Press Trust without allowing the project to be debated sufficiently in the Parliament. On the plus side, it was satisfying to see that in the by-elections, the AFORD and the UDF, both of which originally developed along regional lines, succeeded in electing candidates beyond their traditional areas of influence.

Some delays have occurred in the process of decentralizing, which is keeping democracy from taking root in the smallest communities. In so far as good government is concerned, a number of ministers have not yet agreed to let the state of their assets become public knowledge, and a few cases of corruption have been brought to light.

A bill that would force newspapers to reveal their sources and to identify their sponsors was roundly criticized as censorship by the local press. The bill was not passed. On the other hand, the government continues to monopolize the electronic media (radio only), having made the Malawi Broadcasting Corporation an instrument of the party in power, for all practical purposes.

One of the strong points of the establishment of constitutional law in Malawi has been the independence of the judiciary, exhibited in a few cases where the judges have handed down verdicts different from those that the government would like to have seen, in particular by dismissing the murder charges against ex-dictator Kamuzu Banda and colleagues, for lack of sufficient evidence.

CANADIAN POSITION

Canada encourages the government of Malawi to continue rebuilding the country on a strong democratic basis.

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January 1996

THE HUMAN RIGHTS SITUATION IN THE REPUBLIC OF RWANDA

ISSUE

The restoration of the rule of law in Rwanda following the genocide of April to July 1994 has been slow and uncertain. This retards the repatriation of Rwandan refugees from Burundi, Tanzania and Zaire.

BACKGROUND

Progress has been slow in restoring a functioning judicial system and entrenching the rule of law. Government resources are meagre. Reconciliation between Hutus and Tutsis remains elusive and even its desirability is subject to debate between moderate and hardline Tutsis.

Although the coalition government is composed of Tutsis and moderate Hutus, Vice President and Defence Minister Paul Kagame, leader of the Rwanda Patriotic Front during the civil war, remains the government's strong man. Elections are supposed to be held not later than five years after the end of the civil war, but a free and fair election could not be held in the current climate. The civil service is dominated by the Tutsis (who provide 18 of 22 directors general). Tension in border communities is fuelled by cross-border incursions and threats from military and paramilitary units of the former government, now based in Zaire.

Although it was planned by a relatively small number, many thousands of Rwandans took part in acts of genocide. Almost all families were affected, either as victims or as perpetrators. Justice for the guilty is an essential pre-requisite to reconciliation but accurate identification of the guilty and their rapid prosecution are beyond the capacity of the judicial system. More than 60,000 persons languish in the prisons, with a capacity of only 12,750, in crowded and unsanitary, indeed life-threatening, conditions. The *commissions de triage* have been ineffective. Approximately 700 persons are arrested every week, often on flimsy pretexts, thereby exacerbating prison overcrowding. UNAMIR offered training in law enforcement to several hundred gendarmes, to facilitate their assumption of the policing function from the Army.

Extra-judicial killings are not state-sanctioned but do occur, usually to avenge the killings of family members during the genocide. Army personnel known to be guilty of such acts, or of wanton killing of civilians during operations, are subject to prosecution, given Defence Minister Kagame's desire to maintain the comparatively rigorous discipline of the Rwandan Patriotic Army (RPA). The massacre of civilians at Kibeho refugee camp in April 1995 was investigated by an international commission, constituted at the invitation of the president (Canada provided the commission's vice-president and a trained military investigator). The government jailed certain officers found to have been guilty of poor discipline on that occasion and it prosecuted officers and soldiers guilty of killing civilians at Kanama in September 1995. Allegations by certain political figures, including former Prime Minister

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Faustin Twagiramungu, that as many as 300,000 have died since the end of the civil war are, however, grossly exaggerated for political effect.

The government is sensitive to criticism and has detained independent Rwandan journalists, e.g., André Sibomana, for questioning. Over 40 foreign NGOs were expelled, without prior warning, after December 6, 1995, allegedly for their failure to coordinate their activities with the government, for poor performance or for reasons of security. However, the government's failure to consult and its arbitrary procedure suggest that it had a more complex agenda.

CANADIAN POSITION

Canada recognizes the extraordinary challenge faced by Rwandans and their government to rebuild after the genocide, politically, socially, legally and economically. The establishment of the rule of law is needed to ensure that the perpetrators of genocide and other human rights abuses receive, and are seen to receive, their due retribution, through the International Tribunal or the national judicial system. Canada is concerned by the ambiguous signals on national reconciliation transmitted to the refugees by the ongoing arrests, the reduction of UNAMIR, the expulsion of the NGOs and the Kibeho and Kanama killings.

In 1995, Canada contributed \$1 million to the Tribunal to allow it to engage expert Canadian investigators. CIDA set up projects designed to build up the institutional and investigative capabilities of the Ministry of Justice. CIDA is also supporting the deployment of international human rights monitors by the UN Centre for Human Rights, promoting respect for human rights among parliamentarians, establishing a national human rights centre and aiding local NGOs active in promoting human rights. Other CIDA projects are designed to rehabilitate the survivors of the genocide, mostly widows and orphans.

The Commission on Human Rights has approved the appointment of a Special Rapporteur to investigate human rights violations in Rwanda and requested the UN High Commissioner for Human Rights to set up a team of human rights monitors and provide human rights technical assistance to the Rwandan government. Canada recently led on a resolution at Third Committee of UNGA50 on the human rights situation in Rwanda and will continue to do so at the Commission on Human Rights in March 1996.

January 1996

THE HUMAN RIGHTS SITUATION IN SOMALIA

ISSUE

It continues to be difficult to assess the human rights situation in Somalia in the absence of any central authority. However, in light of the continued fighting in Somalia between the various factions and sub-clans, especially after August/September, it would appear that there has been little improvement in the human rights situation in Somalia in 1995.

BACKGROUND

Since the collapse of the state of Somalia in 1991 following the overthrow of the repressive regime of Siad Barre, there has been no recognized government. In the absence of any central authority there have been three centres of power: the South, which remains highly unstable and prone to endemic clan violence; the Northeast, which has been relatively calm; and the Northwest (Somaliland) which has a separatist administration (the self-declared "Somaliland Republic") contested by other clan factions, giving rise to frequent skirmishing.

In Somalia, large populations remained displaced and continued to live in fear because of continued skirmishes between armed factions and associated reports of human rights abuses. These included reports that militias and bandits committed extrajudicial killings or intimidated, detained, raped or kidnapped individuals. Human rights, particularly the right to security of the person, were commonly violated by all the actors in Somalia, including by UN peacekeepers. From 1994 and throughout 1995, Canada, Belgium and Germany opened investigations or prosecuted some of those investigated for human rights abuses in their national courts.

After the withdrawal of United Nations armed forces in March 1995, there was a tenuous calm in Somalia until August/September 1995 when renewed fighting resulted in large numbers of civilians being killed deliberately or by random firing. Nearly all the international NGOs evacuated their international staff in early 1995 because of the security situation. Those remaining behind are subject to kidnapping or temporary detention (over 20 UN Agency workers in Baidoa) by various militias. An Italian doctor was killed in December. As well, two relief aircraft were temporarily impounded in Northwestern Sudan. While international relief organizations, in particular the UN Agencies, try to maintain assistance to the beleaguered population, there have been reports of increasing malnutrition levels in some regions.

Press freedom is theoretical. Most Somalis obtain news from foreign news broadcasts (shortwave radio). What little print media that exists consists of small news flyers, usually published by the various factions. Several nominally independent publications are published anonymously and are critical of the faction leaders. General Aideed's militias arrested two Somali journalists reporting for international news agencies in August and September 1995

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respectively, on account of published articles which they wrote. Somali journalists were also briefly detained in Hargeisa by Mohamed Egal's militia.

In practice the judicial system hardly functions in most of the former Somali republic. The failure to develop a working system of justice or a national police force during the UNOSOM presence resulted in local law and order being arbitrarily maintained by factions and clan-based Islamic courts, some of which applied strict Islamic (Shari'a) law. The result has been arbitrary detentions, summary informal trials, cruel punishments and executions. Various groups have called for the use of Shari'a courts and penalties throughout Somalia. This may gain support in the absence of an effective judicial system to control high levels of crime. In the northwest, the self-declared Somaliland Republic has a functioning legal system based on the 1962 Penal Code. This has replaced Islamic law and includes a supreme court. Information is unavailable regarding the impartiality and independence of the judiciary.

Discrimination along clan and sub-clan lines, and by ethnic Somalis against Bantu farmers in river-plain areas and Swahili communities along the coast, is prevalent. Societal discrimination against women and widespread abuse of children also continue to be serious problems. Women as a group are not integrated into the political process and no women hold prominent public positions. Female genital mutilation remains widely accepted and practiced throughout Somalia. As for the youth, it is still common practice for boys 14 or 15 years of age to be engaged by various militias.

CANADIAN POSITION

In light of the political and security situation in Somalia, Canada maintains a watching brief on the country, and where possible, tries to provide assistance through various multilateral and NGO channels. Since 1991, Canada has provided more than \$43 million in emergency food and non-food humanitarian assistance, and taken in over 20,000 refugees. Although the \$150,000 Canada Fund was suspended due to the security situation, CIDA approved, in October 1995, a \$1.5 million grant to the International Committee of the Red Cross for their 1995/96 programs.

In Canada, the Commission of Inquiry into the deployment of Canadian Forces to Somalia continues its investigation and public hearings.

Canada continues to work with the donor community and the UN Secretary General to determine what future role the international community can and should play in Somalia.

January 1996

THE HUMAN RIGHTS SITUATION IN SUDAN

ISSUE

Continuing violations of human rights in Sudan.

BACKGROUND

The current government of Sudan took power in a military coup in 1989 orchestrated by the National Islamic Front (NIF) of Dr. Hassan al-Turabi. The programme of the Government, known as the "National Salvation Revolution", declared that multi-party democracy had failed, outlawed all political parties and initiated policies to create an Islamic State.

Grievances by Southern Sudanese, who are culturally, linguistically and religiously distinct from the north with its more Arab identity, have been the cause of a civil war that continued intermittently since independence in 1956, eased for a decade as a result of the Addis Ababa peace agreement in the early 70's and resumed as a sustained conflict in 1983.

The policies of the NIF Government headed by General Omar El-Bashir have led to ever increasing international isolation since 1989. Human rights abuses and the civil war have resulted in an almost total freeze on development assistance. The civil war and the religious radicalism of the NIF government have had a negative impact on regional stability in the Horn of Africa. Eritrea severed diplomatic relations with Sudan in December 1994 citing Sudanese support for subversive groups in Eritrea. Uganda subsequently severed diplomatic relations citing Sudanese support for Uganda armed opposition groups. Evidence of Sudanese support for the terrorist attempt on the life of Egyptian President Hosni Mubarak at the June 1995 OAU Summit in Addis Ababa resulted in strained relations with Egypt and Ethiopia.

In the North, an elaborate security apparatus closely monitors political and social activity with NIF controlled committees responsible for approving certain private activities to ensure their compatibility with officially defined Islamic and government objectives. For example, women wishing to travel outside the country must provide written approval from a male "guardian" for consideration and approval by the Women's Committee of the Ministry of Internal Affairs. Although the government of the Sudan continues to exempt the 10 southern states from parts of the 1991 Criminal Act which incorporates elements of Shari'a law, there are continued reports of enforced Islamization of southerners.

Political dissidents are not permitted to operate freely and are subject to forced disappearances, prolonged detention without trial and torture. A number of citizens were indiscriminately killed by security forces during demonstrations in September 1995. On the positive side, the Government of the Sudan acknowledged some abuses: security agents were tried and punished for abuses and a group of political prisoners were released last year.

Although it is difficult to corroborate reports of organized slavery in Sudan, there are numerous indications that it persists as a traditional practice in the countryside, particularly

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in the "transition zone" between the North and South. The social disintegration caused by civil war and economic deterioration can only frustrate the eradication of this practice.

The civil war has virtually destroyed all aspects of civil society, infrastructure and traditional economic and trading systems in the South. The U.S. Committee of refugees estimated in 1993 that 1.3 million Southern Sudanese have died since 1983 as a result of the civil war - one out of every four people in the region. The government and both rebel factions have been guilty of obstructing international humanitarian assistance and abuses against non-combatant populations. There are continued reports of indiscriminate bombing by government forces. As well, all sides have been cited for torture, summary executions and the placing of landmines.

A serious problem is the condition of some 1.8 million squatters displaced by war and drought who have settled in the outskirts of Khartoum. These persons are subject to summary demolition of their shelters, loss of their meagre property and forced relocation to unsuitable areas.

CANADIAN POSITION

Canada regularly speaks out at the UN General Assembly on the Sudanese human rights situation and has annually co-sponsored resolutions at the Commission on Human Rights sharply critical of Sudan. The Government of Canada also tries to maintain a constructive dialogue with the Sudanese authorities and rebel factions on questions of peace and security as well as human rights and good governance issues. During such discussions, Canadian officials have raised general human rights issues and specific cases.

Canada has also repeatedly called for a negotiated political settlement to the chronic civil war in the Sudan. Canada helped to found the "Friends of IGADD" group which was established to provide a common focus for international (donor) support for the peace process launched by the Peace Commission of the Intergovernmental Authority on Drought and Development.

Canada has the fullest respect for Islam as one of the great world religions and in no way wishes to impede its expression and development in Sudan, consistent with the values of tolerance of diversity and respect for human rights.

Because of the human rights situation, export controls for the sale of military goods and aircraft parts to Sudan remain in effect. As well, Canada's bilateral aid to Sudan remains suspended. However, Sudan continues to be one of the largest recipients of Canadian humanitarian assistance in Africa. Since 1990, CIDA has provided over \$100 million in emergency humanitarian assistance and food aid, including \$6.5 million for 1995, through NGOs and UN agencies. Such funding supports Operation Lifeline Sudan efforts to distribute emergency humanitarian relief to needy groups in both government and rebel held areas.

January 1996

HUMAN RIGHTS IN TOGO

ISSUE

The human rights situation in Togo continues to be a concern to the Canadian government and to the international community.

BACKGROUND

The Togo National Assembly approved a general amnesty on December 15, 1994, which in principle enables exiled Togolese to return home. The amnesty was signed between the Government of Togo and the UNHCR. Canada recognizes that members of the security forces have gone unpunished following the events of 1993.

The Action Committee for Renewal (CAR), the main opposition party, ended its boycott in August 1995 when a national electoral commission met its demands in respect to the balance of power.

The mysterious disappearance of the former Foreign Affairs head of human resources, along with the discovery of the charred remains of seven people in Northern Lomé in September 1994, continues to cast suspicion on the authorities. No investigation or arrests occurred after these events.

The border with Ghana was reopened in December 1994 after an eleven-month closure. However, the tension between the two neighbours remains. Foreigners are subject to frequent checks by the authorities.

Fines and even imprisonment have been the reward of certain journalists who have spoken out too strongly against President Eyadema. Freedom of the press is not assured. Illiteracy, combined with the population being accustomed to the exercise of centralized and abusive power, contribute considerably to misinforming the public regarding their fundamental rights.

CANADIAN POSITION

Canada takes every opportunity to express its concerns over Togo's human rights shortcomings and to insist on improvement. As in the past, Canadian representatives raised the question of human rights often in 1995. In particular, we discussed the difficulties encountered by refugees attempting to enter Togo when returning from exile in the region.

On the initiative of the Minister of Foreign Affairs of Canada, an international Francophone symposium was held from September 19 to 22, 1995, in Ottawa under the heading, "Conflict Prevention: an African Perspective." Togo was represented by Mr. Hyacinthe Ajavon, diplomatic advisor to Prime Minister Edem Kodjo. The Assistant Deputy Minister for Africa took advantage of the opportunity to discuss the situation in Togo with Mr. Ajavon.

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An international seminar took place in the spring of 1995 in Hull under the heading, "Democracy, Rule of Law and Development: Future Prospects for Togo," with representatives of the Department of Foreign Affairs actively participating. The seminar was an initiative of the Togolese Community of Canada. Attending the event were members of the Togolese diaspora from all parts of the world.

At the Human Rights Commission held in Geneva in March 1995, Canada opposed unsuccessfully the transfer of consideration of the situation in Togo from item 12 to item 21 (Advisory Services and Technical Assistance) of the Commission's agenda.

During his meeting with the Heads of State and Governments of countries using French as a common language, Prime Minister Chrétien expressed his concern over the fragility of the democratization process in Africa, and the efforts to strengthen it.

Canadian cooperative projects in Togo stress community development, and focus on women and underprivileged groups. Our approach is similar to that of the European Union. The International Centre for Human Rights and Democratic Development, headquartered in Montreal, has placed Togo on its priority list for Africa.

January 1996

THE HUMAN RIGHTS SITUATION IN ZAIRE

ISSUE

Although a certain optimism accompanied President Mobutu's April 1990 speech announcing the beginning of democratization, it has been replaced by widespread cynicism. The army rampages of 1991 and 1993 were highly destructive and caused the flight of most trained expatriates from major enterprises such as Gecamines. The economy is a shambles. Except for the trained cadre of the Presidential Guard, loyal to Mobutu, the apparatus of a functioning state has long since disappeared. Human rights are highly vulnerable amid this anarchy.

BACKGROUND

The government does not provide such basic services as salaries to its military and civilian employees (who must extort money from users for basic services or hold up traffic at night) or schooling and medical care (partially provided for by the churches). Communications and transport infrastructures are broken down (to wit., the recent crashes of a Russian aircraft over Kinshasa, which killed 297 persons shopping in a market, and of a crowded bus into a canal, killing 72). Economic activity has been paralyzed by rampant decades-old corruption and the departure of foreign technical personnel after the January 1993 army riots. In 1994, Mobutu loyalists imported 45 tonnes of false currency to undermine Prime Minister Kengo's financial reforms. The national *per capita* income has dropped every year for the last several years. A 1996 budget is before the parliamentary Financial and Economic Committee, but cannot be approved, since the government refuses to link its approval to an examination of the 1995 fiscal exercise.

The political opening allowed a number of political parties and newspapers to come into existence but Mobutu has undercut the functioning of parliamentary government. He dismissed the first prime minister chosen by the *Conférence nationale souveraine*, Étienne Tshisekedi in February 1993; the latter continued to claim the prime ministership in rivalry with Mobutu's chosen successor, Faustin Birindwa, until January 1994, when a new *Haut Conseil de la République-Parlement de Transition* was created. A transitional constitutional act was agreed in April 1994, which provided for an interim prime minister and the holding of elections in 15 months, i.e., by July 1995. The current prime minister, Léon Kengo wa Dondo, was elected by the transitional parliament but Tshisekedi claims his election was improper.

News media enjoy a certain measure of freedom of expression, but overly critical writers and editors have been detained, interrogated and sometimes tortured by the security forces.

Elections have already been postponed and it is difficult to envisage how a coherent consultation could be held in current conditions, despite popular and church support for them (the churches have set up a *Commission nationale des Élections Maintenant*). Efforts to

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create a national electoral commission are handicapped by the Kengo/Tshisekedi split. Both claim the right to name the commission's 22 opposition members (Mobutu adherents also number 22) and both have presented lists to the bureau of the transitional parliament.

The influx of well over 1 million Rwandan refugees in June 1994 into eastern Zaire (Kivu) has created a heavy economic and environmental burden for the local population. In August 1995, the Kengo government, following the lifting of the April 1994 arms embargo against Rwanda, asserted that the refugees constituted a security threat, demanded the repatriation of all refugees by December 31, 1995, and expelled more than 13,000. This threat was not implemented, because Mobutu recognized that to do so would negate the positive international effect for Zaire of its sheltering of the refugees.

CANADIAN POSITION

Canada suspended bilateral aid to Zaire in October 1991 and closed its Embassy in Kinshasa in May 1993. Essentially, local conditions made it impossible to pursue Canadian government programs in Zaire, such as trade promotion and bilateral aid. The Head of the Canadian Bureau in Kinshasa administers a Canadian Fund for Local Initiatives.

Canada's main current concern is to encourage Zaire to cooperate in the orderly and voluntary repatriation of Rwandan refugees and in the search for lasting solutions in the Great Lakes region. Continued tension could further destabilize the region, including Zaire, and could result in further humanitarian disasters. Our critical view of the inhumane August 1995 refugee expulsions and their possible consequences for regional stability was communicated officially to the authorities in Kinshasa.

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January 1996

HUMAN RIGHTS IN IRAN

ISSUE

Canada remains seriously concerned about the human rights situation in Iran, and regularly raises the issue with the Iranian government. While Tehran has traditionally argued that Western views on human rights are not sufficiently sensitive to cultural and religious diversity, Iran is concerned by its negative image with the international community. As a result, Iran is currently showing more willingness to discuss human rights issues.

BACKGROUND

Although there are democratic features to the governmental system of the Islamic Republic, including an elected Parliament (*Majlis*) (next elections March 8, 1996) and presidency (next election spring 1997), some political pluralism, an independent judiciary, a reasonably active press, and the state's endorsement of the rule of law, the authoritarian theocratic Shia Muslim concepts underpinning the Islamic Republic can be at great variance with international concepts of universal rights.

Political parties are not at this time permitted in Iran, although there is an active factional system; an unofficial opposition group, the Freedom Movement, is tolerated, but its candidates have not been allowed to register as a party. The regime imposes strict censorship on imported and translated foreign books. The few human rights NGOs usually lack independence and have an official bent in both organization and orientation. The *Majlis* Commission on Human Rights has fallen dormant and was supplemented this year by the creation of an Islamic Human Rights Commission under the control of the judiciary. However, neither has yet become effective in promoting human rights in Iran (and the latter may well direct much of its attention to the rights of Moslem communities outside Iran rather than to domestic concerns).

Despite constitutional guarantees of due process in open courts, closed revolutionary courts continue. The state judicial system is often arbitrary and corrupt, and is seriously lacking in transparency which would permit public scrutiny. The state is currently reorganizing the judiciary along more traditional Islamic lines, where the magistrate acts as both judge and prosecutor, increasing the authoritarian nature of the system.

Forced disappearances are now infrequent, given the state's control of security. However, Iranians are still subject to arbitrary arrest, and relatives are rarely informed about the whereabouts of detainees. It is believed that beatings and other forms of torture are not infrequent, both as punishment and to elicit confessions.

An estimated 130 executions, some politically motivated, took place in Iran in 1995. Most followed sentences by Islamic courts, sometimes for robbery or adultery plus a few high profile corruption cases. Summary executions, while much less frequent than in the years

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immediately following the 1979 Iranian Revolution, still occur. It is believed the security forces on occasion resort to summary killing, with very little follow-up or investigation occurring. Summary execution of alleged drug smugglers is said to be common. There is evidence that the Iranian government continues to be involved in the murder of its opponents in exile abroad, although less frequently than in the past.

Despite Iranian constitutional guarantees of freedom of belief, in practice religious expression is tightly constrained by the theocratic nature of the state, which effectively prohibits the propagation of ideas considered contrary to Islam. Christians, Zoroastrians and Jews, as members of officially recognized religions, are allowed to practice their beliefs but barred from proselytising. The regime also limits the religious activities of Iranian Sunni Moslems, and does not permit the construction of Sunni places of worship where these are lacking, unlike facilities for the Christian, Jewish and Zoroastrian minority populations.

However, the Bahai religious community is treated very differently. The state considers Bahais to be apostates from Islam and actively persecutes them, for instance by denying them access to post-secondary education, to travel (by refusing them passports), and to government employment. In recent years the state's campaign against Bahais has eased somewhat, and summary executions have ended, but Bahais in Iran still experience problems and discrimination, with virtually no legal protection.

The government limits freedom of expression, basing its constraints on the Islamic criteria of the state. The best known case is the late Ayatollah Khomeini's *farwah* (religious ruling) calling for the execution of British author Salman Rushdie for heresy. Western countries including Canada have been pressing the Iranian government to withdraw or otherwise publicly reject this *farwah*. In December 1995, Iranian leaders gave the European Union an oral assurance that Iran would not actively seek Rushdie's murder. Discussions on this issue continue between the EU and the Iranian government.

The Iranian constitution gives women theoretical equality with men, except in the important areas of marriage and family law. Iran's *Sharia*-based laws discriminate in favour of men in matters of inheritance, legal testimony and marriage, although a 1995 amendment to the divorce law now allows Iranian women to initiate divorce. Although women who are mothers have prestige and authority in Iranian society, traditional social patterns generally put women at a disadvantage. The government strictly enforces adherence to its Islamic dress code by all women in Iran, regardless of nationality or religious affiliation, when they are outside their homes. However, Iranian women have the right to vote, and there are several women members of parliament. Iranian women participate actively in the labour force. Sectoral restrictions in education, such as in veterinary medicine and some forms of engineering, have recently been eased, although glaring occupational restrictions for women remain, e.g. in the judicial area.

Iran is a multicultural and linguistically diverse country, and tolerance of ethnic and linguistic minorities is the norm, but tough measures are used to deal with separatist movements in Iranian Kurdistan and Baluchistan.

CANADIAN POSITION

Human rights remain a priority for Canada's foreign policy toward Iran. Canada regularly raises human rights issues in meetings with Iranian government officials, in Tehran, Ottawa and in UN fora. The Canadian Embassy in Tehran also meets regularly with representatives of the Bahai, Armenian Christian and other committees to learn first hand about their human rights situation in Iran.

Canada deplores the *fatwah* against the life of Salman Rushdie. In June 1995, at the Halifax Summit, Prime Minister Chrétien and the other G-7 leaders called on Iran to, "in particular, withdraw its support from the continuing threats to the life of Salman Rushdie and others associated with his work". Canada appreciates the EU's work in urging Tehran not to organize any attempt on Rushdie's life, and we continue to stress to the Iranian government the importance of resolving this issue. Other concerns we emphasize with the Iranian government are its treatment of religious minorities, particularly the Bahais, its restrictions on women, and its attacks on Iranian dissidents abroad.

In August 1995, Foreign Affairs Minister André Ouellet explicitly raised our human rights concerns with the Iranian Ambassador, explaining the grounds for our concerns and the urgent need for improvement. Both in statements last March at the UN Human Rights Commission and before the 50th UNGA Third Committee in November, the Canadian delegation commented critically on the situation in Iran. At UNGA 50, Canada co-sponsored the Third Committee Resolution on the human rights situation in Iran, which expressed the international community's views and concerns.

The new UN Human Rights Commission Special Representative for Iran is a former Canadian diplomat, Mr. Maurice Copithorne. We are hopeful that the Iranian government will cooperate with him fully. We were concerned earlier that Tehran seemed to be making an official invitation to him to visit Iran conditional on the contents of the UNGA 50 Resolution on Iran, and are encouraged that Tehran has since issued an unconditional invitation for him to visit in the near future. We are also encouraged that Iran has cooperated to host visits by the UNCHR's Special Rapporteurs on Religious Intolerance and on Freedom of Opinion and Expression.

Despite our concerns about Iran's human rights situation, we acknowledge that Iran has shown considerable generosity in recent years in accepting and assisting several million Afghan, Azeri, and Iraqi Kurdish and Shiite refugees.

January 1996

HUMAN RIGHTS SITUATION IN IRAQ

ISSUE

Politically isolated by the international community and shaken by defections of leading officials, the Iraqi regime continues to stifle all forms of political dissent and oversee the general impoverishment of its citizens in a rapidly declining economy.

BACKGROUND

President Saddam Hussein enjoys a personal monopoly of political power in Iraq, enforced through the extensive Baath Party apparatus and the omnipresent security services. The Baathist regime, has never allowed its citizens even the most basic civil and political rights, repressing all forms of dissent by torture, disappearances, executions and assassinations. The government exercises total control over all forms of media and tightly controls all political life including sham elections and referenda.

In the last year, the defection of close members of the President's family, holding prominent government and military positions, prompted President Hussein to recast his inner circle, replacing some family members with Baath Party loyalists. The regime has also sought to neutralize the military by infiltrating party stalwarts, rotating officers and periodically purging the officer corps. Baghdad executed several high-ranking officers in 1995 on charges of sedition, the most well known case being General al-Dulaimi, whose mutilated corpse was returned to his family, setting off a riot in his home town of Ramadi.

Baghdad defies UN Security Council Resolution 688's requirement to end repression of its civilian population. It maintains an internal embargo on Iraqi Kurdistan and represses the mainly Shia south. Although the government has not singled out Iraqi Christians, some fear that Islamic-inspired laws, e.g. the ban on public consumption of alcohol, mandatory Islamic studies in public schools, and *Sharia* penalties for economic crimes, will erode religious freedom.

UN sanctions, particularly the prohibition of selling oil, have severely depressed the Iraqi economy, resulting in general impoverishment, deteriorating government services and shortages of medicine and food. The regime has rejected UNSC Resolution 986 allowing for UN-supervised selling of limited quantities of Iraqi oil (up to US\$ 1 billion per quarter) to purchase food, medicine and other humanitarian items.

The average wage of 4000-5000 dinars a month (\$2-2.5) is barely enough to buy two kg. of meat. The government has staved off famine by an efficiently managed rations system, providing 30-50% of the population's calorie needs. Some UN agencies and NGOs anticipate that the decline of government revenues will soon lead to a collapse of this system.

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Economic hardship has engendered increases in crime, corruption and the number of street children. Last year, the regime adopted Islamic penalties, including amputation of hands, for minor economic crimes, e.g. theft, illegal money changing, and food hoarding. The death penalty is enforced for more serious economic crimes.

CANADIAN POSITION

Canada deplores the appalling human rights situation in Iraq and has undertaken numerous initiatives to demonstrate its opposition to the abuses. Canada supports the implementation of UNSC Resolution 688 and the decision of the Security Council to maintain sanctions until Iraq satisfies all the relevant UN requirements. At the same time, we have urged the Iraqi government to take advantage of UN-supervised oil sales, under Resolution 986, to purchase much needed food and medical supplies.

Canada shares with the international community's grave concern over the deteriorating social and economic conditions in Iraq. At the 50th UN General Assembly last fall, Canada co-sponsored the resolution condemning human rights abuses in Iraq. The Canadian statements before the UN Commission on Human Rights and the UNGA50 Third Committee deplored the situation there and criticized the Iraqi government for its refusal to take all steps available to it to remedy the situation.

From 1990 to 1992 (FY 90/91 & 91/92) Canada gave over \$33 million to help refugees, expelled foreign workers, and others requiring humanitarian assistance as a result of the Gulf War. Since early 1992, we have provided over \$12.3 million in relief aid, primarily to ease the suffering of the Iraqi people within Iraq, and also to assist Iraqi refugees in Iran and Kurds in northern Iraq.

January 1996

HUMAN RIGHTS IN SYRIA

ISSUE

For a quarter of a century, Syria, under the leadership of President Hafiz al-Assad and the Baath Party, has steered a course of secular nationalism, socialism and authoritarianism, leaving little room for basic political rights. Seeking a *rapprochement* with the West, Damascus has since 1991 begun to improve its human rights record.

BACKGROUND

While Syria has the structures associated with a democratic system, i.e. constitution, elections, national assembly, judicial system, all real power lies with President Assad, who enforces his policies through the Baath political party and an elaborate state security apparatus, which has wide powers under the prevailing state of emergency, which was declared in 1963 and which has never been rescinded. President Assad was re-elected by referendum in December 1991 with 99.98% support. Human rights are subordinated to President Assad's overriding preoccupation with stability.

The Syrian Constitution gives the Baath party a lead role in state institutions and government. Within the party, Alawites with close connections to the President predominate. Outside of the military/security organizations and the Baath party, there are no other governmental or non-governmental institutions capable of acting as a check on the arbitrary exercise of power.

The authorities justify their wide use of extraordinary powers by Syria's continued official state of war with Israel. The many branches of the security services operate independently of each other, quelling political dissent by arbitrary detention, torture, disappearances, and other forms of intimidation.

The state places severe restrictions on freedom of expression. The government owns all forms of media, imposing severe censorship. In the past year, there have been indications that the media has been given some flexibility to debate and even criticize government and Baath party actions, but no criticism of the President is tolerated. The security services also closely control freedom of association, although they have lately begun to permit grassroots democratic activity to occasionally challenge Baathist predominance in various labour and political organizations.

With the disintegration of the USSR, Syria has sought a *rapprochement* with the West, particularly the United States. Damascus opted to join the international coalition against Iraq in the Gulf War, and is actively engaged in US-sponsored bilateral peace negotiations with Israel. It appears that the regime is seeking to improve its human rights record as part of this effort.

Since 1991, Damascus has released thousands of political prisoners, including 500-600 last spring and, reportedly, another 1200 in December 1995. The December amnesty also

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allowed exiled Moslem Brotherhood leaders to return. In April-May 1995, the Syrian government permitted the US-based NGO Human Rights Watch to conduct an unprecedented six-week mission to investigate the human rights situation in Syria. The mission was given full access to government officials and allowed unrestricted travel within the country. This was a marked improvement over the October 1994 Amnesty International mission to Syria, which received little cooperation from government officials. The Syrian Foreign Ministry maintains a substantive, ongoing dialogue with the Canadian and other Western embassies in Damascus on human rights issues.

Nevertheless, it is believed that hundreds, if not thousands, of political prisoners remain in Syrian jails, although the number of new cases of arbitrary detention and mistreatment appears to be declining. The government states that its special emergency laws and powers are no longer applied, and that all cases of detention and arrest are being processed through the relevant court system; this has not been independently confirmed. It appears that the security services' extensive monitoring and surveillance activities have not been reduced.

Corruption and influence-peddling are believed to be a serious problem within the government and across the economy, contributing to a general lack of popular participation and empowerment. In addition, the disproportionate influence of the Alawite minority in the government is an irritant to many Syrians, especially the Sunni Muslim majority. To its credit, Syria's welfare system provides a high level of health care, free education and comprehensive food security for its citizens. Damascus promotes secularism, women's rights and is particularly supportive of the rights of children. One of the Cabinet Ministers is a woman, as are 24 of the 250 representatives in the National Assembly. However, the role of women is heavily influenced by traditional Islamic mores, and the law discriminates in favour of men in terms of marriage, divorce, inheritance, and like matters.

Religious freedom is fully respected and widely and openly practised. Under President Assad's rule, minorities have achieved notable success, e.g. Arab Christians in the public sector and Armenians, Jews and Druze in the private sector. In early 1994, following intensive lobbying by the Canadian government and others, Syria agreed to allow Syrian Jews to emigrate, and most have since done so, reducing the community to only 200 members.

CANADIAN POSITION

Canada actively pursues a substantive dialogue on human rights with Syria. Although we recognize that there have been recent improvements, such as the release of political prisoners, many aspects of human rights in Syria fall short of international standards.

In the course of 1995, Canadian diplomats in Damascus, including our Ambassador, met on a number of occasions with Syrian government officials to review human rights issues, to urge respect for due process of law, and to seek information on specific allegations of human rights abuses.

January 1996

THE HUMAN RIGHTS SITUATION IN THE WEST BANK AND IN GAZA

ISSUE

The past year has been marked by rapid developments in the situation in Gaza and the West Bank with the gradual expansion of the Palestinian self-ruled territories under the various agreements in the peace process, the most recent being the interim agreement of September 1995. The international community has kept close track of the human rights situation in the Israeli-occupied territories since 1967. Canada maintains that as a signatory of the 4th Geneva Convention on the Protection of Civilians in Wartime (the Geneva Convention of 1949), Israel must apply its terms in the territories under military occupation. The number of human rights violations has diminished in the Israeli-occupied territories. The question of human rights violations by the Palestinian Authority is becoming increasingly a cause for concern.

BACKGROUND

The political situation in the West Bank and Gaza has developed rapidly since the signature of the Declaration of Principles in 1993 and the subsequent agreements. The Palestinian Authority has extended its jurisdiction to new areas, in particular after the signature of the Interim Agreement of September 1995. Along with its more extensive responsibilities, it is developing its administration, especially in the maintenance of public order. The first half of the year was marked by deadly terrorist attacks in Israel and the occupied territories leading to increased repression by the Israeli and Palestinian police forces, which was criticized from the viewpoint of human rights.

The number of human rights violations committed in the occupied territories by Israel has declined this year, although violations are continuing. Respect for political and civil rights has also improved, especially in the territories shortly to be placed under the jurisdiction of the Palestinian Authority. On the other hand, the Israeli security forces have again begun to demolish the houses of persons suspected of committing violent crimes or sheltering wanted individuals. The administrative restrictions have also continued, often in a more severe way than the previous year. With the Gaza Strip and West Bank being closed for long periods of time, the freedom of movement and economic situation of the people in these areas have suffered.

The human rights situation in the areas under the jurisdiction of the Palestinian Authority is also a cause for concern. Charges of arbitrary arrests and mistreatment of detainees, which have led to six deaths, have been brought against the Palestinian security forces, and restrictions have been placed on freedom of the press and freedom of speech. The judicial system set up by the Palestinian Authority to judge radical opponents has been criticized for its failure to guarantee the rights of the accused.

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CANADIAN POSITION

Through its embassy in Tel Aviv and appropriate representations at the international level, the Canadian government is following the situation closely and maintaining a dialogue with the parties concerned, in particular the Israeli government and the Palestinian Authority. Canada is contributing to bilateral and multilateral aid programs designed to promote democratic development and greater respect for human rights.

At last year's Commission on Human Rights, Canada supported the recommendation of the Special Rapporteur on the Human Rights Situation in the Occupied Territories that his mandate be terminated. Like the Special Rapporteur, Canada believes that the best guarantee of respect for human rights lies in the establishment of normal peaceful relations to ensure security for all. However, this does not mean we should cease to denounce violations of human rights. Another approach might be to place this mandate on the same footing as other country rapporteurs, to be reviewed on a yearly basis in light of developments.

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January 1996

HUMAN RIGHTS IN AFGHANISTAN

ISSUE

The human rights situation in Afghanistan is among the world's worst. The ongoing civil war is being fought with great brutality and complete disregard for the safety of civilians. Lawlessness reigns throughout much of the country: security and personal freedoms are almost entirely absent while violence, including torture and murder, are widespread.

BACKGROUND

Since the toppling of Kabul's communist regime by the *mujahadeen* in 1989, Afghanistan has been without a functioning central authority. The "government" of President Rabbani, in place since 1992, has not been able to extend its writ much beyond the immediate area of the capital. The rest of the country is a patchwork of separate fiefdoms, only some of whose leaders pay nominal allegiance to the authorities in the capital.

Afghanistan has been in a state of *de facto* civil war for the last two years. Intense factional fighting, which erupted on January 1, 1994, has inflicted death and suffering on the civilian population of Kabul and other provinces, resulting in military and civilian casualties in the hundreds and injuries in the thousands. This chaotic situation has resulted in a widespread breakdown of legal and humanitarian norms. Violence is dispensed on ethnic, religious, factional, regional, and gender lines, and numerous armed groups terrorize the populace.

Artillery attacks aimed at civilian targets have caused large numbers of casualties, especially in and around Kabul. Refugees have been vulnerable to abduction and mistreatment at the hand of checkpoint guards and other armed groups. Such groups routinely invade civilian homes to seize property and frighten the populace.

Women live in constant fear of rape by armed gangs, and rape has been used as a tool by armies intent on terrorizing conquered populations. Women have also been vulnerable to crude versions of Islamic justice, dispensed by fundamentalist groups, including stoning for adultery. Summary and vigilante justice is dispensed by *mujahadeen* groups and local warlords, and executions are frequent. Beatings and torture, in diverse and gruesome forms, are meted out to political detainees and military captives.

The situation in many parts of Afghanistan is, in short, brutal and tragic.

CANADIAN POSITION

A lasting peace settlement is a necessary precondition for ending Afghanistan's human rights tragedy. The Canadian Government, through its High Commission in Islamabad, closely monitors the situation in Afghanistan, and consults with the UNHCR and other international organizations on meaningful and practical ways to achieve peace. Canada has strongly

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supported the UN peace efforts in Afghanistan, which it continues to view as the best mechanism for achieving peace. In August, the UN requested several countries, including Canada, to provide trained diplomats to assist the peace efforts of UN Envoy, Mahmoud Mestiri. Canada has provided an officer from DFAIT on secondment.

Canada disbursed or pledged a total of \$16.9 million for humanitarian assistance to the Afghan peoples through the UN and other international organizations in 1994. Some of these funds are directed to assist refugees from the Afghanistan conflict. This represents a substantial contribution for a country with no bilateral program.

The mandate of the UN Special Rapporteur on the human rights situation in Afghanistan was extended for one year by the CHR during its last session. The CHR will consider the recommendations of the Special Rapporteur who will be reporting at its next session. The mandate of the Special Rapporteur will likely be extended again this year, in view of the total lack of progress in the human rights situation.

January 1996

PAPUA NEW GUINEA: THE BOUGAINVILLE CONFLICT

ISSUE

The Government of Papua New Guinea has been struggling to contain an insurgency on Bougainville Island in its North Solomons Island Province since 1988. This has had an impact on the human rights situation there.

BACKGROUND

The PNG Defence Forces (PNGDF) have successfully driven the secessionist rebels who call themselves the Bougainville Revolutionary Army (BRA) out of the northern and southern portions of the island. The PNGDF does not have sufficient forces on the Island to effectively counter the BRA in all areas. It has, therefore, resorted to concentrating civilians in safe havens or "care centres", in order to assure them necessary supplies and protection against BRA attacks. BRA resistance has decreased, but the BRA continues to terrorize selected targets. Serious human rights violations have been committed by both the PNGDF and the BRA, but these appear to have decreased since September 1994. The PNGDF has sensibly kept a low profile on Bougainville over the past year, although there have been some lapses by small groups within the 1,000-strong deployment. Insufficient funding, training and discipline in the PNGDF appear to be the principal factors contributing to the perpetration of human rights violations. A Human Rights Commission and a Police Complaints Bureau in Buka (North Bougainville) have been established to investigate human rights complaints. The institution is working well in the Buka region, where it is located and where civil authorities and police are functioning relatively normally. For people living in the central and south areas of Bougainville, the institution's location makes it inaccessible. Residents of these areas take their human rights complaints to either the local council of chiefs or the military and receive some degree of satisfaction. No documentation is kept on the number of complaints received or actions taken.

Prime Minister Sir Julius Chan must be given credit for considerable achievement in getting the peace process going despite failing to get Bougainville Revolutionary Army (BRA) leaders to the peace conference in October 1994. The Charter of Mirigini, which provided for the establishment of a transitional legal body, led to the Bougainville Transitional Government (April 10, 1995). The Waigani Communiqué, signed on May 18 by Sir Julius and Theodore Miriung, the new Premier of Bougainville, announced an amnesty for all parties who committed war crimes during the six-year conflict. Meanwhile, Sir Julius declared publicly that he would favour a "blanket amnesty". The plan received mixed reaction in Bougainville. The measures for the reform of the provincial government system (merging of provincial administrations and central departments), which, in theory, aim at ensuring the delivery of services without political blockages at provincial level, passed third reading in June with bipartisan backing only after Sir Julius agreed to support opposition amendments. The peace process continued in Cairns, Australia, in September 1995 with representatives from the major parties meeting for five days of talks. The agenda was kept

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strictly limited to prevent rehashing of old complaints and to promote concentration on areas of common interest.

A second meeting took place from 14-18 December, again in Cairns, with expanded and high level participation from the Bougainville Transitional Government (BTG) and the Bougainville Interim Government (BIG) and the BRA, as well as the four Bougainvillean MPs in the PNG Parliament. The meeting was also attended and co-chaired by representatives of the UN and Commonwealth Secretariats. During the talks the political future of Bougainville remained the major sticking point; however, the delegations agreed in a Joint Communique to continue the dialogue process leading up to reconvened talks on Bougainville itself, subject to the approval of the PNG Government.

The parties also hope to convene a small meeting to deal with administrative issues by the end of March 1996. It is hoped that the first full-scale meeting can be convened within the first six months of 1996. Two definite agenda items have already emerged, the withdrawal or garrisoning of PNGDF forces in Bougainville and the disarming of the BRA. The BRA have made it clear that they will not be in a position to disarm while PNGDF forces freely move about Bougainville nor until the terms and conditions of the "blanket amnesty" have been clarified in writing. In terms of human rights, the resolution of these two issues is imperative.

Although the hardline rebel leadership has generally stiffened its obstruction of peace efforts since July and the senior military officer on the island, Colonel Leo Nuia, has recently adopted increasingly aggressive tactics against the rebels, present indications are that progress toward reconciliation can be made. The Bougainville Transitional Government led by Theodore Miriung has widespread support for its policy of achieving normalcy while pursuing autonomy through negotiation.

The UN Commission on Human Rights, at its 51st session, considered it necessary to continue to keep the human rights situation in the Papua New Guinea island of Bougainville under review. The Commission has asked the Government of Papua New Guinea to invite its relevant thematic rapporteurs and working groups to monitor the peace process and to report on the situation of human rights in March 1996, at its 52nd session.

CANADIAN POSITION

Canada supports the territorial integrity of Papua New Guinea and the use of peaceful means to resolve the dispute. We welcome the establishment of a Human Rights Commission and a Police Complaints Bureau to investigate transgressions. We regret the abuse of human rights in Bougainville but are encouraged by the obvious desire of all parties to continue the peace process and to reach a political settlement in Bougainville through negotiation.

January 1996

HUMAN RIGHTS SITUATION IN BURMA (MYANMAR)

ISSUE

Burma continues to have one of the worst records in Asia on human rights.

BACKGROUND

Despite the release of Aung San Suu Kyi and the negotiation of cease-fires with the ethnic insurgent groups, there has been no improvement in Burma's human rights record. Arbitrary detention, torture, extrajudicial, summary and arbitrary executions of civilians, rape and abuse of women, and forced labour occur on a wide scale. Aung San Suu Kyi's decision to take her party out of the Constitutional Convention has heightened political tensions and raised the possibility of some form of confrontation with the country's military rulers, the State Law and Order Restoration Committee (SLORC).

After civil unrest in 1988, caused by 26 years of the Burma Socialist Program Party rule of General Ne Win, the military re-established control over the country, creating the SLORC as the new ruling body. Despite the house arrest of its leader, Aung San Suu Kyi, the National League for Democracy (NLD) won the elections in 1990 with an overwhelming majority. The SLORC, however, refused to allow parliament to convene and claimed that a new constitution must be passed before they could hand over power.

The release of Aung San Suu Kyi on 10 July, 1995 after six years of house arrest suggested that the SLORC was confident of its ability to control Burma. Although released "unconditionally", it is now clear that the SLORC intends to marginalize her. There is no indication that the regime is considering meaningful reforms.

On 29 November, Burma's main opposition party, the NLD, led by Nobel Laureate Aung San Suu Kyi, walked out of the SLORC-sponsored Constitutional Convention. The Convention had reopened the day before after a seven-month recess. The NLD had previously participated in the Convention, viewing it as the only available means of communication with the SLORC. The Constitutional Convention was set up to draft a new constitution aimed at entrenching the army's domination of Burmese politics. The NLD decision to walk out is the result of concerns that the SLORC is using the Convention to convince international investors that political reform is underway. Aung San Suu Kyi has called on the international community to put pressure on the SLORC in the hope that a freeze on foreign investment and diplomatic isolation will convince them to engage in meaningful talks with the opposition.

Almost all of the Burmese ethnic groups that have been fighting the central government for greater autonomy or independence have now negotiated cease-fire agreements with the SLORC. This has led to heightened tension along the Burma-Thai border. Despite the

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cease-fires, opium production in the ethnic areas continues to expand and Burma remains the largest source of illegal heroin entering North America.

Both the UN General Assembly and UN Commission on Human Rights have passed unopposed resolutions (co-sponsored by Canada), calling on SLORC to respect human rights and proceed with democratic reform. In July 1995, the International Committee of the Red Cross pulled out of Burma, claiming SLORC was impeding its work and denying access to political prisoners.

Burma continues to develop its relations with Asian countries, in particular the members of ASEAN. The SLORC chairman was invited to meet ASEAN heads of government in Bangkok on 15 December 1995, following the Fifth ASEAN Summit.

CANADIAN POSITION

Like other Western countries Canada welcomed the release of Aung San Suu Kyi as a first step towards democratic reform and national reconciliation. Canada would like to see movement on the "benchmarks" established by the international community in successive UNGA and UNCHR resolutions, in particular the release of all political prisoners and the commencement of negotiations with representatives of Burma's democracy movement. This message to SLORC was reiterated in the Halifax G-7 Summit Chairman's Statement. We also make known our concerns with the situation in Burma in our CHR and UNGA Third Committee country situations speeches.

Canada's relations with Burma are limited because of our human rights concerns. CIDA's bilateral aid programme was suspended in 1988 after the army's massacre of thousands of pro-democracy demonstrators in Rangoon. Military sales are not allowed and exports of all controlled goods are scrutinized closely. No assistance or encouragement is provided to Canadian firms doing business in Burma. Bilateral trade is minimal and has remained flat over the last five years. In response to inquiries about trade with Burma, Canadian officials warn Canadian companies about the country's unstable political and economic situation and about pressure from human rights groups, as well as the possibility of product boycotts. Total Canadian exports to Burma in 1994 were worth only \$477,000 while Canada imported goods worth \$16 million, mostly textiles and seafood. In November 1994, Canada and Burma signed a textile restraints agreement which will have the effect of reducing the level of imports.

Canada recognized Burma at the time of independence in 1948 and established diplomatic relations in 1958. Canada has no resident diplomatic presence in Rangoon. The Canadian Embassy in Bangkok is accredited to Burma. Burma opened an embassy in Ottawa in 1966, closed it in 1978 and reopened it in 1985.

January 1996

HUMAN RIGHTS SITUATION IN CAMBODIA

ISSUE

The human rights situation in Cambodia continues to be a matter of concern as an increasingly authoritarian coalition government tries to maintain power and authority.

BACKGROUND

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

Given the country's tragic recent history, the United Nations Transition Authority in Cambodia (UNTAC) in 1992 established a human rights component to assist in the promotion and protection of fundamental human rights in the country.

The nascent Cambodian government had ostensibly been giving a high priority to human rights, but recent events in the country have caused increasing concern among Western countries. In recent months there have been disturbing reports of human rights abuses by the Royal Cambodian Armed Forces including extra-judicial killings and inhumane treatment of prisoners in certain parts of the country. With the continuing jockeying for power, the two Prime Ministers have shown greater intolerance of dissent, silencing or intimidating respected opposition figures. The government's commitment to maintain such elements as a free press is becoming more tenuous. Several journalists have been killed, and courts have imposed heavy fines for libel on Cambodian language newspapers. In early 1995, the Cambodian leadership requested that the United Nations close its human rights office. After pointed protests from Western countries, Cambodian authorities agreed to let the human rights office remain open, but notably refused to meet with the UN Secretary General's Personal Representative during his most recent visit in November.

Approximately 10% of Cambodia, primarily in the north and west of the country, remain under Khmer Rouge control. There have been repeated human rights violations including the abduction and subsequent murder of Western nationals, the execution of soldiers captured in combat and the massacre of Vietnamese civilians. Khmer Rouge units have been implicated in the rape of female villagers, in the laying of anti-personnel mines and in using village communities as human shields to protect themselves from enemy shelling.

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At its 51st session, the Commission on Human Rights has requested the Secretary-General's Special Representative for Cambodia to report on the situation of human rights in the country at its next session, and has requested also that the Secretary-General report on the role of the Centre for Human Rights in assisting Cambodia in the promotion and protection of human rights.

CANADIAN POSITION

Canada has been supportive of the new government, though our Ambassador in discussions with officials has expressed concern over trend lines in the last year suggesting the commitment of the government to protect and defend human rights is becoming more tenuous. Attempts by the government of Cambodia to close the UN Human Rights Office, the intimidation of respected opposition figures such as Sam Rainsy, the passage of a press law limiting freedom of expression and documented cases of abuses by members of the Royal Cambodian Armed Forces are a source of growing concern. These concerns were expressed discreetly but publicly during the most recent donor's meeting on Cambodia in March 1995.

Canada continues to be deeply concerned about egregious human rights abuses in areas under Khmer Rouge control, and the situation in certain rural areas where governmental authority is weaker.

HUMAN RIGHTS AND THE PEOPLE'S REPUBLIC OF CHINA

ISSUE

The human rights environment in China continues to be of concern to the Canadian Government. Engagement is the cornerstone of Canada's policy on China. Our long term relations with China are secured on four pillars: economic partnership, peace and security, sustainable development, and human rights, good governance and the rule of law. All pillars are important and mutually reinforcing. They are not linked in the sense that one is conditional on another. Neither do we rely solely on any one pillar to achieve our overall policy objectives.

BACKGROUND

The leadership transition from Deng Xiaoping to the collective headed by Jiang Zemin seems to be complete. Despite this, the leadership is still wary of any perceived threats to its position and is particularly sensitive to potential catalysts for unrest. Due to its phenomenal economic growth, China has been able to lower the number of its citizens in absolute poverty and has opened its society to Western business. The focus of Chinese citizens is to better their living standard. This openness in the economic sphere has not been translated to greater individual freedoms. The Government, believing that "collective" rights are paramount, has severely curtailed individual rights. Prolonged detention of dissidents due to a series of sensitive international conferences in China in addition to the high profile cases of Harry Wu and Wei Jingsheng were indications of the authorities desire to brook absolutely no challenges.

During the past year, the Chinese showed little tolerance for democracy activists. Many were arrested around the anniversary of Tiananmen Square (June 4). Even more were detained to prevent any dissident activity during the 4th UN Conference on Women held in Beijing this past September. Chinese authorities continue to detain the more outspoken. Illustrative of this case is the sentencing of Wei Jingsheng to 14 years imprisonment on December 13 on the charge of sedition. Despite widespread protests, the Chinese courts upheld Wei's sentence on December 28.

Economic growth and openness has lessened the power of the central government in certain aspects of Chinese life. Considerable autonomy is given to the provinces and major cities, including the citizens. In certain areas of China, direct elections by secret ballot have taken place to select village councils. With more emphasis on a market economy, some of the traditional aspects of the state social security net have been either partially or completely withdrawn as the "socialist market economy" is established. One example is that many rural residents now have to pay for medical bills out of their own pockets, causing great hardship to many. The government is attempting to address the situation by creating a legislative framework to provide a state-run insurance plan.

The Chinese Government chose to become involved in what has been traditionally a strictly religious matter, the selection of the Panchen Lama by the Dalai Lama in March. The government rejected the Dalai Lama's choice and installed their own candidate in late November. The Dalai's choice has disappeared and is believed to be held in seclusion.

The arbitrary actions of the justice system continue to be a concern. Executions continue for all types of crime, including those which most countries would consider to be petty. All executions are public. The recent crackdown on economic corruption has resulted in economic crimes receiving harsh sentences, including the death penalty.

China sees complaints against its human rights record as "meddling in the internal affairs of the state." The near victory of a resolution expressing concern about human rights abuses in China at last February's United Nations Commission on Human Rights (UNCHR) kept attention focused on China's record throughout the year. The Chinese reaction was to suspend many of its bilateral human rights dialogues. China agreed to restart bilateral human rights dialogues, starting with Canada, in January 1996.

CANADIAN POSITION

Canada is pursuing our objective of respect for human rights by promoting the defense of fundamental human rights as defined by the United Nations Universal Declaration on Human Rights, and by encouraging reform of legal structures, good governance and the promotion of the rule of law. China, as a signatory to many of the UN conventions concerning human rights, is obliged to respect those conventions.

Canada has in the past raised individual cases of those who have suffered abuse. Current policy is to raise our concerns about the general human rights situation, using high-profile cases to register our concerns regarding human rights abuses in both specific and general terms. This has been done in bilateral meetings with senior leaders (including discussions between Prime Minister Chrétien and Premier Li Peng) and by sponsoring resolutions at the Commission on Human Rights in Geneva. Canada is working to establish a regular dialogue between officials on human rights. The first of these was held in Beijing in January.

Canadian activities to promote good governance and human rights in China continue. Through the Canadian International Development Agency, Canada is training judges and participating in exchanges between lawyers. These programs are designed to expose senior Chinese judges and lawyers to the Canadian legal system and to provide legal training which will in the long term create a more professional judicial system. Canada is also assisting the Chinese in the implementation of the Women's Rights Law. These and other programs demonstrate Canada's commitment to facilitate incremental change in attitudes and outlook on the local level regarding human rights.

Canada is well aware that its actions will not result in major changes in China in the near term. Rather, it is through incremental steps that we can influence China itself to create a better environment for human rights. It is through a combination of dialogue with the authorities and projects that directly affect the citizens that long term and durable improvement to the human rights situation will occur.

HUMAN RIGHTS IN INDIA

ISSUE

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

BACKGROUND

Although India is a parliamentary democracy and a secular state with an open society, communal and inter-religious tensions continue to exist. Poverty is widespread: approximately 30% of India's population live below the poverty line. The combination of poverty and communalism has a strong negative impact on the human rights situation, despite the protection established within India's legal framework.

In Kashmir, anti-government agitation by Kashmiri secessionists, combined with heavy-handed Indian government retribution has initiated an on-going cycle of violence. Extra-judicial killings and "disappearances" are blamed on the Indian security forces, while secessionist violence has become increasingly brutal and acute.

In the state of Punjab, a campaign by Indian security forces to eradicate militant groups has been largely completed and the general level of violence, including killings by the police and militant groups, has declined. The Punjab police, however, continue to be accused by local and international human rights groups of custodial brutality and extra-judicial killings. The abduction of Jaswant Singh Khalra, General Secretary of the Human Rights Wing of the Akali Dal party, in September 1995 attracted international attention and renewed calls from human rights activists regarding police activities. It is suspected that Mr. Khalra was abducted by persons he identified as being involved in previous disappearances.

The situation in the Northeast is also unsettled, though less well publicised, and the Army has been accused of active abuses in Assam, and with inaction in the face of majority violence against tribal and minority groups.

Torture and mistreatment of detainees in police and military custody appears to be widespread, and prosecution of offenders has been difficult. The Indian Supreme Court has expressed its concern over this problem.

The status of women in India continues to be poor, despite an extensive legal framework including a constitutional assertion of the equality of men and women. Women and girls suffer from low status and unequal access to education, employment, health care, income, and political participation. For example, females have higher rates of illiteracy and child mortality. Deeply rooted traditions, such as those related to caste, contribute to these

problems, and to practices such as arranged marriages and "dowry deaths" (suttee). India has not yet ratified the U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Child labour is endemic in India despite provisions in the constitution to protect children from this practice. Over 40% of children work, many under inhumane conditions. Poverty and lack of access to basic education are the main reasons for child labour. Despite laws prohibiting child marriage under the age of sixteen, the practice is widespread. India has, however, ratified the UN Convention on the Rights of the Child.

India's National Commission on Human Rights (NCHR), established in 1993, has demonstrated a willingness to take up controversial cases and has focused on critical human rights issues. It promises to become even more effective over time. Other human rights non-governmental organizations have also made valuable contributions to improved respect for human rights.

CANADIAN POSITION

Canada continues to encourage the efforts of the Indian Government to improve the human rights situation in their country and welcomed the establishment of a National Commission on Human Rights in 1993. Canada has also welcomed measures taken by India aimed at normalising the situation in Kashmir and reducing human rights abuses there.

Bilaterally, Canada maintains a dialogue on human rights with the Indian Government, both at the national and state levels. Most visibly, Prime Minister Chretien raised human rights concerns during his January 1996 trade mission to India. Canada has also offered support to Indian human rights NGOs and grassroots development organizations. Canada's contributions to India's sustainable development and growth help to address the poverty which helps to retard the development of a human rights culture.

Canada has stated its concerns about the human rights situation in Jammu and Kashmir in its UNGA Third Committee country situations speech. There has been little action regarding this situation undertaken in the UN Commission on Human Rights, though the High Commissioner for Human Rights has urged India to allow access to the region by an international human rights investigative mission.

HUMAN RIGHTS IN PAKISTAN

ISSUE

Pakistan faces significant challenges in addressing its human rights situation; the government must deal with a society characterised by ethnic and sectarian violence, and strong religious and traditional cultures antagonistic to what are perceived as western conceptions of human rights.

The government of Prime Minister Bhutto has at times been vocal in its support of improving the human rights situation, but it has achieved limited results. Poverty, political opposition, the power of the security forces, and the inertia and intransigence of traditional society have all hampered the implementation of the human rights agenda. Change may come slowly, but there are hopeful signs in Pakistan's human rights picture.

BACKGROUND

The human rights situation in Pakistan is worrisome. Discrimination against women and minorities, underpinned by Islamic precepts, continue to stand out as particular problems. The election of the Pakistan People's Party (PPP) in October 1993 reaffirmed the democratic process, holding out the hope for basic social improvements, which in turn will improve the general human rights situation. Upon taking office, Prime Minister Bhutto indicated that her Government would place stronger emphasis on strengthening democratic institutions and addressing a wider range of social concerns. While she seems committed to steering Pakistan towards a more secular, western-looking orientation, social conditions in Pakistan make it difficult for civil, political, economic and social rights to flourish.

Women face systematic discrimination in Pakistan; they have less access than men to necessities such as education and healthcare, and are grossly under-represented in politics. The *Zina* ordinances, ostensibly based on Islamic law, have been used to arrest, detain and punish women for sexual "offenses" such as adultery. Women who have attempted to bring legal charges against their rapists have found themselves countercharged under the *Zina* ordinances. In tribal areas, women suffer high levels of domestic violence, and murders based on traditional concepts of "honour" have gone unpunished. Women in both rural and urban areas have been subject to mistreatment and rape in police custody. The Bhutto government has responded with the creation of police stations staffed entirely by women. The PPP has promised to repeal or amend laws which discriminate against women, but they have not fulfilled their promise so far.

Up to 7.5 million Pakistani children are bonded labourers, working under exploitative and inhumane conditions. The Bhutto government is on record that they will take steps to remedy the situation, and is in the process of establishing a Permanent National Commission on the Rights of Children, tasked with drafting laws to prevent child abuse and child labour.

The Ahmadiyahs, a moderate and heterodox Muslim sect, are the targets of religious vilification and systemic persecution by Islamic fundamentalists. Blasphemy laws have been extensively used to abridge their religious freedom, and violence against Ahmadi members often goes unpunished. The government has announced its intention to curb abuses of the blasphemy laws but this has met the

opposition of powerful Muslim clerics. Christians have also been subject to discrimination.

Increasing income polarization has sharpened existing social and economic disparities. The situation is compounded by the abject poverty that prevails throughout the country, which in turn supports odious institutions such as child labour. The rural masses, some two thirds of the population, are deprived of political participation, living under the dominance of feudal lords. Literacy rates are among the lowest in the developing world, particularly for women, whose rate is less than half the average rate for developing countries.

Worsening socio-economic conditions have contributed to the emergence of the "Kalashnikov" culture. The rich are heavily guarded and the powerful retain small private armies. Ethnic, sectarian, political and criminal violence 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. Torture, or even death, in police custody is not uncommon.

Karachi, Pakistan's largest city, has been gripped by escalating political and ethnic violence since 1990. The city has become increasingly lawless and chaotic as conflict sharpens between the government and the Mohajir Qaumi Movement (MQM). The Mohajirs, Urdu speaking immigrants from India who are hostile to the local Sindhi ethnic group, complain of government persecution and extrajudicial killings. The MQM has itself been responsible for numerous killings of political opponents and their supporters.

There are hopeful signs, however. In the last year, Prime Minister Bhutto has announced the end of the Speedy Trial Courts. Although the Anti-Terrorist courts will continue as before, the abolition of the Speedy Courts will take away a facility used by past governments largely to harass political opponents. The government has set up a number of advisory bodies related to women's development and human rights issues and female judges have been inducted into the high courts of Pakistan. A major breakthrough has been a recent Lahore High Court decision by a recently appointed female judge, ensuring a Muslim woman's unconditional right to "Khula" (divorce). The Court must now accept a Muslim woman's application for Khula without her having to establish grounds to end her marriage. A Ministry of Human Rights is being established, and this could lead to an independent human rights commission. In an important symbolic move, public hangings have also been banned.

CANADIAN POSITION

Canada has maintained a regular dialogue with Pakistan on human rights; this has often reflected the concerns of the Ahmadiya and Christian Pakistani communities in Canada with discrimination against minorities in Pakistan. Issues such as women's rights and child labour have also been addressed multilaterally and in meetings with Pakistani officials.

Canada has sought to engage the human rights issue in a constructive manner in Pakistan, providing support to human rights NGOs, training Pakistani officials in human rights in Canada, supplying information related to blasphemy litigation and conveying information on the establishment of the Ministry of Human Rights. Canada's contributions to Pakistan's sustainable development and growth help to address the basic socio-economic situation underpinning the evolution of a human rights culture.

January 1996

HUMAN RIGHTS IN INDONESIA

ISSUE

The human rights cause in Indonesia is slowly making some progress with the increasing sophistication of Indonesian society, assisted by the courage of individuals who are daily lowering the threshold of official tolerance for human rights violations.

BACKGROUND

Perhaps because of its economic achievements, Indonesia has long been attentive to international opinion. Shaken by the Dili incident in East Timor in November 1991, the world has turned a more critical eye toward workers' rights, corruption, freedom of speech, the role of the military, judicial independence and political accountability at the executive level. At the same time, Indonesia is seeing the beginnings of a more critical press, the emergence of NGOs defending the environment, workers and other causes, and the creation of a National Human Rights Commission.

After a series of reversals, including suspicious deaths of trade unionists, newspapers being shut down, demonstrations being suppressed, the apparent diffidence of the National Human Rights Commission and violations by the armed forces in East Timor and Irian Jaya over a period of about 18 months, the human rights situation in Indonesia (with the exception of East Timor) is showing some improvement. Two decisions handed down in May 1995, first in the Supreme Court in the case of the death of trade unionist Marsinah and then in a lower court in the case of the closure of the newsmagazine *Tempo*, have had a positive impact. This has led to an extensive public debate on numerous controversial policies, in particular concerning the commemoration of the 50th anniversary of independence in August 1995. The judiciary has continued to show a greater measure of independence by handing down two more important judgments, at the intermediary level in the *Tempo* case and in the Supreme Court in the overturning of the charges laid against a union leader in the workers' movement. For its part, the National Human Rights Commission, backed by the results of its inquiry into the summary execution of Timorese in February 1995, issued two reports in September 1995 highly critical of the actions of the military in East Timor and Irian Jaya. It has also taken up the challenge on a whole range of questions, including the ratification of international human rights instruments by Indonesia, raising awareness among the population at large and the revision of Indonesian laws.

CANADIAN POSITION

Human rights came to the fore bilaterally following the November 1991 Dili massacre. Canada reacted by suspending three planned development projects totalling \$30 million. While Canadian concerns about Indonesia's human rights record - especially in East Timor - remain, Canada responded to positive developments in Indonesia by resuming the planning for new development projects. Canadian assistance totalling \$31.5 million in 1994-95 is

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provided in four major areas: environment, women in development, human resources development, and community participation.

Canada has an open, constructive dialogue with Indonesia on human rights. Through its development cooperation programme, Canada is contributing concretely to the efforts of the Indonesians themselves to protect and promote human rights. An example of this is the cooperation programme undertaken by our respective National Commissions following the Indonesian visit of Mr. Maxwell Yalden, Chief Canadian Human Rights Commissioner, last April.

An important element in furthering Canada's human rights objectives, the development cooperation programmes in Indonesia addresses fundamental social, environmental and economic issues facing the Indonesian people. A significant part of CIDA's cooperation programmes in Indonesia focusses, in different ways, on issues that pertain to human rights, governance and democratic development. Several projects, for instance, foster the development of civil society and promote popular participation. Others contribute to the development of sound economic and social policies and to the enhancement of competence and efficiency in the public service. Most projects contribute to the realization of economic and social rights; selected projects support non governmental organizations involved in the promotion of civil and political rights as well.

Multilaterally, Canada makes known its concerns over the human rights situation in East Timor in its UNGA and CHR country situations statements, including that delivered at UNGA50. A statement from the Chair was made at CHR51, as agreed by Indonesia and Portugal, regarding the situation in East Timor. The statement also extended an invitation to the High Commissioner for Human Rights for a visit to East Timor. This visit has since taken place, and the High Commissioner will submit his report at the upcoming CHR session.

HUMAN RIGHTS IN THE PHILIPPINES

ISSUE

The human rights record of the Philippines has improved dramatically in recent years and is among the best in the region. In policy and attitude, the Government is closer to the West than to Asia on many human rights issues. While problems remain, improvements in military and police discipline and in the judicial system are important.

BACKGROUND

A marked decline in human rights violations in the Philippines since 1989, and significant improvement since 1995, demonstrate the Philippines' progress in putting firmly in the past its tarnished human rights record. Looking forward, the Ramos administration is committed to its "Philippines 2000" program of economic and social reforms as well as to the pursuit of sustainable economic growth anchored in global competitiveness and empowerment of the people. The result has been an overall improvement in the Philippines' record in human rights, democracy and good governance. Continuing violations are due largely to ingrained attitudes and the structure of Philippine society. Amnesty International estimated in July 1995 that 1,600 people remain missing, the majority of whom vanished under the Marcos and early Aquino administrations. Elements within the Armed Forces (AFP), the National Police (PNP), Citizen's Militia and insurgency groups are the main human rights violators. Canada is actively committed to promoting human rights through various ODA mechanisms.

The Republic of the Philippines is a democracy with a loosely structured multi-party political system. The promotion and protection of human rights is enshrined in the constitution, which also created the Commission on Human Rights, an independent body responsible for promoting and protecting human rights. The Philippines also promotes human rights internationally through its active involvement in United Nations human rights fora. It is a signatory to all relevant international treaties.

Since taking office after free and democratic elections in 1992, President F. V. Ramos has built political stability and introduced economic reforms which together have made the Philippines increasingly more open for business and attractive for foreign investment. The Ramos administration views the promotion of human rights and the promotion of economic development as parallel priorities to ensure overall improvement in social programmes and standards of living. Mid-term local and congressional elections in May 1995 were generally peaceful and orderly although there were some instances of vote-buying, harassment, ballot box snatching and ballot switching. Armed encounters between the government and insurgent groups are on the decline as a result of ongoing negotiations mandated under the Philippine peace process.

CANADIAN POSITION

Canada supports President Ramos' efforts to bring about significant improvements in the human rights situation. An objective for Canadian foreign policy globally, human rights concerns in the Philippines are addressed through regular consultations with Canadian and Philippine NGOs and cooperation between Canadian human rights institutions and their Philippine counterparts.

Canada has targeted the Philippines as a priority country for development cooperation. Since 1987, total Canadian Government disbursements amount to \$142 million with an annual average of \$20 million. Canadian development cooperation programmes in the Philippines focus on poverty alleviation, empowerment of people, human rights and good governance. In this way, Canada continues to encourage the Philippines to further institutionalize respect for human rights in all sectors of society and economy, particularly through legislation. Approximately one-third of Canada's bilateral official development assistance to the Philippines is in the form of grassroots projects delivered through NGOs. This support is delivered through the Philippine Development Assistance Programme (PDAP) and the Philippines-Canada Human Resources Development Programme (PCHRD).

January 1996

THE HUMAN RIGHTS SITUATION IN SRI LANKA

ISSUE

The continuing ethnic conflict in Sri Lanka remains a cause for concern in terms of the future of that country and regional security.

BACKGROUND

Following a decade of bloody communal strife, the former Premadasa Government recognized that it could no longer afford the international opprobrium for Sri Lanka's poor human rights performance nor the loss of donor support. In 1993 the government began a programme to refurbish its image, insisting that the armed forces and government apparatus respect human rights. The number of disappearances diminished, extrajudicial killings virtually stopped, and detainees were more accessible. However, human rights violations continued to occur, principally in the north and the east.

The election of Chandrika Kumaratunga as President in November 1994 set the stage for a fundamental shift in the human rights landscape in Sri Lanka. Her government's willingness to redress and/or remedy previous wrong-doings has met with praise from the human rights community. Notwithstanding this positive step, a number of concerns remain regarding domestic legislation, and the government's commitment to implementing reforms such as the establishment of a Human Rights Commission. The effectiveness of bodies like the Commission on Disappearances also remains to be confirmed. The Government has demonstrated a much more humane response in the face of a heightened security situation since the resumption of hostilities by the LTTE, with no evidence of the excesses of previous governments. In February, the President is expected to ask Parliament to approve constitutional changes to create a region in the north and east dominated by the country's Tamil ethnic minority. There are hurdles. A two-thirds majority in Parliament, where Mrs. Kumaratunga's government holds a one-vote majority, and then approval in a referendum.

The peace agreement brokered in January 1995 was unilaterally abrogated by the Liberation Tigers of Tamil Eelam (LTTE) in April 1995. In October 1995, government forces launched an all out offensive in the North, determined to defeat the LTTE militarily and regain control over this area. This reflects the government's "peace through war" strategy, brought about by the LTTE's continued hostilities and apparent disinterest in peace. Forty-nine days later the military took control of the LTTE stronghold of Jaffna City. An estimated 2,500 soldiers and Tamil rebels were killed in the offensive and as many as 7,500 others were wounded. Over 300,000 civilians have been displaced by the conflict.

Some positive steps have been taken by the Government of Sri Lanka (GOSL) which have resulted in important improvements in the human rights situation. The GOSL has been working with international relief organizations to ensure that relief supplies reach those displaced by the conflict and, in December 1995, the government lifted local media

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ensorship. A number of concerns remain. Human rights violations, while much reduced, continue to occur in the north and in the east. The Liberation Tigers of Tamil Eelam (LTTE) bear the primary responsibility for these, including the murder of innocent civilians.

While the GOSL has made progress in protecting the civil liberties of its people, the LTTE's human rights record is completely unacceptable. Despite the fall of Jaffna, the LTTE have continued their guerrilla attacks using children as suicide bombers against army camps and convoys. These despicable acts continue to be part of the LTTE's terrorist campaign of political assassinations, summary executions, the use of civilians as human shields, forced recruitment, and recruiting children/abducting civilians in "border" areas. In addition, the LTTE refuses to let any of the tens of thousands of men, women and children that have taken shelter in areas of the north still under rebel control, to return to their homes in the Jaffna City area.

CANADIAN POSITION

Canada has been in the forefront of addressing human rights in Sri Lanka since the mid-1980s. We have worked in a constructive manner to support human rights organizations and initiatives on the ground, while bringing the issue of human rights violations in Sri Lanka to the attention of UN human rights fora. At the Commission on Human Rights, Canada took the lead in drafting statements for the Chair on the human rights situation in Sri Lanka.

Canada is disturbed by the continuing ethnic conflict in Sri Lanka, which has claimed over 50,000 lives in the past 23 years. The GOSL seems to be on the right track to resolve this national crisis. However, we must be vigilant in our efforts to ensure that human rights concerns remain a top priority as the GOSL continues with its three-pronged approach (the military drive, the political package and economic development/rehabilitation) to end this war. Strong international pressure should be brought to bear on the LTTE to cease their terrorist activities and come to the bargaining table. The latter may be problematic, as the LTTE leader Vellupillai Prabhakaran has said, on several occasions, that he will not compromise on the achievement of "Eelam", an independent Tamil state.

January 1996

HUMAN RIGHTS SITUATION IN VIETNAM

ISSUE

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

BACKGROUND

Vietnam remains one of the world's last communist states, currently undertaking sweeping economic but much more limited administrative and political reforms. The human rights situation has improved modestly over the last several years. As a result of the reform process, limited freedom of speech, religion and political discussion are now tolerated. Despite these modest positive trends, Vietnam's performance continues to be mixed and the human rights situation is far from satisfactory. The communist party is firmly committed to one-party rule and any questioning of its leading role is dealt with harshly. An extensive and pervasive security apparatus remains in place. Free and democratic elections have not yet been held in Vietnam, and are unlikely in the foreseeable future.

Vietnam promulgated a new constitution in 1992 which 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 practiced "in accordance with the law". This permits the incarceration of dissidents, for example, for openly advocating a multi-party system. The lack of an independent judiciary also limits the possibility of individuals from exercising these rights or challenging state contraventions of individual rights.

There are several prominent example of human rights violations including Dr. Nguyen Dan Que, who has two brothers in Canada and relatives in the USA. As a result of his activities to promote political reform (and membership in Amnesty International), Dr. Que was sentenced in 1992 to 20 years in prison (which given his age effectively amounts to a life sentence). A colleague, Doan Viet Hoat is another prominent dissident whose wife has talked with Secretary of State (Asia Pacific) Raymond Chan in order to seek Canadian assistance for her husband. He continues to languish in a prison in a remote part of northern Vietnam, and there are serious concerns about his health.

Concern also continues about the incarceration of Buddhist monks and Catholic priests (several of whom are Canadian interest cases). The recent sentencing of several dissidents, including Buddhist leader Thich Quang Do to a five year prison term in August 1995 has renewed concerns within the international community and have been condemned by the governments of the USA and Australia. A number of prominent writers, poets and

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journalists also remain imprisoned, which is a focus of attention of Amnesty International's Canadian branch, PEN International, and Vietnamese Canadian organizations.

CANADIAN POSITION

Canada continues to have major concerns with the human rights situation in Vietnam. Vietnam has come under scrutiny in the ODA, human rights and democratic development review process and these considerations have been taken into account in the development of the ODA program. The current orientation is to work directly and pro-actively 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. Human rights issues were raised in a general way by the Minister for Foreign Affairs, André Ouellet, during his visit to Vietnam in November 1995. We are seeking Vietnamese concurrence for a visit to Vietnam by the Canadian Human Rights Commissioner, Maxwell Yalden, to further develop a dialogue in this area. The Ho Chi Minh People's Academy, an organ of the Communist Party of Vietnam, has been identified as the host for the visit, but over the last nine months has refused to issue an invitation.

Canada also has continued to voice its concern about the human rights situation in Vietnam in relevant international fora. The most recent was in a statement to the Third Committee of the 50th UN General Assembly in New York in November, 1995 which, *inter alia*, called for the release of religious dissidents.

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

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HUMAN RIGHTS SITUATION IN BRAZIL

ISSUE

The Brazilian Constitution protects basic human rights and fundamental freedoms. However, severe socio-economic inequalities continue to result in human rights abuses against Brazil's most vulnerable groups. Violence, corruption, abuses by the police and impunity remain serious problems.

BACKGROUND

Brazil's emergence as a democracy in 1985 followed over twenty years of military dictatorship. Subsequent years, particularly following the election of President Collor in 1989, have seen a vibrant democratic society and extensive economic reforms. The general trend of human rights, democratic development and good governance is slowly improving under the impact of a strong economy, sharply reduced inflation and the new government of President Cardoso who has a history of involvement in human rights issues and is committed to fundamental economic, agrarian and social reform. The constitutional enshrinement and promotion of democratic and human rights principles meets international standards. The judiciary is independent. The military is subject to civilian control. However, Congress has not yet implemented the legal basis for the effective enforcement of constitutionally guaranteed provisions on human rights. The Brazilian federal government, while responsible for the defence of human rights, has limited ability to intervene in the affairs of state or municipal agencies when violations occur. Although corruption remains endemic in Brazil, it is waning under the impact of the impeachment of former President Collor, the imprisonment of many of his friends, the dismissal from Congress of many of its prominent figures, the failure of corruption-tainted candidates in the 1994 elections, an aggressive media and an articulate, well-organized NGO community.

While the Brazilian economy has continued to stabilize since mid-1994, severe socio-economic inequalities - which rank among the world's worst - have put pressure on Brazilian society leading in turn to ongoing violence against Brazil's most vulnerable groups. The urban and rural poor, notably poor children and Brazil's indigenous population, are the principal victims of human rights abuses. Problems of violence and impunity are accentuated by a poorly-trained police force, and deep-rooted corruption and inefficiency in the administration of government and justice. Few crimes are prosecuted; fewer convictions are obtained. Police continue to be accused of hiring themselves out as death-squad gunmen while off-duty. There are reports of hundreds of murders committed by police and death squads, as well as of torture and maltreatment of prisoners. In Sao Paulo alone in the first six months of 1995, police killed 237 people while on duty. Death threats are a feature of both rural and urban life. The rich enjoy preferential access to the justice system which is seriously under-staffed given the overwhelming number of cases to be prosecuted. Violence by landowners against landless workers, the number of workers employed in slave-like conditions (most often debt-bondage), child labour and violence against street children are all

growing problems. Short term prospects for improvement are few given the deep-rooted character of the problems. Long term improvement depends upon the sustained success of the Cardoso Government's reform programme.

CANADIAN POSITION

The policy shift of the new Brazilian government towards greater transparency and activism in its human rights policy has established the basis for increased exchanges on human rights issues. Embassy representatives have engaged in frank discussions on the human rights challenges facing Brazil with senior-level members of the Brazilian government. The Embassy maintains an open and active dialogue with NGOs, Congressional representatives and foreign embassies working on human rights. Prime Minister Chrétien discussed the human rights situation with President Cardoso when he visited Brazil in January 1995. The Canadian Parliamentary Delegation which visited in April 1995 met with representatives from various NGOs and a member of the Lower House active on human rights issues.

Through our development assistance program for Brazil, we have supported the development of contacts between Canadian and Brazilian institutions conducting research and programming in the area of human rights. In May 1995, Canada funded the visit to Brazil of a delegation from the University of Ottawa's Human Rights Research and Education Centre. The visit resulted in a report on the problem of institutional violence in Brazil which has laid the groundwork for future discussion on potential bilateral programming in this area. Human rights also remains a priority theme for the Canada Fund for Local Initiatives. Through the Fund, the Embassy supports a number of grassroots human rights initiatives. Since poor children, women and indigenous people are recognized as disadvantaged groups in Brazilian society, most of the Canada Fund projects which in some way promote the empowerment of those groups, are related to strengthening human rights. The following were implemented in 1995:

Poor women: 17 projects amounting to \$161,934.67.

Children: 7 projects amounting to \$104,184.92.

Indigenous People: 2 projects amounting to \$14,446.20.

Multilaterally, Brazil/Canada cooperation on international and regional human rights issues has been on the rise, spurred on by our close working relationship with Brazil during the 1993 UN World Conference on Human Rights. The most notable recent development is our cooperation with Brazil as joint coordinators of the Democracy and Human Rights Initiative for the Americas, a proposal stemming from the Plan of Action of the Miami Summit of the Americas. This initiative is the beginning of a wide-ranging hemispheric dialogue on human rights and democratic development.

THE HUMAN RIGHTS SITUATION IN COLOMBIA

ISSUE

Colombia's human rights situation has deteriorated in the past year as a result of increased activities on the part of both guerrilla and paramilitary forces. This has been compounded by the increased political instability surrounding the Samper administration. Reforms proposed by the government, while signalling goodwill on the part of the Samper administration, have had mixed results.

BACKGROUND

Human rights violations continue to cause increasing concern. The constitution which entrenches political and civil rights, and the designation of a national ombudsman for human rights are positive developments. While abuses by the military and police declined, abuses by the guerrillas, narcotraffickers, and paramilitary groups increased significantly. In 1995, the impunity rate was estimated at 97 percent; giving rise to an increase in human rights violations. Substantial efforts are required to reform the justice system in order to expedite effectively the judicial process.

The Colombian government has demonstrated its commitment to continue to improve respect for human rights. The most important measure taken so far was the reform of the military penal code which was aimed at improving the investigative process in cases which involved the military. Efforts to sensitize the police and military to human rights through training, and the creation of human rights mechanisms within the police forces have resulted in an improvement in their overall human rights record. However, the mechanisms for internal control of the armed forces must be further strengthened by furnishing them with more and better human, technical and material resources. Colombia has not only ratified the Second Geneva Protocol, but has gone further by inviting both the United Nations High Commissioner for Human Rights and Amnesty International to open offices in Colombia. The Colombian government has also agreed to a proposal for an international mission designed to seek support among conflicting parties in the Uraba region. The presence of these international bodies could play an effective role in providing international scrutiny which is at present lacking.

Despite these efforts, Colombia remains a country with a dismal human rights record. The 1991 constitution, which in theory guarantees all relevant political and civil rights, in practice does not guarantee protection for the Colombian population. Colombia's murder rate, for example, continues to be the highest in the world with 26,764 murders recorded in 1994. This translates into a homicide rate of 91.7 murders per 100,000 inhabitants, or 73 murders per day. Additionally, it is estimated that fifteen percent of these murders have occurred for presumed political causes. Seriously affected by assassinations is the organized labour movement whose main umbrella union, the CUT (Unitarian Trabajadores Central), has lost 2200 members over the past eight years, 54 in 1994 alone.

Colombia also possesses the highest kidnapping rate in the world with 655 cases in the first seven months of 1995. Most of these kidnappings are carried out by guerilla groups or common criminals as a means of funding their activities.

Despite the above-described efforts, the Colombian government is faced with a complex and potentially destabilizing political crisis together with the de facto collapse of the peace process due, in large part, to the intransigence of some guerilla groups. In this context, there could be a further deterioration in the state of human rights should the crisis worsen. This situation has already caused our human rights interlocutors to begin to fear for their safety. The Samper government is faced with the challenge of finding new and effective ways to exercise the political control required to implement programs which will ensure the alleviation of an ever increasing human rights problem.

At the 51st session of the UN Commission on Human Rights, Colombia was the focus of increased NGO efforts to include it on the agenda. While not ultimately the subject of a resolution, the Government of Colombia submitted a letter to the Commission outlining its desire to reinforce protection of human rights in Colombia, and reiterating its willingness to continue to cooperate with thematic rapporteurs and the High Commissioner for Human Rights.

CANADIAN POSITION

Over 1995, Canada has taken a more proactive approach in its representations, comments and criticisms, and gives effect to these in a practical manner through its development assistance program. As part of the technical assistance program, CIDA has committed CDN \$1.5 million to a project involving four Colombian NGOs to create awareness and respect for human rights. The main project activities include data gathering and analysis, legal assistance in selected human rights cases, and the education and training of educators and civil leaders. NGOs in Colombia acknowledge that the Canadian Embassy is the most active and effective embassy in Bogota in the human rights field. Other elements of the Canadian human rights program are a CDN \$2.45 million contribution to the International Committee of the Red Cross (ICRC) to provide military officers with training in international humanitarian law (IHL). The project focusses on developing a positive attitude toward IHL among military officers, training military personnel to become instructors on IHL, and ensuring IHL is part of the curriculum for military officers. The Canadian government is also considering specific police-related programs, including RCMP training in areas such as executive development for senior Colombian police officials aimed at sensitizing senior levels of the need to comply with international human rights instruments. In addition, a CDN \$100,000 human rights fund has been created to permit a rapid response by the Embassy where small-scale projects are called for. Canada continues to explore ways to increase our cooperation in programs for the promotion of human rights.

January 1996

THE HUMAN RIGHTS SITUATION IN CUBA

ISSUE

Human rights concerns continue to focus on the Cuban government's sharp restrictions on civil and political rights. At the same time, Cuba has ratified the Convention Against Torture, has permitted several high-level human rights-related foreign visits and has released some of the country's more well-known political prisoners.

BACKGROUND

Over the past year, the Cuban government has undertaken several positive steps in the area of human rights. Some 60 political prisoners were released, although most were pressured to go into exile as a condition of their release. Cuba also permitted the visits of several international groups, including France Liberté and the Inter-American Dialogue, whose mandates included monitoring of the human rights situation. During his visit to Canada, the Cuban Foreign Minister met with the UN High Commissioner for Human Rights. General political repression has lessened and "acts of repudiation" have disappeared as pressure tactics against dissidents. In May of 1995, Cuba ratified the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

However, many of these improvements have tended to be arbitrary and do not represent a change in the Cuban political or legal system. Those parts of Cuba's criminal code that facilitate state abuse of civil liberties remain in place (for example, accusations of counterrevolutionary behaviour or clandestine printing, and the concept of "dangerousness" or a perceived tendency to commit crimes based on an individual's contradiction of socialist norms). Sentences for such crimes can still be lengthy, as in the fifteen-year term given to Francisco Chaviano. As noted, only a few of the political prisoners released did not feel pressured to go into exile. According to conservative estimates, over 200 civilians were arrested and detained for varying periods on charges related to "counterrevolutionary activity", while, according to a range of sources, between 500 and 1195 prisoners of conscience remain in custody.

While there has not been a systematic pattern of torture, forced disappearances, or summary execution, prison conditions are often extremely difficult. Political prisoners are held together with common criminals, suffer from lack of proper nutrition, medical care and often harsh treatment such as beatings, confinement in isolation and suspension of family visits.

Cuba's record on economic and social rights has been very positive over the past three and a half decades, and has created an essentially egalitarian ethos. However, as a result of the economic crisis since the loss of Soviet subsidies in 1989, the promotion of these rights has deteriorated. The level of social services and health care is declining across society. Some community leaders and the few emerging local organizations are attempting to mobilize foreign and local resources to attend to local problems. However, there remain institutional

restrictions on the ability of non-governmental organizations to establish themselves as genuinely independent of government control.

Cuba's record on freedom of religion has improved markedly in the past several years. There is no longer any stigma attached to practising religion in Cuba. The Cuban Council of Churches has been able to make some progress in its civic functions, such as material aid to the poor and elderly. Nevertheless, during the past year, the government continued to use the penal code to persecute Jehovah's Witnesses and, to a lesser extent, Seventh Day Adventists, because of their refusal to accept obligatory military service or to participate in state organizations. The government also harshly attacked the Evangelical Christian Movement by closing over 90 home church meeting places and imprisoning eight Evangelical pastors for illicit association.

The Cuban government has consistently refused to cooperate with the UN Commission on Human Rights (CHR) Special Rapporteur on Cuba, and Cuba continues to deny him access to the island. The UNCHR and the UN General Assembly have criticized the Cuban government's unwillingness to work with the Rapporteur.

CANADIAN POSITION

Canada's central interest in Cuba is to encourage a peaceful transition to democracy and an open economy. Over the past three years, Canada's relationship with Cuba has widened to encompass an enhanced political dialogue and increased commercial and development assistance activities. In these areas, the Canadian government has sought to assist in the development of structures that can support economic and political progress.

Canada has maintained an open and frank dialogue with Cuba on human rights, both in Havana and in Ottawa. During the visit to Canada of Cuban Foreign Minister Robaina in March 1995, Foreign Minister Ouellet underlined our hope for improvement, especially in civil and political rights. Minister Robaina also met with Mr. Ed Broadbent of the International Centre for Human Rights and Democratic Development, Mr. Jean-Pierre Kingsley of Elections Canada and Mr. Ayala Lasso, the UN High Commissioner for Human Rights. The Canadian Embassy in Havana maintains contact with a variety of non-governmental groups, human rights activists and Cuba's religious communities, and has attended trials of dissidents. At present, the embassy is closely monitoring the emergence of the Cuban Council (Concilio cubano), a recent attempt to group most major dissident groups that share a commitment to a peaceful transition to democracy for Cuba under a so-called "Parliament of Opposition". The embassy also provides modest financial assistance in support of initiatives and activities that promote dialogue and national reconciliation within Cuba.

Canada has consistently co-sponsored UN resolutions critical of Cuba's human rights performance at the CHR and at the UN General Assembly.

HUMAN RIGHTS SITUATION IN EL SALVADOR

ISSUE

El Salvador is making progress towards establishing a fully democratic civil society and implementing the peace accords. However, significant problems remain to be addressed, including impunity, an inadequate judicial system, public security including the police, and electoral reform.

BACKGROUND

In recent years, El Salvador's peace process has allowed a democratic civil society to begin to take root. Although many social, political and economic issues remain to be resolved, El Salvador's future now appears considerably brighter.

The United Nations Observer Mission in El Salvador (ONUSAL) completed its mandate on 30 April 1995, but was immediately succeeded by the smaller Mission of the United Nations in El Salvador (MINUSAL). Successive reports by these UN bodies have highlighted continuing problems with impunity, the judiciary, the National Civil Police (PNC) and electoral reform. However, United Nations human rights observers have indicated that human rights violations are not systematic and do not reflect government policy. The United Nations and the Canadian Government have expressed repeated concern about delays in the implementation of remaining commitments under the Peace Accords.

El Salvador has now ratified the Optional Protocol to the International Covenant on Civil and Political Rights, the Additional Protocol of the Inter-American Convention on Human Rights relating to economic, social and cultural rights, and has accepted the compulsory jurisdiction of the Inter-American Court of Human Rights. However, the ability and the willingness of the Government of El Salvador to deal effectively with human rights violations are still subject to question. On the other hand, this capacity was reinforced with the appointment in March 1995 of Victoria de Avilés as Ombudswoman for Human Rights. She has taken on functions formerly discharged by ONUSAL and has actively confronted a wide variety of alleged abuses.

The areas of greatest continuing concern are the judiciary and the performance of the PNC. Judicial reform has proceeded, but this sector still produces allegations of human rights violations. The problems of the judiciary, as of the police, are complicated by the substantial increase in common crime. The PNC, still in the process of creating itself, has been involved in serious incidents of the use of excessive force, and some of its members have been linked to a reappearance of death squads. After some delay, a credible new Inspector General of the PNC was appointed late in 1995. Also worrisome was the forced closure of a number of unlicensed community radio stations in December 1995, despite the fact that they had existed for some time and had often cooperated with the Government.

CANADIAN POSITION

While recognizing the achievements thus far in the peace process, the Canadian government will continue to closely monitor the evolution of the human rights situation in El Salvador.

During 1995, the Ambassador and officials of the Canadian Embassy in Guatemala accredited to El Salvador, visited regularly to assess the human rights situation, maintaining a dialogue on human rights with representatives of the Government of El Salvador, ONUSAL (later MINUSAL) and non-governmental organizations. They emphasized the importance Canada attaches to further improvement in the human rights situation, and to full and prompt implementation of the peace accords, electoral reforms and the recommendations of the Truth Commission. In October 1995, Canada's capacity to deal with these issues improved when the Canadian government opened an Office in San Salvador staffed by a Canadian officer. In 1995 a \$25 million five-year program for social reconstruction began — this program involves important support for human rights, democratic development and civil society.

The 51st Session of the UN Commission on Human Rights (CHR) again witnessed an extensive debate as to how to address the human rights situation in El Salvador. Faced with pressure from certain delegations to remove El Salvador from the agenda of the Commission, Canada reluctantly joined the consensus on this issue. Canada did, however, give an explanation of vote emphasizing that it went along with the consensus in the expectation that the High Commissioner for Human Rights, in the exercise of his mandate, would report on developments in El Salvador. We welcome the efforts of the Centre for Human Rights to elaborate a program of technical assistance for human rights in El Salvador. It is hoped that this program will effectively address some of the concerns we have noted. Canada remains concerned that the implementation of important elements of the peace accords remains incomplete and that new concerns on human rights have not been fully addressed.

HUMAN RIGHTS SITUATION IN GUATEMALA

ISSUE

The human rights situation in Guatemala has not improved significantly and, in some respects, has deteriorated during the past year despite political change within Guatemala and continuing international pressure.

BACKGROUND

Guatemala is a highly stratified society, with serious inequities in the distribution of wealth. This disparity is largely mirrored in the country's ethnic division; most of the poor are indigenous people while the rich are almost exclusively "Ladinos". This imbalance has contributed to high levels of political and criminal violence within Guatemalan society, including a thirty-year internal armed conflict.

Concerns continue about the capacity of the government of President Ramiro de León Carpio to address the human rights situation. Despite the President's good intentions, he was not able by himself to alter the fundamental power relationships within Guatemalan society. Elements within these power structures are alleged to have continued to engage in or, at least, acquiesce in human rights violations.

There were some positive developments during 1995. The United Nations Human Rights Verification Mission in Guatemala (MINUGUA) monitored compliance by both sides with the provisions of the Comprehensive Human Rights Accord. This has added an important new dimension to efforts to improve the human rights situation by credible verification of allegations of human rights violations. The ground-breaking Agreement on the Identity and Rights of Indigenous Peoples was signed on March 31, 1995. Over 9,500 refugees returned from Mexico this year, both collectively and individually. General elections for the Presidency, Congress and municipalities were held in November 1995. The participation of a political organization representing the popular sector, the New Guatemala Democratic Front (FDNG) and its success in becoming the third largest party in Congress should contribute to the creation of a more open and representative political system. Political dialogue has remained strong in Guatemala, despite continual threats and acts of intimidation against the leaders and members of various organizations in civil society. The press has remained formally free and is open to an increasingly wide range of opinion. The Army still appears to remain divided between a hard-line faction and a more moderate element. There is growing recognition in the government and throughout society that serious efforts are needed to improve the effectiveness of government. The government formally abolished the system of military commissioners, although it remains to be seen whether it will be properly implemented. Finally, civil society, including indigenous groups, seem to be organizing themselves with increasing effectiveness.

Still, serious problems persist. Disenchantment with, or at best apathy toward existing political institutions resulted in low turnouts in both the November 1995 general elections and the January 1996 presidential run-off although the rate was as good as or better than other recent polls. Most indigenous people did not participate. A number of worrisome incidents, including the Xaman massacre in October, demonstrated the fragility of the situation of returned refugees. Political dialogue has still to yield many concrete results. High levels of violence and, in particular, common crime are causing serious social concern. Freedom of the press remains under attack by some reactionary elements. Threats and physical attacks against journalists have increased. Conservative political forces, nostalgic for the "peace and order" maintained under dictatorships in the past, seem to be on the rise, as demonstrated by the electoral strength of the FRG. Finally, despite the various accords signed under UN mediation, peace negotiations have not yet achieved an overall settlement.

CANADIAN POSITION

Respect for human rights remains central to Canada's relations with Guatemala. We continue to follow the situation closely and to express our concerns to the Guatemalan authorities and their representatives in Canada.

Canada also continues to support various non-governmental human rights organizations both directly and through Canadian NGOs. The latter are consulted on a regular basis. Despite our access to the President, problems of governance in Guatemala have limited the ability of Canada, and the international community, to influence the situation.

CIDA has recently extended for 3 years its project to assist democratic development in Guatemala by providing \$5 million to Guatemalan NGOs. Canada will also continue to support the repatriation of refugees from Mexico and ensure full compliance with the 1992 accords, including the right of unhindered international accompaniment. Canada will maintain its support for Canadian NGOs involved in this process. Finally, the Government will continue to examine how Canada can help support and re-invigorate the peace process.

At the 52nd session of the Commission on Human Rights, Canada will consult with other like-minded countries to determine how Guatemala should be treated in the Commission's agenda. Canada's position is that all country situations, including Guatemala, should be dealt with by the Commission under its item 12. Canada co-sponsored the resolution on Guatemala at the CHR's 51st session and remains strongly supportive of the work of the independent expert, Ms. Mónica Pinto, appointed under item 19, the advisory services item.

THE HUMAN RIGHTS SITUATION IN HAITI

ISSUE

A considerable improvement has been noted since President Aristide's return in October 1994. The objective now is to strengthen the institutions that will help secure the progress achieved to date.

BACKGROUND

The period of the coup d'état, between 1991 and 1994, was one of the darkest in Haitian history in terms of human rights violations. Repression organized by the army and by paramilitary groups such as the Front révolutionnaire pour l'avancement et le progrès en Haïti (FRAPH) is estimated to have cost 4,000 lives. By rape, abusive incarceration and intimidation, these groups created a climate of terror. The situation changed completely with the restoration of President Aristide's constitutional government in October 1994, through military intervention by the international community.

Highlights of the progress achieved include the end of violence and of systematic repression of political opponents; renewed freedom of the press, association and speech; the holding of presidential and parliamentary elections; the formation of a civilian police force and the dismantling of the Haitian armed forces and paramilitary groups. The overall security of the country has greatly improved, allowing the people to resume their economic and cultural activities.

However, progress has yet to be made in certain sectors. The international community has begun an ambitious program of rehabilitating and reforming the judicial system, which includes training competent personnel, rebuilding facilities, and eventually reforming the civil and penal codes. The UNDP is working toward improving the penitentiary system, because the condition of the prisons is still unacceptable. The training of the new National Police must be extended, in order to further develop the professional skills of its members and to eradicate the abuse of power which seems to be a reflex action among some new police officers. The Government has taken steps leading to the prosecution of the perpetrators of some of the more odious crimes of the coup d'état, but this is only a start compared to the extent of the violations committed; the report of the Truth Commission responsible for investigating the abuses should be published shortly. It should renew the debate on how to proceed against the authors of these crimes.

During recent months, some spokespersons of the American right have questioned the progress achieved by the Aristide government in the area of human rights. Political columnist Robert Novak has denounced what he feels are some 30 political assassinations of opponents of the regime in 1995, while members of the House of Representatives have accused the Haitian government of obstructing the investigations into a number of murders in recent months. Despite these denunciations, there is no evidence of a campaign to eliminate

opponents of the regime; the figures advanced by these sources are exaggerated, and a number of the murders seem to be connected with organized crime.

CANADIAN POSITION

We are pleased with the progress achieved in recent months, and believe that Haiti is an excellent example of how democratization can improve the human rights situation. We are fully involved in the efforts of the international community to provide judicial reform and police training, and have financed the work of the fact-finding commission. We support the efforts of the UN-OAS International Civilian Mission responsible for documenting the human rights situation and lending assistance to the Haitian institutions responsible for guaranteeing these rights. We are in favour of increased involvement by the UN Centre for Human Rights in Haiti, to complement the work of the International Mission.

At the 51st session of the Commission on Human Rights, it was decided that consideration of the human rights situation in Haiti be moved from the item on human rights questions to the advisory services item. In line with this, the Special Rapporteur on Haiti has been replaced by an independent expert. Canada has traditionally co-sponsored resolutions on Haiti at both the CHR at the UN General Assembly.

THE HUMAN RIGHTS SITUATION IN MEXICO

ISSUE

Against a background of profound political change and economic turmoil, Mexico appears committed to improving its human rights record, but grave abuses continue to come to light and impunity remains a serious problem.

BACKGROUND

In spite of the severe economic crisis of early 1995, the effects of which continue to be felt at every level of Mexican society, the fledgling government of President Zedillo has continued the political and electoral reforms initiated by the previous administration. With the tacit support of Zedillo, Congress is asserting itself to an unprecedented degree and cleanly-run elections at the state level are now the rule rather than the exception (with the result that the opposition PAN controls four states and many urban centres). In the electoral field, important questions that still need to be addressed are fair political coverage by the media (especially television), party funding and the independence of the Federal Electoral Institute.

The principal single incident in 1994 that gave rise to serious human rights abuses was the January indigenous uprising in Chiapas. Peace talks are now under way; they are proceeding at a slow pace, but both sides appear committed to achieving a lasting and fair peace in the region, and the government has indicated it will address many of the inequities that contributed to the revolt. The talks are being supplemented by round-table consultations on indigenous issues. However, the most serious abuses of January 1994 — notably a number of extra-judicial executions for which the Army was alleged to have been responsible — have not been addressed by the authorities in a satisfactory manner. Recommendations by the National Human Rights Commission to the effect that the Army should conduct investigations into the killings have been effectively ignored. The Commission continues to receive sporadic complaints of harassment of the civilian population by army troops now stationed in Chiapas. A number of foreign priests (including one Canadian priest) have been expelled from or prohibited from returning to Chiapas, on the basis of technical violations of their visas. In Chiapas and elsewhere in rural Mexico, land-related disputes continue to give rise to violence and sometimes to excessive repression by the authorities.

President Zedillo acted imaginatively by giving the portfolio of Solicitor General (Procurador General de la República) to a well-respected member of an opposition party, Antonio Lozano. This is a first for Mexico. Lozano has struggled diligently to reform the Federal Police, for which he is responsible, but his efforts have yet to meet substantial success. Incidents of torture are now relatively few but still occur to a disquieting degree; corruption is rampant; none of the three major assassination investigations with which Lozano has been entrusted have been solved to the satisfaction of the Mexican public. The only top-ranking official to have been prosecuted for any crime over the past year is Raúl Salinas, brother of the former President. Lozano's task has been greatly complicated by the increasing presence of narcotrafficking and associated crime in Mexico, and the meagre resources at his disposal in the wake of the economic crisis.

Another early step of President Zedillo was the replacement of almost all members of the Supreme Court and a change in legislation to the effect that judges will now serve for 15 years rather than for life. The effect of these changes remains to be seen.

Mexico's National Human Rights Commission is slowly but steadily gaining in credibility and has the explicit support of the President. Its recommendations are typically more forthright than before and compliance by both state and federal authorities is improving. In response to the July 1995 killing of 17 peasants in Guerrero State, it issued its toughest condemnation yet. Complaints received by the Commission in 1995 rose by 12% over 1994; this may be due to a greater awareness of the Commission's existence on the part of the population at large, but also to the currently difficult socio-economic climate, in which human rights violations of all kinds appear to have increased. The economic crisis saw unemployment/underemployment rise to around 30% and the purchasing power of wage-earners decline by 14% in 1995.

The rights of members of three sectors of Mexican society are especially prone to abuse: indigenous people, women and children. Racism in Mexico is insidious and widespread, albeit less acceptable socially following the Chiapas uprising. At the Fourth UN World Conference on Women, Mexico made no new commitments toward improving the status of women. In the light of the crisis, children are now being sent out to work at an earlier age; the government is also considering reducing the age at which a person may be tried as an adult.

CANADIAN POSITION

Canada is concerned by ongoing human rights abuses in Mexico and Canadian ministers frequently take advantage of their regular contacts with their Mexican counterparts to discuss human rights and political/democratic reform. We believe that, in spite of the gravity of the problem, Mexico has made significant progress in the observance of human rights over the past several years, and that this progress is best reinforced by encouragement and constructive bilateral activities.

The Canadian Embassy in Mexico maintains close contacts with the Mexican National Human Rights Commission and with many Mexican Human Rights NGOs. On occasion it raises particular cases with the Mexican authorities; in 1995 the cases of NGO activist Jorge Santiago Santiago and of a Canadian priest were raised at a high level.

Through its Canada Fund for Local Initiatives, the Canadian Embassy in 1995 supported 12 human rights-related projects in Mexico, including a series of nine "Human Rights Awareness" workshops with indigenous communities in Chiapas. Canada does not have a bilateral (government-to-government) technical assistance programme for Mexico.

Both Elections Canada and the Canadian Human Rights Commission have established close relationships with their counterparts; in January 1996 Chief Electoral officer J.-P. Kingsley spent two weeks in Mexico advising the Federal Electoral Institute, and in October 1995 Canada's Human Rights Commissioner, Mr. Maxwell Yalden, hosted a substantive visit to Canada by his Mexican counterpart (who also discussed human rights issues with Canada's Minister of Foreign Affairs).

THE HUMAN RIGHTS SITUATION IN PERU

ISSUE

Peru's human rights record has continued to improve over the past year. Problems remain, however, many of which are linked to the struggle against terrorism and narco-trafficking. Rectification of other deficiencies requires the strengthening of democratic practices and institutions which remain fragile.

BACKGROUND

Terrorism has been curbed but threats of its recurrence remain. The Government and people are highly cautious about dismantling extraordinary anti-terrorism measures, including: Emergency Zones (covering 48% of population and 25% of territory), "Secret Courts" (Congress extended for further year) and military trials for civilians on terrorist charges (344 deaths attributable to political violence were registered in first 6 months of 1995). As NGOs point out, with "structures of repression" in place, the opportunity remains to perpetuate disappearances, arbitrary arrest and extrajudicial killing. The 14 June Amnesty Law has generated further concerns about impunity for agents of the state. Death threats have been reported by NGOs who actively oppose the Amnesty Law. The Government has established a public register of those detained on charges of terrorism. Joint police/military patrols have been instituted and those arrested are transferred more quickly to civilians hands. The record for 1994 suggests that assassinations by terrorists were higher than those attributed to agents of the government (3 disappearances registered in Ayacucho Province for 1994, down from 184 in 1988). Human rights groups claim some 700 persons are unjustly jailed on terrorism charges (most sentenced by Secret Courts). Congress is debating a bill to expedite review of cases where such doubts exist. The Supreme Court reviewed terrorist cases and released 620 prisoners over the past three years on technical grounds. The courts have long suffered from a lack of transparency and accountability, political interference, corruption, and a serious backlog of cases. Congress has passed measures to force the judiciary to improve administrative effectiveness and efficiency of the system in order to streamline, reduce corruption and restore public confidence in the courts. Peruvian jails are seriously overcrowded. Processing is slow - only 24% of inmates have received sentences. Reports of torture and abuse suggest the problem of violence is serious. Insufficient funding is available for rehabilitation programs, training of warders or proper food and medical attention.

Corruption is endemic in Peru. In November, the President publicly denounced corruption by public servants and elected officials (with emphasis on corruption by narco-traffickers), pledged to use state resources frugally, and to prosecute offenders including the police and military. Congress is examining a bill to demand honesty of state employees, and the obligation to declare income and assets. The police are attempting to improve their image: 1,200 officers were dismissed this year for corruption, armed robbery and other crimes. The 1993 Constitution established the office of Ombudsman, but Congress has been slow in

approving enabling legislation. After considerable debate in Congress during the week of December 11, the opposition refused to approve the Government's nominee for Ombudsman, forcing the Government to rethink its approach. Free and fair elections were held at the national (April 1995) and municipal (November 1995) levels. In the former, Fujimori won a firm mandate for a second five-year term, and the latter saw the election of independent mayors in most cities. In both instances the will of the people was accurately expressed. The reduction of income disparities and social justice require urgent attention as almost 50% of Peruvians live in poverty. Fujimori has made poverty alleviation a priority for the next five years, assigning 40% of the budget to social programs.

CANADIAN POSITION

Canada's position on human rights is well understood by the Peruvian Government. The Canadian Ambassador and other officers pursue every opportunity to express Canadian concerns when meeting with ministers, officials, and members of the political establishment. Canadians served under OAS auspices as electoral monitors during the April Presidential and Congressional elections. The Embassy facilitated the visit of the Hon. Edward Broadbent to Peru in 1994 and follow-up visits by staff of the International Centre for Human Rights and Democratic Development. The Embassy regularly exchanges views on the human rights situation with Canadian and local NGOs including the Inter-Church Coalition on Human Rights in Latin America.

Since fiscal year 1992/93, CIDA has contributed \$123,000 to projects which support human rights and good governance, primarily through the Canada Fund for Local Initiatives. Thus far in 1995/96 the following projects have been approved:

- Assistance to "TRANSPARENCIA": Three-month bridge financing to enable this organization to observe elections. TRANSPARENCIA deployed 1,700 volunteers as scrutineers, to observe counting and conduct exit polls (\$32,000).
- "Racism in Peru": Financing research, preparation of study and analysis on racism in Peru (\$4,100).
- Adoptions: Donation of household appliances, laundry equipment for temporary home of Technical Secretariat for Adoptions (\$15,400).
- "Noticias Aliadas": Funding for their publications on human rights (\$5,000).
- Violence against Women: Funding for NGO "Demas" for assistance in legal defence and legal advice to women (\$14,000).

In addition, a large number of projects undertaken by the Canada-Peru Counterpart Fund support women's rights and grass-roots democracy. Consideration is also being given by CIDA (Bilateral) to an initiative to strengthen local government.

January 1996

THE HUMAN RIGHTS SITUATION IN CHECHNYA

ISSUE

The human rights situation in Chechnya remains a cause for serious concern. More than a year after Russian forces entered Chechnya, with the death toll approaching 30,000, conflict continues and a durable political settlement is nowhere in sight.

BACKGROUND

On December 11, 1994, some 40,000 Russian troops poured into Chechnya, a predominantly Muslim republic of 1.3 million in the Transcaucasus, in a bid to crush the independence movement launched by President Jokhar Dudayev in the fall of 1991. The Kremlin seems to have anticipated that a quick surgical strike against Dudayev would be popular in Russia, where Chechens are widely associated with mafia activity. On the eve of the invasion, Defence Minister Grachev boasted that his forces could take the Chechen capital, Grozny, in two hours.

In the event, the operation has proved to be a military, public relations, and human rights disaster, dragging on for more than a year at a cost of tens of thousands of lives. Recent official estimates place the death toll at 2,500 federal forces, 10,000 Chechen fighters, and 13,500 civilians. The number of refugees in the region, while down substantially from the 400,000 recorded at the height of military operations last spring, is still much more than local authorities can manage. Last month's fierce fighting in Gudermes, Chechnya's second largest city, has added an estimated 25,000 refugees to the total.

Flagrant human rights violations have been reported on both sides. Last April, federal forces were accused of massacring as many as 200 residents of the town of Samashky west of Grozny. Male Chechens have been routinely arrested and detained under deplorable conditions without legal recourse. The rebels have been resorting to acts of terrorism, seizing over 1,000 largely civilian hostages in the southern Russian city of Budennovsk last June, and a further 3,000 in the transcaucasian republic of Dagestan earlier this month. The bloody resolution of this latest crisis, in which Russian special forces levelled the Dagestani village of Pervomaiskoe with scant regard for loss of life, has resulted in international expressions of concern and the resignation of Yeltsin's human right commissioner, Sergei Kovalev.

An OSCE Assistance Group was deployed to Grozny in the spring with a mandate to work to promote respect for human rights and establish facts concerning their violation, facilitate the delivery of humanitarian assistance, provide assistance with regard to the return of refugees, and promote the peaceful resolution of the crisis. An uneasy ceasefire was brokered under OSCE auspices at the end of July, but sporadic clashes continued and tensions mounted steadily in the run-up to the December 17 elections, which Dudayev and his well-armed supporters denounced as a provocative attempt to legitimize Moscow's rule.

Despite the rebels' efforts, the federalist forces succeeded in holding elections both for the Russian Duma and the head of the Chechen republic. Doku Zavgayev, Moscow's hand-picked candidate for the latter post, won 95 per cent of the vote on a reported turnout of 60 per cent. The OSCE observer mission closed its office in Grozny for the duration of the voting, contending that conditions for free and fair elections did not yet exist.

Although all population centres are ostensibly under Russian control, the recent upswing in Chechen terrorism and Russia's heavy-handed response point out the limits of Moscow's hold over the republic and the difficulties of launching a reconciliation process. Yeltsin would still like to see a peaceful solution to limit the conflict's impact on his already fading political fortunes, but with the Duma elections now concluded and in light of the latest developments, those who favour stepping up military operations may now win the upper hand in Moscow.

Prospects for a durable, peaceful settlement remain dim. Dudayev remains committed to independence, while Moscow is equally determined to keep Chechnya in the Federation. Although the OSCE team is standing by in Grozny to mediate peace talks, negotiations are not imminent. Even were they to resume and produce an accord acceptable to a majority of Chechens, die-hard rebels of the kind who have engineered the latest hostage-taking would continue to work to disrupt the restoration of civil society necessary to guarantee respect for human rights.

CANADIAN POSITION

Canada has deplored the bloodshed and violations of human rights that have occurred in Chechnya and urged all parties to seek a peacefully negotiated settlement. We have constantly reiterated that message, both in OSCE fora and at the UN Commission on Human Rights in Geneva. A statement from the Chair at CHR 51 deplored Russian violations of human rights and humanitarian law in Chechnya, and called on the Secretary-General to report on the issue at CHR 52. PM Chrétien raised the issue with President Yeltsin in Halifax in June, and again during his October 5 meeting in Ottawa with PM Chernomyrdin, who assured him that his government is committed to a peaceful solution. Concern over developments in Pervomaiskoe moved Minister Ouellet to issue a statement January 17 in which he urged restraint and called for the resumption of negotiations. Canada has contributed \$2.5 million in emergency humanitarian assistance, which is being distributed in Chechnya by the International Committee of the Red Cross.

January 1996

THE HUMAN RIGHTS SITUATION IN THE FORMER YUGOSLAVIA

ISSUE

The human rights situation in the former Yugoslavia remains a matter of serious concern. The armed conflict in the region, fuelled by ethnic intolerance and long-standing rivalries, has resulted in the violation of almost every norm of international humanitarian law and basic human rights standards.

In the new environment, initiated with the signing of the Dayton peace agreement for Bosnia and Herzegovina, Canada and the international community shall continue to pursue the promotion and monitoring of respect for human rights, and prosecution of the perpetrators of war crimes.

BACKGROUND

Since the beginning of the conflict in the former Yugoslavia, the parties have committed massive and systematic human rights abuses, notably through the practice of "ethnic cleansing". Murder, rape, torture and other forms of intimidation have been used to drive people of one ethnic group from their homes in areas claimed by another ethnic group. In Bosnia and Herzegovina, ethnic cleansing was widespread.

More than 100,000 people have been killed since the beginning of the conflict, several hundred thousand more injured, and close to three million displaced or forced to seek refuge in neighbouring countries. The UN High Commissioner for Refugees (UNHCR), along with the International Committee of the Red Cross (ICRC) and other humanitarian agencies, has provided emergency relief supplies to many who have no other means of sustenance or shelter.

This past year witnessed some of the worst atrocities of the conflict. In July and August 1995, Bosnian Serb forces overran the UN-designated "safe areas" of Srebrenica and Zepa, leading to the displacement of some 60,000 people, and the murder and rape of thousands more. The ICRC estimates that over 3,000 men and boys, held by Bosnian Serb forces, remain missing. Despite assurances of cooperation, the Bosnian Serbs continue to block international access to sites of suspected mass graves and detention centres.

In May and August 1995, the Croatian Army used military force to regain control of Western Slavonia and the Krajina. As a result of the fighting, some 250,000 civilians fled the areas. The UN Secretary-General reported the killings of several hundred civilians, systematic and widespread looting and arson, and other forms of destruction of property.

In Serbia, minority groups, such as the Hungarians and Croats of Vojvodina, and the Muslims of the Sandzak region, feel at risk from the Serbian majority, as do ethnic Albanians, who constitute the majority in Kosovo. The human rights situation in these areas

has deteriorated since Belgrade forced the departure of the long-term missions of the Conference on Security and Cooperation in Europe (CSCE, now OSCE).

The Special Rapporteur of the UN Commission on Human Rights, Mr. Tadeusz Mazowiecki, resigned in August 1995 and was replaced by Ms. Elisabeth Rehn in October. Since taking up her duties, Ms. Rehn has submitted a report focusing on the Krajina situation and has undertaken extensive consultations with the parties in an attempt to improve their respect for human rights.

With the December 14 signing of a peace agreement for Bosnia and Herzegovina by the Presidents of Bosnia, Croatia and Serbia (also on behalf of the Bosnian Serbs), the human rights situation is expected to improve. The UN has authorized NATO to lead an international force (IFOR) to implement the military aspects of the agreement, and to restore security and stability to that country.

The peace agreement commits the parties in Bosnia and Herzegovina to respect the highest level of internationally recognized human rights standards, to grant human rights monitors unrestricted access to their territory, to cooperate with the ICRC in the search for missing persons, and to release all persons detained as a result of the conflict. The parties met the first deadlines in this regard in handing over lists of detained persons to the ICRC, though not all prisoners were released in conformity with the provisions of the Dayton agreement.

The parties agreed to create a Human Rights Commission made up of two parts: an independent Human Rights Ombudsman, with the authority to investigate and to act upon human rights violations; and a Human Rights Chamber of 14 judges, of whom 8 will be foreigners named by the Council of Europe. The Organization for Security and Cooperation in Europe (OSCE) was given the role of coordinating the monitoring of human rights, including the establishment of the conditions for free and fair elections to be held by September, 1996.

Full freedom of movement and the right of refugees to return to their homes is guaranteed in the agreement. A Commission for Refugees and Displaced Persons will determine the lawful ownership of property and adjudicate claims for compensation. IFOR has been authorized to use military force at its discretion to prevent interference with the free movement of civilians, and to respond appropriately to violence against them.

The International Criminal Tribunal for the former Yugoslavia has indicted 52 people so far on charges of war crimes; in addition, Bosnian Serb president Karadzic and General Mladic have been charged with genocide. The peace agreement obligates the parties to cooperate with the Tribunal and bars indicted war criminals from holding public office in Bosnia and Herzegovina.

CANADIAN POSITION

Canada is fully committed to ensuring the parties to the conflict live up to their obligations to respect and protect human rights. With a negotiated settlement to the war in Bosnia and Herzegovina, we will support the efforts of the international community to monitor and promote respect for human rights obligations.

Canada has consistently led international efforts to investigate and prosecute war crimes in the former Yugoslavia. In March 1993, Canada sponsored an international experts meeting to establish the International Criminal Tribunal for war crimes in the former Yugoslavia. With a contribution of \$300,000, Canada was the first country to support the UN Commission of Experts (UNCOE) that investigated alleged war crimes and other violations of international humanitarian law. Canada has participated in three investigations into issues such as sexual assault and mass graves.

In March 1994 and April 1995, Canada contributed a total of \$775,00 to the Trust Fund of the war crimes Tribunal, and in September 1993, Canadian Judge Jules Deschênes was elected to the Tribunal. Canada established a position for an Information Coordinator to receive information on alleged violations of international humanitarian law in the former Yugoslavia and has submitted two reports on alleged war crimes to the UN Security Council. Canada has also helped draft the Declaration on the Protection of Victims of War Crimes, which included specific references to the sexual assault of women during times of armed conflict.

Since the conflict began, Canada has provided \$65 million in humanitarian assistance to the former Yugoslavia. Canada will continue to make a significant contribution in the post-conflict period. Details of Canada's reconstruction program will be announced at a pledging conference in Brussels in March 1995. Canada has nominated a senior official as Special Coordinator for Reconstruction in the Former Yugoslavia.

Canada's role in civilian peace implementation will focus on social rehabilitation, human rights, refugees, and arms control. In the short term, Canada will continue to contribute to humanitarian assistance and promote regional confidence- and security-building measures. In the medium and longer term we will promote human rights and ethnic tolerance, with a concentration on community-based initiatives headed by Canadian NGOs. We are discussing with the OSCE the provision of Canadian expertise on national human rights institutions, and human rights experts to serve on the organization's mission.

Canada announced December 6 that it would send 1,000 troops to participate in IFOR. Some 350 troops are on the ground; the main body will deploy to northwestern Bosnia late January - early February.

Consultations in preparatio
for the ... session of the
U.N. Commission on Human
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