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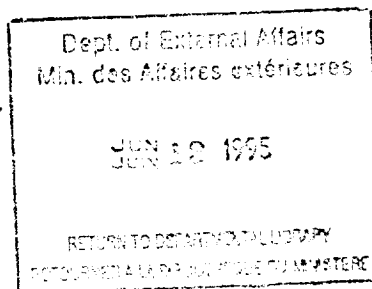
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External Affairs and
International Trade Canada

CONSULTATIONS

IN PREPARATION FOR THE 48th SESSION
OF THE U.N. COMMISSION ON HUMAN RIGHTS

JANUARY 20 - 21, 1992



Canada

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Afghanistan
 - Latin America and Caribbean:
Cuba, Haiti, Guatemala, El Salvador, Peru, Colombia, Chile
 - Eastern Europe
Former USSR, Baltic States, Yugoslavia, Romania
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Dear participants,

I take great pleasure in welcoming you to the 1992 consultations on human rights issues in preparation for the 48th session of the United Nations Commission on Human Rights.

The past year has been an important one for Canada. In May, 1991, Canada was re-elected to the Commission, receiving the highest number of votes of the five countries running in our electoral category. On December 11, Canada ratified the UN Convention on the Rights of the Child, following extensive consultations with the provinces and territories, as well as with concerned groups.

In addition to our efforts at the United Nations, we are actively promoting human rights in other international organizations: the CSCE, the OAS, the Commonwealth and La Francophonie. With the Prime Minister's leadership, this issue has been placed firmly on the table and a powerful signal has been sent to our partners in the developing world.

Non-governmental organizations play a significant role in the development of Canadian policy, and I attach great importance to these annual consultations. Officers of External Affairs and International Trade Canada benefit from the January meetings, which provide the basis for ongoing cooperation and dialogue throughout the year.

I look forward to your participation.

Yours sincerely,

Barbara McDougall
Barbara McDougall

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**CONSULTATIONS BETWEEN NON-GOVERNMENTAL ORGANIZATIONS AND
THE DEPARTMENT OF EXTERNAL AFFAIRS IN PREPARATION FOR THE
48TH SESSION OF THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS
(JANUARY-MARCH, 1992)**

Lester B. Pearson Building
125 Sussex Drive
Ottawa, Ontario

January 20-21, 1992

AGENDA

Monday, January 20

08:30	Registration and coffee	Conference Lobby
09:00	Welcoming remarks and opening plenary	Conference Room
09:30-10:30	Working Group I on the Americas (Caribbean and Central America)	Conference Room
	Working Group II on Europe (Eastern Europe, USSR)	Auditorium
10:30-10:45	Coffee	Conference Lobby
10:45-12:00	Working Group I on the Americas (South America)	Conference Room
	Working Group II on Europe (E. Europe, cont'd; W. Europe)	Auditorium
12:00-13:00	Lunch	
13:00-15:00	Working Group III on Africa and the Middle East (Middle East)	Auditorium
	Working Group IV on Asia (South Asia, Pacific)	Conference Room
15:00-15:15	Coffee	
15:15-16:30	Working Group III on Africa and the Middle East (Africa)	Auditorium
	Working Group IV on Asia (North Asia)	Conference Room

Tuesday, January 21

8:30-10:00	Detentions; Disappearances; Torture; Administration of Justice; Fair Trial; Summary or Arbitrary Executions	Conference Room
10:00-10:15	Coffee	
10:15-11:00	International Human Rights Covenants; Effective Functioning of Treaty Bodies; Rights of the Child;	Conference Room
11:00-12:00	Indigenous Issues	Conference Room
12:00-13:30	Sandwich lunch	Crush Lobby
13:30-15:00	Racial Discrimination; Religious Intolerance; Mass Exoduses; Freedom of Expression; Minorities; Right to Promote Human Rights; Advisory Services	Conference Room
15:00-15:15	Coffee	
15:15-16:30	World Conference on Human Rights; Further promotion of human rights	Conference Room
16:30-17:00	Other issues	

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REPORT ON THE FORTY-SEVENTH SESSION
OF THE
UNITED NATIONS COMMISSION ON HUMAN RIGHTS
JANUARY 28-MARCH 8, 1991
GENEVA

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REPORT ON THE FORTY-SEVENTH SESSION OF THE
UNITED NATIONS COMMISSION ON HUMAN RIGHTS

Highlights

The UN Commission on Human Rights held its forty-seventh session in Geneva from January 28 to March 8, attracting representatives of some 120 countries and an equal number of non-governmental organizations. A total of 82 resolutions were adopted, 66 of them by consensus. In addition to the more than 1,200 delegates and observers, the session was addressed by the president of the Ukrainian SSR and nine foreign ministers.

In many ways, it was a landmark session, and perhaps the most productive in recent years. If the mood of CHR 46 had been marked by euphoria at the dismantling of the Berlin Wall and the release of Nelson Mandela, this was replaced at CHR 47 by the sobering reality of the Gulf War and the Soviet crackdown on the Baltic Republics.

While the Gulf situation affected much of the Commission's work, it also provided unprecedented opportunities to speak out on human rights in that part of the world. It allowed for a separate sub-item on the agenda entitled "Human Rights in Occupied Kuwait" and the appointment of a Special Rapporteur with the mandate to examine the human rights violations committed by the occupying forces of Iraq.

Furthermore, after five years of failed attempts, a resolution on human rights violations in Iraq itself was passed; a Special Rapporteur for Iraq was also appointed.

Another breakthrough at this year's session was a consensus Chairman's statement chastising the government of the USSR for its actions in Latvia and Lithuania. This was the first time in the Commission's history that it has taken action on reported human rights abuses in the Soviet Union.

Canada played an effective role at CHR 47; members of our delegation spoke on 15 different issues and we co-sponsored some 20 resolutions, taking the lead role on five of them. In addition, Canada contributed to the successful conclusion of the Baltic discussions with respect to the chairman's statement.

South Africa

Movement from both Africans and the Western Group (WEOG) allowed for a consensus resolution on the situation in South Africa for the first time since this issue was put on the CHR agenda. This was in no small measure the result of recent announcements by the South African government and the willingness of many at CHR to work towards a consensus.

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Middle East: Occupied Territories

In contrast with the South Africa resolutions, there was little movement in the resolutions on Item 4, dealing with the Occupied Territories. As a result of controversial language, some of which had not appeared in previous resolutions, Canada and most other WEOG members were forced to abstain on five of the six resolutions on this subject.

We did, however, make a statement on the situation in the Occupied Territories, in which we expressed our deep concern about human rights violations in that area and "the futility and short-sightedness of military occupation and the inability of such occupation to quench the natural human desire for self-determination."

Iran

After considerable discussion, the Commission agreed that the mandate of the Special Representative studying human rights abuses in Iran be extended. The Iran resolution, which was adopted by consensus, specifically mentions the situation of the Baha'is and calls on Iran to comply with international human rights instruments to ensure that all individuals within its territory - including religious groups - enjoy the rights recognized in these instruments.

Cuba

After a very active debate, the Commission decided to name a Special Rapporteur to investigate the human rights situation in Cuba. Cuba and a number of Latin American countries had put forward a resolution that would have taken that country off the Commission's agenda; however, a series of amendments were introduced supporting the appointment of a Special Rapporteur and the amended resolution was carried by a 22(yes)-6(no)-15(abstain) vote. The WEOG group voted unanimously in favour of the resolution, which was also supported by two Latin American countries - Argentina and Panama - and a broad spectrum of other regional groups. Cuba, the USSR, Iraq and China were among the countries voting against the resolution, while the absentions were largely from Latin America.

Other country situations

In addition to those countries already mentioned, the Commission extended the mandates of Special Rapporteurs or Special Representatives investigating the human rights situation in Romania, Afghanistan and El Salvador, and authorized the appointment of a new expert to monitor the situation in Haiti. Attempts to move Guatemala from Item 21 (Advisory Services) to Item 12 (Violations of Human Rights in All Parts of the World) were

unsuccessful, although the expert's mandate under Item 21 was extended. Latin American solidarity and a wish to give the Serrano Government a chance were key factors.

Under the confidential 1503 procedure, the Subcommission decided to keep Myanmar, Chad, Somalia and Sudan under continued scrutiny. Zaire, however, was dropped from the 1503 procedure at this year's session.

A total of 24 countries were mentioned in Canada's Item 12 speech to the Commission, which was generally very well-received.

Indigenous Issues

One of Canada's main achievements at CHR47 was the progress made on plans for the 1993 International Year for the World's Indigenous People, a resolution on which Canada took the lead. The resolution incorporates the important principle that indigenous people themselves should be directly involved in planning the Year. The co-drafters of the resolution agreed to delay the setting of the theme for the Year until UNGA47. This now affords time for Canadian and other aboriginal organizations to consult amongst themselves and with Governments with a view toward informing the UN Secretary-General of favoured theme(s).

Canada also successfully introduced a resolution authorizing the Working Group on Indigenous Populations to meet for 10 working days - with all meetings fully serviced (provided with translation, production of printed material, etc.) - prior to the meetings of the Sub-commission. This improvement will provide the Working Group with a greater opportunity to carry out the vital work of drafting a declaration on the rights of indigenous people.

Detentions

Item 10, which includes Detentions, Torture, Disappearances and the Administration of Justice, was a major agenda item covering an important area of human rights violations. Although it causes much less controversy than Item 12 (country situations), it can be argued that the mechanisms established under Item 10 - such as the Special Rapporteur on Torture or the Working Group on Disappearances - have been even more effective in promoting and protecting human rights.

In this area, there were some noteworthy achievements at CHR47. A major new mechanism, the Working Group on Detentions - was established as a proposal from the Chair, which implies the full support of all members of the Commission. In his report on the practice of administrative detention, Sub-commission expert Louis Joinet identified a strong need for machinery to prevent and report violations of international standards concerning the legality of all forms of detention. A Working Group was one of four options

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proposed by Joinet to deal with this question.

While it seemed at one point that the mandate of the Working Group would be restricted to administrative detention, the final mandate is wide, extending to "cases of detention imposed arbitrarily or otherwise inconsistently with relevant international standards as set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments accepted by the states concerned." This agreement on the mandate was significant, as it meant full agreement with the principle that a Working Group may legitimately investigate cases of detention imposed inconsistently with the Declaration. This establishes a new landmark standard in this area.

The resolution also empowers the Working Group to seek and receive information from NGOs, victims and their families as well as governments.

Torture

In response to the Report of the Special Rapporteur on Torture, the Commission adopted a resolution stressing the importance of limiting - and eventually declaring illegal - incommunicado detention under national law, since the majority of torture allegations were practised during incommunicado detention. It stressed again the recommendation of the Special Rapporteur that legal provisions should be adopted prescribing that persons be given prompt access to legal counsel after they had been arrested and making it obligatory to promptly inform the relatives of an arrested person of both the arrest and place of detention. It further stressed the organization of proper medical inspections for arrested or detained persons as promptly as possible after their admission to the place of detention and after every transfer to another place of detention and that, whenever a person was found to be responsible for acts of torture or severe maltreatment, he or she should be brought to trial and, if found guilty, severely punished.

Item 10 also included discussion of the Draft Optional Protocol to the Convention Against Torture, which would allow the torture committee to visit places of detention. During the Commission, a number of delegations spoke up in favour of the Optional Protocol and Austria, Belgium, Greece, Italy, Spain and Switzerland were among the co-sponsors of a draft decision to consider the "Question of a Draft Optional Protocol" as a separate sub-item under Item 10. While the draft is not expected to be finalized for some years, the issue is now squarely on the agenda of the CHR.

Disappearances

More progress was made at CHR47 toward a Declaration on Disappearances. The Commission agreed to set up a working group to discuss the Draft Declaration, which had been forwarded to CHR by the Sub-commission. While a few countries still had some problems with the draft, there was widespread support for the Declaration in principle. The Working Group will meet for two weeks prior to CHR48 with a view to finishing work on the Draft Declaration so it can be transmitted to UNGA47 for adoption in 1992. This Declaration would condemn enforced or involuntary disappearances as "an offence to human dignity". It would also require that States ensure the establishment of an official, updated register of prisoners at each place of detention, and take steps to establish centralized registers where possible. Where there are reasonable grounds to believe that an enforced or involuntary disappearance has been committed, States would be required to promptly refer the matter to an independent authority for investigation.

Administration of Justice

The resolution on "Human Rights in the Administration of Justice" was improved this year by providing for a much-needed strengthening of cooperation between Vienna (Centre for Social Development and Humanitarian Affairs) and Geneva. The resolution also asks the Secretary-General to establish a consolidated list of provisions in various UN standards relating to human rights issues in the administration of justice, with a view to drafting model national legislation. It also asks the Sub-commission to study implementation of these standards, identify problems, recommend solutions and take necessary action with a view to drafting model texts.

Fair Trial

In another resolution, the study by Sub-commission experts Chenichenko and Treat on the Right to a Fair Trial was endorsed and passed to ECOSOC for its endorsement. Treat and Chenichenko were asked to present a preliminary report for next year's CHR looking at ways to formulate the basic guarantees necessary for a fair trial into an international standard - possibly a model code.

Other thematic and institutional issues

In addition to aboriginal issues, Canada took the lead on a number of thematic resolutions, including the right to freedom of opinion and expression and mass exoduses. The resolution on freedom of opinion and expression welcomes the intention of the special rapporteurs to study in greater detail measures necessary for the strengthening and promotion of these rights, as well as the right to freedom of association and peaceful assembly and the right to take part in government. It also calls on states to immediately

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release any persons who had been detained solely for exercising these rights.

With regard to mass exoduses, the Commission requested governments to ensure the effective implementation of the relevant human rights instruments, which would contribute to averting new massive flows of refugees and displaced persons. It also urged the implementation of recommendations regarding the establishment of a working group and a consultative machinery for early warning of possible mass exodus situations. In light of the recent Kurdish experience, this resolution is particularly pertinent for UN organizations.

Other major thematic resolutions included:

- Human Rights Defenders: A resolution noting the report of the Working Group preparing a Draft Declaration which would recognize "the right and responsibility of individuals groups and organs of society to promote and protect universally-recognized human rights and fundamental freedoms." The resolution welcomed the substantial progress made by the Working Group, and authorized the Working Group to meet for two weeks prior to CHR48.
- Advisory Services: A resolution reaffirming that the Advisory Services Programme should continue to provide practical assistance to states in the implementation of international human rights instruments. The Commission requested the Secretary-General to provide urgently more human and financial resources for the enlargement of Advisory Services, and to intensify further coordination within the UN system for providing advisory services and technical assistance.
- World Conference on Human Rights: The Commission achieved consensus on plans for a World Conference on Human Rights in 1993. Only three countries - Pakistan, India and Bangladesh - did not co-sponsor the resolution. One point of contention was to what extent the resolution should specify the substance of the conference: many countries, felt the Preparatory Committee planning the conference should have some flexibility on what issues would be emphasized. Consensus was finally achieved on a resolution with an annex that gives the Preparatory Committee some instructions as to substance but still allows for some flexibility. The Committee will be holding its first meeting in September, 1991. It is hoped that non-governmental organizations will contribute to the process of planning the conference.

- Summary or Arbitrary Executions: A strong condemnation of the large number of summary or arbitrary executions, including extra-legal executions, which continue to take place in various parts of the world. The Commission urged governments, intergovernmental organizations and non-governmental organizations to set up training programs and to support projects with a view to training law enforcement officers in human rights issues connected with their work.

- Migrant Workers: A resolution welcoming the adoption of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and urged all states to consider signing and ratifying or acceding to the convention as a matter of priority.

- Rights of the Child: A resolution recognizing the important functions of the Committee on the Rights of the Child in overseeing the effective implementation of the provisions of the Convention and invited United Nations agencies and intergovernmental and non-governmental organizations to intensify their efforts to promote understanding of the Convention. The Commission also decided to refer the draft program of action for prevention of the sale of children, child prostitution and child pornography to the Subcommittee; consideration of this issue will continue at CHR48. On child labour, CHR endorsed the Subcommittee's view on the need for a concerted program of action to combat exploitation of child labour; the draft program of action will be examined at CHR48. (Health and Welfare Canada is completing a questionnaire on this for the Special Rapporteur.)

In Canada's statement on the Rights of the Child, our delegation announced that the process leading up to Canada's ratification of the Convention is nearing completion and that we expect to ratify the Convention this year. The statement emphasized that NGOs should be "active participants in the process of ensuring implementation of international obligations and commitments in the area of children's rights" and noted NGO involvement in Canada's preparations for the World Summit for Children and the ratification process.

- Minorities: A resolution authorizing an open-ended working group to meet in December, 1991 to complete its second reading of the Draft Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, with a view to submitting the text to CHR48. This Declaration would state that members of

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minorities have the right to respect for their ethnic, cultural, linguistic and religious identity without discrimination.

- Religious Intolerance: The Commission invited the Special Rapporteur to continue to be able to respond effectively to credible and reliable information that came before him, to seek the views and comments of the government concerned on any information which he intended to include in his report, and to carry out his work with discretion and independence. It called especially for the cooperation of governments whose failure to respond had been noted in successive reports of the Special Rapporteur.
- Role of Youth: The Commission called upon all states, all governmental and non-governmental organizations, the United Nations organs concerned and special agencies to devote constant attention to the exercise by young people of all human rights, including the right to education and vocational training and the right to work, with a view to ensuring full employment and the solution of the problems of unemployment among young people. It called on all states to take the necessary action for the exercise by youth of all human rights and fundamental freedoms, with a view toward creating conditions for the participation of the young in the implementation of programmes for the overall development of their countries.
- Conscientious Objection: The Commission requested the Secretary-General to report to the CHR on the question of conscientious objection to military service, taking into account the comments provided by governments and further information received by him, and decided to continue consideration of this matter at CHR49.

Conclusions

In general, CHR47 can be considered a success in terms of making progress toward the protection and promotion of human rights around the world. The threat that the Gulf War would overshadow the proceedings, thus hindering efforts to discuss other crucial issues, never materialized. And the precedent-setting statement on the Baltics demonstrated that even superpowers are no longer immune to censure.

Moreover, this year's session reflected a positive North-South climate, with some relaxation in strong group positions: the divisions in the Latin American group over Cuba were a prime example.

Perhaps the most obvious trend was the growing interdependence between civil and political rights on one hand and economic, social and cultural rights on the other. It remains a challenge for Canada and other like-minded nations to ensure that the new focus on this "third generation" of rights can coexist with a continued firm commitment to the civil and political rights that have been the Commission's traditional concern.

This challenge will become particularly apparent at next year's session, when the enlargement of the Commission by 10 new members from developing countries takes effect. If the potential for North-South conflict is counterbalanced by an increasing commitment to democracy and human rights in parts of the developing world, the momentum gained at CHR47 could well carry through to CHR48 and beyond.

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Secretary of
State for
External Affairs

Secrétaire d'État
aux Affaires
extérieures

No. 132

May 30, 1991

CANADA RE-ELECTED TO THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS

The Secretary of State for External Affairs, the Honourable Barbara McDougall, announced that Canada was re-elected today for another three-year term on the United Nations Commission on Human Rights. The election took place at the meeting of the Economic and Social Council of the United Nations, held in New York City.

"Canada will continue to use its membership on the Commission to speak out strongly about human rights abuses and issues," stated Mrs. McDougall.

The Commission is the key co-ordinating and policy body in the field of human rights within the UN system. It consists of representatives from 53 of the UN's member states. Canada has served on the Commission since 1988.

The head of the Canadian Delegation to the Commission is Ms. Raynell Andreychuk, Ambassador to Portugal. The Commission's next session will be held in February-March, 1992, in Geneva.

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For further information, media representatives may contact:

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No. 271

November 27, 1991

CANADIAN RE-ELECTED TO THE COMMITTEE AGAINST TORTURE

The Secretary of State for External Affairs, the Honourable Barbara McDougall, is pleased to announce today that Dr. Peter Thomas Burns, Professor of Law at the University of British Columbia, has been re-elected for another four-year term to the United Nations Committee Against Torture.

"Torture is clearly repugnant and unacceptable," stated Mrs. McDougall. "Canada strongly supports this UN Committee, and the re-election of Dr. Burns is a testimony to his excellent work."

The Committee Against Torture consists of 10 independent experts serving in their personal capacity and is responsible for monitoring the implementation of the United Nations Convention Against Torture.

The election of Dr. Burns took place at the Third Meeting of the States Parties to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, held in Geneva on November 26, 1991.

The Convention defines torture, requiring that states make it a punishable offence, and provides for states to prosecute or extradite alleged torturers. States parties are required to submit reports to the Committee every four years.

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Forty-eighth session
27 January to 6 March 1992

Dept. of External Affairs
Min. des Affaires extérieures
OTTAWA

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Note by the Secretary-General

Duration and venue of the session

1. The forty-eighth session of the Commission on Human Rights will be held at the United Nations Office at Geneva from 27 January to 6 March 1992. The first meeting will be convened at 11 a.m. on Monday, 27 January 1992.

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.

Pre-sessional working groups

3. It is expected that the forty-eighth session of the Commission will be preceded by meetings of four working groups in connection with the following items:

(a) Item 12 (c) The Working Group on Situations, composed of five members of the Commission, is scheduled to meet from 20 to 24 January 1992 to examine situations referred to the Commission by the Sub-Commission on

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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);

(b) Item 10 (c) An open-ended working group established to consider the draft declaration on the protection of all persons from enforced or involuntary disappearance submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (Commission resolution 1991/41, Economic and Social Council resolution 1991/27) is scheduled to meet from 28 October to 8 November 1991;

(c) Item 18 An open-ended working group established to complete its second reading of the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities (Commission resolution 1991/61, Economic and Social Council resolution 1991/30) is scheduled to meet from 2 to 13 December 1991;

(d) Item 21 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 1991/63, Economic and Social Council resolution 1991/31) is scheduled to meet from 13 to 24 January 1992.

Post-session Bureau meeting

4. Pursuant to Economic and Social Council resolution 1991/48, the Bureau of the forty-eighth session of the Commission on Human Rights will meet in the week following the session to make suggestions about the organization of the work of the Commission, including the effective use of conference time and facilities.

5. Any decisions and resolutions affecting the provisional agenda of the forty-eighth session of the Commission that may be adopted by the General Assembly at its forty-sixth session or by the Economic and Social Council at its organizational session in 1992 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. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts.
6. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime in southern Africa.
7. 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: 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.
8. Question of the realization of the right to development.
9. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.
10. 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.
11. 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.
12. 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) Situation of human rights in occupied Kuwait;
 - (c) 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 the Commission at its forty-seventh session.
13. Measures to improve the situation and ensure the human rights and dignity of all migrant workers.
14. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination.
15. Status of the International Covenants on Human Rights.
16. Effective functioning of bodies established pursuant to United Nations human rights instruments.
17. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-third session.
18. Rights of persons belonging to national, ethnic, religious and linguistic minorities.
19. Advisory services in the field of human rights.
20. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.
21. 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.

22. 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;
 - (c) Programme of action for the elimination of the exploitation of child labour;
 - (d) Draft programme of action for the prevention of the sale of children, child prostitution and child pornography.
23. Election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
24. World Conference on Human Rights
25. Draft provisional agenda for the forty-ninth session of the Commission.
26. Report to the Economic and Social Council on the forty-eighth session of the Commission.

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HUMAN RIGHTS: EXCERPTS FROM STATEMENTS MADE BY PM AND SSEA

Prime Minister: Speech to the XVIIIth General Assembly of the International Assembly of French-Speaking Parliamentarians, Montreal, September 3, 1991

...."Human rights" is not an abstract legal notion or a fashionable political theory in industrialized countries. Human rights means an opportunity for a human being to be sufficiently nourished; adequately housed; suitably clothed; to be educated and to educate his/her children as well; have access to proper medical treatment; earn a living; and keep his/her family free from financial worries. "Human rights" means respect for the dignity of each human being.

SSEA: Speech to the CSCE Meeting on the Human Dimension, Moscow, September 10, 1991

....We confirmed in the Paris Charter that freedom and political pluralism are....fundamental to the successful transition to market economies. Free enterprise and freedom of the individual go hand in hand, not as an ideology but as a fundamental way of living our lives together on this planet.

....Women's equality is fundamental to building a democratic society in which all members of society are afforded the same rights and responsibilities.

....Human rights, fundamental freedoms and democratic development are essential components of security. We cannot continue to build this new Europe of hope and justice if we have not entrenched these inherent rights.

SSEA: speech to the Forty-Sixth Session of the United Nations General Assembly, New York, September 25, 1991

....the concept of sovereignty must respect higher principles.

....our collective security depends upon democracy and respect for human rights.

....democracy is more than an electoral process. It is a way of thinking, and it requires institutional support, including a free press and the vigilant protection of an independent judiciary.

....the United Nations must provide leadership on all issues of women's equality....no nation can be fully developed until all of its citizens have not only the opportunity, but also the ability to contribute their talents, intelligence and energy to that goal.

....A key human rights challenge is to improve the lives of the world's children. This includes not only full implementation of the Convention on the Rights of the Child, but also the ambitious goals of the Declaration and Plan of Action adopted by the World Summit for Children.

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Prime Minister: Speech on the Occasion of the Centennial Anniversary Convocation, Stanford University, September 29, 1991

....Canada would like to see the UN become still more effective, more of an actor in international affairs as well as a forum....we also favour re-thinking the limits of national sovereignty in a world where problems respect no borders....We must recognize that there are certain fundamental rights that all people possess--and that, sometimes, the international community must act to defend them.

SSEA: Statement on the Situation in Haiti to the United Nations General Assembly, New York, October 11, 1991

....Canada believes that the promotion of democracy, security and human rights requires more than just words. Words cannot turn famine into bounty, discrimination into equality, repression into freedom or brutality into compassion. They mean little if we fail to give ourselves the tools for effective action or if we succumb to the temptation of unilateralism.

Prime Minister: Speech to the Commonwealth Heads of Government Meeting, Harare, October 16, 1991

....In Canada's judgement....nothing in international relations is more important than respect for individual freedoms and human rights. For Canada, the future course is clear: we shall be increasingly channelling our development assistance to those countries that show respect for fundamental rights and individual freedoms of their people. Canada will not subsidize repression and the stifling of democracy.

....Good governance does not mean the imposition of foreign styles and systems of government. The fundamental principles of democracy and pluralism are universal but their application translates into radically different political structures, based on national traditions, needs and habits of thought. What is important is that the fundamental principles of an open society be respected.

....The principle of national sovereignty is progressively being conditioned by the principles of human rights.

SSEA: Speech to the Conference Commemorating the 60th Anniversary of the Statute of Westminster, Toronto, December 10, 1991

....Let there be no mistake. Canada will have no qualms in refusing to support abusive, corrupt and aggressive regimes that use their power to suppress their own citizens.

....While respect for human rights and a commitment to democratic principles and institutions are key elements of what I call good governance, the concept itself is much broader. Good governance also includes a sufficient priority given to basic social programs, defence spending that is not excessive, and the pursuit of sensible market-based economies.

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INTERNATIONAL HUMAN RIGHTS INSTRUMENTS
TO WHICH CANADA IS A PARTY

1. International Covenant on Economic, Social and Cultural Rights.
2. International Covenant on Civil and Political Rights.
3. Optional Protocol to the International Covenant on Civil and Political Rights.
4. International Convention on the Elimination of All Forms of Racial Discrimination.
5. Convention on the Prevention and Punishment of the Crime of Genocide.
6. Convention on the Elimination of All Forms of Discrimination against Women.
7. Convention on the Political Rights of Women.
8. Convention on the Nationality of Married Women.
9. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
10. Slavery Convention of 1926.
11. 1953 Protocol amending the 1926 Convention.
12. Slavery Convention of 1926 as amended.
13. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.
14. Convention on the Reduction of Statelessness.
15. Convention Relating to the Status of Refugees.
16. Protocol relating to the Status of Refugees.
17. Convention on the Rights of the Child.
18. Inter-American Convention on the Granting of Civil Rights to Women.
19. Inter-American Convention on the Granting of Political Rights to Women.
20. Convention on the Nationality of Women.

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Commission on Human Rights
47th Session, 1991

Item 12: Violations of Human Rights
In all Parts of the World

Statement by Ambassador Raynell Andreychuk
Representative of Canada

Geneva, February 26, 1991

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Mr. Chairman,

Under Item 12 of the agenda States have an opportunity to review the human rights situations of the world. This reflects the fact that each State has a responsibility for the protection of human rights in its territory and that all States have a responsibility to work for the protection of human rights throughout the world.

The up-and-down nature of the struggle for human rights only re-emphasizes the importance of sustaining the work that is done here at the Commission. It demonstrates that the international instruments which are the foundation of the UN human rights system must be more than just words on pieces of paper, they must apply to real situations and real people, and can only effect true change if they are put into practice.

This is one of the reasons why Canada is so committed to the Commission and the UN human rights process as a whole. We realize this process can sometimes seem slow and somewhat frustrating, but we also know that what we are all doing here in Geneva can have a real impact.

When we talk about the draft declaration on the right to promote and defend human rights, for example, we are not talking about a theoretical situation. Rather, we are responding to the hundreds, if not thousands, of human rights defenders who are imprisoned, tortured or executed merely because they have spoken out for the rights of their fellow citizens; or, as in the case of occupied Kuwait, befriended a foreigner notwithstanding the threat of capital punishment.

Human rights defenders are the practical tools, the human conscience of this Commission. They are the real propagators of the principles embodied in the human rights instruments and they deserve recognition and protection above all.

The same goes for Canada's determination to enhance respect for the Declaration on the Elimination of all Forms of Religious Intolerance: we have seen in many parts of the world the devastating human impact of the persecution of religious minorities, which is clearly unacceptable by all human rights standards.

Similarly, when we promote the Convention on the Rights of the child, which Canada expects to ratify in the near future, we are talking about something that is so close to all of us: the future generations in whose hands the very survival of our planet will be placed.

The fact that the work of the Commission can have such a direct impact on real-life situations is also why the Canadian delegation continues to advocate strengthened resources for human rights treaty bodies, the Centre for Human Rights, and the Advisory Services Program. Without these mechanisms for implementing the decisions we make here at the Commission, our work would be rendered virtually meaningless.

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Mr. Chairman,

We are proud of the United Nations system for the progress that has been made in the more than forty years since the adoption of the Universal Declaration on Human Rights.

At the same time, we are deeply concerned about the gap between principle and practice, and the human rights violations that have persisted -- and in some cases, have intensified -- in various parts of the world.

At last year's Commission, Canada was deeply disappointed with the failure of the Commission to adopt a resolution condemning the human rights record in Iraq. Since August 2 of this year, the world has been made more aware than ever of the sorts of abuses Iraq routinely employs to intimidate those it seeks to control

Mr. Chairman,

We all know -- and have known for years -- about the difficult human rights situation faced by the people of Iraq, and we have expressed our concern over the ongoing abuse of Iraq's own population -- be it through detention without trial or executions conducted without due legal process.

To these must be added the gross violations by Iraq of the rights of the citizens of Kuwait and third country nationals in Kuwait and Iraq since August 2. Those abuses against Kuwaitis have been further documented in a report prepared by Amnesty International and published in December. These documented abuses included arbitrary arrests and detentions; extrajudicial executions; torture; disappearances; refusal to allow international humanitarian agencies to do their work; denial of food and water to civilians; and the forced relocation and mass exodus of hundreds of thousands of innocent workers. I will not repeat the tragic picture, the Kuwaiti Vice Minister presented to this Commission last week.

Now we have seen further abuses in the form of the deployment of prisoners of war in Iraq to strategic sites and their public display for propaganda purposes. These and the conscription of trapped foreign workers into Iraq's armed forces and military industry are flagrant violations of the 1949 Geneva Conventions to which Iraq is a party.

The international community is now engaged in seeking implementation of Security Council resolutions respecting Kuwait. I would like to associate Canada with the strongest condemnation of violations of human rights by Iraqi authorities both civilian and military in their behaviour against human beings whether Iraqi nationals, Kuwaiti or third country nationals both in the territory of Iraq and that of occupied Kuwait. Such willful and defiant violations of human rights have struck each delegation that is concerned with the furtherance of the work of this Commission. I would like to take this opportunity to condemn forcefully an ominous declaration made in this room a few days ago by the Iraqi delegate when he suggested that violations of human rights in Kuwait were basically not subject to criticism because Kuwait was in the hands of Iraqi troops. I submit that such flawed logic and lack of respect of human rights files in the face of international law and practice. Such misconstrued concepts that would somehow justify violations of human rights anywhere in the world must be denounced vehemently.

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The Canadian delegation wishes to express its satisfaction at Iran's having twice in 1990 agreed to receive the Special Representative of the Commission on Human Rights. We continue, nevertheless, to be concerned over reports of repeated violations of fundamental rights, such as the right to life, and of reports concerning the treatment of religious minorities contrary to recognized international standards. The Canadian delegation hopes that Iran and its people will continue to cooperate with the Commission representatives.

During the past year, we have received encouraging reports about improvements in the conditions under which certain members of minority communities in Syria are being detained.

At the same time, we continue to receive disturbing allegations about human rights violations in Syria, especially with regard to judicial procedure. We hope that Syria will take the measures necessary to clearly demonstrate its belief in international human rights conventions.

We welcome the significant progress in the USSR with respect to fundamental human rights and freedoms and the rule of law -- but concerns remain.

Canadians were appalled by the unwarranted military violence against the people and democratically-elected governments of Lithuania and Latvia. Such repressive behaviour is at odds with the Soviet commitment to Perestroika and Glasnost.

Canada recognizes the De Jure existence of Lithuania, Latvia and Estonia and has never recognized their forcible annexation in the USSR. We fully support the rights of the peoples of each Baltic State to freely determine their own future. We urge the Soviet Government to seek negotiated solutions consistent with the legitimate aspirations of the Baltic States.

We were encouraged by assurances that the tragic events in Vilnius and Riga would be investigated, that violence was not part of Soviet Government plans, and that dialogue with Baltic leaders would be reopened. Actions speak louder than words, however. Negotiations in good faith should begin as soon as possible.

Canada is deeply disturbed by the gross and systematic human rights violations that have occurred in Myanmar. Reports of torture and arbitrary arrests have not abated.

The detentions and arrests of the leadership of the majority party in Myanmar's parliament, the undue restrictions imposed upon all political parties, as well as the actions taken against Buddhist organizations involved in last year's protests, are in blatant disregard of the Universal Declaration of Human Rights.

Building of democratic institutions depends crucially on the protection of human rights.

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The Canadian Government had welcomed the Union of Myanmar's public and repeated commitment to hold free and fair elections, leading to the transfer of power to a new government. The interim government's actions subsequent to Myanmar's May elections are in defiance of a clear expression of public will.

We implore the State Law and Order Restoration Council to demonstrate its oft-stated interest in building democratic institutions and protect the human rights of its people.

The human rights situation in China continues to be of concern to Canada. In particular, we have been troubled by the recent trials of dissidents associated with the events of 1989 and the plight of those activists who remain in detention. Many Canadians have followed the progress of the trials very closely, and have raised important questions regarding the conduct of the judicial process. We are also concerned that the grounds on which most of the dissidents were arrested and charged would not be considered criminal by generally-recognized international standards; standards which are established in such international human rights instruments as the Universal Declaration of Human Rights, which all Member States, in accordance with the United Nations Charter, are called upon to respect.

One of the provisions of the Universal Declaration of Human Rights affirms the right of the individual to a fair and public hearing. The recent prosecutions were conducted hastily, with limited opportunity for the preparation of a defense and with controlled access, prohibiting the presence of foreign observers. The sentences which have been given to the prominent dissidents, while in many cases less severe than had been widely expected, are nonetheless troubling to Canadians.

We do acknowledge the release of a large number of detainees in the last year, some of whom were released in recent weeks. We are encouraged by these releases, and are hopeful that the Chinese authorities will strive to find a means by which to deal sympathetically and positively with the question of those persons remaining in detention since June 1989.

The question of respect for the human rights of the population of Tibet remains of concern to Canada. We encourage China's leaders to give careful attention to the means by which the human rights situation in Tibet can be improved.

Once again, we regret the passing of another year during which a peaceful settlement of the Cambodian conflict has eluded us. Cambodians on both sides of the battle lines, whether in camps in the border territories or within Cambodia, continue to be denied their fundamental human rights, including some of the most basic: the right to life and the right of self-determination.

Only through a comprehensive political settlement is there hope that human rights in this embattled region can be restored. To this end, Canada repledges its commitment to the ongoing peace process under the leadership of the co-chairmen of the Paris International Conference on Cambodia, in the hope that 20 tragic years of turmoil can be brought to an end.

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Similarly, Canada regrets that a political settlement continues to elude the parties to the conflict in Afghanistan and that human rights abuses by both the Najibullah regime and by the Mujahideen opposition forces are continuing.

Canada believes that an equitable and durable resolution to the issue can only be achieved through negotiation and dialogue. It is clear that the military conflict has been completely unsuccessful in breaking the deadlock between the regime and the opposition forces.

Canada calls for a reduction in the supply of weapons to client groups so as to encourage and promote a process of national reconciliation leading to the formation of a non-aligned representative government in Afghanistan.

Canada is most perturbed that there has been no lessening of hostilities in Sri Lanka over the past year and that violence continues at a very high level. Little has been done by the government over the past year to apply new initiatives to resolving the situation.

Canada deplores the continuing appalling human rights situation in which it is apparent that civilians have been indiscriminately bombed and attacked by government forces and by secessionist forces. We urge the Government of Sri Lanka to exert all possible efforts to bring about a cessation of fighting and to open a dialogue process leading to a negotiated settlement and a durable and equitable peace. Canada calls upon the government to ensure that it forces give serious respect to the safety and human rights of civilians, and that the distribution of food, medicine and shelter is in no way hindered.

Canada recognizes the intransigent nature of the conflict which India faces in Jammu and Kashmir, Punjab and Assam, but remains concerned about human rights violations.

We are particularly concerned over the continuing violence in Jammu and Kashmir and the belated major human rights abuses resulting from efforts by the Indian Security Forces to maintain law and order and to control the flow of weapons and insurgents.

Canada calls upon the Government of India to ensure that the safety and human rights of civilians are respected and protected, and that abuses and deaths be closely investigated and resolved to ensure that these abuses are not repeated.

Canada is encouraged that the Government of India and Amnesty International have initiated a dialogue on investigations of human rights abuses. We believe such a dialogue could improve the international perception of India's position and assist in the resolution of human rights issues.

With regard to Indonesia, Canada welcomes recent initiatives such as the UN-sponsored Conference on Human Rights held in that country on January 21-22. These are encouraging signs of Indonesia's new commitment to human rights observance.

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We regret, however, that unhindered access to East Timor by international non-governmental organizations is not yet possible. We also regret the continued allegations of human rights abuses in East Timor and elsewhere in the country, and urge Indonesia to address the problems of excessive force, arbitrary arrest and disappearances that have occurred over the last year.

The widespread abuse of fundamental rights throughout the Horn of Africa must continue to be regarded with concern by the international community. In Sudan, Ethiopia and Somalia, the continuation of internal conflict, in combination with threatening severe famines, has resulted in a situation of untold misery.

In Sudan and Somalia, governments and rebel groups have paid only lip service to serious attempts to bring about negotiated settlements to long-standing disputes, while, for the first time, we are seeing rebel groups and the Government of Ethiopia begin to cooperate in the spirit of humanitarian concern for all Ethiopians suffering from famine. Were it not for this modest success, the situation would be much bleaker than even a year ago.

In general, however, the situation in the Horn of Africa is intolerable. The international community must therefore speak with one voice in demanding that the parties in Sudan and Somalia enter negotiations in good faith, as it has done with some success in Ethiopia. Cease-fires must be declared to ensure delivery of relief to those in need, and negotiations must be undertaken to produce fair and just solutions.

In Sudan, we deplore the abolition by the government of all civil and political rights and the destruction of the rule of law. Gross abuses of fundamental rights have unfortunately continued in Somalia, despite the apparent overthrow of the ruling regime.

The Canadian Government is seriously concerned over the numerous human rights violations reported and documented in Mauritania. This is a subject of consternation for all Canadians. The Canadian Government will continue to monitor the situation and hopes that it will improve rapidly.

While there has been progress in some parts of Central and South America, there are a number of situations that still give us cause for concern.

It is with profound regret that we must again speak of the serious human rights situation in El Salvador. Over ten years of conflict have brought immense suffering and egregious violations of human rights continue. The activities of death squads, intimidation of trade unionists and peasants, and acts of violence by the armed opposition are profoundly disturbing. Acts of violence and intimidation in the national elections campaign now under way, particularly attacks against the media, are unacceptable.

The slowness or lack of judicial process in bringing human rights violators to trial is deeply disappointing, and we urge that the trial of those accused in the murder of the Jesuits in 1989 proceed expeditiously. Nevertheless, we are encouraged by the accord reached by the Government and the FMLN on human rights in July 1990. Its early implementation and a rededication to a negotiated settlement of the conflict are central to improving and strengthening respect for human rights in El Salvador.

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Canada welcomes the recent elections in Guatemala, and the historic transfer of power from one democratically-elected president to another. We are encouraged also by the progress of talks aimed at achieving reconciliation among opposing political forces.

Nevertheless, worsening violence against street children, peasants, human rights workers and trade unionists continues to be a cause of great distress. Canadians were deeply shocked by the massacre of villagers at Santiago Atitlan in December 1990, and earnestly hope the Government of Guatemala will act speedily to bring to justice the perpetrators of this and other crimes. The human rights procurator deserves commendation for his efforts to bring abuses to light.

At this critical juncture in Guatemala's history, it is more important than ever that Guatemala's record on human rights be kept under close scrutiny and that measures to improve the situation be encouraged.

Canada welcomes the recent decision by the Government of Cuba to grant exit visas to the family of a Canadian resident. It is our hope that the resolution of this long-standing family reunification case will encourage the swift settlement of others which remain outstanding.

We are nonetheless concerned about the apparent deterioration of the overall human rights situation in Cuba over the last year. The imprisonment of Cuban citizens for peacefully exercising their civil and political rights, as in the case of the members of the movement for democratic integration, as well as the inhumane treatment of political prisoners shows a disturbing disregard for the obligations Cuba has assumed under international law. We call on the Government of Cuba to take steps to honour these obligations.

Canada deplores the violence being perpetrated in certain countries of the Andean region by guerilla movements, military, para-military and self-defence groups, and especially by drug traffickers. Such mindless violence is a direct threat to the democratic institutions of the region.

In this respect, we reiterate our concerns over the situation in Peru, a signatory to the main conventions concerning the protection of human rights, and we again encourage the Peruvian Government to continue its efforts to improve this situation.

Mr. Chairman,

While it is easy to be discouraged by the extent and pervasiveness of the human rights violations we have outlined in various parts of the world, there are other situations that give us cause for hope, cases that clearly demonstrate that effective progress in the area of human rights can indeed be realized.

One such case is Haiti. In recent months, we have seen encouraging political developments in Haiti. The international community was pleased with the orderly elections in which, for the first time, the people were able to freely and democratically choose those whom they wished to have as their leaders.

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While we recognize that progress has been achieved in the area of human rights, we believe that this is only a beginning. We therefore exhort the Government of Haiti to work toward helping the people to gain an appreciation of the importance of judicial institutions, which must stand on guard against injustice. In order to keep sight of the changes that are occurring, Canada feels that the case of Haiti should continue to receive the attention of the Commission.

With regard to Lebanon, the Canadian delegation notes with satisfaction the progressive re-establishment of the Lebanese Government's authority over all of its territory and over the people living there. This enables the people of this country to again enjoy their collective and individual rights, free from local and external interference and exactions.

Positive developments have also been noted in several countries in Africa. For example, the Canadian Government is pleased with the progress achieved in the civil and political life of Benin. The referendum of December 2 and the parliamentary elections of February 17 are proof of the vitality of the process of openness currently underway. Canada hopes that the process culminating in the March presidential election will lay the foundation for true lasting development.

And although the human rights situation in Zaire is not ideal, and we have longstanding and serious concerns, we have nonetheless observed in this country a willingness to reform, notably where the press, trade unions, political parties, and elections are concerned, since the April 24 speech by President Mobutu.

This is to be encouraged, while keeping a watchful eye on the actual implementation of the reforms. We especially welcome President Mobutu's decision to invite a representative of the Human Rights Commission in Geneva to attend the trial of those accused in the Lubumbashi massacre. There have doubtless been other violations, but the significant factor lies in the reforms, which we hope to encourage through positive reinforcement.

South Africa continues to make encouraging progress on human rights. Over the past year, the government has released a number of political prisoners, unbanned the African National Congress and other parties, reached two agreements with the ANC, lifted the State of Emergency and repealed the Separate Amenities Act.

This month, President de Klerk promised to abolish by June the remaining legal pillars of Apartheid: the Group Areas, Population Registration and Land Acts. He also committed his government to democratic principles, including universal adult franchise, accepted the ANC proposal for a multi-party conference on the constitution and offered the negotiating parties a voice in policy decisions. The ANC for its part moved skillfully to strengthen reconciliation and cooperation with other anti-apartheid groups.

There are still important hurdles to clear. Progress on political prisoners and exiles has been slow, but the recent ANC/government agreement on armed struggle and the visit of a UNHCR team give hope that the April 30 deadline accepted by the government can be met.

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Repressive provisions of security legislation are to be repealed by June: we look forward to detailed proposals in the near future. Accordingly, Commonwealth Foreign Ministers, who met in London February 18 under Canadian Chairmanship, welcomed recent substantial progress. They agreed to review Commonwealth sanctions policy and recommend an appropriate response when action had been completed on prisoners, exiles, security legislation and the legal pillars of Apartheid. They undertook to continue to deploy sanctions and other forms of pressure to bring about an early and peaceful end to Apartheid. They also reconfirmed the Commonwealth's continuing readiness to assist the negotiation process in any way the parties concerned consider appropriate.

Events in Eastern Europe also continue to be encouraging. Canada has observed some progress in Albania since our last meeting. The very severe repression to which the Albanian people have been subjected for 40 years seems now to be giving way to a spontaneous popular movement for more freedom and democracy.

Canada urges the current leadership of Albania to use restraint in its actions against demonstrators and rather work together with the new opposition movements in a constructive fashion in order to speed up the democratic process demanded by the population. We hope that the democratic test of multi-party elections on March 31 will be allowed to proceed and provide all Albanians with a direct say in their own political future. This test will serve as a marker of what has been accomplished and what remains to be done -- for example, concerning political prisoners -- to bring Albania back into the ranks of European countries that are guided by the principles of law, equity and justice.

Mr. Chalman,

It is clear that the international community faces an enormous challenge as we approach the year 2000: the challenge of creating a world in which all citizens enjoy the fundamental rights and freedoms set out in the universal declaration more than 40 years ago.

The government and the people of Canada are committed to working with the rest of the international community to meet that challenge: through the Commission and other multilateral Fora; in our bilateral relationships with other nations, and through our own institutions, such as the new-established International Centre for Human Rights and Democratic Development in Montreal.

Turning the vision set out in the Universal Declaration into reality will not be easy, and it will not come without time and sustained effort. But it will ultimately be rewarding: for today's citizens, and for the generations that will follow us in the future.

Thank you Mr. Chalman.

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PRESS RELEASE NO. 13

STATEMENT BY
L. YVES FORTIER, C.C., Q.C.
AMBASSADOR AND PERMANENT REPRESENTATIVE

BEFORE THE THIRD COMMITTEE OF THE
46TH SESSION OF THE UNITED NATIONS
GENERAL ASSEMBLY

ITEM 98C
HUMAN RIGHTS SITUATIONS AND REPORTS
OF SPECIAL RAPORTEURS AND
REPRESENTATIVES

NEW YORK, NOVEMBER 25, 1991

COMMUNIQUE DE PRESSE NO. 13

DÉCLARATION DE
L. YVES FORTIER, C.C., C.R.
AMBASSADEUR ET REPRÉSENTANT PERMANENT

DEVANT LA TROISIÈME COMMISSION DE LA
46ÈME SESSION DE L'ASSEMBLÉE GÉNÉRALE
DES NATIONS UNIES

POINT 98C
SITUATIONS RELATIVES AUX DROITS DE L'HOMME
ET RAPPORTS DES RAPORTEURS ET
REPRÉSENTANTS SPÉCIAUX

NEW YORK, 25 NOVEMBRE 1991

CANADIAN DELEGATION
TO THE UNITED NATIONS

DELEGATION DU CANADA
AUPRES DES NATIONS UNIES

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MR. CHAIRMAN,

ON BEHALF OF THE CANADIAN DELEGATION, I WOULD LIKE TO THANK YOU FOR GIVING ME THIS OPPORTUNITY TO SPEAK ABOUT THE HUMAN RIGHTS SITUATION IN VARIOUS PARTS OF THE WORLD. THIS IS AN ISSUE OF GREAT CONCERN, NOT ONLY TO THE GOVERNMENT OF CANADA, BUT ALSO TO MILLIONS OF CANADIANS WHO SUPPORT THE ASPIRATIONS OF THE WORLD'S PEOPLE FOR FREEDOM AND DIGNITY.

A MEMBER OF MY DELEGATION HAS ALREADY SPOKEN ABOUT THE IMPORTANCE OF THE INTERNATIONAL INSTRUMENTS AND THE NEED TO MAKE THOSE INSTRUMENTS FUNCTION EFFECTIVELY. TO THAT, I WISH TO ADD CANADA'S STRONG SUPPORT FOR OTHER UN HUMAN RIGHTS MECHANISMS, INCLUDING SPECIAL RAPORTEURS AND REPRESENTATIVES; THE ADVISORY SERVICES PROGRAM, AND THE VALUABLE ACTIVITIES OF THE CENTRE FOR HUMAN RIGHTS IN GENEVA.

MR. CHAIRMAN,

THE RAPID AND POSITIVE CHANGES THAT HAVE TAKEN PLACE IN CENTRAL AND EASTERN EUROPE CAN JUSTIFIABLY STAND AS AN EXAMPLE OF WHAT CAN BE ACHIEVED WHEN THE POLITICAL WILL EXISTS TO INSTITUTE DEMOCRACY AND SAFEGUARD HUMAN RIGHTS.

AN IMPORTANT DEVELOPMENT OVER THE PAST YEAR IS THE NEWLY-WON INDEPENDENCE OF THE BALTIC STATES: CANADA WELCOMES LATVIA, LITHUANIA AND ESTONIA TO BOTH THE UNITED NATIONS AND THE CSCE. WE WOULD NOW HOPE THAT WITH TIME, ALL THREE BALTIC STATES WILL SIGN AND RATIFY THE VARIOUS UN HUMAN RIGHTS INSTRUMENTS.

THE CHANGES IN THE SOVIET UNION ALSO GIVE US HOPE THAT A NEW ERA HAS DAWNED FOR HUMAN RIGHTS IN THE REGION. CANADA WELCOMES THE PROGRESS IN THE USSR WITH RESPECT TO FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS AND THE RULE OF LAW. AT THE SAME TIME, THERE ARE STILL SOME AREAS OF TENSION AND VIOLENCE IN BOTH EASTERN EUROPE AND THE USSR.

I WISH TO EXPRESS, ON BEHALF OF ALL CANADIANS, OUR DEEP CONCERN REGARDING THE CURRENT CRISIS IN YUGOSLAVIA. ALL CANADIANS ARE APPALLED BY THE BLOODSHED AND LOSS OF LIFE, AND ARE SADDENED BY THE WORSENING OF THE SITUATION THERE.

THE GUARANTEE OF MINORITY RIGHTS IS CRUCIAL TO FINDING A SOLUTION TO THE CURRENT CRISIS IN YUGOSLAVIA. CANADA URGES ALL PARTIES IN YUGOSLAVIA TO ADDRESS THEMSELVES TO THIS MOST URGENT QUESTION AND TO UNDERTAKE NEGOTIATIONS TOWARD A PEACEFUL AND COMPREHENSIVE SETTLEMENT.

CANADA IS ALSO CONCERNED ABOUT THE SITUATION IN SEVERAL PARTS OF THE USSR; IN PARTICULAR, CONTINUING REPORTS OF HUMAN RIGHTS

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VIOLATIONS IN THE CONFLICT BETWEEN ARMENIA AND AZERBAIJAN OVER THE DISPUTED REGION OF NAGORNO-KARABAKH. WE ALSO NOTE WITH CONCERN ONGOING VIOLENCE AND THE THREAT OF VIOLENCE IN OTHER AREAS, INCLUDING SOUTH OSSETIA IN THE REPUBLIC OF GEORGIA AND THE CHECHEN-INGUSH AUTONOMOUS REPUBLIC OF THE RSFSR.

MR. CHAIRMAN,

CANADIANS WELCOME THE MOVEMENT TOWARD POLITICAL AND ECONOMIC PLURALISM WHICH IS EVIDENT IN MANY COUNTRIES IN AFRICA. THE RECENT PEACEFUL CONDUCT OF FREE AND FAIR MULTI-PARTY ELECTIONS IN ZAMBIA AND THE ONGOING DEVELOPMENT OF DEMOCRACY IN BENIN, GABON, CAPE VERDE AND ELSEWHERE ARE SIGNIFICANT EXAMPLES.

IN MANY AFRICAN COUNTRIES, WE ARE SEEING TRADE UNIONS GROW STRONGER, THE GROWTH OF A MORE INDEPENDENT PRESS, THE FORMATION OF NEW PROFESSIONAL ASSOCIATIONS AND A GROWING AWARENESS OF THE ROLE AND RIGHTS OF AFRICAN WOMEN, AT LEAST IN THE MAJOR URBAN CENTRES.

HOWEVER, SERIOUS VIOLATIONS OF HUMAN RIGHTS, INCLUDING TORTURE AND THE IMPRISONMENT OF NUMEROUS PRISONERS OF CONSCIENCE, ARE STILL PREVALENT IN A NUMBER OF COUNTRIES INCLUDING MAURITANIA, EQUATORIAL GUINEA AND CHAD. AND WHILE WE WELCOME THE RELEASE OF 87 POLITICAL PRISONERS IN MALAWI EARLIER THIS YEAR, WE ARE CONCERNED THAT FREEDOM OF POLITICAL EXPRESSION, SPEECH AND THE PRESS ARE SEVERELY LIMITED, AND THAT AUTHORITIES MAKE USE OF DETENTION WITHOUT CHARGE AND PHYSICAL ABUSE DURING INTERROGATION.

THE SITUATION IN ZAIRE SINCE SEPTEMBER 23 AND 24 HAS ALREADY RESULTED IN A LARGE NUMBER OF HUMAN RIGHTS ABUSES. CANADA URGES THE PARTIES TO AGREE ON THE COMPOSITION OF A GOVERNMENT WHICH CAN RE-ESTABLISH ORDER AND SECURITY AND ENSURE GREATER RESPECT FOR HUMAN RIGHTS IN THE CONTEXT OF DEMOCRATIC DEVELOPMENT.

RECENT EVENTS IN KENYA HAVE SERVED TO DRAMATICALLY CRYSTALIZE THE ISSUES OF FREEDOM OF ASSOCIATION, FREE SPEECH AND DEMOCRATIC PLURALISM ON THE AFRICAN CONTINENT. SUSTAINABLE DEVELOPMENT AND FULL RESPECT FOR HUMAN RIGHTS CAN ONLY BE ACHIEVED IF ALL CITIZENS CAN LAWFULLY AND PUBLICLY EXPRESS HOW THEY WISH TO BE GOVERNED. CANADA HAS BEEN AT THE FOREFRONT IN URGING THE KENYAN GOVERNMENT TO ENSURE SUCH FREEDOMS AND TO CEASE REPRESSION OF THOSE KENYANS WHO ADVOCATE THOSE CHANGES.

CANADA ALSO CONTINUES TO BE CONCERNED ABOUT THE SITUATION IN THE HORN OF AFRICA. THE OVERTHROW OF THE MENGISTU REGIME IN ETHIOPIA REMOVED ONE OF THE WORST EXAMPLES OF STATE-SPONSORED ABUSE OF RIGHTS AND FREEDOMS. WHEN ETHIOPIA'S NEW CHARTER OF RIGHTS AND FREEDOMS IS FULLY IMPLEMENTED, IT WILL SERVE AS A

MODEL FOR POSITIVE CHANGE.

UNFORTUNATELY, THE SITUATION IN SUDAN AND SOMALIA IS NOT AS ENCOURAGING. THE PRESENT SUDANESE GOVERNMENT HAS AN UNACCEPTABLE RECORD IN THE VIRTUAL DENIAL OF RIGHTS AND FREEDOMS. THE INTERNATIONAL COMMUNITY MUST DEMAND THAT SUDAN HONOUR ITS RESPONSIBILITIES TO ITS CITIZENS UNDER THE INTERNATIONAL HUMAN RIGHTS COVENANTS TO WHICH IT IS A PARTY.

SOMALIA HAS NO CIVILIAN ADMINISTRATION TO PROTECT THE RIGHTS AND FREEDOMS OF THE SOMALI PEOPLE. WHEN THE SOMALI PEOPLE THEMSELVES ARE WILLING AND ABLE TO PLACE THEIR CONFIDENCE IN LEADERS WHO WILL RETURN SOMALIA TO THE RULE OF LAW, RESPECT FOR HUMAN RIGHTS MAY BEGIN TO EMERGE.

WE APPEAL TO THE PARTIES TO THE CONFLICTS IN BOTH SUDAN AND SOMALIA TO ENGAGE IN SERIOUS PEACE PROCESSES TO PERMIT THE RESTORATION OF THE MOST CRITICAL RIGHTS: THE RIGHT TO LIFE AND THE PHYSICAL INTEGRITY OF THE PERSON.

MR. CHAIRMAN,

SOUTH AFRICA HAS MADE MAJOR STRIDES IN HUMAN RIGHTS OVER THE PAST YEAR. THE LEGAL PILLARS OF APARTHEID HAVE BEEN ABOLISHED, WELL OVER A THOUSAND POLITICAL PRISONERS HAVE BEEN FREED, DETENTION WITHOUT TRIAL AND CAPITAL PUNISHMENT HAVE BEEN SUBSTANTIALLY REFORMED, AND EXILES HAVE BEEN ENABLED TO RETURN HOME.

HOWEVER, MUCH REMAINS TO BE DONE. DESPITE A START IN IMPLEMENTING THE PEACE ACCORD, POLITICAL VIOLENCE STILL CLAIMS FAR TOO MANY LIVES. BLACK SOUTH AFRICANS DO NOT HAVE THE VOTE AND APARTHEID CONTINUES IN EDUCATION AND SOCIAL SERVICES. THE POLITICAL PRISONERS STILL HELD IN SOUTH AFRICA, INCLUDING THE HOMELANDS, MUST BE RELEASED AS A MATTER OF URGENCY.

WE ARE ENCOURAGED BY THE ATTENTION GIVEN TO A BILL OF RIGHTS IN SEVERAL CONSTITUTIONAL PROPOSALS. WITH THE CONVENTION FOR A DEMOCRATIC FUTURE ABOUT TO BEGIN, WE LOOK FORWARD TO REAL CONSTITUTIONAL NEGOTIATIONS AT THE EARLIEST POSSIBLE DATE AND WITH THE WIDEST POSSIBLE PARTICIPATION.

MR. CHAIRMAN,

CANADA IS PLEASED WITH THE ONGOING PROCESS TOWARD DEMOCRATIZATION IN MANY PARTS OF LATIN AMERICA. HOWEVER, DEMOCRACY HAS NOT NECESSARILY GUARANTEED THE PROTECTION OF HUMAN RIGHTS IN ALL COUNTRIES.

FOR EXAMPLE, THERE HAS BEEN SOME PROGRESS MADE OVER THE PAST

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YEAR BY THE FUJIMORI GOVERNMENT TO INSTITUTE ECONOMIC REFORMS AS WELL AS A NEW HUMAN RIGHTS POLICY IN PERU. THIS POLICY INCLUDES INSTITUTIONAL CHANGES IN THE JUDICIAL SYSTEM, HUMAN RIGHTS EDUCATION FOR BOTH POLICE AND MILITARY PERSONNEL, GREATER COOPERATION WITH HUMAN RIGHTS GROUPS, AND PROSECUTION OF OFFICIALS ACCUSED OF PERPETRATING HUMAN RIGHTS ABUSES.

AT THE SAME TIME, WE ARE DISMAYED THAT PERU RECORDED THE HIGHEST NUMBER OF DISAPPEARED PERSONS DURING 1990, WITH NO IMPROVEMENT IN 1991. THE NUMBER OF DEATHS AT THE HANDS OF BOTH MILITARY FORCES AND TERRORIST GROUPS CONTINUES UNABATED. WE CAN ONLY HOPE THAT THE IMPLEMENTATION OF THE REFORMS AND ECONOMIC RECOVERY WILL ALLEVIATE THE UNDERLYING CAUSES OF HUMAN RIGHTS ABUSES IN PERU.

WE ALSO CONTINUE TO BE CONCERNED ABOUT THE HUMAN RIGHTS SITUATION IN BOTH GUATEMALA AND EL SALVADOR. IN BOTH THESE COUNTRIES, THERE HAS BEEN REAL PROGRESS IN TALKS BETWEEN THE GOVERNMENT AND THE REVOLUTIONARY MOVEMENTS: THE FMLN IN EL SALVADOR AND THE URNG IN GUATEMALA. WE ARE PARTICULARLY PLEASED THAT THE FMLN HAS DECLARED A UNILATERAL TRUCE AND HOPE THAT THIS WILL ENCOURAGE PROGRESS TOWARD A PERMANENT CEASE-FIRE. AT THE SAME TIME, SECURITY FORCES RETAIN A PREPONDERANT PRESENCE IN BOTH COUNTRIES, AND DISAPPEARANCES, KIDNAPPINGS AND EXTRAJUDICIAL EXECUTIONS HAVE CONTINUED.

IN GUATEMALA, THE JUDICIAL SYSTEM IS IN DIRE NEED OF REFORM AND ADEQUATE FINANCING. HUMAN RIGHTS AND TRADE UNION ACTIVISTS OFTEN WORK AT EXTREME PERIL, AND THE MEDIA CONTINUES TO PRACTICE SELF-CENSORSHIP.

PRESIDENT SERRANO HAS ATTEMPTED TO ADDRESS SOME OF THESE CONCERNS BY APPOINTING AN INDEPENDENT HUMAN RIGHTS PROCURATOR, AND HAS COMMITTED HIS GOVERNMENT TO A NEGOTIATED PEACE AND IMPROVED RESPECT FOR HUMAN RIGHTS. WE WELCOME THE PROCURATOR'S EFFORTS TO SPEAK OUT FOR THE PROMOTION OF CIVIL SOCIETY THROUGH HIS CRITICISM OF THE MILITARY, POLICE AND GOVERNMENT AUTHORITIES, AND HIS WORK IN HUMAN RIGHTS EDUCATION.

IN EL SALVADOR, WE ARE ENCOURAGED BY THE TRIAL AND CONVICTIONS IN THE CASE OF THE JESUIT MURDERS. DESPITE SERIOUS FLAWS IN THE INVESTIGATORY PROCEDURES, AS WELL AS UNANSWERED QUESTIONS REGARDING FURTHER INVOLVEMENT OF THE ARMED FORCES, WE ARE HOPEFUL THAT THIS TRIAL HAS BEGUN THE PROCESS OF ENDING MILITARY IMPUNITY AND ESTABLISHING CIVILIAN CONTROL IN SALVADORAN SOCIETY.

CANADA IS PROUD TO PARTICIPATE IN ONUSAL, THE PRECEDENT-SETTING HUMAN RIGHTS OBSERVER MISSION FOR EL SALVADOR. WE ARE HOPEFUL THAT THIS MISSION WILL CONTRIBUTE

SIGNIFICANTLY TO IMPROVING RESPECT FOR HUMAN RIGHTS, AND WISH TO CONVEY OUR SATISFACTION WITH THE COOPERATION AND SUPPORT THAT IS BEING PROVIDED TO ONUSAL AS IT CONDUCTS ITS IMPORTANT WORK.

THE GROWTH OF DEMOCRATIZATION IN LATIN AMERICA DRAWS ATTENTION TO THE HUMAN RIGHTS SITUATION IN CUBA. CANADA IS DISTURBED BY THE CONTINUED DENIAL OF FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS TO THE PEOPLE OF CUBA AND CALLS UPON THE GOVERNMENT OF THAT COUNTRY TO INITIATE DEMOCRATIC REFORMS. CANADA ALSO URGES CUBA TO COOPERATE WITH THE SPECIAL REPRESENTATIVE OF THE UN COMMISSION ON HUMAN RIGHTS UNDER THE AUTHORITY OF THE RESOLUTION PASSED BY THE UN COMMISSION ON HUMAN RIGHTS AT ITS LAST SESSION.

MR. CHAIRMAN,

IT HAS BEEN LESS THAN A YEAR SINCE THE INTERNATIONAL COMMUNITY SHARED THE JOY OF HAITIANS OVER BEING ABLE TO CHOOSE THEIR LEADER FREELY FOR THE FIRST TIME IN HISTORY. WE WERE CONVINCED THAT HAITI WAS WELL ON ITS WAY TOWARD ESTABLISHING A DEMOCRATIC PROCESS THAT WOULD TAKE ACCOUNT OF HUMAN RIGHTS. WE WERE SHOCKED AND DISMAYED BY THE VIOLENT EVENTS THAT FORCED PRESIDENT ARISTIDE TO FLEE THE COUNTRY.

THE FORCED TAKEOVER BY THE MILIARY AND ITS CONSEQUENCES HAVE DEALT HAITI A SEVERE SETBACK AND HAVE RELEGATED HUMAN RIGHTS TO THE STATUS OF A DREAM, CHERISHED BUT UNATTAINED. CLEARLY, THE INTERNATIONAL COMMUNITY MUST CONDEMN THE USE OF VIOLENCE WHEREVER IT ORIGINATES, AND DO EVERYTHING WITHIN ITS POWER TO PROMOTE RESPECT FOR HUMAN RIGHTS IN HAITI.

MR. CHAIRMAN,

WHILE THE WAR IN THE PERSIAN GULF IS NOW PART OF HISTORY, CANADA CONTINUES TO BE CONCERNED ABOUT THE HUMAN RIGHTS SITUATION IN THE GULF REGION.

CANADIANS ARE CONCERNED ABOUT CONTINUING HUMAN RIGHTS ABUSES IN IRAQ, IN PARTICULAR THE SUPPRESSION OF THE RIGHTS OF THE KURDS IN NORTHERN IRAQ, THE SHIA IN SOUTHERN IRAQ, AND OF OTHER IRAQIS.

WE CALL ON IRAQ TO INSTITUTE REAL DEMOCRATIC REFORMS AND TO RESPECT THE HUMAN RIGHTS OF ALL IRAQI CITIZENS. THE IRAQI PEOPLE MUST BE ABLE TO CHOOSE THEIR LEADERSHIP OPENLY AND DEMOCRATICALLY WITHOUT FEAR OF HARASSMENT. THE ENDING OF REPRESSION IN IRAQ FOR POLITICAL REASONS WILL BE LOOKED UPON BY MANY MEMBERS OF THE INTERNATIONAL COMMUNITY AS AN ESSENTIAL PRECONDITION TO IRAQ'S FULL INTERNATIONAL REINTEGRATION.

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THE PROTECTION OF HUMAN RIGHTS IS ALSO IMPORTANT IN KUWAIT, A UN MEMBER WHOSE SOVEREIGNTY WAS RESTORED BY INTERNATIONAL COLLECTIVE ACTION BASED ON THE PRINCIPLES OF THE UN. WE ARE THEREFORE PARTICULARLY CONCERNED ABOUT REPORTS OF HUMAN RIGHTS PROBLEMS IN KUWAIT, INCLUDING WHAT SOMETIMES APPEARS TO BE COLLECTIVE PUNISHMENT METED OUT TO CERTAIN GROUPS SUCH AS PALESTINIANS.

WHILE THERE HAS BEEN IMPROVEMENT IN THE HUMAN RIGHTS SITUATION IN KUWAIT SINCE MARTIAL LAW WAS LIFTED IN JUNE, WE HOPE TO SEE FURTHER PROGRESS TOWARD COMPLETE RESPECT FOR THE DUE PROCESS OF LAW.

CANADA URGES IRAN TO COOPERATE FULLY AND OPENLY WITH THE UNITED NATIONS SPECIAL REPRESENTATIVE AND WITH THE ICRC. WE ARE CONCERNED ABOUT REPORTS OF REPEATED VIOLATIONS OF THE FUNDAMENTAL RIGHT TO LIFE, AS WELL AS REPORTS ABOUT THE TREATMENT OF RELIGIOUS MINORITIES AND PUNISHMENT METED OUT TO WOMEN FOR WHAT IS CONSIDERED IMPROPER DRESS BY THE IRANIAN AUTHORITIES. THE INTERNATIONAL COMMUNITY, WHICH HAS ADDRESSED THE HUMAN RIGHTS SITUATION IN IRAN IN PREVIOUS GENERAL ASSEMBLIES, HAS AN OBLIGATION TO KEEP THE SITUATION UNDER REVIEW.

MR. CHAIRMAN,

CANADA HAS STRONGLY SUPPORTED EFFORTS TO REACH A JUST, LASTING AND COMPREHENSIVE SETTLEMENT OF THE ARAB-ISRAELI DISPUTE, AND VIEWS THE MADRID CONFERENCE AS THE FIRST STEP IN THE RESOLUTION OF THIS QUESTION THROUGH PEACE NEGOTIATIONS. UNTIL A POLITICAL SOLUTION IS NEGOTIATED, HOWEVER, CANADA STRONGLY BELIEVES THAT THE PROVISIONS OF THE FOURTH GENEVA CONVENTION SHOULD BE APPLIED DE JURE IN THE TERRITORIES OCCUPIED BY ISRAEL SINCE 1967.

ISRAELI CONTRAVENTIONS OF THIS CONVENTION ARE A MATTER OF SERIOUS CONCERN, AND WE HAVE URGED THE GOVERNMENT OF ISRAEL TO OBSERVE ALL OF ITS PROVISIONS.

WE WELCOME STEPS TAKEN TO REOPEN UNIVERSITIES, AND HOPE THAT THE ONE REMAINING CLOSED, BIR ZEIT, WILL BE RE-OPENED THIS YEAR. OF CONTINUING CONCERN TO CANADA IS THE CYCLE OF VIOLENCE INHERENT IN THE PRESENT SITUATION: THE DEATHS OF INNOCENT CIVILIANS, ISRAELI AND PALESTINIAN, AND INTERCOMMUNAL KILLINGS AMONG PALESTINIANS ARE DEEPLY TROUBLING TO US.

CANADA IS ALSO CONCERNED ABOUT ALLEGATIONS REGARDING VIOLATIONS OF HUMAN RIGHTS IN SYRIA, PARTICULARLY THOSE WHICH RELATE TO THE CONDITIONS OF DETENTION AND THE JUDICIAL PROCESS. WE HOPE

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THAT SYRIA WILL TAKE STEPS TO DEMONSTRATE ITS UNEQUIVOCAL ADHERENCE TO INTERNATIONAL CONVENTIONS IN THE HUMAN RIGHTS FIELD.

MR. CHAIRMAN,

WITH THE CURRENT CONCERTED MILITARY EFFORTS BY THE MUJAHIDEEN AGAINST THE NAJIBULLAH REGIME IN AFGHANISTAN, THERE CONTINUE TO BE SERIOUS HUMAN RIGHTS ABUSES PERPETRATED BY BOTH SIDES, AGAINST PRISONERS TAKEN IN MILITARY ACTIONS, AND AGAINST CIVILIANS CAUGHT IN ATTACKS AND COUNTERATTACKS IN TARGETED VILLAGES.

CANADA STRONGLY SUPPORTS THE UN SECRETARY-GENERAL'S PEACE PLAN FOR AFGHANISTAN TO PROMOTE A CEASE-FIRE, AND TO ESTABLISH AN INTERIM GOVERNMENT LEADING TO A PROCESS OF SELF-DETERMINATION. WE ALSO SUPPORT THE AGREEMENT BY THE SOVIET UNION AND THE UNITED STATES TO TERMINATE WEAPONS SUPPLY TO THE TWO SIDES OF THIS CONFLICT.

SIMILARLY, CANADA REMAINS CONCERNED THAT HUMAN RIGHTS ABUSES IN SRI LANKA ARE BEING PERPETRATED BY BOTH THE SRI LANKAN ARMED FORCES AND THE LTTE, THE PRINCIPAL TAMIL SECESSIONIST GROUP.

THE FACT OF OVER ONE MILLION DISPLACED TAMILS IN SRI LANKA AND THE PRESENCE OF MORE THAN 100,000 REFUGEES IN THE INDIAN STATE OF TAMIL NADU REFLECTS A SERIOUS LACK OF COMMITMENT TO RESPECTING THE HUMAN RIGHTS OF CIVILIANS BY BOTH SIDES IN THE CONFLICT. CANADA HAS CALLED ON BOTH THE SRI LANKAN GOVERNMENT AND THE LTTE TO ENSURE THAT THE RIGHTS OF CIVILIANS ARE RESPECTED AND PROTECTED.

IN INDONESIA, CONFLICTS IN EAST TIMOR AND THE ACEH REGION OF NORTHERN SUMATRA CONTINUE TO RESULT IN HUMAN RIGHTS ABUSES. WITH REGARD TO EAST TIMOR, CANADA IS DEEPLY CONCERNED ABOUT RECENT EVENTS IN WHICH SEVERAL DOZEN CIVILIANS WERE KILLED AND INJURED BY THE INDONESIAN ARMY. CANADA, ALONG WITH OTHER NATIONS, HAVE CALLED FOR A THOROUGH, OBJECTIVE AND TRANSPARENT INVESTIGATION AND WILL CONTINUE TO VOICE CONCERNS ABOUT HUMAN RIGHTS ABUSES IN THE AREA.

AND LAST SPRING, THE INDONESIAN ARMED FORCES CRUSHED A REBELLION IN ACEH BY THE GPK, ALSO KNOWN AS THE FREE ACEH MOVEMENT. THERE ARE REPORTS THAT THE ARMY TERRORIZED LOCAL VILLAGERS, AND THAT BETWEEN 1,000 AND 1,500 PEOPLE HAVE BEEN KILLED.

CANADA WELCOMES THE COMPREHENSIVE PEACE SETTLEMENT ENDING THE CONFLICT IN CAMBODIA, AND A MODEST IMPROVEMENT IN THE HUMAN RIGHTS SITUATION IN THAT COUNTRY. HOWEVER, SERIOUS HUMAN RIGHTS

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VIOLETIONS HAVE CONTINUED. CANADA HAS VIGOROUSLY AND CONSISTENTLY CONDEMNED THE VIOLATION OF BASIC HUMAN RIGHTS BY ALL FACTIONS, PARTICULARLY BY THE KHMER ROUGE. THE WORLD COMMUNITY WILL HAVE TO MONITOR THE SITUATION IN CAMBODIA IN AN EFFORT TO ENSURE THAT KEY PROVISIONS OF THE PEACE AGREEMENT - INCLUDING THOSE DEALING WITH HUMAN RIGHTS - ARE FULLY IMPLEMENTED AND PROTECTED.

CANADA WELCOMES THE CONTINUED IMPROVEMENT IN THE OVERALL HUMAN RIGHTS SITUATION IN VIETNAM OVER THE PAST YEAR, INCLUDING PROPOSED CHANGES TO THE CONSTITUTION PROVIDING FOR GREATER RECOGNITION OF THE RIGHTS OF CITIZENS AND THE BROADENING OF DEMOCRACY.

HOWEVER, WE CONTINUE TO VIEW WITH CONCERN MANY ASPECTS OF THE HUMAN RIGHTS SITUATION, PARTICULARLY THE PLIGHT OF RELIGIOUS LEADERS AND THE DETENTION OR INTERNAL EXILE OF BUDDHIST MONKS AND ROMAN CATHOLICS. ONE PARTICULAR CAUSE OF CONCERN IS THE CONTINUED DETENTION SINCE JUNE, 1990 OF DR. NGUYEN DAN QUE, WHO HAS TWO BROTHERS LIVING IN CANADA.

WE ARE ALSO CONCERNED ABOUT THE CONTINUED VIOLENCE IN KASHMIR AND THE PUNJAB REGION OF INDIA, AND WE URGE THE INDIAN GOVERNMENT TO ENSURE THAT HUMAN RIGHTS ARE RESPECTED AND THAT REPORTED VIOLATIONS ARE FULLY INVESTIGATED.

THE STATUS OF WOMEN IN INDIA CONTINUES TO BE A CONCERN TO THE CANADIAN PEOPLE: WE ARE PARTICULARLY DISTRESSED WITH THE HIGH RATE OF SO-CALLED DOWRY DEATHS. WHILE WE REALIZE THAT SUCH PRACTICES ARE OFFICIALLY OUTLAWED BY THE INDIAN GOVERNMENT, WE URGE THAT INDIA TAKE APPROPRIATE STEPS TO DEAL WITH THIS SITUATION.

MR. CHAIRMAN,

THE SITUATION IN MYANMAR IS A MAJOR CONCERN OF THE GOVERNMENT AND PEOPLE OF CANADA. WHILE DEMOCRACY IS SPREADING SO RAPIDLY THROUGH OTHER PARTS OF THE WORLD, IT IS TRAGIC TO SEE THE CONTINUED REPRESSION OF DEMOCRACY BY THE GOVERNMENT OF MYANMAR.

CANADIANS DEPLORE THE CONTINUING HOUSE ARREST OF NOBEL PEACE PRIZE WINNER AUNG SAN SUU KYI, AND WE CONTINUE TO CALL ON THE STATE LAW AND ORDER RESTORATION COUNCIL FOR HER RELEASE, AND FOR THE RELEASE OF ALL OTHER POLITICAL PRISONERS.

WE ONCE AGAIN URGE MYANMAR TO RESPECT THE PRINCIPLES OF DEMOCRACY, TO RESPECT THE WILL OF THE BURMESE PEOPLE, AND TO ALLOW THE ELECTED REPRESENTATIVES OF THE PEOPLE OF MYANMAR TO HOLD OFFICE. FOR MYANMAR TO RE-ESTABLISH ITSELF AS A RESPECTED MEMBER OF THE INTERNATIONAL COMMUNITY OF NATIONS, IT MUST

DEMONSTRATE ITS STATED INTEREST IN BUILDING DEMOCRATIC INSTITUTIONS AND ENSURING THE HUMAN RIGHTS OF ITS PEOPLE.

CANADIANS ARE ALSO DEEPLY TROUBLED BY REPORTS OF HUMAN RIGHTS VIOLATIONS IN CHINA, ESPECIALLY IN TIBET. WE ARE CONCERNED ABOUT PUNISHMENT FOR THE NON-VIOLENT EXPRESSION OF POLITICAL OR RELIGIOUS VIEWS, TRIAL PROCEDURES, TREATMENT OF DETAINEES AND PRISON CONDITIONS.

WE URGE CHINA'S LEADERS TO GIVE CAREFUL CONSIDERATION TO IMPROVING THE HUMAN RIGHTS SITUATION IN CHINA AND RELEASING ALL POLITICAL PRISONERS. IT WOULD ALSO BE A STEP FORWARD IF TRIALS ON POLITICAL CHARGES WERE MADE ACCESSIBLE TO INTERNATIONAL OBSERVERS.

MR. CHAIRMAN,

DESPITE THE EXAMPLES OF HUMAN RIGHTS VIOLATIONS I HAVE MENTIONED TODAY, I AM ENCOURAGED BY THE EFFORTS THAT HAVE BEEN MADE BY MANY COUNTRIES TO INITIATE REFORMS AIMED AT PROTECTING THE HUMAN RIGHTS OF THEIR CITIZENS.

I AM PARTICULARLY ENCOURAGED AT THE EFFORTS BEING MADE TO BUILD THE INSTITUTIONS THAT GO HAND IN HAND WITH THE DEVELOPMENT OF DEMOCRACY: AN INDEPENDENT JUDICIARY, A WELL-TRAINED, PROFESSIONAL AND IMPARTIAL POLICE FORCE, A FREE PRESS, AND NATIONAL HUMAN RIGHTS COMMISSIONS. THE EMERGENCE AND PROLIFERATION OF NON-GOVERNMENTAL ORGANIZATIONS CONCERNED ABOUT HUMAN RIGHTS IS A PARTICULARLY POSITIVE SIGN.

I AM ALSO ENCOURAGED BY THE LARGE NUMBER OF COUNTRIES THAT HAVE COME FORWARD TO RATIFY THE UN CONVENTION ON THE RIGHTS OF THE CHILD, WHICH CANADA EXPECTS TO RATIFY SHORTLY. HOWEVER, WE ARE CONCERNED THAT THE ABUSE OF CHILDREN - INCLUDING THE EXPLOITATION OF CHILD LABOUR - CONTINUES TO PERSIST IN SOME COUNTRIES. WE URGE ALL NATIONS TO MEET THEIR OBLIGATIONS TO THE WORLD'S CHILDREN AS SET OUT IN THE CONVENTION.

CANADA WILL CONTINUE TO URGE ALL COUNTRIES TO MOVE FORWARD IN THE AREA OF HUMAN RIGHTS, BOTH IN OUR BILATERAL RELATIONS AND WITHIN THE MULTILATERAL ORGANIZATIONS OF WHICH WE ARE PROUD TO BE A MEMBER: THE UN, THE COMMONWEALTH, LA FRANCOPHONIE, THE OAS AND THE CSCE. FOR WITHOUT THE PROTECTION OF HUMAN RIGHTS, THE TWO OTHER PILLARS OF THE UNITED NATIONS - ECONOMIC DEVELOPMENT AND PEACE AND SECURITY - CAN NEVER TRULY BE ACHIEVED.

THANK YOU, MR CHAIRMAN.

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CHECK AGAINST DELIVERY
VÉRIFIER AU MOMENT DE L'ALLOCATION

PRESS RELEASE NO 12

STATEMENT BY MR. DAVID MALONE
OF THE DELEGATION OF CANADA
TO THE THIRD COMMITTEE OF THE
FORTY-SIXTH SESSION OF THE
UNITED NATIONS GENERAL ASSEMBLY

ITEM 98A: IMPLEMENTATION OF HUMAN
RIGHTS INSTRUMENTS

NEW YORK, NOVEMBER 14, 1991

COMMUNIQUÉ DE PRESSE NO 12

DÉCLARATION DE M. DAVID MALONE
DE LA DÉLÉGATION CANADIENNE
DEVANT LA TROISIÈME COMMISSION DE
L'ASSEMBLÉE GÉNÉRALE DES NATIONS UNIES
À SA QUARANTE-SIXIÈME SESSION

POINT 98A: APPLICATION DES INSTRUMENTS
RELATIFS AUX DROITS DE
L'HOMME

NEW YORK, LE 14 NOVEMBRE 1991

CANADIAN DELEGATION
TO THE UNITED NATIONS

DELEGATION DU CANADA
AUPRES DES NATIONS UNIES

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MR. CHAIRMAN,

MY DELEGATION WELCOMES THE OPPORTUNITY TO SPEAK TO YOU TODAY ON AN ISSUE WHICH IS OF PARTICULAR IMPORTANCE TO THE GOVERNMENT AND PEOPLE OF CANADA: THE EFFECTIVE IMPLEMENTATION OF UNITED NATIONS HUMAN RIGHTS INSTRUMENTS.

SINCE THE ADOPTION OF THE UNIVERSAL DECLARATION, THE UN HAS MADE GREAT PROGRESS IN SETTING INTERNATIONAL STANDARDS IN A WIDE RANGE OF AREAS OF HUMAN RIGHTS. WHO WOULD HAVE THOUGHT NEARLY HALF A CENTURY AGO THAT THE WORLD'S NATIONS WOULD ONE DAY JOIN TOGETHER TO UPHOLD THE RIGHTS OF CHILDREN, FOR EXAMPLE. OR THAT WE WOULD BE SETTING STANDARDS ON THE RIGHTS OF INDIGENOUS PEOPLE, OR DISCUSSING THE POSSIBILITY OF AN INSTRUMENT ON VIOLENCE AGAINST WOMEN, OR ON THE VERY RIGHT OF INDIVIDUALS TO DEFEND HUMAN RIGHTS.

BUT THAT IS EXACTLY WHAT HAS BEEN HAPPENING IN RECENT YEARS. THE ASPIRATIONS OF THE WORLD'S CITIZENS FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS HAVE BEEN TRANSLATED INTO LEGAL INSTRUMENTS, FORMING AN INCREASINGLY COMPREHENSIVE BODY OF INTERNATIONAL LAW.

WHILE THE INTERNATIONAL COMMUNITY HAS ESTABLISHED MANY STANDARDS, IT HAS LAGGED BEHIND IN IMPLEMENTATION. JUST AS STATES MUST ENFORCE THE LAWS THEY DEVISE, THE INTERNATIONAL COMMUNITY HAS A RESPONSIBILITY TO IMPLEMENT THE INSTRUMENTS WHICH WE HAVE WORKED SO HARD TO REALIZE. WITHOUT EFFECTIVE IMPLEMENTATION, THE INSTRUMENTS WOULD BE NOTHING MORE THAN WORDS ON A PAGE. IT IS THE IMPLEMENTATION OF THESE INSTRUMENTS THAT GIVES MEANING TO THE WORDS.

A MAJOR PART OF THE RESPONSIBILITY FOR IMPLEMENTING THE INSTRUMENTS LIES WITH INDIVIDUAL STATES. WE URGE ALL COUNTRIES THAT HAVE NOT YET DONE SO TO RATIFY THE COVENANTS AND CONVENTIONS, COMPLY WITH THEIR PROVISIONS, AND MEET THEIR REPORTING AND FINANCIAL OBLIGATIONS.

CANADIANS TAKE PRIDE IN CANADA'S RECORD OF ADHERENCE TO THE MAJOR INTERNATIONAL HUMAN RIGHTS INSTRUMENTS. AND BEFORE THE END OF THIS YEAR, THE GOVERNMENT OF CANADA PLANS TO RATIFY THE UN CONVENTION ON THE RIGHTS OF THE CHILD, WITH THE BACKING OF OUR PROVINCES AND TERRITORIES.

WE WELCOME RECENT ANNOUNCEMENTS BY A NUMBER OF STATES THAT THEY HAVE RATIFIED - OR ARE PLANNING TO RATIFY - THE COVENANTS AND OTHER MAJOR HUMAN RIGHTS INSTRUMENTS. AT THE SAME TIME, WE ARE CONCERNED THAT A NUMBER OF STATES HAVE CHOSEN NOT TO BECOME PARTY TO THESE INSTRUMENTS, RESULTING IN GAPS IN PROTECTION FOR MANY OF THE WORLD'S PEOPLE.

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THIS ASSEMBLY MUST CONTINUE ITS EFFORTS TO CONVINCING THESE COUNTRIES OF THE IMPORTANCE OF RATIFICATION, FOR THE BENEFIT OF THEIR OWN CITIZENS AND THE INTERNATIONAL COMMUNITY AS A WHOLE.

BUT INDIVIDUAL STATES DO NOT BEAR THE ENTIRE BURDEN FOR MAKING THESE INSTRUMENTS WORK. IT IS UP TO THE UNITED NATIONS AS A WHOLE TO ENSURE THAT THE MECHANISMS DEVELOPED FOR IMPLEMENTING THE INSTRUMENTS ARE EFFECTIVE, THAT ADEQUATE RESOURCES ARE AVAILABLE TO THE BODIES MANDATED TO IMPLEMENT THE INSTRUMENTS, AND THAT REPORTING OBLIGATIONS DO NOT BECOME TOO GREAT A BURDEN ON COUNTRIES WITH LIMITED ECONOMIC AND HUMAN RESOURCES.

OF PARTICULAR CONCERN TO CANADA IS THE FINANCING OF TREATY MONITORING BODIES. FIVE OF THE SEVEN TREATY BODIES ARE FINANCED OUT OF THE REGULAR UNITED NATIONS BUDGET. HOWEVER, THE COSTS OF ATTENDANCE FOR MEMBERS OF THE COMMITTEE ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION AND ALL THE COSTS OF THE COMMITTEE AGAINST TORTURE ARE FUNDED THROUGH ASSESSMENTS ON STATES PARTIES. AS SOME STATES PARTIES ARE IN ARREARS IN THEIR ASSESSMENTS TO THESE BODIES - IN THE CASE OF CERD, SOME ARE MORE THAN 10 YEARS IN ARREARS - THEY ARE POTENTIALLY IN A PRECARIOUS POSITION.

FOR THIS REASON, WE WELCOME RESOLUTION 1991/20 OF THE COMMISSION ON HUMAN RIGHTS, THE PROVISIONS OF WHICH ARE OUTLINED IN THE REPORT OF THE SECRETARY-GENERAL ON EFFECTIVE IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS.

THE CREATION OF A CONTINGENCY FUND FOR CERD AND THE PROPOSAL TO FINANCE THE MEETINGS OF THE CHAIRS OF TREATY BODIES FROM THE REGULAR UN BUDGET ARE IMPORTANT STEPS IN ENSURING THAT CERD HAS THE RESOURCES IT NEEDS TO CARRY OUT ITS WORK.

CANADA ALSO FULLY SUPPORTS THE PROPOSALS THAT HAVE BEEN PUT FORWARD AT THE CHR AND THE GENERAL ASSEMBLY TO DEAL WITH THE SHORT-TERM FINANCIAL PROBLEMS OF TREATY MONITORING BODIES. HOWEVER, A LASTING SOLUTION IS NECESSARY. CANADA HAS REPEATEDLY URGED THAT ALL TREATY MONITORING BODIES BE FINANCED OUT OF THE REGULAR UN BUDGET, AND WILL CONTINUE TO WORK TOWARD THIS EVENTUAL GOAL. TO ENCOURAGE STATES TO KEEP UP WITH THEIR FINANCIAL OBLIGATIONS, THE RESPONSIBLE BODIES MIGHT CONSIDER ONLY ALLOWING STATES WHO ARE UP TO DATE WITH THEIR ASSESSMENTS AND REPORTS TO VOTE AT MEETINGS OF STATES PARTIES.

WE ALSO WANT TO CONTINUE OUR EFFORTS TO STREAMLINE AND RATIONALIZE THE REPORTING PROCESS. THE BURDEN OF REPORTING SHOULD NEVER BECOME A DETERRENT TO RATIFICATION OR COMPLIANCE; WE MUST LOOK FOR CREATIVE SOLUTIONS TO ENSURE THAT THESE MECHANISMS ARE AS EFFICIENT, EFFECTIVE AND ACCESSIBLE AS POSSIBLE.

MR. CHAIRMAN,

WHILE THE EMPHASIS OF OUR WORK HAS SHIFTED OVER THE YEARS FROM STANDARD-SETTING TO IMPLEMENTATION, THERE ARE STILL A NUMBER OF IMPORTANT INSTRUMENTS TO BE DEVELOPED. TWO OF THESE AREAS IN WHICH CANADA HAS TAKEN A LEADING ROLE ARE VIOLENCE AGAINST WOMEN AND THE RIGHTS OF INDIGENOUS PEOPLE.

IN AN EARLIER STATEMENT TO THE GENERAL ASSEMBLY, A MEMBER OF MY DELEGATION WELCOMED THE ADOPTION OF ECOSOC RESOLUTION 1991/18, ADDRESSING VIOLENCE AGAINST WOMEN IN ALL ITS FORMS. AS I SPEAK, AN EXPERT GROUP MEETING IS TAKING PLACE IN VIENNA TO DEVELOP A FRAMEWORK FOR AN INTERNATIONAL INSTRUMENT TO EXPLICITLY DEAL WITH THIS ISSUE. WE WISH THE WORKING GROUP EVERY SUCCESS IN THIS EFFORT TO FORMULATE IN INTERNATIONAL LEGAL TERMS THE RIGHT OF EVERY WOMAN TO LIVE FREE FROM THE FEAR OF VIOLENCE.

THE GOVERNMENT OF CANADA HAS ALSO BEEN ACTIVELY INVOLVED IN THE DELIBERATIONS OF THE WORKING GROUP ON INDIGENOUS POPULATIONS SINCE ITS INCEPTION. THIS GROUP WAS MANDATED IN 1981 BY THE SUBCOMMISSION ON THE PREVENTION OF DISCRIMINATION AND THE PROTECTION OF MINORITIES TO DEFINE STANDARDS FOR THE PROTECTION OF INDIGENOUS PEOPLE. IT IS EXPECTED THAT THESE WILL BE EVENTUALLY INCLUDED IN A DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES.

OUR INVOLVEMENT IS BUT A NATURAL EXTENSION OF CANADA'S LONGSTANDING INTEREST IN SEEING TO THE PROMOTION OF RESPECT FOR HUMAN RIGHTS. IT IS ALSO FULLY CONSISTENT WITH THE HIGH PRIORITY CANADA HAS GIVEN TO DEVELOPING A NEW CONSTITUTIONAL AND LEGAL FRAMEWORK FOR CANADA'S OWN ABORIGINAL PEOPLE, WHO REPRESENT ABOUT FOUR PER CENT OF OUR POPULATION.

MR. CHAIRMAN,

IN JUNE 1993, THE INTERNATIONAL COMMUNITY WILL BE GIVEN A UNIQUE OPPORTUNITY TO DEAL WITH HUMAN RIGHTS ISSUES IN GREATER DEPTH AT THE WORLD CONFERENCE ON HUMAN RIGHTS IN BERLIN. IT SHOULD BE NOTED THAT THIS CONFERENCE WILL TAKE PLACE DURING THE INTERNATIONAL YEAR FOR THE WORLD'S INDIGENOUS PEOPLE.

CANADA BELIEVES THAT THE EFFECTIVE IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS IS ONE AREA THAT SHOULD BE HIGHLIGHTED AT THIS CONFERENCE.

IN A DISCUSSION PAPER TO THE FIRST PREPCOM IN SEPTEMBER, WE EXPRESSED OUR HOPE THAT THE WORLD CONFERENCE WILL HELP TO STIMULATE EFFORTS TOWARD EVENTUAL RATIONALIZATION OF THE CONVENTION-MONITORING SYSTEM.

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SUCH AN INITIATIVE WOULD HAVE AS ITS GOAL FIRSTLY, TO STRENGTHEN THE UN'S HUMAN RIGHTS MACHINERY; SECONDLY, TO INCREASE ITS OVERALL EFFECTIVENESS, AND FINALLY, TO ENHANCE STATES PARTIES' ABILITIES TO MEET THEIR OBLIGATIONS. FOR EXAMPLE, WE WOULD BE OPEN TO DISCUSSING MEANS TO CONSOLIDATE REPORTING REQUIREMENTS FOR THOSE UNIVERSAL INSTRUMENTS WHICH HAVE BEEN RATIFIED BY THE BULK OF THE UN MEMBERSHIP.

JUST AS TODAY'S WORLD IS EVOLVING, THE INTERNATIONAL HUMAN RIGHTS MACHINERY MUST BE ADAPTED TO MEET THE DIVERSE CHALLENGES THAT AWAIT IT IN THE FUTURE. WE HOPE ALL MEMBER STATES WILL JOIN US IN OUR EFFORTS TO DO THAT.

THANK YOU, MR. CHAIRMAN.

FOR THE
Pisdeda'S PROGRESS
GOVERNMENT

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STATES MEMBERS OF THE COMMISSION ON HUMAN RIGHTSAfrica

Gambia
Ghana
Madagascar
Mauritania
Senegal
Somalia
Zambia
Burundi
Angola
Gabon
Kenya
Lesotho
Libya
Nigeria
Tunisia

Asia

Bangladesh
China
Cyprus
India
Indonesia
Iraq
Japan
Pakistan
Philippines
Iran
Sri Lanka
Syria

Latin America and Caribbean

Argentina
Brazil
Colombia
Cuba
Mexico
Peru
Venezuela
Barbados
Chile
Costa Rica
Uruguay

Eastern Europe

Czechoslovakia
Hungary
Yugoslavia

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USSR (former)
Bulgaria

Western Europe and Other (WEOG)

Australia
Austria
Canada
France
Germany
Italy
Portugal
USA
Netherlands
United Kingdom

PROCEEDINGS
MONTREAL 1964

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The Commonwealth Heads of Government Meeting: The Harare
Communiqué
(excerpts)

Human Rights

16. Heads of Government reaffirmed their strong collective commitment to the principles of justice and human rights, including the rule of law, the independence of the judiciary, equality for women and accountable administrations. They supported the Report and recommendations of the Commonwealth Working Group of Experts on Human Rights. Recognizing that human rights is one of the priorities identified in the Harare Declaration, they requested the Secretariat to give greater impetus to its current activities to promote human rights in all its aspects. Heads of Government recognized the role that non-governmental organizations could play in this area.

17. Believing the International Bill of Human Rights to be the cornerstone of international human rights, Heads of Government reiterated their call to those of their members who have not already done so, to become party to the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights.

Final Declaration of the Chailot Summit
(extracts)

We are pleased to note the progress of democracy worldwide, and pay special tribute to the contribution made at the grass-roots level; we are convinced that all peoples are responsible for determining the avenues best suited to the establishment of their own democratic institutions.

We reiterate our faith in democratic values based on respect for human rights, minority rights and the fundamental freedoms.

We firmly believe that the free exercise of the fundamental freedoms and the establishment of due process are essential to greater participation of peoples in their own development.

We are convinced that there can be no development without liberty, and no real freedom without development.

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CANADA

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The Permanent Mission of Canada
to the United Nations
at Geneva

La Mission Permanente du Canada
auprès des Nations Unies
à Genève

WORLD CONFERENCE ON HUMAN RIGHTS
CONFÉRENCE MONDIALE SUR LES DROITS DE L'HOMME

PREPARATORY COMMITTEE/COMITÉ PRÉPARATOIRE
GENEVA SEPTEMBER 9-13, 1991

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WORLD CONFERENCE ON HUMAN RIGHTS

I. OVERVIEW

1. The Government of Canada welcomes the convening of a World Conference on Human Rights in 1993. It is our view that this event should be seen as an opportunity to enhance the effectiveness of the United Nations in promoting the implementation of the universally recognized standards of human rights embodied in the Charter of the United Nations and the Universal Declaration.

2. This Conference should also provide an opportunity to explore the links between human rights, democratic development, and economic development, and the ways in which the United Nations system can assist countries in developing and strengthening institutions designed to promote and protect human rights.

II. HUMAN RIGHTS AND THE U.N.: CURRENT CONCERNS AND TRENDS

3. The emergence of the principle that human rights in any country are a legitimate concern to all governments - and a legitimate topic of discussion in international fora - represents a quantum leap in the evolution of international relations and law. As in most other fields of international law, a great deal remains to be done to ensure effective, timely and universal implementation and enforcement of the established norms.

4. Canada has played an active role in the evolution of UN human rights principles and machinery. The development of effective human rights mechanisms, programmes and institutions has been and continues to be a Canadian priority, not only at the U.N., but within other multilateral fora in which Canada participates, including the Commonwealth, the CSCE, the OAS and La Francophonie.

5. As the basic standard-setting work has been largely done - with the notable exceptions of the development of standards on the rights of indigenous people, human rights defenders and violence against women - the world community is now in a position to focus its attention on the strengthening of monitoring and implementation machinery.

6. This is particularly crucial at a time when democratic institutions are emerging in various parts of the world and there is a greater international consensus around the importance of human rights and its links with good government and economic development. The progress that has been made toward the development and strengthening of democracy has gone hand in hand with a desire by people to have their fundamental human rights respected. As a result, we can anticipate more and more ratifications of international human rights instruments, additional requests for technical assistance under the Advisory Services programme and heightened public consciousness of human rights issues.

7. Much has been accomplished in recent years through the imaginative development of "special rapporteurs" or "working groups" to review specific national situations, or to assess, on a global basis, the occurrence of specific types of human rights violations, such as torture or summary executions. Substantial progress has been made in the area of Advisory Services, which Canada considers to be of great potential benefit. This area should receive greater attention and expansion in the future.
8. Of particular concern to Canada is the effective functioning of Convention-Based Bodies which are the heart of the United Nations human rights infrastructure. The Committee on the Elimination of Racial Discrimination (CERD), which was the first such body to have its operations funded by States parties rather than the regular U.N. budget, is facing an uncertain financial future - and a significant curtailment of its work - because of substantial arrears in contributions. Similarly, The Committee Against Torture (CAT), which has now begun operations pursuant to the 1984 Convention against Torture and other Cruel, Inhuman or Degrading Treatment, is even more reliant than the CERD on financial support from States parties, and there is concern that this may give rise to future difficulties.
9. The above-mentioned financial problems of CERD and CAT, and high rates of governmental delinquency in meeting the periodic reporting requirements of most conventions, are giving rise to increasing concern about the health of convention-monitoring machinery and indeed, to the commitment states are giving to their international obligations. The increased reporting burden is a major challenge to the treaty monitoring bodies. There is also greater risk of inconsistencies in drafting or interpretation which could undermine the integrity of established norms. Canada has made a special effort to raise these problems over the past few years and it is our hope that the World Conference will help to stimulate efforts towards eventual rationalization of the convention-monitoring system.
10. Much of the burden for implementing the U.N.'s human rights mechanisms falls upon the Geneva-based Centre for Human Rights. With a budget of only about \$5 million a year, it is called on to provide support to conferences, committees and working groups, provide research and support for all policy/legislative projects and implementation-review exercises, and run the Advisory services Programme.
11. This tight resource situation underlies efforts in recent years to establish the Voluntary Fund for Advisory Services at a time of economic restraint across the United Nations system.
12. The Human Rights Programme responds to one of the three major U.N. Charter goals, yet commands a minuscule proportion of the organization's total budget. The basis for additional resources should not be limited to a plea for further voluntary contributions by member states, but should focus on a realignment of resources presently scattered throughout the U.N. family, including, in particular, the specialized agencies. A more

system-wide approach could go a long way to solving some of the financial and understaffing problems the Centre now faces and improve its effectiveness at the country level. It is hoped that the World Conference might produce a commitment to redress this imbalance.

III. CONFERENCE THEME AND SUB-THEMES

13. It is becoming increasingly clear that there is a vital link between democratic development and respect for human rights. The term "good governance" is often used to denote the emergence of effective, efficient, transparent, and accountable government structures, which generally go hand in hand with pluralistic political systems, democratic institutions, rule of law, and the exercise of political and civil rights.

14. Similarly, there is an emerging desire by people to participate in the social and economic development of their societies. Development experience has shown that projects are most successful when there is the active participation of the people who are directly affected.

15. With these emerging trends, one can no longer talk about human rights in a vacuum: a holistic approach, incorporating the promotion of human rights, the development of democratic institutions and the rights of people to participate in their own development, is essential.

16. As a result, it is the view of the Government of Canada that the World Conference should explore the inter-relationship between human rights, democracy, and development. The Conference could look at the possible interplay between economic, social and cultural rights as well as civil and political rights recognizing the importance of creating the conditions whereby everyone may enjoy these rights, on an equal basis, as set out in the International Covenants.

17. Consideration could be given to the role of democratic institutions in the protection and promotion of human rights: e.g. elections, domestic Human Rights bodies, an independent judiciary, a free press, an ombudsman, and non-governmental organizations.

18. Set against these broad themes, a number of areas of focus might be specified. These could include:

- Methods by which national human rights institutions, governmental and non-governmental, may be created and strengthened.
- Promotion, information, education of the general public on human rights issues. What new methods could be adopted for educating the general public about human rights? Is there a role for advanced technology in this area?

- Development and strengthening of United Nations monitoring and implementation machinery. This could include an examination of the role specialized agencies might play, and opportunities for better co-ordinating the activities of various parts of the U.N. system in the area of human rights.
- Human Rights in periods of emergency.
- Issues related to the rights of indigenous people. This is particularly timely, as the World Conference will take place during the International Year for the World's Indigenous People. It is our view that indigenous people themselves should have the opportunity to present their views.
- Issues involved in protecting the human rights of other groups in society that are particularly vulnerable: e.g., human rights defenders, women, children, minorities etc.
- Advisory Services: ensuring adequate resources at a time when demands are increasing.

19. It is the strong view of the Government of Canada that the Preparatory Committee should, early on in its deliberations, set out clearly the role to be played by non-governmental organizations during the Conference. It is our belief that NGO's should be provided with ample opportunity to contribute positively to the success of the Conference.



CANADA

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The Permanent Mission of Canada
to the United Nations
at Geneva

La Mission Permanente du Canada
auprès des Nations Unies
à Genève

WORLD CONFERENCE ON HUMAN RIGHTS
PREPARATORY COMMITTEE
FIRST SESSION

STATEMENT BY THE DEPUTY PERMANENT REPRESENTATIVE OF CANADA

PAUL DUBOIS

SEPTEMBER 12, 1991

GENEVA

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MADAM CHAIRPERSON,

WE JOIN THOSE OTHER DELEGATIONS BEFORE US IN CONGRATULATING YOU AND THE OTHER MEMBERS OF THE BUREAU ON THEIR ELECTION AND TRUST THAT UNDER YOUR STEWARDSHIP OUR DELIBERATIONS WILL BE PRODUCTIVE.

MADAM CHAIRPERSON,

THE CANADIAN DELEGATION WELCOMES THIS OPPORTUNITY TO ADDRESS THE FIRST SESSION OF THE PREPARATORY COMMITTEE FOR THE 1993 WORLD CONFERENCE ON HUMAN RIGHTS. WE SEE THIS MEETING AS A CRUCIAL FIRST STEP TOWARD ENSURING THAT THE WORLD CONFERENCE WILL BE AN EFFECTIVE VEHICLE FOR STRENGTHENING THE UNITED NATION'S EFFORTS TO PROTECT, PROMOTE AND ENCOURAGE RESPECT FOR HUMAN RIGHTS THROUGHOUT THE WORLD. THE FACT THAT IT WILL TAKE PLACE IN 1993 IS PARTICULARLY SIGNIFICANT. NOT ONLY DOES 1993 MARK THE 45TH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, BUT IT IS ALSO THE INTERNATIONAL YEAR OF THE WORLD'S INDIGENOUS PEOPLE, WHOSE RIGHTS HAVE YET TO BE REALIZED IN MANY PARTS OF THE WORLD.

SINCE THE LAST UNITED NATIONS-SPONSORED INTERNATIONAL CONFERENCE ON HUMAN RIGHTS WAS HELD IN TEHRAN IN 1968, SUBSTANTIAL PROGRESS HAS BEEN MADE IN THE SETTING OF INTERNATIONAL HUMAN RIGHTS STANDARDS AND THE IMPLEMENTATION OF THOSE STANDARDS. AT THE TIME OF THE TEHRAN CONFERENCE, THE PRIMARY UNIVERSAL HUMAN RIGHTS INSTRUMENTS - THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS - WERE STILL IN THEIR INFANCY. ALSO, DRAFTING HAD NOT YET BEGUN ON TWO MAJOR CONVENTIONS - THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN AND THE CONVENTION ON THE RIGHTS OF THE CHILD.

SINCE THEN, THE MAJORITY OF MEMBER STATES HAVE RATIFIED THE TWO COVENANTS, A NUMBER OF NEW WORKING GROUPS HAVE BEEN SET UP TO DEVELOP FURTHER INSTRUMENTS FOR HUMAN RIGHTS PROTECTION, AND A NETWORK OF SPECIAL RAPORTEURS HAS EMERGED TO EXAMINE BOTH HUMAN RIGHTS SITUATIONS IN SPECIFIC COUNTRIES, AND SPECIFIC TYPES OF VIOLATIONS, SUCH AS TORTURE OR RELIGIOUS INTOLERANCE. WE HAVE ALSO SEEN THE ESTABLISHMENT OF THE VOLUNTARY FUND FOR ADVISORY SERVICES, TO PROVIDE TECHNICAL ASSISTANCE TO COUNTRIES IN THE DEVELOPMENT OF THEIR HUMAN RIGHTS INSTITUTIONS.

WHILE WE CAN ALL BE PROUD OF THESE AND OTHER ACHIEVEMENTS IN THE FIELD OF HUMAN RIGHTS, WE MUST NOT BECOME COMPLACENT. WE HAVE A LONG WAY TO GO IF WE ARE TO ACHIEVE THE GOAL OF FUNDAMENTAL HUMAN RIGHTS FOR ALL THE WORLD'S CITIZENS. WE HAVE NOT YET SUCCEEDED IN BANISHING DISCRIMINATION BASED ON RACE, RELIGION OR NATIONAL ORIGIN. NOR IS EQUALITY FOR WOMEN - WHO MAKE UP ONE HALF OF THE WORLD'S POPULATION - YET A REALITY. ADDITIONALLY, A SIGNIFICANT NUMBER OF THE WORLD'S INDIGENOUS PEOPLE CONTINUE TO REMAIN MARGINALIZED IN THE FACE OF EXISTING HUMAN RIGHTS INSTRUMENTS. PROGRESS ON THE DECLARATION FOR INDIGENOUS RIGHTS, THE ELABORATION OF WHICH IS TAKING PLACE IN THE SUB-COMMISSION'S WORKING GROUP ON INDIGENOUS POPULATIONS, IS ALL THE MORE TIMELY AS THE WORLD CONFERENCE APPROACHES.

WHILE THE GOALS CITED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS HAVE YET TO BE FULLY ACHIEVED, THERE IS SOME CAUSE FOR OPTIMISM. OVER THE PAST SEVERAL YEARS, WE HAVE WITNESSED THE EMERGENCE OF PLURALISTIC POLITICAL SYSTEMS AND DEMOCRATIC INSTITUTIONS - BOTH GOVERNMENTAL AND NON-GOVERNMENTAL - IN MANY PARTS OF THE WORLD, AND MOST RECENTLY AND DRAMATICALLY THROUGH TRULY DEMOCRATIC ELECTIONS IN SOME CENTRAL AND EASTERN EUROPEAN COUNTRIES.

THIS HAS BEEN COUPLED WITH A REALIZATION THAT RESPECT FOR HUMAN RIGHTS ARE A FUNDAMENTAL COMPONENT OF A DEMOCRATIC SOCIETY, AND THAT DEMOCRATIC DEVELOPMENT, ECONOMIC DEVELOPMENT AND HUMAN RIGHTS ARE CLOSELY INTERTWINED AND MUTUALLY REINFORCING.

THE CANADIAN DELEGATION BELIEVES THAT THE WORLD CONFERENCE SHOULD EXPLORE THIS RELATIONSHIP BETWEEN HUMAN RIGHTS, DEMOCRACY AND DEVELOPMENT, AND EXAMINE THE ROLE OF DEMOCRATIC INSTITUTIONS IN THE PROTECTION AND PROMOTION OF HUMAN RIGHTS.

THE WORLD CONFERENCE SHOULD ALSO LOOK AT CONCRETE WAYS OF STRENGTHENING HUMAN RIGHTS MACHINERY, AT THE INTERNATIONAL, REGIONAL AND NATIONAL LEVELS. WE NEED TO EXPLORE PRAGMATIC WAYS TO PROMOTE SUSTAINABLE AND VIABLE INSTITUTIONS.

IN ADDITION, WE NEED TO LOOK AT HOW WE CAN COORDINATE AND RATIONALIZE THE EFFORTS OF THE VARIOUS UN BODIES AND SPECIALIZED AGENCIES IN ORDER TO CARRY OUT AN EFFICIENT, EFFECTIVE AND WELL-INTEGRATED HUMAN RIGHTS PROGRAMME; AND HOW WE CAN ENSURE THAT THE CENTRE FOR HUMAN RIGHTS, THE TREATY-MONITORING BODIES AND THE ADVISORY SERVICES PROGRAMME RECEIVE ADEQUATE RESOURCES AT A TIME OF INCREASING DEMANDS.

ATTENTION COULD ALSO BE PAID TO THE HUMAN RIGHTS INSTRUMENTS THEMSELVES; WE WOULD SUPPORT LOOKING AT DIGNITY, EQUALITY AND NON-DISCRIMINATION IN HUMAN RIGHTS INSTRUMENTS, IN PARTICULAR AS THESE PRINCIPLES AFFECT THE RIGHTS OF WOMEN.

MADAM CHAIRPERSON,

IT HAS OFTEN BEEN SAID THAT KNOWLEDGE IS POWER; THAT IS PARTICULARLY TRUE IN THE AREA OF HUMAN RIGHTS. IT IS ESSENTIAL THAT PEOPLE KNOW WHAT THEIR RIGHTS ARE IF THEY ARE TO EXERCISE THOSE RIGHTS. AND, DESPITE ADVANCES IN COMMUNICATIONS TECHNOLOGY, ALL TOO MANY OF THE WORLD'S CITIZENS DO NOT HAVE THIS KNOWLEDGE OR THE MEANS TO OBTAIN IT.

A MAJOR FOCUS OF THE WORLD CONFERENCE SHOULD BE PUBLIC PROMOTION, INFORMATION AND EDUCATION IN THE AREA OF HUMAN RIGHTS. WE MUST DEVELOP NEW WAYS OF REACHING THE PUBLIC, INCLUDING THE WORLD'S YOUTH.

THE WORLD CONFERENCE ITSELF SHOULD PROVIDE AN IMPORTANT OPPORTUNITY TO PUBLICIZE HUMAN RIGHTS ISSUES; PERHAPS THIS MEETING,

OR A FUTURE SESSION OF THE PREPARATORY COMMITTEE, COULD EXPLORE WAYS OF ENSURING WIDESPREAD MEDIA COVERAGE FOR THE WORLD CONFERENCE, AND OTHER COMMUNICATIONS OPPORTUNITIES THAT THE WORLD CONFERENCE COULD GENERATE. IN ADDITION TO PREPARING BACKGROUND PAPERS FOR THE CONFERENCE, PERHAPS THE APPROPRIATE U.N. DEPARTMENT COULD ALSO PRODUCE A BACKGROUND VIDEO, SUITABLE FOR BROADCASTING. UNICEF, FOR EXAMPLE, HAS SUCCESSFULLY USED VIDEO - AND OTHER ELECTRONIC MEDIA - FOR PROMOTING THE RIGHTS OF THE CHILD.

CLOSELY LINKED WITH THE PUBLIC PROMOTION OF HUMAN RIGHTS IS THE ROLE OF NON-GOVERNMENTAL ORGANIZATIONS. THE CANADIAN DELEGATION BELIEVES THAT NGOS ARE AN INTEGRAL PART OF THE HUMAN RIGHTS PROCESS, AND SHOULD BE GIVEN A SIGNIFICANT ROLE TO PLAY IN BOTH THE PREPARATIONS FOR THE WORLD CONFERENCE AND THE WORLD CONFERENCE ITSELF. THIS FIRST SESSION OF THE PREPCOM IS NOT TOO EARLY TO DISCUSS THE ROLE TO BE PLAYED BY NGOS AND THE WAYS IN WHICH THEY CAN CONTRIBUTE TO THE SUCCESS OF THE CONFERENCE.

THERE COULD ALSO BE A ROLE FOR OTHER INTERNATIONAL INSTITUTIONS CONCERNED WITH HUMAN RIGHTS AND DEMOCRATIC DEVELOPMENT. IN CANADA, TWO SUCH INSTITUTIONS ARE THE NORTH-SOUTH INSTITUTE - A RESEARCH INSTITUTE WHICH FOCUSES ON ECONOMIC DEVELOPMENT AS WELL AS DEMOCRATIC DEVELOPMENT AND HUMAN RIGHTS -AND THE MONTREAL-BASED INTERNATIONAL CENTRE FOR HUMAN RIGHTS AND DEMOCRATIC DEVELOPMENT. BOTH THESE INSTITUTIONS HAVE EXPRESSED AN INTEREST IN THE WORLD CONFERENCE; SIMILAR INSTITUTIONS IN OTHER COUNTRIES MIGHT ALSO HAVE A USEFUL CONTRIBUTION TO MAKE.

MADAM CHAIRPERSON,

AS WE CONTINUE OUR DELIBERATIONS WITH RESPECT TO WHAT WE DISIRE AS AN OUTCOME FOR THE WORLD CONFERENCE, WE SHOULD KEEP IN MIND OUR COMMON CONCERN FOR JUDICIOUS FINANCIAL PROVISIONS THAT PROVIDE THE MOST SUBSTANTIAL AND PRODUCTIVE RESULTS. THE DECISIONS THAT WE TAKE WITH RESPECT TO STUDIES, PUBLIC INFORMATION AND AUGMENTATION OF PERSONNEL SHOULD BE MEASURED AGAINST THE SUBSTANTIVE CONCLUSIONS THAT WE MIGHT EXPECT. WE STRONGLY RECOMMEND THAT A PRAGMATIC AND REALISTIC APPROACH BE TAKEN WITH REGARD TO THE TYPE OF BUDGET LINE OBJECTS SUGGESTED SO THAT WE MAY BEST MAXIMIZE OUR RESOURCES. WE SHOULD EXAMINE CLOSELY AT THE NEXT PREPCOM THE UTILITY OF EACH SUGGESTION WITH A VIEW TO ENHANCING OUR CAPACITY TO SUPPORT THE WORLD CONFERENCE IN A SOUND WAY.

IN CLOSING, MADAM CHAIRPERSON, WE WOULD LIKE TO COMMEND THE GOVERNMENT OF GERMANY FOR ITS GENEROUS OFFER TO HOLD THE WORLD CONFERENCE IN BERLIN. WE ARE PLEASED TO ADD THE GOVERNMENT OF CANADA'S SUPPORT FOR A UNITED BERLIN AS THE WORLD CONFERENCE SITE, AND WELCOME THE OPPORTUNITY TO PARTICIPATE IN WHAT PROMISES TO BE AN IMPORTANT EVENT IN THAT CITY.

THANK YOU, MADAM CHAIRPERSON.

**REPORT
OF THE
PREPARATORY COMMITTEE
FOR THE WORLD CONFERENCE
ON HUMAN RIGHTS**

GENERAL ASSEMBLY

OFFICIAL RECORDS: FORTY-SIXTH SESSION

SUPPLEMENT No. 24 (A/46/24)



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I. ORGANIZATION OF THE SESSION

1. The Preparatory Committee for the World Conference on Human Rights held its first session at Geneva from 9 to 13 September 1991, as mandated by the General Assembly in paragraph 6 of its resolution 45/155 of 18 December 1990. It held eight meetings during the session.

A. Opening of the session

2. The session was opened by the Secretary-General of the World Conference, who also addressed the Preparatory Committee at its first meeting. (See document A/CONF.157/PC/12 for the text of this statement.)

B. Attendance

3. The session was attended by representatives of the following States, United Nations bodies, specialized agencies, intergovernmental organizations, liberation movements, other organizations and non-governmental organizations:

States

Afghanistan, Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Bhutan, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czech and Slovak Federal Republic, Democratic People's Republic of Korea, Denmark, Ecuador, El Salvador, Egypt, Ethiopia, Finland, France, Gabon, Germany, Ghana, Greece, Guinea, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iran, (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Malta, Mexico, Mongolia, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, San Marino, Sao Tome and Principe, Senegal, Singapore, Somalia, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zimbabwe

Human rights bodies

Commission on Human Rights, Subcommittee on Prevention of Discrimination and Protection of Minorities, Committee against Torture, Committee on Economic, Social and Cultural Rights, Committee on the Elimination of Discrimination against Women, Committee on the Elimination of Racial Discrimination, Human Rights Committee, Working Group on Indigenous Populations of the Subcommittee on Prevention of Discrimination and Protection of Minorities, Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights

United Nations bodies

Office of the United Nations High Commissioner for Refugees

Specialized agencies

International Labour Organisation, United Nations Educational, Scientific and Cultural Organization, World Health Organization, World Bank, International Monetary Fund

Intergovernmental organizations

Commission of the European Communities, Commonwealth Secretariat, Council of Europe, League of Arab States, Organization of African Unity

Other organizations

International Committee of the Red Cross

Non-governmental organizations in consultative status with the Economic and Social Council

(Category I)

International Confederation of Free Trade Unions, International Council of Voluntary Agencies, International Council of Women, International Council on Social Welfare, International Movement ATD Fourth World, International Youth and Student Movement for the United Nations, Inter-Parliamentary Union, Soroptimist International, World Confederation of Labour, World Federation of Trade Unions, World Federation of United Nations Associations, Zonta International

(Category II)

Afro-Asian People's Solidarity Organization, American Association of Jurists, American Association of Retired Persons, Amnesty International, Baha'i International Community, Caritas Internationalis, Commission of the Churches on International Affairs of the World Council of Churches, Coordinating Board of Jewish Organizations, Friends World Committee for Consultation (Quakers), International Commission of Jurists, International Council of Jewish Women, International Federation on Ageing, International Federation for Housing and Planning, International Federation of Human Rights, International Fellowship of Reconciliation, International Federation Terre des Hommes, International League for the Rights and Liberation of Peoples, International Movement for Fraternal Union Among Races and Peoples, International Organization for the Development of Freedom of Education, International Organization for the Elimination of All Forms of Racial Discrimination, International Service for Human Rights, Latin American Federation of Associations of Relatives of Disappeared Detainees, Law Association for Asia and the Pacific, Medical Women's International Association, Union of Arab Jurists, Women's International League for Peace and Freedom, World Assembly of Youth, World Federation for Mental Health, World Federation of Methodist Women, World Jewish Congress, World Union for Progressive Judaism .

(Roster)

World Association for the School as an Instrument of Peace, Minority Rights Group, Planetary Citizens

4. Details of the composition of delegations appear in document A/CONF.157/PC/INF.1.

C. Documentation

5. A list of the documents before the Preparatory Committee at its first session is contained in annex III to the present report.

D. Election of officers

6. At its 2nd meeting, on 10 September 1991, the Preparatory Committee elected the following officers:

Chairman: Ms. Halima Embarek Warzazi (Morocco)

Vice-Chairmen: Mr. Horacio Arteaga (Venezuela)
Mr. Fan Guoxiang (China)
Mr. John Swift (Ireland)

Rapporteur: Mr. Zdzislaw Kedzia (Poland)

E. Adoption of the agenda and rules of procedure

7. The Preparatory Committee had before it the provisional agenda for its first session document (A/CONF.157/PC/1) and annotations thereto (A/CONF.157/PC/1/Add.1). At its 2nd meeting, on 10 September 1991, the Preparatory Committee adopted the agenda on the recommendation of the Bureau. The agenda, as adopted, is attached as annex I.

8. At the same meeting, the Preparatory Committee decided, as recommended by the Commission on Human Rights in its resolution 1991/30 of 5 March 1991, that the rules of procedure governing its meetings should in so far as applicable be those of the functional commissions of the Economic and Social Council.

F. Organization of work

9. The Preparatory Committee had before it a programme of work proposed by the secretariat (A/CONF.157/PC/2/Rev.1).
10. At its 2nd meeting, on 10 September 1991, the Committee decided to consider the items on its agenda in the following order: 1; 2; 3; 4; 5; 6; 7 and 8 jointly; 9.

II. STATEMENTS ^{1/}

11. Statements on items 5, 6, 7 and 8 of the agenda were made by the representatives of the following States: Algeria (7th), Argentina (7th), Austria (7th), Bangladesh (3rd), Brazil (7th), Bulgaria (7th), Canada (6th), Chile (6th), China (6th), Colombia (7th), Costa Rica (6th), Cuba (7th), Cyprus (7th), Czech and Slovak Federal Republic (6th), Egypt (7th), El Salvador (7th), Germany (2nd and 7th), Honduras (7th), Hungary (6th), India (6th), Indonesia (6th), Iran (Islamic Republic of) (7th), Iraq (5th), Japan (7th), Jordan (2nd), Mexico (7th), Myanmar (7th), Netherlands (on behalf of the European Community) (2nd), New Zealand (6th), Norway (on behalf of the Nordic States) (2nd), Panama (7th), Peru (6th), Philippines (2nd), Poland (7th), Republic of Korea (7th), Romania (6th), Senegal (3rd and 7th), Sri Lanka (6th), Sudan (7th), Switzerland (6th), Syrian Arab Republic (7th), Tunisia (7th), Turkey (3rd), Union of Soviet Socialist Republics (2nd), United States of America (3rd), Uruguay (6th), Venezuela (7th), Yugoslavia (6th).

12. Statements on items 5, 6, 7 and 8 of the agenda were made by observers for the following human rights bodies: Commission on Human Rights (3rd), Subcommission on Prevention of Discrimination and Protection of Minorities (5th), Committee Against Torture (4th), Committee on Economic, Social and Cultural Rights (4th), Committee on the Elimination of Discrimination against Women (2nd), Committee on the Elimination of Racial Discrimination (4th), Human Rights Committee (3rd), Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights (7th).

13. A statement on items 5, 6, 7 and 8 of the agenda was made by the observer for the Office of the United Nations High Commissioner for Refugees (5th).

14. Statements on items 5, 6, 7 and 8 of the agenda were made by observers for the following specialized agencies:

International Labour Organisation (4th), United Nations Educational, Scientific and Cultural Organization (3rd), World Health Organization (4th).

15. A statement on items 5, 6, 7 and 8 of the agenda was made by an observer for the International Committee of the Red Cross (4th).

16. Statements on items 5, 6, 7 and 8 of the agenda were made by observers for the following non-governmental organizations: American Association of Jurists (4th), Amnesty International (4th), Baha'i International Community (4th), Coordinating Board of Jewish Organizations (3rd), International Commission of Jurists (4th), International Confederation of Free Trade Unions (4th), International Council of Jewish Women (4th), International Council of Voluntary Agencies (4th), International Council on Social Welfare (3rd), International Federation for Housing and Planning (3rd).

^{1/} The numbers in brackets refer to the meeting at which the statement was made.

International Movement ATD Fourth World (4th), International Movement for Fraternal Union Among Races and Peoples (4th), International Organization for the Elimination of All Forms of Racial Discrimination (5th), Latin American Federation of Associations of Relatives of Disappeared Detainees (5th), Law Association for Asia and the Western Pacific (4th), World Association for the School as an Instrument of Peace (5th), World Confederation of Labour (5th), World Federation for Mental Health (4th), World Federation of the United Nations Associations (5th), World Federation of Trade Unions (3rd).

III. AGENDA, RULES OF PROCEDURE, DATES, DURATION, VENUE OF
AND PARTICIPATION AT THE WORLD CONFERENCE

17. At its 8th meeting, held on 13 September 1991, the Preparatory Committee adopted decision PC/1, entitled "Convening of the World Conference on Human Rights". For the text of the decision, see annex II to the present report.

18. Pursuant to paragraph 7 of General Assembly resolution 45/155, the Preparatory Committee, at its 8th meeting, on 13 September 1991, adopted decision PC/3, entitled "Participation of representatives of least developed countries in the preparatory meetings and the conference itself". For the text of the decision, see annex II to the present report.

19. At its 8th meeting, on 13 September 1991, the Preparatory Committee adopted decision PC/6, entitled "Participation of human rights experts in the Preparatory Committee and the World Conference". For the text of the decision, see annex II to the present report.

IV. PREPARATORY MEETINGS AND ACTIVITIES AT THE INTERNATIONAL,
REGIONAL AND NATIONAL LEVELS

20. Pursuant to paragraph 7 of General Assembly resolution 45/155, the Preparatory Committee, at its 8th meeting, on 13 September 1991, adopted decision PC/3, entitled "Participation of representatives of least developed countries in the preparatory meetings and the Conference itself". For the text of the decision, see annex II to the present report.

21. With reference to the preparatory activities for the World Conference, the Preparatory Committee, at its 8th meeting, on 13 September 1991, adopted decision PC/1, entitled "Convening of the World Conference on Human Rights", in which it made a proposal concerning publicity for the Conference and the preparatory process thereto. For the text of the decision, see annex II to the present report.

22. At its 8th meeting, on 13 September 1991, the Preparatory Committee adopted decision PC/4, entitled "Regional meetings in preparation for the World Conference on Human Rights". For the text of the decision, see annex II to the present report.

V. STUDIES AND OTHER DOCUMENTATION FOR THE WORLD CONFERENCE

23. At its 8th meeting, on 13 September 1991, the Preparatory Committee adopted decision PC/5, entitled "Studies and documentation for the World Conference". For the text of the decision, see annex II to the present report.

24. At the same meeting, immediately prior to the adoption of the decision, the Chairman stated that it was the understanding of the Preparatory Committee that the Secretary-General of the Conference should consult all the regional groups before undertaking the studies referred to in subparagraph 1 of draft decision 5.

VI. ORGANIZATION OF THE WORK OF FUTURE SESSIONS OF
THE PREPARATORY COMMITTEE

25. At its 8th meeting, on 13 September 1991, the Preparatory Committee adopted decision PC/2, entitled "Future sessions of the Preparatory Committee". For the text of the decision, see annex II to the present report.

26. At the same meeting the Preparatory Committee adopted decision PC/6, entitled "Participation of human rights experts in the Preparatory Committee and the World Conference". For the text of the decision, see annex II to the present report.

VII. PROGRAMME BUDGET IMPLICATIONS OF THE DECISIONS ADOPTED
BY THE PREPARATORY COMMITTEE AT ITS FIRST SESSION

27. At its 8th meeting, on 13 September 1991, a statement of the programme budget implications of the decisions adopted by the Preparatory Committee at its first session was made.

28. At the same meeting, statements in connection with the programme budget implications of the decisions adopted by the Preparatory Committee at its first session were made by the representatives of Austria, Senegal and Venezuela.

VIII. ADOPTION OF THE REPORT OF THE PREPARATORY COMMITTEE
ON ITS FIRST SESSION

29. At its 8th meeting, on 13 September 1991, the Preparatory Committee adopted the report on its first session in its English version. In the absence of the report in the other official languages, some delegations reserved their final approval until its publication in those other versions.

ANNEX I

AGENDA

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda and rules of procedure.
4. Organization of work.
5. Agenda, rules of procedure, dates, duration, venue of and participation at the World Conference.
6. Preparatory meetings and activities at the international, regional and national levels.
7. Studies and other documentation for the World Conference.
8. Organization of the work of future sessions of the Preparatory Committee.
9. Adoption of the report of the Preparatory Committee.

ANNEX II

DECISIONS ADOPTED BY THE PREPARATORY COMMITTEE FOR THE
WORLD CONFERENCE ON HUMAN RIGHTS AT ITS FIRST SESSIONPC/1. Convening of the World Conference on Human Rights

At its 8th meeting, on 13 September 1991, the Preparatory Committee decided without a vote, pursuant to the mandate conferred on it by the General Assembly in paragraph 3 of Assembly resolution 45/155, to propose:

(a) That the provisional agenda for the World Conference and the documentation related thereto be taken up by the Preparatory Committee at its second session;

(b) That the draft rules of procedure for the World Conference be taken up by the Preparatory Committee at its second session;

(c) That the World Conference be convened at Berlin for a period of two weeks in 1993;

(d) That the Secretary-General give the Conference and the preparatory process thereto the widest possible publicity and that the General Assembly request the Secretary-General to ensure full coordination of public information activities in the area of human rights within the United Nations system.

PC/2. Future sessions of the Preparatory Committee

At its 8th meeting, on 13 September 1991, the Preparatory Committee decided, without a vote, pursuant to the mandate conferred on it by the General Assembly in paragraph 3 of Assembly resolution 45/155, to recommend that it meet for three further sessions at Geneva, twice in 1992 and once in 1993, the next session to last two weeks and the two other sessions one to two weeks each, if this is agreed to be necessary. It decided furthermore to recommend that no more than two meetings take place simultaneously during the sessions of the Preparatory Committee and that no intersessional working group be established.

PC/3. Participation of representatives of least developed countries in the preparatory meetings and the Conference itself

At its 8th meeting, on 13 September 1991, the Preparatory Committee noted that a number of least developed countries had been unable to send representatives to its first session because of the absence of the voluntary contributions provided for in paragraph 7 of the General Assembly resolution 45/155. It decided, without a vote, to recommend to the General Assembly to reiterate its invitation for contributions of extrabudgetary resources to meet the cost of participation of representatives

of least developed countries in the preparatory meetings and the Conference itself. It further decided, also without a vote, that the General Assembly request the secretariat to intensify its efforts in this regard.

PC/4. Regional meetings in preparation for the World Conference on Human Rights

At its 8th meeting, on 13 September 1991, the Preparatory Committee decided, without a vote, in accordance with the objectives and provisions of General Assembly resolution 45/155, to recommend that regional meetings be convened for each region that so desires within the institutional framework or with the assistance of the regional commissions and that these meetings be financed as part of the preparatory work for the World Conference, as recommended for consideration by the Commission on Human Rights in its resolution 1991/30 (annex, para. 8).

PC/5. Studies and documentation for the World Conference

At its 8th meeting, on 13 September 1991, the Preparatory Committee decided, without a vote, pursuant to the mandate conferred on it by the General Assembly in paragraph 3 of Assembly resolution 45/155, to recommend that the Secretary-General be requested to prepare the following documentation as soon as possible and to report to the next session of the Preparatory Committee on the progress made:

(1) A limited number of short, analytical and action-oriented studies on issues referred to in paragraph 1 of General Assembly resolution 45/155 and Commission on Human Rights resolution 1991/30, in particular in paragraph 2 of the annex thereto, and also bearing in mind documentation prepared for, as well as statements made at, the first session of the Preparatory Committee;

(2) Reports of meetings which have been organized under the auspices of the United Nations human rights programme pursuant to General Assembly resolution 45/155;

(3) A reference guide to all United Nations studies and reports on human rights or related aspects;

(4) An update of United Nations Action in the Field of Human Rights;

(5) An update of A Compilation of International Instruments and Status of International Instruments including also texts of regional instruments on human rights.

It further decided, also without a vote, that the experts and consultants employed for that purpose should be selected with due regard to equitable geographic distribution.

PC/6. Participation of human rights experts in the Preparatory Committee and the World Conference

At its 8th meeting, on 13 September 1991, the Preparatory Committee decided, without a vote, to recommend that the General Assembly encourage the Chairman of the Commission on Human Rights, the Chairmen or other designated members of human rights bodies including the Chairman of bodies established under international human rights agreements or their designated representatives, as well as special and thematic rapporteurs and the Chairmen or designated members of working groups, to contribute as observers by taking part as appropriate in the work of the Preparatory Committee and the World Conference.

ANNEX III

LIST OF DOCUMENTS ISSUED FOR THE FIRST SESSION OF THE
PREPARATORY COMMITTEE FOR THE WORLD CONFERENCEDocuments issued in the general series

<u>Symbol</u>	<u>Agenda item</u>	<u>Title</u>
A/CONF.157/PC/1	3	Provisional agenda
A/CONF.157/PC/1/Add.1	3	Annotations to the provisional agenda prepared by the Secretary-General
A/CONF.157/PC/2/Rev.1	4	Organization of work
A/CONF.157/PC/3	5, 6, 7 and 8	Summary of the discussions on the World Conference on Human Rights at the forty-seventh session of the Commission on Human Rights: note by the Chairman of the Commission at its forty-seventh session.
A/CONF.157/PC/4	5	Letter dated 22 May 1991 from the Permanent Representative of Germany to the United Nations addressed to the Secretary-General of the United Nations
A/CONF.157/PC/5	5	Note verbale dated 17 July 1991 from the Permanent Mission of the Republic of Argentina to the International Organizations at Geneva addressed to the Secretary-General of the United Nations
A/CONF.157/PC/6	5, 6, and 7	Report of the Secretary-General: Recommendations on the World Conference and its preparation submitted by Governments
A/CONF.157/PC/6/Add.1	5, 6, and 7	Report of the Secretary-General: Recommendations on the World Conference and its preparation submitted by specialized agencies and United Nations organs

Documents issued in the general series (continued)

<u>Symbol</u>	<u>Agenda item</u>	<u>Title</u>
A/CONF.157/PC/6/Add.2	5, 6, and 7	Report of the Secretary-General: Recommendations on the World Conference and its preparation submitted by non-governmental organizations in consultative status
A/CONF.157/PC/6/Add.3	5, 6, and 7	Report of the Secretary-General: Recommendations on the World Conference and its preparation submitted by specialized agencies and United Nations organs
A/CONF.157/PC/6/Add.4	5, 6, and 7	Report of the Secretary-General: Recommendations on the World Conference and its preparation submitted by United Nations human rights treaty bodies
A/CONF.157/PC/6/Add.5	5, 6, and 7	Report of the Secretary-General: Recommendations on the World Conference and its preparation submitted by Governments
A/CONF.157/PC/6/Add.6	5, 6, and 7	Report of the Secretary-General: Recommendations on the World Conference and its preparation submitted by non-governmental organizations in consultative status
A/CONF.157/PC/6/Add.7	5, 6, and 7	Report of the Secretary-General: Recommendations on the World Conference and its preparation submitted by non-governmental organizations in consultative status
A/CONF.157/PC/6/Add.8	5, 6, and 7	Report of the Secretary-General: Recommendations on the World Conference and its preparation submitted by non-governmental organizations in consultative status
A/CONF.157/PC/6/Add.9	5, 6, and 7	Report of the Secretary-General: Recommendations on the World Conference and its preparation submitted by a human rights body

Documents issued in the general series (continued)

<u>Symbol</u>	<u>Agenda item</u>	<u>Title</u>
A/CONF.157/PC/7	7	Letter dated 20 August 1991 from the Permanent Representative of Iceland to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights and Secretary-General of the World Conference on Human Rights
A/CONF.157/PC/8	5	Note by the Secretary: Draft provisional rules of procedure of the Conference
A/CONF.157/PC/9	5	Note verbale dated 21 August 1991 from the Permanent Mission of the Republic of Argentina to the International Organizations at Geneva addressed to the Secretary-General of the United Nations
A/CONF.157/PC/10	5, 6, 7 and 8	Letter dated 11 September 1991 from the head of delegation of the United States of America to the Under-Secretary-General for Human Rights
A/CONF.157/PC/11	5, 6, 7 and 8	Letter dated 13 September 1991 from the Permanent Representative of Venezuela to the United Nations Office at Geneva, on behalf of the Latin American and Caribbean group, to the Under-Secretary-General for Human Rights
A/CONF.157/PC/12	5, 6, 7 and 8	Introductory statement to the Preparatory Committee by the Secretary-General of the World Conference
A/CONF.157/PC/13	5, 6, 7 and 8	Report of the Preparatory Committee on its first session

Documents issued in the limited series

A/CONF.157/PC/CRP.1	7	Informal note by the secretariat: Possible topics for background documentation
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Documents issued in the limited series (continued)

<u>Symbol</u>	<u>Agenda item</u>	<u>Title</u>
A/CONF.157/PC/CRP.2	5, 6, and 7	Note verbale dated 27 August 1991 from the Permanent Mission of Peru to the United Nations Office at Geneva addressed to the Centre for Human Rights
A/CONF.157/PC/L.1	9	Draft report of the Preparatory Committee for the World Conference on Human Rights
A/CONF.157/PC/L.2	9	List of draft decisions for consideration by the Preparatory Committee for the World Conference at its first session

1991/30. World Conference on Human Rights

The Commission on Human Rights,

Bearing in mind the objectives of the Charter of the United Nations and the Universal Declaration of Human Rights to promote and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Guided by the principles governing its mandate as the body responsible, inter alia, for considering all aspects of human rights calling for the active participation of all members of the international community,

Considering that, under the Charter of the United Nations and other international human rights instruments, all States have an obligation to promote international cooperation for the promotion, effective implementation and protection of all human rights and fundamental freedoms and to create the best possible conditions so that everyone may enjoy these rights and freedoms, which are and remain indivisible and interrelated,

Recalling the historic developments which have taken place in international relations since the International Conference on Human Rights held in Tehran in 1968, and in particular the increasing importance that is universally being attached to the promotion, effective implementation and protection of all human rights,

Aware that respect for human rights throughout the world calls for further intensification of the efforts of the world community and international bodies and for appropriate initiatives at the international, regional and national levels,

Recalling its decision 1990/110 of 7 March 1990 relating to the World Conference on Human Rights,

Recalling General Assembly resolution 45/155 of 18 December 1990 by which the Assembly decided to convene in 1993 a World Conference on Human Rights and requested the Commission on Human Rights to make recommendations to the Preparatory Committee for the World Conference on issues of concern to it,

1. Welcomes the unanimous decision of the General Assembly to convene a World Conference on Human Rights at a high level in 1993;
2. Recognizes the importance of the holding of a World Conference on Human Rights for the effectiveness of joint action by the United Nations and Member States to guarantee through international cooperation the promotion, effective implementation, protection and defence of all human rights;
3. Welcomes the appointment of the Under-Secretary-General for Human Rights as Secretary-General of the World Conference;
4. Appeals to all States Members of the United Nations, members of the specialized agencies and observers to take part, in accordance with the practice of the General Assembly, in the Preparatory Committee for the World Conference on Human Rights in order to help to create the necessary conditions for the success of the World Conference;
5. Recommends its Chairman, the chairpersons or other designated members of human rights bodies, including the persons chairing the bodies established under international human rights instruments or their designated representatives, as well as special and thematic rapporteurs and the chairpersons or designated members of working groups to contribute to the preparations for the World Conference by taking part as appropriate in the work of the Preparatory Committee;

6. Recommends its Chairman to inform the Preparatory Committee of the debate on the World Conference that took place at the forty-seventh session of the Commission, and in particular of the contents of the present resolution and its annex, and to make available to it a summary of the discussions;

7. Recommends the Secretary-General of the World Conference on Human Rights to convene the first meeting of the Preparatory Committee in Geneva, from 9 to 13 September 1991;

8. Requests the Secretary-General of the World Conference to arrange for informal consultations among all Member States one working day before the first meeting of the Preparatory Committee in order to prepare for the election of the five officers of the Committee with due regard for equitable geographical representation, in accordance with General Assembly resolution 45/155;

9. Also recommends that the rules of procedure governing the meetings of the Preparatory Committee should in so far as applicable be those of the functional commissions of the Economic and Social Council;

10. Recommends the Preparatory Committee to prepare the draft rules of procedure for the World Conference on the basis of the standard rules of procedure for United Nations conferences;

11. Recommends to the Secretary-General of the World Conference to draw up the provisional agenda and the programme of work of the Preparatory Committee on the basis of General Assembly resolution 45/155;

12. Recommends the Preparatory Committee, when discussing the agenda for the World Conference, to base its work on the objectives outlined in paragraph 1 of General Assembly resolution 45/155, the recommendations annexed to the present resolution and any other guidelines that may be adopted by the General Assembly;

13. Recommends the Secretary-General of the World Conference to make suggestions to the Preparatory Committee as regards background documentation, including reference material on sources of information in the field of human rights;

14. Requests the Secretary-General to invite contributions of extrabudgetary resources to meet, inter alia, the costs of participation by representatives of the least developed countries in the preparatory meetings and the World Conference itself, in conformity with paragraph 7 of General Assembly resolution 45/155;

15. Takes note with appreciation of the offers made by certain States to host the World Conference;

16. Requests the Secretary-General of the United Nations to report to the Commission at its forty-eighth session on progress in the preparations for the World Conference;

17. Decides to consider the question at its forty-eighth session, under the agenda item "World Conference on Human Rights".

52nd meeting

5 March 1991

[Adopted without a vote. See chap. XI.]

ANNEX

Recommendations

1. The Preparatory Committee for the World Conference on Human Rights, being guided by a spirit of consensus, should make suggestions aimed at ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues in United Nations human rights forums.

2. The Preparatory Committee, pursuant to the objectives contained in paragraph 1 of General Assembly resolution 45/155 of 18 December 1990, should keep in view the equal importance and indivisibility of all categories of human rights as well as the interrelationship between human rights, democracy and development in full respect for the Charter of the United Nations, and should take into account relevant resolutions adopted by the Commission on Human Rights at its forty-seventh session.

3. The Preparatory Committee should encourage, by all appropriate means, all States which have not done so, to become parties to international human rights instruments and, in particular, the International Covenants on Human Rights.

4. The Preparatory Committee should consider how the World Conference and its preparatory process can work towards improving implementation of existing human rights standards and instruments, evaluating and formulating concrete recommendations aimed at improving methods and mechanisms used by the United Nations in the field of human rights and ways to minimize duplication wherever possible.

5. The Preparatory Committee should consider the results and further prospects of the World Public Information Campaign for Human Rights.

6. The Preparatory Committee should examine ways and means of evaluating the role of advisory services stressing the need to strengthen the United Nations system of advisory services and technical assistance and emphasizing that these services are based on a cooperative approach aimed at strengthening the respect for human rights and at overcoming obstacles that

impede the full enjoyment of human rights. The Preparatory Committee should also recommend ways and means to encourage States to avail themselves of these services.

7. The Preparatory Committee should consider ways and means of promoting a universal culture of human rights by strengthening cooperation through regional meetings and activities and the encouragement of regional institutions, taking into account conditions specific to different regions, as well as by increasing the impact and presence of the United Nations system, bodies and mechanisms in the field of human rights throughout the world.

8. In order to take into account views in different regions regarding the promotion and protection of human rights, including the implementation of international human rights instruments, the Preparatory Committee should promote and consider means of financing regional meetings and activities, and should also encourage various activities at the national level.

9. The Preparatory Committee should examine ways and means by which the World Conference could encourage the establishment or strengthening of governmental and non-governmental institutions at the national level aiming at the promotion of human rights.

10. The Preparatory Committee should make recommendations to the World Conference regarding further possibilities of improving the implementation of applicable international law through national legislation.

11. The Preparatory Committee should examine ways and means for strengthening the Centre for Human Rights including, inter alia, increasing financial support and full application of article 101 (3) of the Charter of the United Nations as well as of Commission on Human Rights resolution 1989/54 of 7 March 1989.

1991/31. Human rights and thematic procedures

The Commission on Human Rights,

Considering that, over the years, thematic procedures established by the Commission with regard to consideration of questions related to the promotion and protection of civil and political rights have earned an important position among its human rights monitoring mechanisms,

Noting with satisfaction that an increasing number of Governments, as well as non-governmental organizations, have developed a working relationship with one or more of the thematic procedures,

Recalling its resolution 1990/30 of 2 March 1990, in which it urged the Governments concerned to intensify their cooperation with the Working Group on Enforced or Involuntary Disappearances in regard to any measure taken in pursuance of recommendations addressed to them by the Group,

Recalling also its resolution 1990/34 of 2 March 1990, in which it requested Governments which had invited the Special Rapporteur on questions relevant to torture to give due consideration to his recommendations,

Recalling further its resolution 1990/51 of 6 March 1990, in which it urged all Governments to cooperate with and assist the Special Rapporteur on summary and arbitrary executions,

Recalling as well its resolution 1990/27 of 2 March 1990, in which it asked all Governments to cooperate with the Special Rapporteur on the elimination of all forms of intolerance and of discrimination based on religion or belief,

1. Commends those Governments which have invited any of the thematic Special Rapporteurs or the Working Group on Enforced or Involuntary Disappearances to visit their country;
2. Encourages Governments to respond expeditiously to requests for information made to them through the procedures, so that the Special Rapporteurs concerned and the Working Group on Enforced or Involuntary Disappearances may carry out their mandate effectively;
3. Further encourages Governments encountering problems in the field of human rights to cooperate more closely with the Commission through the pertinent thematic procedures, in particular by inviting a Special Rapporteur or the Working Group on Enforced or Involuntary Disappearances to visit their country;
4. Invites the Governments concerned to study carefully the recommendations addressed to them under thematic procedures and to keep the relevant mechanisms informed on the progress made towards their implementation;
5. Invites non-governmental organizations to continue their cooperation with the thematic procedures;
6. Encourages thematic Special Rapporteurs and the Working Group on Enforced or Involuntary Disappearances to follow closely the progress made by Governments in their investigations carried out within their respective mandates.

52nd meeting

5 March 1991

[Adopted without a vote. See chap. XI.]



General Assembly

Dept. of External Affairs
Min. des Affaires extérieures
OTTAWA

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Forty-sixth session
THIRD COMMITTEE
Agenda item 98 (b)

HUMAN RIGHTS QUESTIONS

HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES
FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS

Australia, Austria, Bahamas, Belarus, Belgium, Brazil,
Bulgaria, Colombia, Cameroon, Canada, Chile, Comoros,
Costa Rica, Côte d'Ivoire, Cyprus, Czechoslovakia,
Denmark, Dominican Republic, Ecuador, Egypt, El Salvador,
Ethiopia, Finland, France, Germany, Greece, Guatemala,
Guinea, Guinea-Bissau, Honduras, Hungary, Iceland,
Indonesia, Iraq, Ireland, Italy, Jamaica, Japan,
Liechtenstein, Luxembourg, Madagascar, Mali, Malta,
Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands,
New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru,
Poland, Portugal, Romania, Samoa, Senegal, Sierra Leone,
Spain, Sweden, Togo, Tunisia, Turkey, United Kingdom of
Great Britain and Northern Ireland, Uruguay, Venezuela and
Yugoslavia: draft resolution

World Conference on Human Rights

The General Assembly,

Mindful of the goal of the United Nations to promote and encourage respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion, as set out in the Charter of the United Nations and the Universal Declaration of Human Rights, 1/

* Reissued for technical reasons.

1/ Resolution 217 A (III).

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/...

Recognizing that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of another,

Noting that violations of human rights and fundamental freedoms continue to occur,

Bearing in mind that all Member States have pledged themselves to achieve the promotion of universal respect for and observance of human rights and fundamental freedoms in conformity with relevant articles of the Charter,

Noting the progress made by the United Nations towards this goal and the fact that there are areas in which further progress should be made,

Recalling its resolution 45/155 of 18 December 1990 in which it decided, inter alia, to convene at a high level a World Conference on Human Rights in 1993 and to establish a Preparatory Committee for the World Conference,

Taking note of Commission on Human Rights resolution 1991/30 of 5 March 1991 entitled "World Conference on Human Rights", and in particular the recommendations contained in the annex to that resolution,

Taking note of the views and recommendations expressed by Governments, specialized agencies, other international organizations, concerned United Nations bodies, regional organizations and non-governmental organizations concerned with human rights contained in the report of the Secretary-General, 2/

Welcoming the appointment of the Under-Secretary-General for Human Rights as Secretary-General of the World Conference,

1. Takes note with appreciation of the report of the Preparatory Committee on its first session; 3/
2. Expresses its appreciation to Governments, the bodies and organs of the United Nations system, and non-governmental organizations for their contributions to the preparatory meetings;
3. Decides that the Preparatory Committee, at its second session, will base the elaboration of the provisional agenda for the World Conference on Human Rights of 1993 on operative paragraph 1 of resolution 45/155;

2/ A/CONF.157/PC/6.

3/ A/46/24.

4. Decides, in accordance with the decisions adopted by the Preparatory Committee:

- I. (a) That the provisional agenda for the World Conference and the documentation related thereto be taken up by the Preparatory Committee at its second session;
- (b) That the draft rules of procedure for the World Conference be taken up by the Preparatory Committee at its second session;
- (c) That the World Conference be convened at Berlin, for a period of two weeks in 1993;
- (d) That the Secretary-General give the conference and the preparatory process thereto the widest possible publicity and ensure full coordination of public information activities in the area of human rights within the United Nations system;

II. That the Preparatory Committee will meet for three further sessions at Geneva, twice in 1992 and once in 1993, the next session to last two weeks and the two further sessions one to two weeks each if this is agreed to be necessary, and decides also that no more than two meetings take place simultaneously during the session of the Preparatory Committee and that no inter-sessional working group be established;

III. To reiterate its invitation for contributions of extrabudgetary resources to meet the costs of participation of representatives of the least developed countries in the preparatory meetings, including regional meetings and the World Conference itself, and to request the Secretary-General to intensify his efforts in this regard;

IV. That, in accordance with the objectives and provisions of General Assembly resolution 45/155, regional meetings be convened for each region that so desires within the institutional framework or with the assistance of the regional commissions and that these meetings be financed as part of the preparatory work for the World Conference, as recommended for consideration by the Commission on Human Rights in paragraph 8 of the annex to its resolution 1991/30;

V. To request the Secretary-General to prepare the following documentation as soon as possible and to report to the next session of the Preparatory Committee on the progress made on:

- (1) A limited number of short, analytical and action-oriented studies on issues referred to in paragraph 1 of General Assembly resolution 45/155, Commission on Human Rights resolution 1991/30 and in particular in paragraph 2 of the annex thereto, and also bearing in mind documentation prepared for, as well as statements made at, the first session of the Preparatory Committee;

/...

- (2) Reports of meetings that have been organized under the auspices of the United Nations human rights programme pursuant to General Assembly resolution 45/155;
- (3) A reference guide to all United Nations studies and reports on human rights or related aspects;
- (4) An update of the publication United Nations Action in the Field of Human Rights;
- (5) An update of the Compilation of International Instruments and the Status of International Instruments, including also texts of regional instruments on human rights;

To note, further, that the Preparatory Committee decided that the experts and consultants employed for this purpose should be selected with due regard to equitable geographical distribution;

IV. To encourage the Chairman of the Commission on Human Rights, the chairpersons or other designated members of human rights bodies, including the chairpersons of bodies established under international human rights instruments or their designated representatives, as well as special and thematic rapporteurs and the chairpersons or designated members of working groups, to contribute as observers by taking part as appropriate in the work of the Preparatory Committee and the World Conference;

5. Renews its request to Governments, the specialized agencies, other international organizations, concerned United Nations bodies, regional organizations and non-governmental organizations concerned with human rights to assist the Preparatory Committee and to undertake reviews and submit recommendations on the World Conference and its preparation to the Preparatory Committee through the Secretary-General and to participate actively in the World Conference;

6. Requests the Secretary-General to encourage initiatives at the national, regional and international levels designed to make the World Conference process a success;

7. Also requests the Secretary-General to provide the Preparatory Committee with all necessary assistance;

8. Requests the Preparatory Committee to report to the General Assembly at its forty-seventh session on progress in the work of the Committee.

Form 675 G (5)
PRODOTTORE PIPSOX E PROGRESS
MONTIARI TORONTO

1991/20. Effective functioning of bodies established pursuant to United Nations human rights instruments

The Commission on Human Rights,

Recalling General Assembly resolution 45/85 of 14 December 1990, Economic and Social Council decision 1990/226 of 25 May 1990 and its own resolution 1990/25 of 27 February 1990, as well as other relevant resolutions,

Reaffirming that the effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Expressing concern about the continuing and increasing backlog of reports on implementation by States parties of United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies,

Expressing further concern about the non-fulfilment by many States parties of their financial obligations under the relevant United Nations instruments on human rights,

Aware that the General Assembly, in its resolution 45/85, reaffirmed its responsibility to ensure the proper functioning of the said treaty bodies and, in this connection, reaffirmed the importance of:

(a) Ensuring the effective functioning of systems of periodic reporting by States parties to these instruments,

(b) Securing sufficient financial resources to overcome existing difficulties with their effective functioning,

(c) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights.

Recalling the conclusions and recommendations of the second meeting of persons chairing the human rights treaty bodies, held at Geneva from 10 to 14 October 1988 (see E/CN.4/1989/62, annex) and the endorsement of the recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures by the General Assembly in its resolution 44/135 of 15 December 1989 and the Commission on Human Rights in its resolution 1989/47 of 6 March 1989,

Taking note of the conclusions and recommendations of the third meeting of persons chairing the human rights treaty bodies, held at Geneva from 1 to 5 October 1990 (see A/45/636, annex, sect. VI),

Taking note with appreciation of the study on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations human rights instruments prepared by the independent expert pursuant to Commission resolution 1989/47 (A/44/668, annex),

Taking note with appreciation also that the Economic and Social Council, by its decision 1990/226, approved the recommendation of the Commission for computerizing the work of the treaty-monitoring bodies in relation to reporting systems, and requested the Secretary-General to include the annual recurrent cost of the system proposed by the Task Force on Computerization appointed by the Secretary-General (see E/CN.4/1990/39, annex) in the programme budget for the biennium 1992-1993 when the proposed system was expected to become operational.

Noting that the General Assembly, by its resolution 45/85, endorsed the recommendations of the Task Force on Computerization with a view to increasing efficiency and facilitating compliance by States parties with their reporting obligations and the examination of reports by the treaty bodies, and requested

the Secretary-General to give high priority to establishing a computerized data base to improve the efficiency and effectiveness of the functioning of the treaty bodies,

1. Endorses the continuing efforts aimed at streamlining, rationalizing and otherwise improving reporting procedures by the treaty bodies and the Secretary-General within their respective spheres of competence;

2. Welcomes the conclusions and recommendations with regard to the better functioning of the treaty bodies contained in the study on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations human rights instruments;

3. Welcomes the note by the Secretary-General (E/CN.4/1991/71, annex) reporting on the comments by the Human Rights Committee following its review of the study on possible long-term approaches and requests the Secretary-General to report on the comments of the remaining treaty bodies to the Commission on Human Rights at its forty-eighth session;

4. Endorses the recommendation of the third meeting of persons chairing the human rights treaty bodies to institutionalize the meetings and requests the General Assembly to take appropriate action to enable these meetings to be held on a biennial basis;

5. Stresses the continuing need for consultation and exchange of information between all treaty bodies including the Committee on the Elimination of Discrimination against Women;

6. Requests the Secretary-General to give consideration to the proposal endorsed by the second and third meetings of persons chairing the human rights treaty bodies and by the Committee on Economic, Social and Cultural Rights, to establish a committee resource room for the purpose of gathering and facilitating access to the various sources of information that are indispensable for the effective functioning of the various treaty bodies;

7. Urges States parties to make every effort to meet their reporting obligations and to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining and improving reporting procedures;

8. Also urges all States parties to meet without delay all their financial obligations pursuant to United Nations human rights instruments;

9. Invites meetings of States parties to consider ways and means of strengthening the collection of contributions and of making procedures more effective and, if necessary, to reconsider the position of States parties that are substantially in default on their assessed contributions;

10. Notes that the General Assembly, in its resolution 45/85, welcomed the fact that the Commission on Human Rights, in its resolution 1990/25, had

noted that the Assembly, in so far as any of the treaty bodies may be experiencing financial difficulties, could consider alleviating these difficulties, inter alia, by the temporary allocation of necessary funds by way of advances out of the regular budget of the United Nations;

11. Recalls the duties of all States parties under United Nations human rights instruments to meet their financial obligations pursuant to such instruments;

12. Notes with interest the recommendation of the third meeting of persons chairing the human rights treaty bodies and by the independent Expert in his report on possible long-term approaches that the General Assembly should, as a matter of the highest priority, ensure the financing of the human rights treaty bodies from the regular budget of the United Nations;

13. Requests the General Assembly to mandate the Secretary-General to take the appropriate steps in order to finance the meetings of persons chairing the human rights treaty bodies from the available resources of the regular budget of the United Nations, when necessary, with the proviso that reimbursement shall eventually be made in every instance from the contributions of States parties to those conventions or from other appropriate sources;

14. Requests the Secretary-General to submit to the General Assembly at its forty-sixth session a report examining the financial, legal and other implications of providing full funding for the operation of all human rights treaty bodies;

15. Reiterates its conviction that in standard-setting every effort should be made to maximize normative consistency and that any new standards should take full account of the factors enumerated in General Assembly resolution 41/120 of 4 December 1986;

16. Urges the Secretary-General to expedite the implementation of the recommendations of the Task Force on Computerization as soon as possible by requesting Member States, in particular States which are parties to various human rights instruments, to make generous voluntary contributions to cover the initial one-time cost of the proposed system;

17. Requests the Secretary-General to prepare an inventory of all international human rights standard-setting activities in order to facilitate better informed decision-making;

18. Decides to consider the question on a priority basis at its forty-eighth session under the agenda item "Effective functioning of bodies established pursuant to United Nations human rights instruments".

47th meeting
1 March 1991

[Adopted without a vote. See chap. XVIII.]

1991/32. Right to freedom of opinion and expression

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, which affirms the right to freedom of opinion and expression,

Mindful of the International Covenant on Civil and Political Rights which reaffirms, in article 19, the right of everyone to hold opinions without interference, as well as the right to freedom of expression, and states that the exercise of the right to freedom of expression carries with it special duties and responsibilities and may therefore be subject to certain restrictions, but that these shall only be such as are provided by law and are necessary for respect of the rights or reputations of others, or for the protection of national security or of public order (ordre public), or of public health or morals,

Mindful also that the International Covenant on Civil and Political Rights states that any propaganda for war or any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1983/32 of 6 September 1983,

Recalling its resolutions 1984/26 of 12 March 1984, 1985/17 of 11 March 1985, 1986/46 of 12 March 1986, 1987/32 of 10 March 1987, 1988/37 and 1988/39 of 8 March 1988, 1989/31 of 6 March 1989, 1989/56 of 7 March 1989 and 1990/32 of 2 March 1990,

Taking note of the preliminary report on the right to freedom of opinion and expression (E/CN.4/Sub.2/1990/11), submitted to the Sub-Commission at its forty-second session by the Special Rapporteurs, Mr. Louis Joinet and Mr. Danilo Türk,

Recalling Sub-Commission decision 1990/117 of 30 August 1990, in which it took note with appreciation of the preliminary report of the Special Rapporteurs and decided to give priority consideration to the updated report of the Special Rapporteurs at its forty-third session,

Noting the reference in the preliminary report of the Special Rapporteurs of the link between violations of the right to freedom of opinion and expression and violations of other fundamental rights, such as the rights to liberty, security, life, privacy, peaceful assembly, protection against torture, and freedom of movement and religion,

Noting also the importance and relevance to the protection of the right to freedom of opinion and expression of work being undertaken on the drafting of a declaration on the right and responsibility of individuals, groups and

organs of society to promote and protect human rights, and welcoming the progress achieved to that end at the current session of the Commission by the Working Group on the subject.

Considering that the effective promotion of the human rights of persons who exercise the right to freedom of opinion and expression is of fundamental importance to the safeguarding of human dignity,

1. Expresses its concern at the extensive occurrence in many parts of the world of detention of, or discrimination against, persons who exercise the right to freedom of opinion and expression as affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

2. Also expresses its concern at the extensive occurrence in many parts of the world of detention of, or discrimination against, persons who exercise the intrinsically linked rights to freedom of thought, conscience and religion, of peaceful assembly and freedom of association, and the right to take part in the conduct of public affairs as affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

3. Further expresses its concern at the extensive occurrence in many parts of the world of detention of, or discrimination against, persons who seek to promote and defend these rights and freedoms;

4. Welcomes the release of persons detained for exercising these rights and freedoms and encourages further progress in this regard in all parts of the world;

5. Appeals to all States to ensure respect and support for the rights of all persons who exercise the right to freedom of opinion and expression and the rights to freedom of thought, conscience and religion, association, and to peaceful assembly, and the right to take part in the conduct of public affairs, or who seek to promote and defend these rights and freedoms and, where any persons have been detained solely for exercising these rights as laid down in the International Covenant on Civil and Political Rights, to release them immediately;

6. Appeals also to all States to ensure that persons seeking to exercise these rights and freedoms are not discriminated against, particularly in such areas as employment, housing and social services, or harassed;

7. Welcomes the intention of the Special Rapporteurs to study in greater detail measures necessary for the strengthening and promotion of the right to freedom of expression, inter alia, the concept of a democratic

society, the relationship between the right to freedom of opinion and expression and the right to freedom of association and peaceful assembly and the right to take part in Government;

8. Requests the Secretary-General to provide the two Special Rapporteurs with all necessary assistance;

9. Decides to review the question at its forty-eighth session on the basis, inter alia, of the updated report submitted by the Special Rapporteurs to the Sub-Commission at its forty-third session and any decisions adopted by the Sub-Commission in this regard.

52nd meeting

5 March 1991

[Adopted without a vote. See chap. X.]

1991/48. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Commission on Human Rights.

Conscious of the need to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling General Assembly resolution 36/55 of 25 November 1981, in which the Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Taking note of General Assembly resolution 45/136 of 14 December 1990, in which the Assembly requested the Commission on Human Rights to continue its

consideration of measures to implement the Declaration and to report, through the Economic and Social Council, to the Assembly at its forty-sixth session,

Taking note also of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/23 of 31 August 1989,

Recognizing that it is desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and that both Governments and non-governmental organizations have an important role to play in this domain,

Conscious of the importance of education in ensuring tolerance of religion and belief,

Recognizing the valuable contribution that can be made to the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief by activities undertaken on a regional basis,

Recognizing also that religious bodies, non-governmental organizations and groups at every level have an important role to play in the promotion of tolerance and the protection of freedom of religion and belief,

Recalling that 1991 marks the tenth anniversary of the proclamation by the General Assembly of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and that this provides an opportunity to reinforce efforts aimed at the effective implementation of the Declaration,

Recalling that, in its resolution 1990/27 of 2 March 1990, it decided to extend for two years the mandate of the Special Rapporteur of the Commission appointed to examine incidents and governmental actions in all parts of the world which are inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to recommend remedial measures, as appropriate,

Having carefully examined the report of the Special Rapporteur, Mr. Angelo Vidal d'Almeida Ribeiro (E/CN.4/1991/56),

Recalling further that, in its resolution 1990/27, it welcomed with appreciation the working paper prepared by Mr. Theo van Boven (E/CN.4/Sub.2/1989/32), member of the Sub-Commission, which contained a compilation of provisions relevant to the elimination of intolerance and discrimination based on religion or belief, as well as the issues and factors to be considered before any drafting of a further binding international instrument,

Seriously concerned that intolerance and discrimination on the grounds of religion or belief continue to occur in many parts of the world, as outlined in the aforementioned report of the Special Rapporteur,

Believing that further efforts are therefore required in order to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of intolerance and of discrimination based on religion or belief,

1. Reaffirms that freedom of thought, conscience, religion and belief is a right guaranteed to all without discrimination;

2. Expresses its thanks to the Special Rapporteur and takes note of his report and the various views expressed thereon during the forty-seventh session of the Commission;

3. Urges States, in accordance with their respective constitutional systems and with such internationally accepted instruments as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, to provide, where they have not already done so, adequate constitutional and legal guarantees of freedom of thought, conscience, religion and belief, including the provision of effective remedies where there is intolerance or discrimination based on religion or belief;

4. Calls upon States to take all appropriate measures to combat intolerance and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief and, in this context, to examine, where necessary, the supervision and training of members of law enforcement bodies, civil servants, educators and other public officials to ensure that, in the course of their official duties, they respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

5. Urges all States to consider, in the context of the tenth anniversary in 1991 of the proclamation by the General Assembly of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, what further measures might be taken at the national and regional levels to promote the effective implementation of the Declaration;

6. Invites the United Nations University and other academic and research institutions to undertake programmes and studies on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief;

7. Considers it desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief, and to ensure, especially in the context of the tenth anniversary of the proclamation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, that appropriate measures are taken to this end in the World Public Information Campaign for Human Rights;

8. Invites, therefore, the Secretary-General to continue to give high priority to the dissemination of the text of the Declaration in all official languages of the United Nations and in national languages, and to take all appropriate measures to make the text available for use by the United Nations information centres as well as by other interested bodies;

9. Welcomes the efforts of non-governmental organizations to promote the implementation of the Declaration, including at the Second International Conference on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, held in Warsaw from 14 to 18 May 1989;

10. Requests the Secretary-General in this context to invite interested non-governmental organizations to consider what further role they could envisage playing in the dissemination of the Declaration in national and local languages;

11. Welcomes Economic and Social Council decision 1990/229 of 25 May 1990, based on the recommendation of the Commission at its forty-sixth session, by which the Council extended for a further two years the mandate of the Special Rapporteur appointed to examine incidents and governmental actions in all parts of the world which are inconsistent with the provisions of the Declaration and to recommend remedial measures, as appropriate;

12. Invites the Special Rapporteur, in carrying out his mandate, to continue to bear in mind the need to be able to respond effectively to credible and reliable information that comes before him, to seek the views and comments of the Government concerned on any information which he intends to include in his report, and to carry out his work with discretion and independence;

13. Calls upon Governments which have not done so to cooperate with the Special Rapporteur, inter alia, by responding expeditiously to requests for such views and comments and, in this connection, calls especially for the cooperation of the Governments whose failure to respond has been noted in successive reports of the Special Rapporteur;

14. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to enable him to report to the Commission at its forty-eighth session;

15. Requests also the Secretary-General to report to the Commission at its forty-eighth session on measures taken to implement the present resolution;

16. Decides to continue its consideration of the question at its forty-eighth session under the agenda item "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief".

52nd meeting
5 March 1991

[Adopted without a vote. See chap. XXII.]

1991/50. Advisory services in the field of human rights

The Commission on Human Rights.

Recalling General Assembly resolution 926 (X) of 14 December 1955, by which the Assembly established the United Nations programme of advisory services in the field of human rights,

Recalling also General Assembly resolution 41/154 of 4 December 1986, in which the Assembly requested the Commission on Human Rights to continue to pay special attention to the most appropriate ways of assisting, at their request, countries of the different regions under the programme of advisory services and to make, where necessary, the relevant recommendations,

Recalling further General Assembly resolution 43/90 of 8 December 1988, in which the Assembly invited the Commission on Human Rights to consider a programme of action in the field of human rights, including activities to develop human rights institutions and infrastructures,

Recalling its resolution 1985/26 of 11 March 1985, in which it encouraged the Secretary-General to continue and enhance his efforts under the programme of advisory services in the field of human rights to provide practical assistance to States in the implementation of international conventions on human rights particularly the International Covenants on Human Rights, and its resolutions 1990/58 and 1990/59 of 7 March 1990,

Mindful of the provisions of General Assembly resolution 926 (X) that advisory services shall be rendered by the Secretary-General solely at the request of Governments,

Taking note with appreciation of the report of the Secretary-General (E/CN.4/1991/55),

Noting with appreciation the enhanced efforts of the Secretary-General to coordinate system-wide advisory services and technical assistance in the field of human rights and the foundation of a flexible inter-agency mechanism for human rights activities,

Noting the importance of expert services, fellowships and scholarships, training courses and seminars under the programme of advisory services as forms of practical assistance to States with a view to enabling them to develop the necessary infrastructure to meet international human rights standards,

Supporting, therefore, the general thrust of the plan of activities contained in the report of the Secretary-General (E/CN.4/1991/55, sect. III),

1. Welcomes the increasing number of requests from Governments for support and technical assistance in the field of human rights;

2. Reaffirms that the programme of advisory services in the field of human rights should continue to provide practical assistance in the implementation of international conventions on human rights to those States which indicate a need for such assistance;

3. Requests the Secretary-General again to provide urgently more human and financial resources for the enlargement of advisory services, particularly from section 24 of the regular budget of the United Nations concerning technical cooperation, in order to meet the increased demand on this important instrument intended to invigorate the human rights spirit in the world;

4. Also requests the Secretary-General to pursue his efforts for a medium-term plan for advisory services and technical assistance in the field

of human rights, taking into account the comments and views expressed by Governments at the forty-seventh session of the Commission on Human Rights;

5. Recommends to the Secretary-General that the provision of expert assistance and activities to assist Governments in the development of the necessary infrastructures to meet international human rights standards should continue to increase;

6. Welcomes the efforts of the Secretary-General to ensure close coordination between the activities of the regular programme and those of the voluntary fund and, at the same time, to make a clear distinction between activities under the regular programme of advisory services and technical cooperation projects financed under the voluntary fund;

7. Requests the Secretary-General to intensify further coordination within the United Nations system for providing advisory services and technical assistance in the field of human rights;

8. Notes with appreciation the co-operation between the Centre for Human Rights and the United Nations Development Programme and encourages the leadership of both organizations to further enhance co-ordination and cooperation between them;

9. Requests the Secretary-General to explore yet further the possibilities offered by cooperation between the Centre for Human Rights and specialized bodies of the United Nations system, such as the United Nations Development Programme, the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the International Labour Organisation, the United Nations Institute for Training and Research, the United Nations Interregional Crime and Justice Research Institute and the World Health Organization, as well as the International Committee of the Red Cross;

10. Also requests the Secretary-General to bring to the attention of the States to the attention of the United Nations bodies and the specialized agencies that are active in providing assistance in the field of development with a view to promoting human rights in the development strategies and policies of the United Nations;

11. Invites competent United Nations bodies, such as the committees set up under the International Covenants on Human Rights, the Committee on the Elimination of Racial Discrimination, the Committee against Torture and the Committee on the Rights of the Child, to make suggestions and proposals for the implementation of advisory services;

12. Requests its special rapporteurs and representatives, as well as the Working Group on Enforced or Involuntary Disappearances, to inform Governments, whenever appropriate, of the possibility of availing themselves

of the services provided for under the programme of advisory services and to include in their recommendations, whenever appropriate, proposals for specific projects to be realized under the programme of advisory services;

13. Requests the Secretary-General to give special attention to such proposals of special rapporteurs and representatives;

14. Appeals to all Governments to consider making use of the possibility offered by the United Nations of organizing, under the programme of advisory services in the field of human rights, information and/or training courses at the national level for appropriate government personnel on the application of international human rights standards and the experience of relevant international organs;

15. Encourages Governments in need of technical assistance in the field of human rights to avail themselves of the advisory services of experts in the field of human rights, for example, for drafting basic legal texts in conformity with international conventions on human rights;

16. Requests the Secretary-General to report to the Commission at its forty-eighth session on the progress made in the implementation of the programme of advisory services in the field of human rights.

52nd meeting

5 March 1991

[Adopted without a vote. See chap. XXI.]

1991/52. Implementation of the Convention on the Rights of the Child

The Commission on Human Rights,

Recalling General Assembly resolution 44/25 of 20 November 1989, by which the Assembly adopted the Convention on the Rights of the Child,

Recalling also its resolution 1990/74 of 7 March 1990 as well as General Assembly resolutions 45/104 of 14 December 1990 and 45/217 of 21 December 1990,

Reaffirming that the rights of children require special protection and call for continuous improvement of the situation of children all over the world, as well as for their development and education in conditions of peace and security,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social conditions, natural disasters, armed conflicts, exploitation, illiteracy, hunger and disability, and convinced that urgent and effective national and international action is called for,

Mindful of the important role of the United Nations Children's Fund and of that of the United Nations in promoting the well-being of children and their development,

Convinced that the Convention on the Rights of the Child, as a standard-setting accomplishment of the United Nations in the field of human rights, makes a positive contribution to protecting the rights of children and ensuring their well-being,

Welcoming with satisfaction the successful conclusion of the World Summit for Children, held in New York on 29 and 30 September 1990, in particular the adoption of the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s (E/CN.4/1991/59, annex) and stressing the necessity to ensure the follow-up of the Summit at the national and international levels,

Having considered the report of the Secretary-General on the status of the Convention (E/CN.4/1991/58),

Encouraged by the fact that an unprecedented number of States have to date become signatories and parties to the Convention, thereby demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child,

1. Takes note with appreciation of the report of the Secretary-General on the status of the Convention on the Rights of the Child;

2. Welcomes with deep satisfaction the entry into force of the Convention on 2 September 1990 as a major step in international efforts to promote universal respect for and observance of human rights and fundamental freedoms;
3. Expresses its satisfaction at the number of States that have signed, ratified or acceded to the Convention since it was opened for signature, ratification and accession on 26 January 1990;
4. Calls upon all States that have not done so to sign, ratify or accede to the Convention as a matter of priority;
5. Requests the Secretary-General to provide all facilities and assistance necessary for the dissemination of information on the Convention and its implementation with a view to promoting further ratification of or accession to the Convention;
6. Emphasizes the importance of the strictest compliance by States parties with their obligations under the Convention;
7. Recognizes the important functions of the Committee on the Rights of the Child in overseeing the effective implementation of the provisions of the Convention;
8. Requests the Secretary-General to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee on the Rights of the Child;
9. Invites United Nations bodies and organizations as well as intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on the Convention and promoting its understanding;
10. Requests the Secretary-General to submit a report on the status of the Convention on the Rights of the Child to the Commission at its forty-eighth session;
11. Decides to consider the report of the Secretary-General at its forty-eighth session under the agenda item "Rights of the child".

53rd meeting
6 March 1991

[Adopted without a vote. See chap. XXIV.]

1991/63. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Commission on Human Rights.

Recalling its decision 1984/116 of 16 March 1984, by which it established an open-ended working group 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,

Recalling also its subsequent resolutions, in particular resolution 1990/47 of 6 March 1990 in which it authorized further meetings of the working group and noted the progress it had achieved,

Conscious of the importance of taking into account the opinions of all Member States and of interested intergovernmental and non-governmental organizations, before finalizing the draft declaration,

Considering that the task of the working group could be expedited if it were authorized to meet for a further session of two weeks prior to the forty-eighth session of the Commission,

1. Takes note of the report of the working group (E/CN.4/1991/57), welcomes the substantial progress which the working group has made at its meetings prior to and during the forty-seventh session of the Commission, and urges the working group to complete its work as soon as possible;

2. Decides to continue at its forty-eighth session its work on the elaboration of the draft declaration;

3. Decides also to make available appropriate meeting time for the working group prior to and during the forty-eighth session of the Commission;

4. Requests the Secretary-General to transmit the report of the working group to all Member States and relevant intergovernmental and non-governmental organizations;

5. Decides to consider the question at its forty-eighth session;

6. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution VI.]

53rd meeting

6 March 1991

[Adopted without a vote. See chap. XXIII.]

1991/71. Summary or arbitrary executions

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil and Political Rights, in which it is stated that every human being has the inherent right to life, that this right shall be protected by law, and that no one shall be arbitrarily deprived of his life,

Recalling General Assembly resolution 34/175 of 17 December 1979, in which the Assembly reaffirmed that mass and flagrant violations of human rights were of special concern to the United Nations and urged the Commission on Human Rights to take timely and effective action in existing and future cases of mass and flagrant violations of human rights,

Mindful of General Assembly resolutions 36/22 of 9 November 1981, 37/182 of 17 December 1982, 38/96 of 16 December 1983, 39/110 of 4 December 1984, 40/143 of 13 December 1985, 41/144 of 4 December 1986, 42/141 of 7 December 1987, 43/151 of 8 December 1988, 44/159 of 15 December 1989 and 45/162 of 18 December 1990,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1982/13 of 7 September 1982, in which the Sub-Commission recommended that effective measures should be adopted to prevent the occurrence of summary or arbitrary executions,

Welcoming Economic and Social Council resolution 1984/50 of 25 May 1984 and the safeguards guaranteeing protection of the rights of those facing the death penalty annexed thereto, which were endorsed by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in its resolution 15 (A/CONF.121/22/Rev.1, chap. 1, sect. E),

Welcoming also the close cooperation established between the Centre for Human Rights, the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat and the Committee on Crime Prevention and Control with regard to the elaboration of the principles on the effective prevention and investigation of arbitrary and summary executions, including extralegal executions,

Recalling Economic and Social Council resolution 1989/65 of 24 May 1989 containing the Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions,

Recalling also Economic and Social Council resolution 1989/64 of 24 May 1989, on the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, and the recommendations contained therein,

Deeply alarmed at the occurrence, on a large scale, of summary or arbitrary executions, including extralegal executions,

Welcoming the attention given by the Special Rapporteur in his report (E/CN.4/1991/36) to the problem of situations of internal violence, disturbances, tensions and public emergency, in view of the needless loss of life consequent upon the level of violence in such situations,

Convinced of the need for appropriate action to combat and eventually eliminate the abhorrent practice of summary or arbitrary executions, which represents a flagrant violation of the most fundamental right, the right to life,

1. Strongly condemns once again the large number of summary or arbitrary executions, including extralegal executions, which continue to take place in various parts of the world;
2. Appeals urgently to Governments, United Nations bodies, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to take effective action to combat and eliminate summary or arbitrary executions, including extralegal executions;
3. Takes note with appreciation of the report of the Special Rapporteur and welcomes his recommendations with a view to eliminating summary or arbitrary executions;
4. Welcomes Economic and Social Council decision 1990/233 of 25 May 1990 in which the Council approved the Commission's decision to extend the mandate of the Special Rapporteur for two years, while keeping the annual reporting cycle;
5. Requests the Special Rapporteur, in carrying out his mandate, to continue to examine situations of summary or arbitrary executions;
6. Also requests the Special Rapporteur, in carrying out his mandate, to respond effectively to information that comes before him, in particular when a summary or arbitrary execution is imminent or threatened or when such an execution has occurred;
7. Encourages Governments, international organizations and non-governmental organizations to set up training programmes and to support projects with a view to training or educating law enforcement officers in human rights issues connected with their work, and appeals to the international community to support endeavours to that end;
8. Requests the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur;

9. Also requests the Secretary-General to consider ways of publicizing, particularly within the framework of the information activities of the Centre for Human Rights, the work of the Special Rapporteur as well as his recommendations;

10. Urges all Governments, in particular those which have consistently not responded to communications transmitted to them by the Special Rapporteur, and all others concerned to cooperate with and assist the Special Rapporteur so that he may carry out his mandate effectively;

11. Also urges Governments to undertake all necessary and possible measures to lower the level of violence and the needless loss of life consequent thereupon during situations of internal violence, disturbances, tensions and public emergency;

12. Expresses its profound thanks to the Governments which have invited the Special Rapporteur to visit their countries, asks them to examine carefully his recommendations and invites them to report to the Special Rapporteur on action taken on these recommendations;

13. Again requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights appears not to be respected;

14. Decides to consider the question of summary or arbitrary executions as a matter of high priority at its forty-eighth session under the agenda item "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".

54th meeting

6 March 1991

[Adopted without a vote. See chap. XII.]

1991/73. Human rights and mass exoduses

The Commission on Human Rights.

Mindful of its general humanitarian mandate under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Deeply disturbed by the continuing scale and magnitude of exoduses of refugees and displacements of population in many regions of the world and by the human suffering of millions of refugees and displaced persons,

Conscious of the fact that human rights violations are one of the multiple and complex factors causing mass exoduses of refugees and displaced persons, as indicated in the study of the Special Rapporteur on this subject (E/CN.4/1503) and also in the report of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees (A/41/324, annex),

Recalling the recommendations concerning mass exoduses which it has made to the Sub-Commission on Prevention of Discrimination and Protection of Minorities and to special rapporteurs when studying violations of human rights in any part of the world,

Deeply preoccupied by the increasingly heavy burden being imposed, particularly upon developing countries with limited resources of their own, and upon the international community as whole, by these sudden mass exoduses and displacements of population,

Stressing the need for international cooperation aimed at averting new massive flows of refugees in parallel with the provision of durable solutions to actual refugee situations,

Taking note once again of the report of the Secretary-General on human rights and mass exoduses (A/38/538),

Welcoming the endorsement by the General Assembly at its forty-first session of the recommendations and conclusions contained in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees,

Recalling General Assembly resolution 44/164 of 15 December 1989, by which the Assembly reaffirmed its support for the recommendation of the Group of Governmental Experts that the principal organs of the United Nations should make fuller use of their respective competencies under the Charter of the United Nations for the prevention of new massive flows of refugees and displaced persons,

Recalling also its resolution 1990/52 of 6 March 1990 and its previous relevant resolutions as well as those of the General Assembly,

Noting that the General Assembly, in its resolution 45/153 of 18 December 1990, welcomed the report of the Joint Inspection Unit on the coordination of activities related to early warning of possible refugee flows (A/45/649, annex),

Welcoming the steps taken so far by the United Nations to examine the problem of massive outflows of refugees and displaced persons in all its aspects, including its root causes,

Bearing in mind the statement made by the United Nations High Commissioner for Refugees at its 36th meeting on 22 February 1990, which drew attention to the complexity of the global refugee problem, the need for a comprehensive approach addressing the concerns of all the different groups involved and the important role to be played in this regard by human rights institutions,

Noting that the Executive Committee of the Programme of the United Nations High Commissioner for Refugees has specifically acknowledged the direct relationship between observance of human rights standards, refugee movements and problems of protection,

Recalling that the General Assembly, in its resolution 45/153, invited the Commission to keep the questions of human rights and mass exoduses under review with a view to supporting the early warning arrangement instituted by the Secretary-General to avert new massive flows of refugees and displaced persons,

1. Invites again all Governments and intergovernmental and humanitarian organizations concerned to intensify their cooperation and assistance in worldwide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and also the causes of such exoduses;
2. Requests all Governments to ensure the effective implementation of the relevant international instruments, in particular in the field of human rights, as this would contribute to averting new massive flows of refugees and displaced persons;
3. Takes note of the report of the Secretary-General on human rights and mass exoduses (A/45/607);
4. Welcomes the report of the Joint Inspection Unit on the coordination of activities related to early warning of possible refugee flows;
5. Invites the Secretary-General, all intergovernmental agencies and offices, as well as international agencies concerned, speedily to implement the recommendations contained in the report of the Joint Inspection Unit, particularly with regard to the establishment of a working group and of a consultative machinery within the United Nations system for early warning of possible refugee flows and displaced persons;

6. Encourages the Secretary-General to continue to take the necessary steps to discharge the function and responsibilities described in the report of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees, including the continuous monitoring of all potential outflows, keeping in mind the recommendations of the Joint Inspection Unit;

7. Welcomes the establishment by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees of the Working Group on Solutions and Protection;

8. Requests the Secretary-General to intensify his efforts to develop the role of the Office for Research and the Collection of Information to strengthen the coordination of information-gathering and analysis with agencies so as to provide early warning of developing situations requiring the attention of the Secretary-General, as well as to provide a focal point within the United Nations system for policy response, including identification of the policy options for the Secretary-General;

9. Also requests the Secretary-General to make the necessary information available to the competent United Nations organs bearing in mind the recommendations of the Joint Inspection Unit;

10. Urges the Secretary-General to allocate the necessary resources to consolidate and strengthen the system for undertaking early warning activities in the humanitarian area by, inter alia, computerization of the Office for Research and the Collection of Information and strengthened coordination among the relevant organizations of the United Nations system, especially the Office for Research and the Collection of Information, the Office of the United Nations High Commissioner for Refugees, the Centre for Human Rights and the relevant specialized agencies, and ensuring that data collection and information handling processes are harmonized and, where possible, that use be made of computerized systems;

11. Looks forward to the report of the Secretary-General to the General Assembly at its forty-sixth session on the strengthened role that the Secretary-General could play in undertaking early warning activities, especially in the humanitarian area, as well as any further developments relating to the recommendations contained in the report of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees;

12. Decides to continue consideration of the question at its forty-eighth session.

54th meeting

6 March 1991

[Adopted without a vote. See chap. XII.]

Form 674, G (9)
CIRQUE **Piassex** PROGRESS
MONTREAL - TORONTO

1993 - An International Year for the
World's Indigenous People

Draft Resolution A/C.3/46/L.56, "1993 - An International Year for the World's Indigenous People" was introduced by Canada and was passed without a vote by the General Assembly of the United Nations in December, 1991. Thirty-four countries co-sponsored the resolution: Americas (12), Europe (9), Asia (7), Africa (4) and Caricom (1). The mix is representative of the distribution of indigenous people and the interest of the countries where they live.

The Resolution reflects two approaches to reaching the objectives for The Year, as stated in preambular paragraph 2. The first, favored by the aboriginal representatives of North America, Australasia and Scandinavia, seeks international recognition for their rights; the second, primarily from the Third World, favors the development of economic security as a prelude to recognition of their rights.

A number of innovative features characterise the resolution as far as aboriginal people are concerned:

- a) indigenous organisations are held to be distinct from non-governmental organisations;
- b) the U.N. system is encouraged to meet directly with indigenous representatives rather than with states as the sole go-betweens;
- c) the development agencies such as UNICEF and the UNDP are responding to direct contacts by indigenous representatives;
- d) cross-referencing of the Indigenous Year resolution with others of direct pertinence e.g. the UNCED (June 1992) and the World Conference on Human Rights (1993).

The theme, "Indigenous People - A New Partnership", evolved from various attempts over the last nine months to articulate with representatives of Canada's aboriginal peoples a theme acceptable in the first instance to all parties in Canada and in the second instance, one that Canada could persuade other states to adopt. No agreement had been reached by the time the resolution was addressed at the United Nations. The theme emerged therefore from the collective attitudes of the co-writers of the resolution: Canada, Mexico, Colombia, Brazil, Nigeria, Norway, Australia and New Zealand.

The coordination process is designed to ensure that the political cum economic approaches receive equal attention while ensuring as well that control and accountability be vested where it belongs, in the Commission (Centre) on Human Rights.

A number of processes relating to indigenous people will be converging on 1994 and ought to justify the drawing of conclusions regarding where participants in these processes will want to proceed next: the Year, the World Conference, UNCED etc. The last operative paragraph allows for such an opportunity.

Ministers will be approached in the near future to determine a process for the Government to discuss with the aboriginal peoples of Canada how all Canadians can come together to denote the Year.

DECLARATION ON THE RIGHTS OF
INDIGENOUS PEOPLE

The Working Group on Indigenous Populations, (WGIP) met again in Geneva from July 22 to August 2nd, 1991. The first week dwelled primarily on the principles for inclusion in a "Declaration" while the second was given to "developments" and other issues relating to the overall process such as the studies on "Treaties", the "Protection of Cultural Properties" and on Transnational Corporations. The meetings were fully serviced, thereby enabling all parties to participate in the discussions.

Preparatory meetings between the Canadian observer team and representatives of Canada's aboriginal peoples were constrained by the late arrival of U.N. documentation. Nevertheless, officials were able to share their analysis of the draft principles and explain the reasons for advising the WGIP on amendments. All of the preambulatory and 17 of the operative paragraphs of the "Draft Declaration" were discussed in the first week. Experts of the WGIP then recast these paragraphs from their sense of the discussions for further study. Discussion on the remaining 10 operative paragraphs was deferred until next year's WGIP.

The most spirited discussions turned on the principles relating to self-determination and land rights. The claim to an "inherent right to self-determination" came to the fore again in the discussions on developments in the second week. Representatives of Canada's aboriginal peoples were forthright in expressing their concerns about the lack of progress on the "Treaties" study.

Canada's Permanent Representative made two statements: one on the overall relationship between aboriginal peoples in Canada and the Government, with details on the implementation of the national aboriginal agenda. He commented also on the WGIP process and the desirability to proceed in accordance with traditional practices associated with "rights" instruments in the United Nations. The second commented on the studies referred to in paragraph 1 of this and reiterated for the information of the WGIP, the ready availability of the constitutional and Royal Commission processes for aboriginal peoples to advance their political agendas.

The Chairperson of the WGIP stated that she could envisage reporting the "Declaration" to the Commission on Human Rights at the end of the next WGIP if progress on discussions were to be maintained at the same pace and if all parties were willing.



General Assembly

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25 November 1991

ORIGINAL: ENGLISH

Forty-sixth session
THIRD COMMITTEE
Agenda item 98 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS,
INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING
THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS

Australia, Bahamas, Bolivia, Brazil, Canada, Chile,
Colombia, Cuba, Czechoslovakia, Denmark, Ecuador,
El Salvador, Finland, Greece, Guatemala, Hungary, Mexico,
Morocco, New Zealand, Nicaragua, Nigeria, Norway, Peru,
Philippines, Samoa, Senegal, Sierra Leone, Sweden,
Ukraine, Union of Soviet Socialist Republics and Vanuatu:
draft resolution

International Year for the World's Indigenous People

The General Assembly,

Bearing in mind that one of the purposes of the United Nations, set forth in its Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Reiterating its resolution 45/164 of 18 December 1990, proclaiming 1993 as the International Year for the World's Indigenous People, with a view to strengthening international cooperation for the solution of problems faced by indigenous communities in such areas, inter alia, as human rights, the environment, development, education, health,

Taking into account the guidelines for international years and anniversaries adopted by the General Assembly in decision 35/424 of 5 December 1980,

Bearing in mind Commission on Human Rights resolution 1991/57 of 6 March 1991,

Noting with satisfaction the initiatives taken by the Executive Board of the United Nations Children's Fund in its resolution 1991/7 and the Governing Council of the United Nations Development Programme in its resolution 1991/12 in response to Commission on Human Rights resolution 1991/57,

Noting the entry into force on 5 September 1991 of the Convention on Indigenous and Tribal Peoples, 1989 (No. 169) of the International Labour Organisation,

Welcoming decision 3/7 of 4 September 1991 of the Preparatory Committee for the United Nations Conference on Environment and Development regarding the opportunity afforded by the International Year for the World's Indigenous People as a first step towards mobilizing international technical and financial cooperation for the self-development of indigenous people and their communities, 1/

Informed of the endorsement by the Subcommission on Prevention of Discrimination and Protection of Minorities at its forty-third session of the second working paper 2/ submitted by Mr. Asbjorn Eide and Ms. Christy Mbonu,

Mindful of the preparatory process for the World Conference on Human Rights to be held in 1993,

Noting the report of the Secretary-General 3/ regarding the preparation and the organization of the International Year for the World's Indigenous People,

Recognizing the value and the diversity of the cultures and the forms of social organization of the world's indigenous people,

1. Requests the Secretary-General to proclaim during the forty-sixth session of the General Assembly, the theme "Indigenous people - a new partnership" for the International Year;
2. Recommends that the specialized agencies, regional commissions and other organizations of the United Nations system, in their consideration of the contributions that they can make to the success of the Year, be guided by how:

1/ A/46/48 (Part II).

2/ E/CN.4/Sub.2/1991/39.

3/ A/46/543.

(a) Their operational activities can most effectively contribute to the solutions of problems faced by indigenous people;

(b) Indigenous people can play an important role in the planning, implementation and evaluation of projects which may affect them;

3. Encourages States to consult with indigenous people, and non-governmental organizations working with them, regarding activities for the Year;

4. Invites States again to inform the Secretary-General of their initiatives;

5. Adopts the annexed programme of activities for the International Year for the World's Indigenous People;

6. Recommends the appointment of the Under-Secretary-General for Human Rights as the Coordinator of the International Year with functional duties to be assigned to the Centre on Human Rights in conjunction with the Office of the Director-General for International Economic Cooperation and the International Labour Organisation;

7. Requests the Coordinator actively to solicit the cooperation of other elements of the United Nations, including financial and development institutions;

8. Decides:

(a) That the Coordinator shall convene early in 1992 a technical meeting of agencies, regional commissions and other relevant organizations of the United Nations system with representatives of States, organizations of indigenous people and other non-governmental organizations having a special interest in indigenous matters:

- (i) To identify programme areas or capabilities that are of particular relevance and priority to indigenous people;
- (ii) To agree on specific objectives for special projects to be implemented in 1993 as part of the International Year and to ensure their consonance with the theme and objectives of the Year;
- (iii) To consider existing project guidelines and recommend effective means for including indigenous people in the initiation, the design and implementation of the special projects to be undertaken in 1993;
- (iv) To suggest appropriate procedures and criteria for the evaluation of projects involving indigenous people, in 1993 and thereafter;
- (v) To consider what financial provisions, if any, need to be made to ensure implementation of the foregoing;

- (vi) To report on the outcome of the technical meeting conference to the Commission on Human Rights at its forty-ninth session;
 - (b) To continue to take into account the ongoing work of the Subcommission on Prevention of Discrimination and Protection of Minorities as well as that of the Working Group on Indigenous Populations;
 - (c) To conduct the opening ceremonies for the International Year for the World's Indigenous People at its forty-seventh session in 1992;
9. Invites those States that are in a position to do so to consider means by which they could provide resources to assist the United Nations work on the International Year, for example by the secondment of suitable staff;
10. Urges States, intergovernmental and non-governmental organizations as well as indigenous peoples' organizations to contribute to the Voluntary Fund for the International Year opened by the Secretary-General;
11. Requests the Secretary-General to give all the necessary assistance to permit the implementation of the Coordinator's tasks;
12. Requests the Commission on Human Rights to convene a meeting of participating parties to the programmes and projects of the International Year to assess after the International Year what conclusions can be drawn from the activities.

Annex

Programme of activities for the International Year for the World's Indigenous People

I. ACTIVITIES AT THE INTERNATIONAL LEVEL

- A. United Nations observances to set the general tone for activities under the International Year
 - (a) A formal opening-day ceremony by the Secretary-General in New York, during the forty-seventh session of the General Assembly;
 - (b) Messages of support by heads of State or Government, executive heads of United Nations bodies as well as chairpersons of the principal committees;
 - (c) A formal day of observance during the forty-ninth session of the Commission on Human Rights at Geneva;
 - (d) Issuance of slogan cancellations by the United Nations Postal Administration, paraphrasing "indigenous people - indigenous rights"/International Year for the World's Indigenous People, 1993;

(e) Design of a symbol by an indigenous artist for use in connection with activities during the International Year.

B. Projects and activities to be undertaken by the Department of Public Information of the United Nations Secretariat, in cooperation with the Coordinator and in consultation with indigenous organizations

(a) Production in all languages and dissemination of a poster highlighting the global diversity of indigenous people, and of a public service announcement using the same design as the poster for placement in international magazines, as space is donated;

(b) Publication of the Universal Declaration of Human Rights in local languages;

(c) Production and wide distribution of special programmes in the radio series of the Department of Public Information, aimed at general and non-indigenous audiences;

(d) Production in all six official languages of an illustrated brochure on the Year, intended for use by United Nations information centres, non-governmental organizations, schools, the media and the general public.

C. Activities of the United Nations system

(a) Increasing the coordination, cooperation and technical assistance by the United Nations agencies and bodies for the solution of problems faced by indigenous communities in areas such as human rights, the environment, development, education and health. In this connection, it is recommended that United Nations operational agencies explore possible new areas of cooperation, in particular technical and financial assistance;

(b) Funding of concrete projects for indigenous communities, reflecting the wishes of indigenous people, that can have a direct benefit to the community;

(c) Increasing publicity, especially to indigenous communities, on the work of the United Nations in areas related to the objectives of the Year;

(d) Increasing awareness of the existence of relevant international legal instruments related to the objectives of the Year, and promoting their widespread ratification and implementation;

(e) Establishing networks of indigenous organizations and communities for the sharing of information and experience in particular fields, such as health care, bilingual education, resource and environmental management;

(f) Contracting or secondment of indigenous organizations and persons with relevant expertise in carrying out projects for the benefit of indigenous communities throughout the world;

(g) Examining the possibility of holding the next two sessions of the Working Group on Indigenous Populations in the western hemisphere and in the Asia/Pacific region;

(h) Promoting an international trade fair of indigenous products;

(i) Providing technical assistance to Governments wishing to make provisions in their legislation for the protection and promotion of the human rights of indigenous people, in particular on questions of land, environmental protection and strengthening of cultural identity, as well as technical and financial assistance for the implementation of such legislation.

II. ACTIVITIES AT THE NATIONAL LEVEL

Member States are invited, in conformity with their right to determine freely their own development objectives in the light of their particular situations, to consider adopting the following measures to ensure the success of the Year:

(a) Governments could designate a contact person for the Year in the appropriate ministry and establish national committees composed of governmental, indigenous and non-governmental representatives to prepare a national programme of activities;

(b) Governments could raise public awareness through information and education projects. These might include the publication of books, posters and leaflets by and/or on indigenous people; an educational book about the values, history and aspirations of indigenous people; special programmes on national radio and television; grants and awards for research about indigenous people by indigenous scholars; meetings and conferences;

(c) Governments could promote indigenous initiatives in such areas as radio and television and model projects on education, health, employment, housing and the environment;

(d) Governments could present information, prepared in partnership with indigenous people, about the situation prevailing in the country and the activities initiated during the International Year;

(e) Governments could encourage participation of indigenous people in the preparation and implementation of all activities undertaken in connection with the International Year;

- (f) Indigenous organizations and communities could be encouraged to prepare their own programmes of activities and to take such measures as:
- (i) Establishing contact points and committees for the Year, with a view to facilitating participation in the organization and implementation of activities carried out at the national level;
 - (ii) Preparing programmes of information activities, including publications, exhibitions, educational material, meetings, cultural events and training courses. Support for such activities should be sought from international organizations, Governments and non-governmental organizations;
 - (iii) Indigenous communities could plan demonstration projects in development, environment, health, education or in other areas; support for such activities could be sought from international organizations, Governments and non-governmental organizations.

1991/57. International Year for the World's Indigenous People

The Commission on Human Rights.

Bearing in mind that one of the purposes of the United Nations, set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Taking note of General Assembly resolution 45/164 of 18 December 1990, in which the Assembly proclaimed 1993 as the International Year for the World's Indigenous People, with a view to strengthening international cooperation for the solution of problems faced by indigenous communities in such areas as human rights, the environment, development, education, health and others,

Taking into account the guidelines for international years and anniversaries adopted by the General Assembly in its decision 35/424 of 5 December 1980,

Recognizing the value and diversity of the cultures and forms of social organization of the world's indigenous people,

1. Recommends that the specialized agencies, regional commissions and other organizations of the United Nations system, in their consideration of the contributions that they can make to the success of the International Year for the World's Indigenous People, be guided by how:

(a) Their operational activities can most effectively contribute to the solution of problems faced by indigenous people;

(b) Indigenous people can play an important role in the planning, implementation and evaluation of projects which may affect them;

2. Invites Member States to inform the Secretary-General of their initiatives and to propose themes for the International Year;

3. Encourages Member States to consult with indigenous people, and non-governmental organisations working with them, regarding themes and activities for the International Year;

4. Requests the Secretary-General, in preparing the draft programme of activities for the International Year, requested by the General Assembly in its resolution 45/164, to take into account the ongoing work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities as well as the Working Group on Indigenous Populations and to consider specific recommendations for the coordination and implementation of the draft programme of activities;

5. Requests the Secretary-General to accept and administer voluntary contributions from Governments, intergovernmental organizations and indigenous and non-indigenous organizations for the purposes of funding programme activities for the International Year.

53rd meeting

6 March 1991

[Adopted without a vote. See chap. XIX.]

Form 177-C (01)
PIRELLA GÖTTSCHE LOWE
MONTREAL TORONTO

DECEMBER 1991

HUMAN RIGHTS SITUATION IN
THE ISLAMIC REPUBLIC OF IRAN

ISSUE

The human rights situation in Iran continues to be a matter of serious concern to the Canadian Government.

In 1990, at the invitation of the Government of Iran, the Special Representative of the Commission on Human Rights (CHR), Mr. Galindo Pohl, visited Iran to investigate the situation of human rights in that country.

In February 1991, at the 47th Session of the United Nations Commission on Human Rights, the Commission received Mr. Pohl's report, extended his mandate and instructed him, in a resolution adopted by consensus, to report to the next session of the UNCHR "with a view of discontinuing the mandate if there is further progress...". As a result, Mr. Pohl was not required to report to the Third Committee of the 46th Session of the United Nations General Assembly and, therefore, there was no resolution on Iran in the Third Committee.

However, at the time of the 46th session of UNGA, the planned visit of the Iranian prisons by the representatives of the International Committee of the Red Cross had not yet materialized. The earlier consensus resolution, again co-sponsored by Canada, in which it was decided to continue the examination of the situation of human rights in Iran, very much remains relevant.

BACKGROUND

Serious violations of human rights continue to be reported in Iran. Areas of concern are "notably those concerning executions, ill-treatment and torture, lack of defence counsel in trials before the revolutionary courts, failure to notify detainees of the charges against them immediately after their arrest, difficulties in ensuring public trials, restriction of the press, on the publication of books and on artistic creation, problems with right of petition and obstacles to forming associations in general and political parties in particular".

There is also reason for continued concerns about the treatment of religious minorities and the punishment meted out to women for what Iranian authorities consider improper dress. Special units check on social activities. Women whose clothing does not completely cover the hair and all of the body except hands and face or who wear makeup, are technically subject to arrest. Harassment is more common than prosecution. In the past, men have also been required to dress "modestly," avoiding, for example, short-sleeved shirts. Various sources allege that politically motivated executions are still taking place in Iran. There is still a number of executions for ordinary offences, in

particular for smuggling of goods, or without formal charges.

In his 1991 report, the United Nations Special Representative repeated his conviction that the persistence of acts inconsistent with the international instruments in force justifies both international concern and constant vigilance by the United Nations General Assembly and the CHR.

Iran is sensitive to the continued international criticism of its human rights performance. It has made some concessions to the ICRC, but it remains to be seen whether these will last beyond the meeting of the UNCHR.

Some improvement of the situation of the Baha'is has been noted but only to the extent that fewer are imprisoned and executions have apparently ceased. A relatively large number of political prisoners have reportedly also been released over the last few months of 1991.

CANADIAN POSITION

Canada continues to use the opportunities presented by bilateral contacts and international meetings to express its concerns over Iran's human rights record and to urge that the situation be improved. Canada has also demonstrated its concern at the United Nations, where it has repeatedly co-sponsored resolutions. The subject has been raised in official contacts by the Secretary of State for External Affairs and by the Minister of International Trade.

Most recently, in his human rights address in the Third Committee of the United Nations General Assembly, Ambassador Fortier said: "Canada urges Iran to cooperate fully and openly with the United Nations Special Representative and with the ICRC. We are concerned about reports of repeated violations of the fundamental right to life, as well as reports about the treatment of religious minorities and punishment meted out to women for what is considered improper dress by the Iranian authorities. The international community, which has addressed the human rights situation in Iran in previous General Assemblies, has an obligation to keep the situation under review". We indicated to other potential co-sponsors our willingness to co-sponsor a resolution on Human Rights situation in Iran, if one could be brought forward.

We expect the matter of Iran's human rights record to be raised again at the United Nations Commission on Human Rights in Geneva next February. Canada is a traditional co-sponsor of the Iran resolution at the UNCHR and expects to play a major role again this year.

Canada continues to urge Iran to cooperate fully with the United Nations Special Representative and with the ICRC.

DECEMBER 1991

HUMAN RIGHTS SITUATION IN IRAQ

ISSUE

The human rights situation in Iraq continues to be of serious concern to the international community. While this concern was manifest before Iraq's invasion of Kuwait, it has become the subject of specific consideration by the United Nations in the aftermath of the Gulf war.

Security Council resolution 688, passed on April 5 1991 at the height of the abortive efforts by Kurds and Shiites to rebel against Saddam Hussein's regime, demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations and ensure that the human and political rights of all Iraqi citizens are respected. By the reference to the threat to international peace and security, this resolution represented an unprecedented Security Council involvement in the area of human rights, reflecting the extraordinary situation within Iraq. It also served notice on Iraq that it would have to improve its human rights performance as part of the process of its international reconciliation including the attenuation of UN sanctions which continue in place.

Previous efforts to condemn Iraqi human rights practices by the Commission on Human Rights were frustrated by procedural motions. However, in the aftermath of the Gulf war, resolution 1991/74 of 6 March, 1991 was passed; this provided for the appointment of a Special Rapporteur to make a thorough study of human rights practices of the Government of Iraq. The resulting interim report was reviewed at UNGA 46 and will be the basis of a final report to the Commission at its forty-eighth session. At UNGA 46 a resolution was passed expressing concern about the numerous human rights abuses by the Government of Iraq detailed in the report, calling for compliance by Iraq with its human rights obligations and providing for the continuing examination of the human rights situation in Iraq. In a somewhat related initiative the UNGA also passed a resolution expressing concern at the grave human rights violations that occurred during the occupation of Kuwait and calling on Iraq to cooperate fully in the search for and repatriation of Kuwaitis and third country nationals missing in Iraq in the aftermath of the Gulf war.

BACKGROUND

The serious abuses of human rights in Iraq are primarily political and are designed to maintain and reinforce the monopoly of power of Saddam Hussein, the ruling Ba'ath party and its main control institution, the Revolutionary Command Council supported by an omnipresent security apparatus. The problem of violence in Iraqi politics has been present for years, but was exacerbated by Saddam's wars against his neighbours. In the aftermath of the

Gulf war, Saddam Hussein took draconian measures to put down rebellions by elements of the population not associated with the ruling Sunni elite - the Kurds in the north and the Shiites in the south - and subsequently moved to consolidate his power in the face of international pressure in opposition to his regime.

The UN report paints a grave picture of the human rights situation in Iraq. It includes detailed descriptions of a wide variety of illegal abuses such as arbitrary detention, disappearances, torture and other inhuman and degrading practices, political killings, summary or arbitrary executions, extreme and indiscriminate measures in the control of civil disturbances, and hostage taking and use of persons as "human shields" during the Gulf crisis. Constitutional, legislative and judicial protection, while existing on paper, are revealed to be totally ineffectual in combatting human rights abuses in Iraq. Repression and loss of life associated with these abuses has been very high, particularly for the thousands of Kurdish civilians that have been forcibly taken from their homes or subject to chemical weapons attacks such as the town of Halabja in March of 1988. Repression against Shiites has been widespread and includes the reported house arrest of Grand Ayatollah al-Khoei since March of 1991. In its official response to the UN report the Government of Iraq denies most of the charges of human rights abuse, citing constitutional and legal protection and the extenuating circumstances of war and international sanctions.

CANADIAN POSITION

Canada is very concerned about the human rights situation in Iraq and has undertaken numerous initiatives to demonstrate its opposition to the abuses. Canada supports the implementation of Security Council resolution 688 and the decisions of the Security Council to maintain sanctions until Iraq satisfies all the relevant UN requirements. Canada supports strongly and has contributed \$21.15 million to the UN humanitarian program in Iraq. At UNGA 46 Canada cosponsored and voted for the resolutions concerning human rights in Iraq and in Kuwait under Iraqi Occupation. The Canadian statement on human rights before the Third Committee commented critically on the situation in Iraq as follows: "Canadians are concerned about continuing human rights abuses in Iraq, in particular the suppression of the rights of the Kurds in northern Iraq, the Shiites in southern Iraq and other Iraqis. We call on Iraq to institute real democratic reforms and to respect the human rights of all Iraqi citizens. The Iraqi people must be able to choose their leadership openly and democratically without fear of harassment. The ending of repression in Iraq for political reasons will be looked upon by many members of the international community as an essential precondition to Iraq's full international reintegration."

HUMAN RIGHTS IN KUWAIT SINCE THE GULF WAR

Background

Since the end of the Gulf War, Amnesty International and Middle East Watch have devoted considerable attention to the Human Rights situation in Kuwait: some of their findings are summarised in *A Victory Turned Sour* (MEW, September 11th 1991) and *Nowhere to Go* (MEW, October 23rd 1991).

Allegations of abuse centre primarily on the manner in which those perceived to have collaborated with Iraqi occupation forces - primarily the country's large Palestinian community - have been dealt with. In the three months following the coalition victory, 29 individuals were sentenced to death by Kuwait's martial law courts and many cases were reported of harassment and summary deportation. Following international pressure, those sentences were commuted in late June, and the most flagrant abuses of human rights began to lessen.

Since June, pressures on the Palestinian community have been more subtle but generally within the limits of Kuwaiti law. Kuwait's restrictive citizenship laws mean that virtually none of the country's very large pre-war community of Palestinian origin was eligible for citizenship, even though they, their parents or even their grandparents might have been born in Kuwait. Extensions of residence permits are now being systematically denied to Palestinians, and most of the community has either been deported or left the country voluntarily, anticipating deportation - Jordan has been the main recipient of Palestinians.

In mid-December, there were reports of an increase in harassment of the non-Kuwaiti population - random road checks and detention with little or no cause, extortion, and psychological pressure to emigrate voluntarily. However, the Government has simultaneously announced that it will grant residence status to 35,000 Palestinians and Jordanians and, in a positive departure from past practice, to Iraqi males married to Kuwaitis.

Recently attention has focussed specifically on the situation faced by an estimated 5000 to 8000 stateless Palestinian families. Typically, these persons - or their parents - were born in the Gaza Strip prior to 1967, i.e. at the time it was administered by Egypt. They lack the Israeli-issued documents that would allow them to return to Gaza, and Egypt will not validate their old Egyptian-issued papers for travel to Egypt itself. These people - unlike the large numbers of Palestinians who hold Jordanian travel documents - thus have nowhere to go. Kuwaiti authorities have said that persons in this category will not be forced to leave and it is thought that many of the 35,000 residence permits announced in mid-December will come their way.

It should be noted that the departure of Palestinians from Kuwait falls within the context of a stated Government policy to

reduce the pre-war population of approximately 2 million to 1,2 million, with a minimum of 40% of Kuwaiti citizens. However, the Government of Kuwait has not taken action to mitigate the atmosphere of vengefulness towards Palestinians that exists in the Kuwaiti population.

Canada's position

Canada has made clear its concern to see a high standard of regard for human rights in post-war Kuwait.

The Secretary of State for External Affairs, the Honourable Barbara McDougall, has raised her concern about these questions with Foreign Ministers from the region and with Mr. Ilter Turkmen, the Commissioner General of UNRWA. Her predecessor, Mr. Clark, raised Canadian concern at alleged human rights abuses in Kuwait when he visited the Emirate in March 1991, as did the Minister for International Trade and Industry, Mr. Wilson, in May.

During the early summer, when martial law was still in effect, Canadian officials conveyed our disquiet to the Kuwaiti Ambassador to Canada. Canada's Ambassador in Kuwait has made representations on a number of occasions, expressing our concern about the plight of the Palestinian community and encouraging Kuwait towards higher standards of behaviour. Most recently, on December 4th, he raised the case of an individual (with relatives in Canada) who has been imprisoned without trial and threatened with deportation; assurances were provided that the case would be looked into carefully and that nobody would be deported who had nowhere to go.

Canada's Ambassador to the UN mentioned our concern with the human rights situation in Kuwait when addressing the Third Committee of the UNGA on November 25th. "While there has been improvement in the human rights situation in Kuwait since martial law was lifted in June", Mr. Fortier said, "we hope to see further progress toward complete respect for the due process of law." In Kuwait we have maintained close contact with the UNHCR and the ICRC, agencies which have both recently increased their presence in Kuwait; these agencies have informed us that they feel able to carry out their mandate and we have confidence in them.

Whenever we have been in contact with the Kuwaiti authorities, we have insisted upon fairness and due process. In general we are now more satisfied that the Government of Kuwait is operating in accordance with its own laws. We intend to follow with care some disturbing reports received in December. While higher standards of treatment for the Palestinian community have been encouraged, the question of renewal or non-renewal of their residence permits is primarily an internal matter for the Kuwaiti authorities.

DECEMBER 1991

HUMAN RIGHTS SITUATION IN THE
TERRITORIES OCCUPIED BY ISRAEL SINCE 1967

ISSUE

Human rights violations in the territories occupied by Israel since 1967 continue to be of major concern to Canada and the international community. Canada, as a High Contracting Party to the Fourth Geneva Convention Relative to the Protection of Civilian Persons in the Time of War, has consistently urged that Israel, as the occupying power, respect and apply de jure within the occupied territories all the provisions of the Convention. It is longstanding Canadian policy that the Fourth Geneva Convention is applicable to the occupied territories. While there has been an overall decrease over the past eight months in serious human rights violations, including the numbers of Palestinians held under administrative detention, the general situation of Palestinians continues to deteriorate. Serious breaches of the Convention by the occupation authorities have continued, despite appeals by the UN Security Council, the UN General Assembly, the UN Commission on Human Rights, and the International Committee of the Red Cross (ICRC).

BACKGROUND

The past eight months have seen an overall decrease in serious human rights violations in the occupied territories. There has been a decrease in the number of arrests and the levels of those Palestinians held in administrative detention, as well as the re-opening of most universities and colleges. However, the general situation remains of serious concern. Collective punishments, such as lengthy curfews and limitations on freedom of movement, restrict Palestinian rights. Unacceptable levels of force in quelling disturbances and methods of interrogation continue. Of particular concern is the increase in violent incidents by Israeli settlers, and intra-Palestinian communal conflicts.

There is widespread access to reporting on human rights in the occupied territories, by both Israeli and international NGOs and governments. Several international organizations have the institutional authority to monitor and protest human rights violations when they occur, specifically the ICRC and UNWRA (the UN Relief and Works Agency in the Near East). The ICRC maintains a regular presence in the occupied territories, so as to facilitate and monitor the implementation of the Fourth Geneva Convention, and to intervene on behalf of civilian victims where international humanitarian law is violated. There are a number of Israeli and international NGOs which follow closely developments regarding human rights in the occupied territories.

CANADIAN POSITION

The Canadian Government, through its Embassy in Tel Aviv and international bodies, keeps abreast of political and economic events within the occupied territories which have an impact on the human rights situation. It is in close co-ordination with the international bodies mentioned above, as well as non-governmental development and human rights organizations, and the Israeli Government, regarding the human rights situation.

Canada has called on Israel (through bilateral contacts, ministerial statements and positions adopted in UN fora) to respect and apply fully the Fourth Geneva Convention. Where human rights violations occur, Canada raises them as appropriate with the Israeli government. Over the past year, Canada has spoken in UN fora to reiterate publicly the position that human rights violations by the Israeli occupying authorities are unacceptable and contrary to international law. Where UN resolutions have identified Israeli activities which are the subject of justified criticism, such as breaches of the Fourth Geneva Convention, Canada has supported them.

HUMAN RIGHTS IN SAUDI ARABIA

ISSUE AND BACKGROUND

The Kingdom of Saudi Arabia is governed by an absolute, paternal, hereditary monarchy on the basis of the strict observance of conservative Islam. Human rights concerns in Saudi Arabia arise primarily from these basic characteristics in the political, social and cultural systems which are at variance in some respect with international standards. There is systematic discrimination against women. Saudi Arabia is not a party to the major UN conventions related to human rights and is not the subject of any UN enquiry.

Although there is no Saudi constitution to define political rights or to guarantee freedom of expression, there is a traditional consultative mechanism between the King/government and the people which achieves a certain degree of political consensus on major issues and facilitates direct petitions from the public.

The judicial system, based on the Koran and Islamic Sharia law, gives some protection to the family and privacy. Limits are, however, placed on freedom of religion; proselytizing by religions other than Islam is restricted and there is some discrimination against underprivileged groups, particularly foreign workers from third world countries. Labour unions, the right to strike and collective bargaining are banned. Women suffer from considerable inequality in the social and legal system.

The government has been accused of dealing harshly with potential opponents in a situation of limited judicial protection; there are a handful of prisoners of conscience who remain detained without trial. In July, 1991 a group of Saudi protesters demonstrated in Montreal that there is no constitution or penal code to protect against torture. During the Gulf War, hundreds of thousands of Yemenis working in Saudi Arabia were forced to return to their homeland because of Yemen's perceived support for Iraq.

CANADIAN POSITION

Canada has raised some concerns about the human rights situation in Saudi Arabia, in particular the position of women.

Human Rights in Jordan

ISSUE

The general context of human rights in Jordan has improved over the last two years. However, there are some areas of concern such as women's rights and political prisoners.

BACKGROUND

Elections (the first in over twenty years) in November 1989 and the recent lifting of martial law (in effect since 1967), have advanced the process of democratisation. These developments have created expectations that the human rights situation in general will improve.

Expansion of democratic freedoms has resulted in the election of a large number of fundamentalist members of Parliament. This group has succeeded in enacting legislation which has limited the rights of women to inherit. The Government sees such legislation as retrograde, and is prepared to challenge it through the parliamentary process, a reflection of the relatively liberal traditions which have existed in Jordan.

There is widespread expectation that by the time the next elections take place, within two or three years, there will be sufficient time for the other political parties established to become credible secular rivals to the fundamentalists. King Hussein's recent speech from the throne strongly cautioned against the encroachment of any one group on the rights and liberties of the majority of the people, and has again emphasized the importance he attaches to the security forces and their role in the protection of the interest of the country.

Jordan is well aware of concerns for human rights, and has made significant moves to improve the situation. Prison practices have been amended, and many of the political prisoners, whom the Jordanian authorities have charged with "security crimes motivated by political ideology" for a series of sabotage attacks, have seen their sentences reduced, or commuted to life terms in the case of most of the death sentences, by the King.

The economic situation in Jordan has deteriorated quite seriously as a result of the returning Jordanians and Palestinians from Kuwait and the Gulf region. This has substantially increased Jordan's population, and as a result, added a further burden on the country's already strained economic and social structures.

CANADIAN POSITION

Jordan's record of human rights, while imperfect, is more than respectable. Canada encourages the government to resist any backsliding respecting human rights, and to address those lacunae which continue to exist.

DECEMBER1991

THE HUMAN RIGHTS SITUATION IN LEBANON

BACKGROUND

The human rights situation was turned into utter disorder by the civil war, which lasted more than 15 years, during which time the influence of the government was minimal and the people, including foreigners, were at the mercy of the militias. The abuses originated not with the government, but with individuals and armed political factions. Due process is gradually being restored by the Lebanese government. At the same time, human rights are being affected by the continued Israeli and Syrian presence.

SITUATION

Although the past year has seen a marked improvement from the viewpoint of individual rights, abuses are still going on.

With the support of Syria, the Lebanese government of national reconciliation has gradually extended its authority throughout the country, with the exception of the south.

With regard to respect for the integrity of the person, relative peace is being restored where once the law of the jungle prevailed. The arbitrary approach to civil and political liberties and judicial procedures is gradually giving way. The situation remains uncertain.

The country's parliamentary institutions were severely shaken by the internal crisis that ravaged it for more than 15 years. A President and a Speaker have already been elected under the Taif Agreement of October 1989, which calls for general elections, among other things. A government of national reconciliation was formed in December 1990, and deputies have been appointed to the vacant seats. Since that time, the Lebanese government has gradually extended its authority over the country.

CANADIAN POSITION

Canada has always supported the sovereignty, independence and territorial integrity of Lebanon, and has called for the withdrawal of all foreign forces. As of November 1989, Canada supported the legitimacy of the Lebanese government, and as of October 1990, the gradual extension of its authority over the national territory.

Since the election of a Lebanese President in 1989, Canada has welcomed the sense of responsibility shown by the Lebanese parliamentarians in their efforts to reconcile and to restore the

government's authority in its primordial function of protecting the citizenry. Canada has also encouraged the people of Lebanon to support their country's legitimate authorities.

It is Canada's hope that the Lebanese government will be able to establish its authority throughout the national territory, and to protect the people from the exactions still occurring locally through interference from foreign elements, so that they might once again enjoy the collective and individual rights described in the international conventions.

During the year, Canada has made representations in both Damascus and Beirut to express its concern over the acts of violence committed in Lebanon. We have likewise encouraged the Lebanese authorities to consider the aspirations of the various communities living in Lebanon in seeking to achieve the goal of national reconciliation.

Canada is pressing both the Syrian and the Israeli governments to withdraw their troops from Lebanon. In the meantime, they should refrain from actions that would infringe on the human rights of those living in Lebanese territory, be they Lebanese, Palestinian or others. We have asked Israel to use its influence over the army of Southern Lebanon to end the abusive treatment of inmates in the detention centres, as identified by Amnesty International and other reliable organizations.

DECEMBER 1991

HUMAN RIGHTS SITUATION IN
THE SYRIAN ARAB REPUBLIC

ISSUE

Canada is seriously concerned about the violation of human rights in Syria, particularly in respect of the large number of political prisoners, the conditions of detention and the absence of due process of law.

BACKGROUND

In early 1991, Amnesty International reported that "Thousand of suspected opponents of the government, including hundreds of prisoners of conscience, continued to be detained under state emergency legislation in force since 1963. The majority were held without trial, some for over 20 years. Others remained in prison after the expiry of their sentences. Some had been held incommunicado for long periods. Torture of political detainees continued to be reported, in at least four cases allegedly resulting in death. At least four people were executed." Amnesty also reported on the continued detention of some members of the Syrian Jewish community and on the reported deaths in custody of some Palestinian prisoners.

There are grounds for concern about the treatment by Syria of various groups and minorities, especially the arbitrary nature of judicial proceedings. The Syrian Jewish community suffers from the additional restriction of not being allowed to emigrate.

During the Forty-Seventh Session of the United Nations Commission on Human Rights in Geneva in February 1991, a Syrian official publicly endorsed a book which contains anti-semitic allegations of a deplorable nature. The Canadian delegation to the Session placed on record its view that any attempt to justify that type of totally unfounded racist slur had no place in that forum.

In the second part of 1991, a relatively important number of political and other prisoners have, quietly, been released, including Syrian Jews. In May 1991, the Swed brothers were tried and sentenced to 6 years and eight months of detention, but the 3 years and 2 months already served will be taken into account. Canadian authorities have made and continue to make repeated démarches in Damascus and elsewhere, in the case of the Swed brothers.

CANADIAN POSITION

Over the last year, Canada has repeatedly made its concerns on the human rights situation in Syria known to the Syrian authorities, and this at all levels of the Syrian administration and government. These representations were particularly focused on the question of due process of law and the condition of detention, including in particular the situation respecting detained members of the Syrian Jewish community.

At the 46th Session of the Third Committee of the United Nations General Assembly, Ambassador Fortier underlined Canada's concern about allegations regarding violations of human rights in Syria, particularly those which relate to the condition of detention and the judicial process.

During the same period, progressively, the Syrian authorities have, even if reluctantly, accepted to open a dialogue on the subject of human rights.

Although there have been indications of some improvements in the human rights situation in Syria, there is substantial room for improvement in a number of areas. We repeatedly urge Syria to demonstrate its unequivocal adherence to international covenants in the human rights field.

Human Rights in South Africa

Issue

South Africa has made major progress in dismantling apartheid, but still has a long way to go to establish non-racial democracy and repair the social damage left by apartheid. The United Nations system has responded substantially to changes in South Africa, but not as rapidly as a number of countries would like, including Canada.

Background

Human rights in South Africa have advanced dramatically this year and last. The nationwide state of emergency has been ended. The legislative "pillars of apartheid" have all been repealed: the Separate Amenities Act, the Land Acts, the Group Areas Act and the Population Registration Act. Opposition political organizations have been unbanned, including the ANC, PAC and Communist party, and all major parties are now non-racial, including the ruling Nationalists and Inkatha. The government has released Nelson Mandela and some 1200 to 1600 other political prisoners (definitions vary). Agreement between the UNHCR and the government has opened the way for the large-scale repatriation of up to 35,000 exiles. Detention without trial has been severely restricted and is now rarely used, while other security laws have been substantially reformed. Capital punishment has been similarly restricted, and no executions have taken place for over a year in a republic that even recently was a world leader in this respect.

Formal negotiations on a new constitution, known as the Convention for a Democratic South Africa (CODESA), are set to open December 20-21 amid both optimism and a sober realization of the work to be done. The major parties' constitutional proposals show encouraging convergence in some areas, such as an entrenched Bill of Rights, but remain far apart in others, notably minority rights and powers. The opening session will seek agreement on a declaration of intent mapping the way forward, and will have international observers from the UN, Commonwealth and others. Then working groups will tackle the thorny issues -- such as transitional administration, a constitution-drafting body, reincorporating the bantustans, and enacting CODESA decisions into law -- followed by a second plenary session probably toward the end of CHR48.

In the meantime there is still a long way to go on the ground. Despite a start in implementing September's National Peace Accord, political violence is still tragically prevalent. Frequent allegations that members of the security forces are stirring the violence hamper their effectiveness in addressing soaring crime. Opposition groups continue to claim that 200 to 400 political prisoners remain in jail. Pensions and other social services continue to discriminate by race. The unwieldy monstrosity of 14

segregated education departments goes on, though under-used white schools are increasingly being transferred to disadvantaged groups. Six months after repeal of the Land Acts, the government's response to the demand for affirmative action on access to land has been an advisory committee. One of the few genuinely non-racial aspects of South African society is discrimination against women. And the black majority still cannot vote pending a new constitution.

Canadian Position

Recognizing the progress made, Commonwealth Heads of Government in October lifted "people sanctions" on visas, air links, tourism promotion and cultural and scientific contacts. Canada at the same time ended national measures on civilian official contacts, Parliamentary missions and diplomatic accreditation. To sustain the pressure for further change, Commonwealth Heads tied trade and investment sanctions to transitional arrangements enabling parties to participate fully and effectively in negotiations. Financial sanctions and the arms embargo should be maintained until agreement on a new constitution and election of a democratic government respectively.

Canada's aid is directed to assisting the disadvantaged and preparing for negotiations. Nearly a third of the current \$15 million total aid goes to educational activities, and a new special fund of \$9 million over three years will support human-resource development and partnership programs. Canada has pledged \$5.8 million to resettle exiles and political prisoners, and has spent \$3 million through UNHCR and church groups. A dialogue fund of \$1.8 million supports constitutional research, conflict resolution and alternative media.

The United Nations, since the consensus Declaration on Apartheid of December 1989, has moved to acknowledge the changes. The Secretary General sent an interagency team to South Africa in June 1990 and submitted several forward-looking reports this fall. The UNHCR has become the first agency to establish a presence in the country and its head will lead the UN observers at CODESA. At CHR47 Canada played an active part in achieving an unprecedented consensus resolution on human rights in South Africa (1991/21). The General Assembly has now agreed by consensus to encourage sporting, cultural and academic links with South Africa, to phase out other sanctions along Commonwealth lines, and to expand UN program activities in the country in stages (resolution 46/79A).

On the other hand, old thinking dies hard at the UN. The UNGA Third (human rights) Committee continued with the obsolete and extreme convention on the crime of apartheid (46/84), and persisted with divisive resolutions on self-determination and mercenaries (46/87 and 46/89) even when consensus models already exist on these subjects. On these as well as some plenary resolutions, the number of abstentions and negative votes increased even as the texts themselves were somewhat improved, signalling impatience for further improvement.

HUMAN RIGHTS SITUATION IN KENYA

ISSUE

The human rights situation in Kenya appears to be taking a turn for the better as a result of the passage of legislation abolishing Kenya as a single party state. Kenya is likely to hold multi-party democratic elections within the next six months. This will help to restore full respect for freedom of speech, the right to lawful dissent, a free and vigorous press and an independent judiciary. Once these restored rights are coupled with needed economic reforms and the elimination of corruption from the public sector, Kenya should be in a position to resume its pre-eminence on the African continent.

BACKGROUND

The decision by donors, at the recent World Bank Consultative Group meeting in Paris, not to pledge new development assistance funds to Kenya for a period of about six months, appears to have been the final act of external pressure necessary to convince Kenya that it should consider both political and economic reforms. Shortly thereafter, Kenya abolished that section of the constitution making Kenya a one party state. It also took steps to abolish corruption by firing several key officials and ministers thought to be corrupt. Prior to the meeting it had released all "political" prisoners and dropped charges resulting from the suppression of public political rallies. Legislation is now being drafted to provide much stiffer penalties for corruption in government while much needed economic reforms increasing the efficiency of the economy are also being proposed. Should all of these changes come to pass combined with fair and open multi-party democratic elections within the next half year, Kenya will be in a position to regain its leadership role on the African continent.

CANADIAN POSITION

Canada has been among the donor leaders exerting pressure on the Kenyan government to undertake political and economic reforms particularly relating to lawful public dissent and multi-party structures. Canada proposed to other donors that no new pledges of money be made to Kenya until reforms consistent with Canada's enhanced policy of tying development assistance programs to respect for human rights as enunciated at both the Commonwealth and francophone summits were put into place. Canada is pleased to see the significant changes which have already occurred in Kenya since the end of November and expects the momentum to continue over the next several months. Canada is also prepared to consider new forms of assistance in the area of technical assistance in the staging of democratic multi-party elections should the Kenyan government request it.

HUMAN RIGHTS SITUATION IN SOMALIA

ISSUE

The human rights situation in Somalia can best be characterized as atrocious and "unaccounted for" because there is no civilian authority to either enforce the rule of law or be held accountable for not doing so. In the circumstances, the international community must continue to look for ways to ensure that humanitarian assistance is provided where it can be to help innocent civilians while ensuring that it does not fall into the hands of combatants. The international community must also signal that it will not recognize any authority that does not command the respect and obedience of all of the parties within Somalia.

CANADIAN POSITION

Canada will continue to support all multilateral organizations which can deliver assistance to those in need while refusing recognition to any but an all-encompassing authority which commands the respect of the majority of all Somalians.

HUMAN RIGHTS SITUATION IN SUDAN

ISSUE

The human rights situation in the Sudan continues to deteriorate in spite of efforts by western donors to isolate the regime thereby forcing reforms. Most donors have already used what ever leverage their bilateral development assistance programs afforded with the government, all apparently to no avail. While this isolation has produced dire economic consequences, it has not led to political reforms or even the beginning of a return to respect for basic human rights. Donors now will have to ensure that the economic isolation remains or is intensified by the continued withdrawal of the International Financial Institutions and their programs from the Sudan. Canada and others will also need to exercise due prudence to ensure that continuing food aid and emergency humanitarian supplies benefit only the poor and starving.

BACKGROUND

The Sudan has continued to prosecute its war against southern rebels while seeking to turn the country more and more to Islamic fundamentalism. While donors have sought to use all means at their disposal to induce Sudan to reintroduce basic rights and freedoms through ever greater restriction of economic assistance and political association, they have been met with increasing intransigence. While these measures have had dire consequences for the Sudanese economy, the only recognition given by Sudanese leaders of the harm being done is to make the bare minimum of economic reforms sufficient to induce the IMF into a financial rescue package while promising to begin repaying arrears if the fiscal bail-out occurs.

CANADIAN POSITION

Canada has continued to cut back on all but humanitarian assistance to the Sudan while publicly voicing our desire to see the total restoration of basic rights and freedoms. We will continue to explore ways to further peace talks in what ever fora are available. Finally, Canada will seek to ensure that economic reforms are matched by political reforms before Sudan is accorded full re-entry to the international community.

HUMAN RIGHTS SITUATION IN ETHIOPIA

ISSUE

The human rights situation in Ethiopia has improve markedly with the ending of the civil war in northern Ethiopia and the adoption by the transitional government of a Charter of Rights and Freedoms. The new administration has also committed itself to staging multi-party democratic elections within two years and has agreed to work with the "provisional" administration in Eritrea until a referendum on independence is held in the next two years.

BACKGROUND

The overthrow of the Mengistu regime produced a number of immediately apparent benefits not the least of which was the removal of a brutal regime and the adoption of a charter of rights and freedoms which when fully implemented will place Ethiopia on a par with countries that accord full respect for human rights. Unfortunately, the government has so far not been successful in extending it writ into southern Ethiopia where ongoing civil strife threatens to replace the northern civil war as a serious denial of basic rights and freedoms. Nor has the government yet been successful in devolving power to the provincial and local level which might have removed some of the inclination to confront central authorities. In the face of these continuing upheavals, this uncertainty has constrained the much needed confidence of donors and outside investors to commit the necessary finances needed to rebuild Ethiopia. It is also in danger of wasting the crucial period needed to prepare for multi-party democratic elections. Under the circumstances, it will soon be advisable for the western donor community to signal that Ethiopia can look forward to continuing emergency food relief and not much else until the climate becomes much more open, peaceful and conciliatory.

CANADIAN POSITION

Canada will continue to supply emergency assistance to the starving in Ethiopia and offer any practical assistance which will secure peace and foster democracy in Ethiopia. It must also however begin to send signals to the transitional Ethiopian leaders that the promising commitments to peace and democracy made in July 1991 are now at risk of being swept away in renewed civil wars and authoritarian government. Under these circumstances Canada has been unable to renew its bilateral development program and may be unlikely to reserve the significant resources necessary to help to rebuild Ethiopia much longer in the face of pressing and promising situations elsewhere on the continent.

ZAIRE: HUMAN RIGHTS

UPDATE

The wave of Zairian troops who flooded into Kinshasa, the capital, on September 23 and 24 triggered a socio-political crisis that has not really ended yet. The series of problems and repressive acts that followed must certainly be borne in mind in evaluating the past year; however, they span a period of a few months only.

BACKGROUND

Zaire has been involved in an irreversible process of democratization since April 24, 1990. There is now legislation respecting political parties, no fewer than 248 of which had been registered by July 30, 1991. The long-awaited National Conference has still not really begun to sit, although Mgr Monsengwo has been elected Chairman of its provisional committee.

Numerous violent demonstrations have resulted in injuries and deaths. Forceful repression and accidents are occurring, primarily as a result of poorly-trained police forces. The press is free to the point of being virtually unrestrained, and is showing little sense of responsibility; freedom of association has greatly improved, to the benefit of the political parties and trade unions. Finally, there is a clearer understanding of what constitutes the right to demonstrate. By contrast, the "economic, social and cultural" rights have deteriorated, especially where health and education are concerned.

The Ministry of Citizen's Rights and Freedoms, which was failing to exercise a positive role, has been dissolved at the request of the various rights groups. The Human Rights League, on the other hand, has discharged its mission in remarkable fashion: few days pass without one of the dozens of newspapers reporting on something it has done. The League has received a grant of \$75,000 from the International Centre for Human Rights and Democratic Development. Other rights groups have also emerged.

Foreign property was one of the main targets during the events of September. A measure of xenophobia was directed against the Lebanese community in particular. The Ismaili community is also at risk. Moreover, Zaire still refuses to recognize the citizenship of tens of thousands of nationals, most of whom were born in Zaire, but whose parents immigrated from Rwanda-Burundi between 1910 and 1960. Their citizenship was withdrawn retroactively in 1981; the affair is taking on discriminatory overtones.

The concept of separation of powers has not yet made much

progress. The magistrates' strike, which has lasted for a number of months, has certainly not aided the judicial process. Numerous arbitrary arrests, detentions without trial and abuses of force have been reported. To our knowledge, there have been no summary executions. The Zairian Human Rights League and the press have alluded to a group called "Hibou" which is used to eliminate those deemed undesirable by the government, but to date there is no concrete evidence to support such allegations.

The situation for women has improved somewhat, partly because of the increase in the number of women's rights organizations, but much remains to be done. Access to food, health care, education and employment is limited by the lack of firm leadership and the official corruption. Children are among the worst victims.

CANADA'S POSITION

Given the unacceptable human rights situation, Canada decided to refrain from participating in the Francophone Summit if it were held in Zaire; Chaillot was eventually selected as the site. This made the Embassy's situation all the more difficult. In explaining the Canadian position, our ambassador sent an unequivocal message.

We have also actively supported the work of the Zairian Human Rights League. The mission of Mr. Jean-Pierre Kingsley, Chief Electoral Officer of Elections Canada, on the subject of democratic transition in Zaire, contributed toward giving a clear understanding of Canada's positions on human rights and democratic development.

HUMAN RIGHTS SITUATION IN MYANMAR

ISSUE

Myanmar has one of the worst human rights records in Asia. Amnesty International estimates that approximately 1,500 people have been arrested for political crimes since 1988. There were two hundred people arbitrarily arrested in the first seven months of this year, and they have been given sentences of up to twenty-five years. Examples of punishable political crimes are flying the NLD flag at the same height as the Myanmar flag, writing an exam in an ethnic minority language, distributing party leaflets or criticizing military authorities.

Amnesty International reports also indicate that torture is widespread in Myanmar, as are extrajudicial executions. Members of ethnic minorities have been used by the military as porters and human mine sweeps or shields against the insurgents.

Aung San Suu Kyi, leader of the National League for Democracy, has been under house arrest since July 1989. In January 1991 she was awarded the European Parliament's Human Rights Award and the Sakharov Prize, and in November 1991 she was awarded the Nobel Peace Prize.

BACKGROUND

Violent protests in the spring and summer of 1988 led to the resignation of General Ne Win and the downfall of the ruling Burma Socialist Program Party (BSPP). When a civilian administration failed to win back support with the promise of elections and reforms, the military re-established their direct control, creating the State Law and Order Restoration Council (SLORC) in September 1988. Martial law regulations were instituted. The army's clashes with protesters led to approximately 3000 deaths.

A national election did finally occur in May 1990. While the election process was seriously marred by the detention of opposition leaders, restrictions on freedom of speech and assembly, arrests, and intimidation of candidates, the balloting itself was free of manipulation and the results a true reflection of the people's will. Although the NLD won 392 of 492 seats in the Parliamentary elections, it has led neither to the transfer of power nor secured the release of opposition leader Aung San Suu Kyi, and other political detainees.

The State Law and Order Restoration Council (SLORC), continues to run the country under martial law without benefit of a constitution, manipulating the political process so as to delay, or prevent, a transfer of power. The SLORC will not hand

over power until a new constitution is written, and the constitution cannot be written until the report from the Elections Commission is finalized. There is no indication as to when this might occur.

There are a dozen distinct ethnic groups in Burma, and more than one hundred languages or dialects are spoken throughout the country. Many of the ethnic groups have their own insurgent armies which have been fighting the central government for greater autonomy or outright independence.

Myanmar is the world's leading opium producer, and the profits from opium as well as from teak sales are used to purchase arms to continue the battle against the insurgents. The SLORC maintains that the insurgents are responsible for the immense drug trafficking through Myanmar (primarily to Thailand), although there is considerable evidence to support claims that in fact the SLORC is in control.

CANADIAN POSITION

Canada recognized Burma at the time of Independence in 1948, but did not establish diplomatic relations until 1958. The Burmese opened a permanent mission in Ottawa in 1966, but closed it for austerity reasons in 1978. The Embassy reopened in Ottawa in late 1985.

Canada's relations with Myanmar are not extensive. In view of the human rights situation, Canada has suspended its aid program to Myanmar. All military sales have also been halted. Canadian companies which approach External Affairs and International Trade Canada for advice are strongly discouraged from becoming involved with Myanmar.

The Government of Canada has made numerous representations to the SLORC, both bilaterally and in multilateral fora, to express our concern over the political and human rights situation in Myanmar. The major points of our representations have traditionally been i) to call for the immediate release of Aung San Suu Kyi and all political prisoners; ii) to express our concern over reported human rights violations iii) to call upon the Government of Myanmar to respect the results of its general election and iv) to call on the SLORC to immediately transfer the powers of government to the elected representatives of the people.

The most recent Canadian demarche was made on November 7, 1991 in Rangoon, at which time our representative delivered an aide-memoire outlining our concerns and a copy of the letter which Prime Minister Mulroney wrote to Aung San Suu Kyi to congratulate her on the award of the Nobel Peace Prize.

SRI LANKA

ISSUE: HUMAN RIGHTS

BACKGROUND:

With continued fighting between government forces and the Liberation Tigers of Tamil Eelom (LTTE) in the north east, the civil and human rights of the population in the Northern and Eastern Province remains deplorable. Over a million people have been displaced in northern and eastern regions and approximately 150,000 refugees have fled to the Indian state of Tamil Nadu.

Fighting between government forces and the LTTE has been continuous since the breakdown of a short-lived cease-fire in December 1989. To maintain and increase its fighting capacity the Government has increased its military budget to approximately 5% of GNP while the LTTE has expanded its weapons support system from Tamil Nadu and fund raising from around the world. In spite of their increased efforts, neither side in the conflict has been able to achieve a military superiority. However, following the assassination of Rajiv Gandhi and the strong evidence linking the LTTE to the event, support from Tamil Nadu has diminished substantially due to the revulsion of Indian Tamils over LTTE complicity and as a result of the Indian authorities to deny sources of weapons and support to the LTTE.

The Government recognizes the need to improve the human rights record of the armed forces to overcome the negative perception of Government performance that the armed forces performance has engendered. Within Sri Lanka, the armed forces are generally considered as an occupying force by Tamils in the northern and eastern regions. In the south during the recent campaign to expunge the right wing Sinhalese JVP guerilla group the army was noted for its brutality. The international perception of the armed forces abuses of human rights is that this reflects the Government's explicit support to for a program of institutionalized program of repression. This has prompted a strong reaction by the western group of countries and by donor nations, reflected in criticism of government policies on the north east conflict and a reduction in official development assistance.

The Government recognizes it can no longer afford international opprobrium for its poor human rights performance, nor the loss of donor support. It has, therefore, begun to ensure a greater respect is paid to civil and human rights by the armed forces and government apparatus. Disappearances in the north east, though still unacceptably

high, have fallen from 100 per month to less than 20: disappearances in the south have fallen to one or two per month. The Government has established a Human Rights Commission, which has yet to demonstrate its objectiveness and utility, and a Parliamentary Select Committee on the Northeast Conflict which appears to be taking firm steps towards developing mechanisms to bring about a peaceful resolution of the conflict. However, much remains to be done.

The judicial system in Sri Lanka remains subject to government influence and interference and has been used as an instrument of government policy. Many suspected perpetrators of human rights abuses have not been subject to due process of law and a significant number of human rights abuse allegations have not reached court. There is understandably little faith in the rule of law or the quality of justice in Sri Lanka.

CANADIAN POSITION

Canada believes the Government of Sri Lanka must demonstrate a renewed commitment to restore a respect for the law and to ensure that human rights abuse allegations are heard in court. Justice must be meted out equally to all, whether they be private citizens or members of the government or armed forces. Canada acknowledges, and supports establishment of the Human Rights Commission and awaits demonstration of its objectivity and impartiality.

Canada is convinced that a lasting peace in the northeast, which acknowledges the aspirations of Tamils, can only be achieved by negotiation and dialogue. Canada calls on the protagonists in the conflict to strive towards such an agreement through the introduction of confidence building measures. To this end Canada welcomes the establishment of the Parliamentary Select Committee in the Northeast Conflict as a useful vehicle by which to develop and encourage a peace process.

Canada will take the lead on introducing a resolution on the human rights situation in Sri Lanka at the 48th Session of the UN Commission on Human Rights in February 1992. The resolution, while acknowledging initial steps taken by the Government, will call for substantially increased effort in future to address the need for a cessation of fighting in the northeast and achievement of a durable peace, and the restoration of respect for the law and for the civil and human rights of all Sri Lankans.

HUMAN RIGHTS IN THE PHILIPPINES

ISSUE

Serious human rights violations continue in the Philippines, though there has been some improvement in recent years. Most abuses relate to the integrity of the person and are perpetrated by the military and communist insurgents. Civil and political rights are generally respected (except for a ban on the communist party). The judicial system is rampant with corruption and inefficiencies. The Philippines has the freest press in Asia. Although economic, social and cultural rights are constitutionally entrenched, they are not widely respected. The worst discrimination, however, is economic gap in the Filipino society. Poverty is widespread.

BACKGROUND

Although number of violations reported by both the Philippine Commission on Human Rights (CHR) and NGOs continued to decline in number, serious human rights violations, including extra-judicial executions (salvaging), torture, illegal detention and disappearances, continued to take place in the Philippines.

The Aquino administration seems to be genuinely concerned with the promotion of human rights in the Philippines. However, the civilian authorities are severely hampered by their inability to exercise adequate control over the military (AFP) and other security forces which continue to be the principal violators of human rights. Other security forces include the Philippine constabulary (PC) which has law enforcement and internal security functions, the national police (NP) and the citizens armed forces geographical units (CAFGUS). The PC has recently been placed under the command of NP. CAFGUS are local militia established by the AFP to combat the communist insurgency and are known to be among the worst perpetrators of human rights violations.

The strength of the communist insurgency has been diminished somewhat with the arrest of several senior leaders, including new peoples army (NPA) chief Romulo Kintamar and Antonio Lacaba, head of the NPAS intelligence department. Nevertheless, an entrenched communist insurgency remains a threat to human rights with the NPA being active, in varying degrees, in more than 50 of 73 provinces. The majority of human rights abuses however are committed by security forces in the course of counter-insurgency efforts. Where the insurgency is strongest, the incidence of human rights abuse is largest. Thousands of innocent civilians continue to be evacuated from their homes in areas where counter-insurgency operations are carried out. This is a major cause of the internal refugee problem (approximately 200,000 people). This problem is rapidly becoming the focus of the international attention as a number of refugees have died from disease and malnutrition in camps.

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Disappearances of journalists, human rights lawyers and other civilians continue to cause concern. The CHR has begun to monitor military courts, compile statistics on abuse and seek greater contact with NGOs. There is no evidence that civilian officials have abused human rights.

The Un Commission on Human Rights has not identified the Philippines as a major human rights offender and has deferred the next Philippines review in light of apparent improvements to the human rights situation. However, continued reports of abuse could force a re-evaluation of the Philippines' human rights record.

Canada Position:

Canada strongly supports the government of President Aquino and believes that the human rights situation would be much worse under any alternative regime.

Canada is pursuing a strategy to maintain human rights as a priority in bilateral relations, including dialogue at the ministerial level; regular consultation with Canadian and Philippine NGO groups; cooperation between Canadian human rights institutions and their Philippine counterparts; and representations on specific and illustrative human rights abuse cases across the spectrum of concerns (disappearances, internal refugees, NGO harassment and military and police brutality).

HUMAN RIGHTS IN INDONESIA

ISSUE

Indonesia has a long history of serious human rights abuses, most well known cases being associated with Indonesian invasion (1975) and occupation of East Timor. The human rights situation in Aceh and East Timor continues to attract international concern and criticism.

BACKGROUND

The situation in East Timor continues to impact on Indonesia's human rights record, even after Indonesia soldiers had opened fire on 12 November, 1991, on a procession of around 1,500 mourners who were marking the death of an East Timorese killed in an incident in October. Between 50 and 100 people were killed and many were injured. The international community has condemned the shootings. The Indonesian Government named a Commission of Inquiry to investigate the army's shootings. The International Committee of Red Cross (ICRC) was allowed to visit East Timor after the shootings.

In Aceh, a rebellion has surfaced over past two years, led by the GPK (Aceh Mederka - free Aceh Movement). Indonesian armed forces (ABRI) crushed the rebellion and are believed to have terrorized local villagers into not supporting the GPK. It is estimated that between 1000 and 1500 civilians have been killed by ABRI in Aceh. A group of Acehnese villagers fled by boat to Malaysia in April 1991 following rumours that ABRI was approaching the village looking for GPK supporters. There were rumors that the Acehnese asylum seekers will be sent back to Indonesia. The Government of Indonesia has guaranteed that the ICRC will be granted access to any Acehnese returned to Indonesia from Malaysia. The government of Indonesia agreed to permit ICRC team to visit Aceh and to visit all official detainees (without witnesses), with the opportunity for repeat visits. The ICRC did not, however, have access to prisoners illegally arrested and secretly held.

The scrutiny of Indonesian human rights practices by outside non governmental organizations is not welcomed by Indonesia. Such scrutiny is often viewed as an interference in Indonesian internal affairs or as biased against Indonesia. There are, however, credible reports of mistreatment of prisoners immediately after their arrest and during their interrogation. The conditions in prison appear satisfactory by developing country standards. The information on individual prisoners and their legal history are difficult to obtain but trials are normally public.

Indonesia is periodically criticized for carrying out death sentences many years after they have been handed down. The Indonesian authorities claim the executions came after all legal appeal processes were exhausted. There have been none in the past year, though nine detainees are still awaiting implementation of the death sentence as result of their involvement in the 1965 coup attempt. The arbitrary executions appear now to be few in number. The allegations of excessive force by authorities leading to death are occasionally levelled but are difficult to substantiate. In August 1991 alone, at least 8 people were reportedly shot to death by the police while escaping custody or running from the police.

The censorship exists in Indonesia. Some publications are banned. The media practices self-censorship within ill-defined but generally understood parameters. There has been some relaxation in recent years. However, the foreign and domestic journalists and publications are from time to time warned about exceeding acceptable limits. The visas for foreign journalists may not be renewed and the publishing licences for domestic publications may be revoked for serious or recurrent transgressions. Freedom of speech and particularly criticism of president and members of his immediate family are constrained. Freedom of assembly is also limited.

CANADIAN POSITION

- Canadian concerns about the human rights situation in Indonesia were strongly expressed at the UN Commission on Human Rights in Geneva, last February, in Geneva. Canadian concerns were also raised during the Inter-Governmental group on Indonesia (IGGI) conference in the Hague last June and registered, in October, during the visit to Canada of the Indonesian Minister of Religious Affairs. They have been repeatedly raised by our Ambassador in Jakarta at highest levels of the Indonesian Government.
- Canadian concerns about the human rights situation in Aceh were also expressed by the Canadian Ambassador while making an official visit to this area this fall.
- More recently, Canadian dismay at the shootings of 12 November in East Timor were conveyed by the Secretary of State for External Affairs during her meeting with the Indonesian Foreign Minister in Seoul on 13 November. These concerns were also expressed to the Indonesian authorities by our Ambassador in Jakarta and to the Indonesian Ambassador in Canada and were raised during the session of the third Committee of the current United Nations General Assembly.
- On 9 December, The SSEA announced that Canada had suspended the approval of new development projects for Indonesia (\$30 million). She announced also that an immediate grant of \$150,000 will be given to the ICRC for humanitarian assistance in East Timor. The SSEA indicated that the results of the Indonesian Commission of Inquiry and the actions of the Indonesian government will be taken into account in the context of the current broader aid review.

UNCLASSIFIED

December 1991

HUMAN RIGHTS IN THE PEOPLE'S REPUBLIC OF CHINA

ISSUE

The human rights situation in China continues to be a matter of serious concern to the Canadian government, and a major factor in bilateral relations.

BACKGROUND

International concern over respect for human rights increased dramatically as a result of the events of Tiananmen in June 1989. Since that time, the Chinese government has made a number of concessions to internal discontent and Western criticism of the human rights situation in China, as evidenced by the release in November 1991 by the Chinese State Council of a white paper on human rights in China. Nevertheless, the Chinese government's record on human rights is clearly unsatisfactory, especially regarding political repression, limitations on freedoms of speech and assembly, and the administration of justice.

Canada's concerns focus in particular on the treatment of individuals for non-violent expression of political or religious views, the treatment of detainees, prison conditions and trial procedures. Officials at the Canadian Embassy in Beijing have on several occasions formally requested access to trials of dissidents, notably during the round of political trials in February 1991 of those associated with the events at Tiananmen Square of June 1989.

Canadian concerns about human rights in Tibet have also been regularly raised with Chinese authorities at all levels. In addition, cases of specific dissidents have been raised with the Chinese authorities, for example by a delegation of Canadian parliamentarians in November 1990, and by Canadian Embassy officials during a visit to Tibet in November 1991.

CANADIAN POSITION

Canada has supported multilateral initiatives calling for greater respect for human rights in China. In September 1989, the UN Subcommittee on the Prevention of Discrimination and Protection of Minorities adopted a resolution, supported by Canada, asking the UN Secretary-General to report on the human rights situation in China in 1990. This report was submitted in January 1991. In March 1990, Canada co-sponsored a resolution before the UN Commission on Human Rights calling for greater respect for human rights in China. Although that resolution was narrowly defeated, Canada reiterated its concern on the human rights situation in China, including Tibet, in its national statement at the UN Commission on Human Rights in February 1991.

The issue of human rights is on the agenda of all senior bilateral meetings, and has constituted a substantive part of the discussions held by Secretary of State for External Affairs Barbara McDougall with Chinese Foreign Minister Qian Qichen at the United Nations General Assembly in New York in September 1991, and at the APEC ministerial meeting in Seoul in November 1991. The human rights issue also figured prominently during meetings of Agriculture Minister Bill McKnight with Chinese ministers and Vice-Premier Tian Jiyun in October 1991.

AFGHANISTAN

ISSUE: HUMAN RIGHTS VIOLATIONS

BACKGROUND:

With the departure of Soviet forces by the end of February 1989 there was some expectation that there might be a quick resolution of the conflict between the Najibullah regime, supported by the Soviets, and the Mujahidean forces, supported by the United States and Pakistan. However, contrary to all expectations the Najibullah forces have successfully resisted the attempts by the Mujahidean to dislodge government forces from various key cities and so overrun Kabul. The Najibullah government staying power was due to the continued supply of weaponry by the Soviet Union, superior training of government forces and endemic disagreement and disarray among factions of the Mujahidean.

Human rights abuses by the participants in the civil war have been legion, with each side demonstrating a frequent lack of restraint. With both sides in the conflict intent on resolving their differences by military means, and with significant areas of dissension among the Mujahidean, there is no sign of near term improvement in the human rights situation.

Previous reports by the UN Special Rapporteur confirmed the continuing dismal human rights situation within Afghanistan. To ensure the continued monitoring of the unsatisfactory situation, the 47th session of the UNGA authorized the extension of the mandate of the Special Rapporteur for one year, with a report to be delivered at the 48th session of the UNGA.

Until conditions within Afghanistan become conducive to the return of refugees, the population of approximately 3.5 million in Pakistan and 1.5 million in Iran will remain in their host countries. Current disagreements and fighting among Mujahidean groups, fighting between the Mujahidean and government forces, and the devastation of towns and land holdings in Afghanistan including the widespread seeding of antipersonnel mines, will continue to discourage return and repatriation.

Treatment of prisoners by both sides in the conflict does not conform to international standards or human rights protocols. The Najibullah government declared a state of emergency in March 1989 which allowed it to supersede civil and human rights by Presidential decree. Special security courts were established to try opponents of the regime. Prisoners awaiting trial are held in deplorable conditions.

Similarly, prisoners held by the Mujahidean including a number of Soviet POWs, are held under conditions at least as bad as those of prisoners of the regime.

CANADIAN POSITION

Canada believes that a lasting resolution of the conflict in Afghanistan can only be achieved through negotiation and dialogue. The last two years of fighting since the departure of the Soviets has demonstrated that neither the Najibullah regime nor the Mujahidean is able to achieve a military superiority. Canada therefore fully supports the agreement of the Soviet Union and the United States to terminate the supply of weapons to client parties, and calls on other weapons suppliers to cease supply as well. Recent Mujahidean discussions in Moscow are encouraging, though the support of the Central Asian republics for Najibullah suggests that there may be continued support for the government from outside Afghanistan. Furthermore, deep differences and tensions among the Mujahidean may discourage the formation of the common front necessary to permit progress towards the development of a rational government acceptable to the majority of Afghans. It is Canada's view that the establishment of such a government is essential to long term peace and stability in Afghanistan, to the return of the refugee populations in Pakistan and Iran, and to the reduction of tensions in the South and Central Asian region.

HUMAN RIGHTS SITUATION IN CUBA

The 26th of July Movement is fighting for the respect of human rights. We believe that individual freedom is one of the inviolable rights of every human being and therefore no one should be arrested without a just cause.

Fidel Castro, June, 1958

ISSUE

The human rights situation in Cuba.

BACKGROUND

The collapse of Communism in the USSR and the growth of democracy in Latin America, have left Cuba the most isolated it has been since Fidel Castro took power. The shrinking of its trade with Eastern Europe and the USSR has caused severe food and fuel rationing. These cutbacks have increased discontent among Cubans. However, Castro's remaining popularity and the effectiveness of the security services ensure there are infrequent public protests.

Neither the Government nor the Communist Party has taken significant steps to initiate reforms. Except for allowing religious believers to be Party members and preparing the way for direct elections to the various assemblies, there were no major changes at the Fourth Party Congress, held in October, 1991. At that time, the Communist Party confirmed its role as Cuba's only political organization and rejected multi-party democracy.

Human rights abuses are systemic in Cuba. Restrictions on civil and political rights are codified in the penal code. Due process is lacking and there are reports of ill-treatment of political prisoners.

In their daily lives, Cubans are monitored by one of 101,000 neighbourhood "Committees for the Defence of the Revolution" (CDR) and Party representatives at work or school whose reports influence access to housing, jobs, education or travel. Shortly before the Pan-American Games, the CDR's were supplemented by special riot units, the Rapid Reaction Detachments, which are to deal with any public protests.

Public expression of opposition is vigorously repressed. While some small, independent human rights groups operated relatively freely from 1986 to 1988, since that time the situation has worsened. Dissidents and their families are subject to psychological pressures, harassment, surveillance, and infiltration by the security services. The knowledge that their

professional and personal lives are so thoroughly infiltrated has led Cubans to censor themselves and to restrain their conduct because of fear of informers.

At the end of 1990, it was estimated there were at least 95 human rights activists in custody. At least 12 dissidents were detained during the Fourth Party Congress. Since that event, there has been increased pressure on members of opposition groups. For example, in December, the poet, Maria Cruz Valera was sentenced to between 18 months and two years for "defamation of the head of state". Prior to her arrest, Cruz Valera and her children were attacked in their home by police agents.

Cuba opposed the resolution at the 1991 Session of the UN Commission on Human Rights and has refused to cooperate with the Special Representative.

CANADIAN POSITION:

Canada is concerned about the continued deterioration in human rights in Cuba, especially since the holding of the Fourth Party Congress. We deplore the harsh treatment of activists. Canadian representatives frequently raise human rights issues in Cuba both bilaterally and in multilateral forums.

Canada was not a co-sponsor of the 1991 CHR resolution on Cuba but did vote for it. Canada's decision on any resolution at 1992 CHR will depend on events in Cuba. Canada has encouraged Cuba to cooperate with the UN Special Representative, mandated by the 1991 resolution.

Canada believes that Cubans wishing to leave their country should be allowed to do so. The Canadian Government is pleased that the last outstanding active family reunification case was resolved in the past year.

December 1991

HUMAN RIGHTS SITUATION

HAITI

SUBJECT

Following the election of President Jean-Bertrand Aristide, there was an improvement in the human rights situation. This could be seen in the attempt to restructure institutions long associated with human rights abuses, including the army and the prisons. A special effort was made to ensure the security of property and persons, an area in which the Aristide/Préval government achieved a degree of success. However, despite repeated commitments made by the government, some temporizing was noted. Of particular significance was the President's failure to strongly condemn the use of the "père Lebrun" [necklacing]. The coup d'état on September 30, 1991 once again highlighted the fragility of Haiti's institutions and called into question the meagre gains in the area of human rights.

CONTEXT

Haiti's first free elections raised great hopes for the democratic process and respect for fundamental rights. The desire to see a society based on law established in Haiti, repeatedly expressed by the new president and the members of his cabinet, was intended to guarantee the changes under way. However, though progress was noted during the seven months of Jean-Bertrand Aristide's presidency, his ambivalence toward necklacing was a cause of concern to many foreign observers and governments, including the Canadian government.

The September 30 coup against the legitimate president had a twofold negative impact. It was a setback for the democratic process, but it also led to major assaults on fundamental rights. Freedom of association, freedom of speech and the right of dissent are currently almost non-existent in Haiti. Exactions by the military and summary executions are commonplace. In its most recent report on Haiti, America Watch expresses its concern about the human rights situation in the country since the coup d'état.

CANADA'S POSITION

Canada strongly condemned the coup d'état against the democratically-elected president. We supported the OAS action from the beginning, and Secretary of State for External Affairs Barbara McDougall went to Haiti several times with the OAS mission. We voted in favour of the resolutions demanding the restoration of President Aristide to his legitimate functions and recommending sanctions against Haiti. Canada participated in the OAS's humanitarian mission, which was in Haiti from December 2 to 7 to evaluate the situation since the coup d'état. The Canadian government is undoubtedly concerned about the serious human rights abuses currently taking place in Haiti. At its next session, the Commission on Human Rights will be certain to carefully assess the human rights situation in the country.

HUMAN RIGHTS SITUATION IN GUATEMALA

ISSUE

A volatile combination of poverty, resistance to change of conservative social elements, endemic violence and insurgency is at the root of continued human rights violations in Guatemala. The Government of Canada is concerned at the Government of Guatemala's apparent inability to check human rights abuses.

The Independent Expert for the UN Commission on Human Rights, Dr. Christian Tomuschat, visited Guatemala twice in 1991. His first visit, in February, was at the invitation of the newly elected government of President Serrano. Dr. Tomuschat subsequently prepared a supplementary report covering the period December 1990 to February 1991. National elections were held during this period, leading to the first succession of civilian presidents in Guatemalan history.

While welcoming this peaceful transition, and noting with satisfaction the government's stated intention to make "human rights a central element of its overall political strategy for the coming five years", Dr. Tomuschat wrote critically of the overall human rights situation in Guatemala. At its 47th session, the UNCHR extended the Independent Expert's mandate. Dr. Tomuschat returned to Guatemala in October 1991. His report on this latest visit will be submitted at the 48th session of the CHR.

BACKGROUND

Over the last several years, a difficult process to establish civilian authority has been underway in Guatemala. President Serrano has committed his government to improving respect for human rights. While serious human rights violations continue to take place, the re-establishment of civilian rule in 1985 saw an end to systematic abuses by the government.

Since President Serrano's inauguration, important steps have been taken to improve the human rights situation. These include the arrest of members of the military, and the conviction of policemen for human rights violations. As well, there has been some progress in providing more "space" for political expression and dissent. A commission to investigate the "disappeared" has been established, along with a Presidential Commission on Human Rights. The Human Rights Procurator has been outspoken and resolute in calling for the promotion of a civil society, criticising the security forces and the government when he has deemed it necessary.

Nonetheless, death squads have increased their activities, seemingly with impunity. Groups apparently linked to the security forces continue to kill and kidnap critics and suspected sympathisers of the insurgents (URNG). The judicial

system is in desperate need of reform. Human rights and trade union activists work at extreme peril, and the media continues to practice self-censorship.

CANADIAN POSITION

At this year's United Nations General Assembly, the Canadian government's concerns about the human rights situation in Guatemala again formed part of our statement under Item 98C to the Third Committee. At the 47th session of the UNCHR, Canada supported efforts to have Guatemala moved from Item 21 (Advisory Services) to Item 12 (Violations of Human Rights in All Parts of the World). We will give full consideration to support for a similar effort at UNCHR 48.

HUMAN RIGHTS SITUATION IN EL SALVADOR

ISSUE

The state of human rights in El Salvador remains a matter of serious concern to the Canadian government. During the 46th session of the United Nations General Assembly (UNGA), a resolution on this subject was again adopted by the Third Committee. While acknowledging and supporting advances in the peace process, including the signing of the San Jose Agreement on human rights and the establishment of the United Nations Observer Mission in El Salvador (ONUSAL), the resolution calls for continued consideration of the human rights situation at UNGA 47.

The UN Commission on Human Rights' Special Representative for El Salvador, Professor Pastor Ridruejo, presented his report in September 1991. The report again underscores the essential link between the Salvadoran civil conflict and human rights violations. While acknowledging President Cristiani's determination to improve the human rights situation, the report reaffirms the persistence of serious violations, perpetrated by extremists on both sides of the conflict. The report recommends that the Government of El Salvador and insurgents (FMLN) redouble their efforts to reach a negotiated settlement, while striving to create an atmosphere of security and social justice necessary to the conclusion of the peace process.

BACKGROUND

The trial of nine members of the El Salvador Armed Forces for the murder of six Jesuit priests, their cook and her daughter in November 1989 resulted in the conviction of Colonel Benavides, the highest ranking officer ever to be brought to trial for human rights abuses, and a second officer. While deeply concerned about the persistence of the civil conflict and attendant human rights violations, and while acknowledging that there still may be unanswered questions surrounding the murder of the Jesuit fathers, the Government of Canada believes that this trial and convictions represent significant progress.

In November, the Salvadoran Legislative Assembly ratified the final elements of constitutional reforms that were contained in the Mexico Accords of April 1991; these were already approved by the previous Assembly. Significant among the reforms adopted are provisions for the creation of the office of Human Rights Ombudsman, the establishment of a "Truth Commission", and measures to increase the independence of the judiciary. The implementation of these measures, and the presence of ONUSAL, should assist in improving the human rights situation in El Salvador.

CANADIAN POSITION

At this year's UNGA, the Canadian government's concerns about the human rights situation in El Salvador were again raised in the statement to the Third Committee under Item 98C. At the 47th session of the UNCHR, Canada supported the continuation of the mandate of the Special Representative for El Salvador.

HUMAN RIGHTS SITUATION IN PERU

ISSUE:

After one year in power, the Fujimori government has achieved measured success in reintegrating Peru into the world financial system with consequent economic improvements and better prospects for the future. While this is expected to have a positive effect on the human rights situation in the medium and longer term, serious abuses continue as a result of the government's struggle against terrorist organizations.

BACKGROUND:

Human rights abuses in Peru are perpetrated primarily by three groups: (1) Sendero Luminoso (SL), (2) Movimiento Revolucionario Tupac Amaru (MRTA), and (3) the military forces in their effort to counter the insurgency. Since 1980, more than 20,000 people have died because of political violence. Between August 1990, and September 1991, despite the genuine goodwill of the President, 2503 deaths due to political violence and 385 cases of disappearance were reported. A reduction in the number of reported disappearances has been noted in recent weeks, especially since the announcement in September of the government's new human rights policy but the numbers are still very high.

At the present time, more than 55% of the population and 40% of Peruvian territory are included in "emergency zones" which are under direct military control, devoid of civil liberties, including habeas corpus. The indigenous population are caught between the terrorists and frequently undisciplined military forces without recourse to any form of relief. Extra-judicial executions, torture, beatings, and rape are common. Government officials, political figures, human rights activists, campesino leaders, members of the clergy, and - recently - foreign aid workers have been targets for abuse and death. Since terrorists often masquerade as military personnel and military patrols have been known to cover their actions to make them appear to have been perpetrated by the SL, it is often difficult to determine responsibility for the violence. The insurgency is largely financed by "taxes" levied against narcotraffickers in the vast areas under terrorist control. The drug trade, although not responsible for extensive direct violence to date, adds another destabilizing factor to the already tenuous situation.

Upon his inauguration as President of Peru in July, 1990, Alberto Fujimori undertook to fight terrorism and the resultant human rights abuses through improved economic activity, a stabilized agricultural sector and agricultural alternatives to

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the coca crop. Economic benefits have not yet filtered down to the general population and viable alternatives to the coca crop have not yet been introduced, but some obvious improvement has been achieved in promoting human rights. The government has introduced institutional changes in the judicial system, human rights education for both police and military personnel, greater cooperation with international human rights groups, and prosecution of officials accused of perpetrating human rights abuses. A more receptive attitude on the part of the military toward human rights and the apparent willingness of security forces to prosecute members charged with human rights violations has been noted in recent weeks.

Despite the government's efforts, the level of terrorist violence continues to escalate with both SL and MRTA capable of striking without warning virtually anywhere in the country, including metropolitan Lima - even humanitarian groups are no longer immune from attack. The long awaited and desperately needed anti-subversive policy continues to be as elusive as ever.

Human rights organizations are very active in Peru, with Amnesty International, Americas Watch, and various church organizations documenting numerous cases of abuse. Delegations from the Interamerican Commission on Human Rights, the European Commission for Justice and Peace, and the World Council of Churches have all visited Peru during October-November 1991. It is encouraging to note that government officials and senior military officers have cooperated fully to facilitate the work of these groups.

CANADIAN POSITION:

Canada deplores human rights violations wherever they occur in the world and Peru is no exception. The Canadian Government, through visits of senior officials and its Embassy in Lima, maintains close contact with both human rights organizations and the democratically elected Government of Peru, making its concerns over human rights violations known at all appropriate occasions. Canada supports the economic initiatives of the Fujimori administration and condemns all terrorist activity. Recent achievements are encouraging, but we look forward to further improvements in the administration of the judicial system and an end to impunity for all human rights violators.

Canadian representatives will continue to be actively engaged at the United Nations, in the United Nations Commission on Human Rights, through organs of the OAS, and bilaterally with the Government of Peru to ensure that the situation continues to improve.

HUMAN RIGHTS SITUATION IN COLOMBIAISSUE

Colombia has faced serious internal problems in recent years, including a war with drug traffickers and an ongoing civil conflict situation. There have been many reported cases of human rights abuses related to these internal problems and Colombia has been a focus of international attention due to the nature and extent of its human rights problems.

BACKGROUND

Despite its well established democratic political system, Colombia has experienced a great deal of internal violence in recent years. The assassination of three Presidential candidates prior to the 1990 elections underscored the seriousness of politically motivated violence. Most killings were manifestations of widespread social violence of which kidnapping, disappearances and extortion are also manifestations.

Since the election of Cesar Gaviria as President in 1990, the Colombian Government has taken a number of steps to reduce violence and to improve the situation of human rights in the country. The Colombian Government established a Constituent Assembly which revised the national constitution. Relevant changes included the establishment of the 'Fiscalia-General' which will verify complaints and ensure that they are brought before the courts, the creation of the office of 'Defensor del Pueblo' (Peoples' Defender), the placing of limitations on the Government's ability to invoke state of siege legislation (the Government lifted its seven year old state of siege this summer) , and the further entrenchment of human rights. The Government has also taken steps to encourage the pacification of groups engaged in violence. Thus it entered into negotiations with the remaining guerrilla groups in an attempt to stem the violence resulting from confrontations between the military and the guerrillas. (These talks are currently suspended). It also adopted a flexible position with regard to drug traffickers, thus encouraging many of the major traffickers to submit to justice. In addition, the Government took steps to improve the administration of justice, developed a national strategy on violence and appointed a civilian Minister of Defence.

The major actors in the violence and killing in Colombia are the guerrillas, the military, para-military and self defence groups and criminal organizations involved in the drug trade. The main violations of human rights have often resulted from confrontations involving these groups. Civilians caught in the cross-fire are often forced to flee their homes or are made victims of intimidation, extortion and disappearances. Torture is sometimes

used to extract information. Individuals in the army and the police have been found guilty - through negligence, complicity or active participation - in human rights violations. The Government has in place a system to investigate alleged violations of human rights by State organizations.

CANADIAN POSITION

Canada deplores violations of human rights in Colombia and supports the efforts of the Government to improve the human rights situation. The Canadian Embassy in Bogota maintains close contacts with the Office of the Presidential Advisor for the Defence, Protection and Promotion of Human Rights. In addition it monitors the human rights situation on an ongoing basis and draws Canadian concerns to the attention of the Colombian authorities. Canada also recognizes the importance of an objective judiciary in safeguarding human rights and has supported projects to improve the delivery of justice and to establish a network of human rights ombudsmen at the local level.

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UNCLASSIFIED

HUMAN RIGHTS SITUATION IN CHILE

ISSUE:

Since the return to democracy, Chile continues to make sound progress in the field of human rights.

BACKGROUND:

Since it took office in 1990, President Aylwin's "Concertacion" coalition has released all but 65 of the 430 political prisoners inherited from the Pinochet Regime. It has taken major initiatives in the field of human rights and the situation has improved dramatically. The Government responded to a report on the victims of abuses by promising financial compensation and initiating judicial reform to facilitate, inter alia, the transfer of cases from the military to the civil courts. However, the coalition's failure to definitively resolve the issue of political prisoners after nearly two years in office is increasingly damaging to its image within a large sector of its traditional electorate. Two hunger strikes by political prisoners this year have driven home this point.

The President had committed his Government to resolving the issue of the remaining political prisoners prior to Christmas. However, reports now indicate that this may not happen. The Right has stated that releasing the political prisoners would mean the President was reneging on his earlier promise that those convicted of crimes of violence should remain in jail until they had served their full sentences. In response, Aylwin has observed that many crimes of violence have occurred in Chile for which the perpetrators remain immune and that he fully intends to make use of the powers granted him to pardon and or reduce the sentences of political prisoners. He observed that it is unjust that there have been arrests and trials on one side but not on the other. This may be changing. In September, two generals were arrested and charged in the 1976 assassination of former Foreign Minister Orlando Letelier and his assistant Ronni Moffitt. Appeal charges and a request for provisional liberty were rejected. In December, a former DINA¹ intelligence officer was charged with the kidnapping of left wing activists in 1973.

It is conceivable that the government might be preparing the country for the declaration of a general amnesty.

¹Dirección de Inteligencia Nacional (Directorate of National Intelligence) was implicated in a large number of disappearances.

This would deflect criticism from the right and solve the issue of the political prisoners. However, the granting of impunity to those who inflicted the abuses would certainly meet with furious protest from the left as well as from the families of the victims. Given the on going Letelier case it is more likely that the President will continue to make judicious use of the power granted him by Congress to pardon, reduce sentences or grant amnesties on a case by case basis as he has done since taking office. In the meantime, he has introduced legislation designating 30 additional judges to examine the cases of the remaining political prisoners.

Reports by independent organisations continue to provide information showing that the overall human rights trend is positive. Incidents do, however, occur. Amnesty International has received more than 30 allegations of torture since March, 1990. The majority of these are accredited to the military-backed police the "Carabineros". Reforms have been made to the penal code but, the 15 day period of "incomunicado" detention remains unchanged. Extremists armed with automatic weapons and sophisticated explosives have carried out a campaign of random violence. This has largely been directed at American interests and at the Carabineros. Summary "justice" has also been enforced. The two most active groups are believed to be the Frente Popular Manuel Rodriguez and the Movimiento Juvenil Lautaro, both leftist groups:

The international community has responded to Chile's return to democracy by restoring diplomatic relations and lifting all trade restrictions. High level visits have recommenced including many heads of state and the SSEA. For the first time since 1974 the UNCHR will not address the human rights situation in Chile. In the 1991 election to the Commission Chile received the most votes among the seven Latin American candidates.

CANADIAN POSITION:

Canada warmly welcomed the return of democracy to Chile and has strongly supported the Aylwin Government's efforts to return the country to normal. Canada's Ambassador recently discussed the question of the political prisoners with Chile's Secretary to the Presidency. He assured the Ambassador that the Chilean Government is very aware of the concerns of Canadian NGOs. We believe that the democratically elected government is fully committed to upholding and promoting human rights and that it has taken a number of important initiatives in this respect including the assessment of each political prisoner on a case by case basis. Two specific cases which had been raised by Canada have since been resolved by releasing the individuals concerned. We applaud the Chilean Government's decision to initiate judicial proceedings against the Army Generals implicated in the Letelier case. Should the Chilean Government decide that an amnesty is the best means of reconciling the divisions within Chilean society we would respect its decision.

ANNEX I

CANADIAN POSITION ON 1990

U.N. HUMAN RIGHTS COMMISSION RESOLUTIONS:

Resolution 1990/62 simply noted the transfer of the Special Rapporteur's report on human rights in Chile. Canada was satisfied with the report.

Resolution 1990/78 notes that several recommendations for the improvement of human rights in Chile remain pending and asks that Chile report thereon at the 47th Session. Paragraphs 4, 5 and 9 of the resolution are relevant. Our position is as follows:

4 (a) Canada is following the work of the Chilean Commission of Truth and Reconciliation with great interest. We remain optimistic that it will produce substantive results towards resolving the identity of those responsible for abuses in the 1973-March 11, 1990 period.

4 (b) Canada looks with favour on the recent judicial reforms encouraging the transfer of some legal cases from the military to the civilian courts. We will continue to offer our support to speed this process so as to allow outstanding human rights cases and cases involving alleged political prisoners to be resolved as soon as possible.

4 (c) There is currently no immunity under Chilean law for anyone guilty of human rights abuses. This remains uncertain for those responsible for abuses committed during the 1973- March 11, 1990 period. It is our hope that justice will be rendered.

4 (d) The archives of the National Information Agency (CNI in Spanish) are still held by the military. We would hope and expect that the military authorities will facilitate promptly, their transfer to the civilian authorities.

DOCS

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1992 January

Consultations in preparation for
the ... session of the U.N.

Commission on Human Rights. --

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