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UNCLASS

CONSULTATIONS
IN PREPARATION FOR THE 51ST SESSION
OF THE U.N. COMMISSION ON HUMAN RIGHTS
JANUARY 17-18, 1995

Dept. of External Affairs
Min. des Affaires extérieures
OTTAWA

NOV 23 1994

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NOTE

On January 17, 1995, the consultations will be held at the Palais des Congrès, 200 promenade du Portage, Hull, and on January 18, 1995, at the L. B. Pearson Building, 125 Sussex Drive, Ottawa.

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- 6. Statement by Canada before the CHR50: Item 7: Economic, Social and Cultural Rights, Item 8: Right to Development

Briefing Notes on Country Situations

- 7. **Africa:**
- Angola, Burundi, Cameroon, Equatorial Guinea, Ethiopia, Kenya, Liberia, Malawi, Nigeria, Rwanda, Somalia, South Africa, Sudan, Togo, Zaire
- 8. **Asia:**
- Afghanistan, Burma (Myanmar), Cambodia, China, India, Indonesia, Pakistan, Sri Lanka, Vietnam
- 9. **Latin America and Caribbean:**
- Brazil, Colombia, Cuba, El Salvador, Guatemala, Haiti, Mexico, Peru
- 10. **Middle East:**
- Iran, Iraq, Occupied /autonomous Territories, Syria
- 11. **Eastern and Western Europe:**
- Albania, Former Yugoslavia, Georgia, Turkey

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(29/12/94)

**CONSULTATIONS BETWEEN NON-GOVERNMENTAL ORGANIZATIONS
AND
DEPARTMENT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE
IN PREPARATION FOR
THE 51ST SESSION OF THE
UNITED NATIONS COMMISSION ON HUMAN RIGHTS
January 17 - 18, 1995**

A G E N D A

**Tuesday, January 17
Palais des Congrès, Hull**

Opening of Meeting/Country Situations

08:30	Registration and Coffee	Salle Chapleau
09:00	Welcome and Plenary: - Opening Statement - Statement by the Network on International Human Rights	Salle Chapleau
09:30-12:00	Working Group A: Asia	Salle Chapleau
09:30-12:00	Working Group B: Africa	Salle Gatineau
09:30-10:30	Roundtable Discussion on Guatemala	Salle Désert A
10:30-10:45	Coffee	
12:00-13:30	Sandwich Lunch with Minister of Foreign Affairs and Secretaries of State (to be confirmed)	Lobby (or Salle Papineau)
13:30-16:30	Working Group A: South and Central America and Caribbean	Salle Chapleau
13:30-16:30	Working Group B: Middle East and Europe	Salle Gatineau
13:30-14:30	Roundtable discussion on Rwanda	Salle Désert A
15:00-15:15	Coffee	

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Wednesday, January 18
L.B. Pearson Building, Conference Room

Thematic Issues

- 09:00-10:30 1. Overview
2. Thematic Mechanisms
- 10:30-10:45 Coffee (Conference Lobby)
- 10:45-12:30 3. Economic, Social and Cultural Rights
4. Civil and Political Rights
5. Rights of the Child
6. Minority Rights
- 12:30-13:30 Lunch (Conference Lobby)
- 13:30-15:30 7. Rights of Persons with Disabilities
8. Advancement of Women
9. Human Rights Treaty Bodies
- 15:30-15:45 Coffee (Conference Lobby)
- 15:45-17:15 10. Mass Exoduses
11. Indigenous Issues
12. Working Group on Human Rights Defenders
13. Migrant Workers
- 17:15-17:30 Wrap-up and closure

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PROCEDURAL FACT SHEET

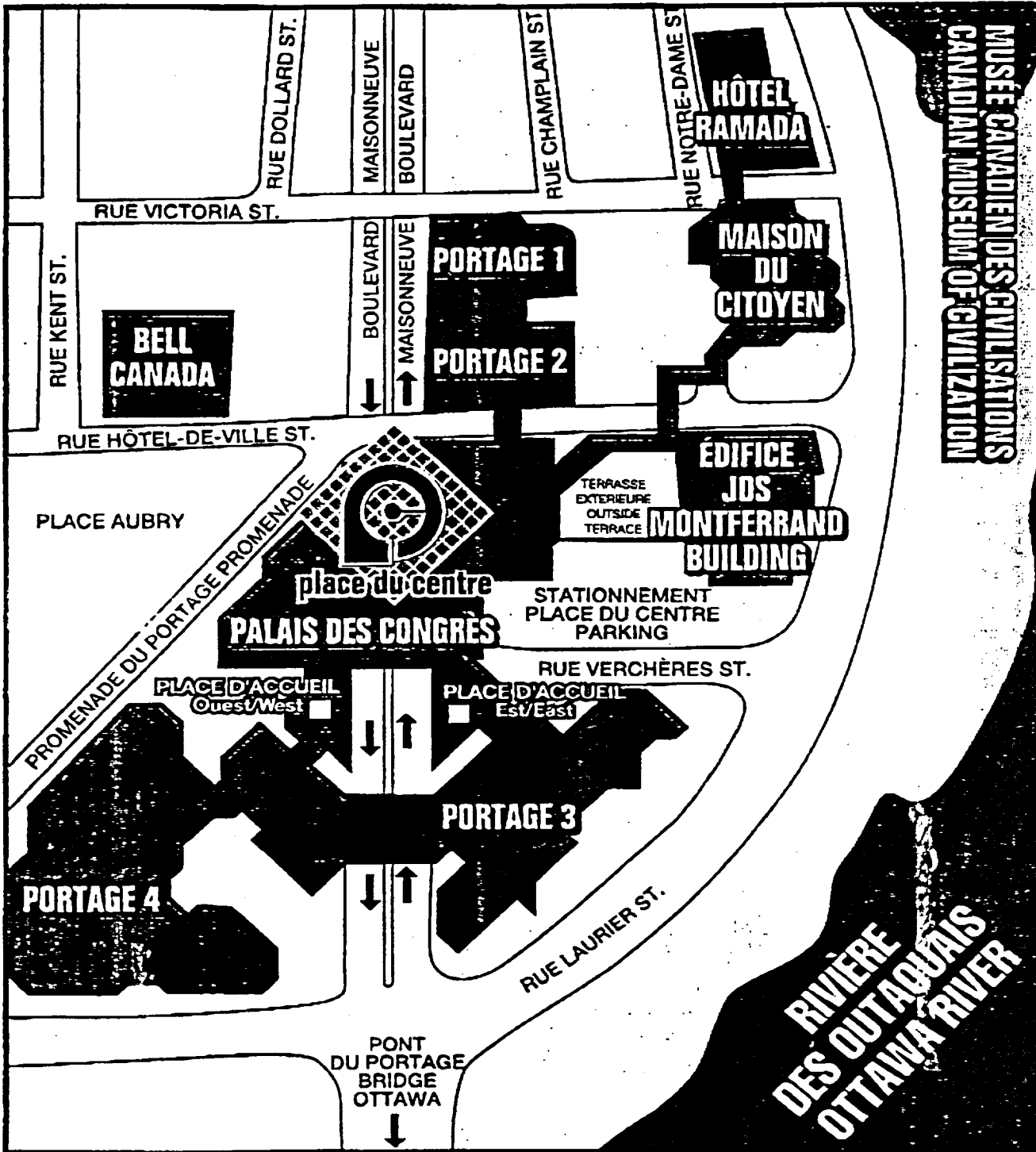
In consultations with the NGO Network on International Human Rights, the following meeting procedures have been agreed:

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

* * * * *

- NOTE:
- 1) The Palais des Congrès is located at 200 promenade du Portage in Hull, on the 3rd floor of Place du Centre. (see attached plan of the area). There is a parking area accessible by Laurier Street, underneath Place du Centre, at the cost of \$7.50/day. Taxi fare is approximately \$7.00 from downtown Ottawa.
 - 2) Parking is very limited at the Lester B. Pearson Building. We suggest public transport (OC Transpo buses #3 and #13 can be boarded along Slater Street) or taxis be used. Regular bus fare during peak hours (6:00 - 8:30 am and 3:00 - 5:00 p.m.) is \$2.10. Off-peak fares are \$1.40. Taxi fare is approximately \$7.00 from the downtown core. Foreign Affairs and International Trade is located at 125 Sussex Drive.

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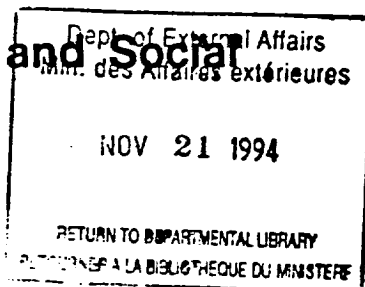
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**Economic and Social
Council**



Distr
GENERAL

E/CN.4/1995/1
31 October 1994

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-first session
30 January-10 March 1995

PROVISIONAL AGENDA

Note by the Secretary-General

Duration and venue of the session

1. The fifty-first session of the Commission on Human Rights will be held at the United Nations Office at Geneva from 30 January to 10 March 1995. The first meeting will be convened at 11 a.m. on Monday, 30 January 1995.

Provisional agenda

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

Inter-sessional and pre-sessional working groups

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

(a) Item 3: An informal open-ended working group on the organization of the work of the Commission met from 12 to 23 September 1994 (Commission decision 1994/111);

(b) Item 10 (d): An open-ended working group established to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to consider the implications of its adoption and the relationship between the draft optional protocol, regional instruments and the Committee against Torture (Commission resolution 1994/40, Economic and Social Council decision 1994/250) met from 17 to 28 October 1994;

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(c) Item 12 (b): The Working Group on Situations, composed of five members of the Commission, is scheduled to meet from 23 to 27 January 1995 to examine situations referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities pursuant to Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 (Commission resolution 1990/55, Council resolution 1990/41);

(d) Item 15: The group of three members of the Commission appointed under article IX of the International Convention on Suppression and Punishment of the Crime of Apartheid is scheduled to meet from 23 to 27 January 1995, to consider reports submitted by States parties in accordance with article VII of that Convention (Commission resolution 1993/10);

(e) Item 23: 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 1994/96, Economic and Social Council resolution 1994/11) is scheduled to meet from 16 to 27 January 1995;

(f) Item 24: An open-ended inter-sessional working group to elaborate a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts (Commission resolution 1994/91, Economic and Social Council resolution 1994/10) is scheduled to meet from 31 October to 11 November 1994;

(g) Item 24 (d): An open-ended inter-sessional working group responsible for elaborating guidelines for a possible optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication (Commission resolution 1994/90, Economic and Social Council resolution 1994/9) is scheduled to meet from 14 to 25 November 1994.

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

Provisional agenda

1. Election of officers.
2. Adoption of the agenda.
3. Organization of the work of the session.
4. Question of the violation of human rights in the occupied Arab territories, including Palestine.
5. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts.
6. Monitoring and assisting the transition to democracy in South 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.

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11. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:
 - (a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms;
 - (b) National institutions for the promotion and protection of human rights;
 - (c) Coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights;
 - (d) Human rights, mass exoduses and displaced persons.
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) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by Economic and Social Council resolution 1990/41 of 25 May 1990.
13. Measures to improve the situation and ensure the human rights and dignity of all migrant workers.
14. Human rights and scientific and technological developments.
15. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid.
16. Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination.
17. Status of the International Covenants on Human Rights.
18. Effective functioning of bodies established pursuant to United Nations human rights instruments.
19. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-sixth session.
20. Rights of persons belonging to national or ethnic, religious and linguistic minorities.

21. Advisory services in the field of human rights.
22. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.
23. 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.
24. 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) Question of a draft optional protocol to the Convention on the Rights of the Child on sale of children, child prostitution and child pornography as well as the basic measures needed for their prevention and eradication.
25. Follow-up to the World Conference on Human Rights.
26. The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service.
27. Draft provisional agenda for the fifty-second session of the Commission.
28. Report to the Economic and Social Council on the fifty-first session of the Commission.

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**THE 53 MEMBERS OF THE COMMISSION ON HUMAN RIGHTS
51ST SESSION: 31 JANUARY-10 MARCH 1995**

WESTERN GROUP (10)	EXPIRY	LATIN GROUP (11)	EXPIRY
AUSTRALIA	1996	BRAZIL	1995
AUSTRIA	1996	CHILE	1997
CANADA	1997	COLOMBIA	1997
FINLAND	1995	CUBA	1997
FRANCE	1995	DOMINICAN REPUBLIC	1997
GERMANY	1996	ECUADOR	1996
ITALY	1996	EL SALVADOR	1997
NETHERLANDS	1997	MEXICO	1995
U.K.	1997	NICARAGUA	1997
U.S.A.	1995	PERU	1996
		VENEZUELA	1996
 ASIAN GROUP (12)		 AFRICAN GROUP (15)	
BANGLADESH	1997	ALGERIA	1997
BHUTAN	1997	ANGOLA	1997
CHINA	1996	BENIN	1997
INDIA	1997	CAMEROON	1996
INDONESIA	1996	COTE D'IVOIRE	1996
JAPAN	1996	EGYPT	1997
KOREA	1995	ETHIOPIA	1997
MALAYSIA	1995	GABON	1997
NEPAL	1997	GUINEA-BISSAU	1995
PAKISTAN	1995	MALAWI	1996
PHILIPPINES	1997	MAURITANIA	1996
SRI LANKA	1997	MAURITIUS	1995
		SUDAN	1995
		TOGO	1995
		ZIMBABWE	1997
 EASTERN EUROPEAN GROUP (5)			
BULGARIA	1997		
HUNGARY	1996		
POLAND	1995		
ROMANIA	1995		
RUSSIA	1997		

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ALLOCUTION DE
S.E. M. DAVID KARSGAARD
AMBASSADEUR ET CHARGÉ D'AFFAIRES, A.I.
DU CANADA DEVANT LA 49E SESSION DE
L'ASSEMBLÉE GÉNÉRALE DES NATIONS UNIES

POINT 100: QUESTIONS RELATIVES AUX
(B) ET (C) DROITS DE L'HOMME ET
 SITUATIONS RELATIVES AUX
 DROITS DE L'HOMME

NEW YORK, LE 29 NOVEMBRE 1994

PRESS RELEASE NO. 10

STATEMENT BY
H.E. MR. DAVID KARSGAARD
AMBASSADOR AND CHARGÉ D'AFFAIRES, A.I.
OF CANADA BEFORE THE 49TH SESSION OF THE
UNITED NATIONS GENERAL ASSEMBLY

ITEMS 100: HUMAN RIGHTS QUESTIONS
(B) AND (C) AND HUMAN RIGHTS
 SITUATIONS

NEW YORK, NOVEMBER 29, 1994

**PERMANENT MISSION OF CANADA
TO THE UNITED NATIONS**

**LA MISSION PERMANENTE DU CANADA
AUPRES DES NATIONS UNIES**

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Mr. Chairman,

On the eve of its fiftieth anniversary, and more than one year after the Vienna World Conference on Human Rights, the United Nations system is still not adequately equipped to meet the growing demands and expectations confronting it in the field of human rights. Recent years have witnessed dramatic global political change marked by the end of the Cold War and growing support for more democratic and open societies in Eastern and Central Europe, Africa, Asia and Latin America. At the same time, in some parts of the world, these changes have been accompanied by violent forms of human rights abuses, placing new demands on the international human rights system. The challenge is still before us, therefore, to enhance the ability of the United Nations to promote and protect human rights, both as a Charter purpose in its own right and as a means of furthering the goals of economic and social development and maintaining international peace and security.

The Canadian government would like to express its appreciation for the work of the High Commissioner for Human Rights, Mr. José Ayala Lasso, who has shown exemplary dedication in facing the challenges that have marked his first year in office. My government will continue to support the High Commissioner in the fulfilment of his difficult mandate.

Today, I will focus my remarks on a range of specific situations which have preoccupied the international community in the past year, or which, in the view of Canada, warrant our attention. This year, the starting point for any such review must clearly be the tragedy in Rwanda.

The wave of massacres in Rwanda has claimed between 500,000 and one million persons, mostly Tutsis, but also Hutus. To prevent this genocide from recurring, those responsible must be tried before an international tribunal. The perpetrators of revenge killings must also be brought to justice in order to re-establish the confidence required for the refugees to return home. A strong resolution expressing the international community's outrage over all human rights violations must be adopted.

We hope that the recent agreement between the government and the opposition in Burundi can restore stability and ease tension in a country where up to 100,000 murders have occurred in the past year. The international community must demonstrate its support for the efforts of the High Commissioner for Human Rights to deploy as a preventive measure teams of human rights monitors in this country.

The International War Crimes Tribunal for the former Yugoslavia has begun its operations but flagrant violations of human rights are still occurring. The recent incursion by Bosnian Serb forces into the UN safe area of Bihac is only the most recent example. The abhorrent policy of "ethnic cleansing" continues to be applied, in particular by Bosnian Serb forces, against civilian populations in most of the former Yugoslavia. We commend the Special Rapporteur, Mr. Tadeusz Mazowiecki, for his important work in exposing the extent of war crimes and crimes against humanity. Canada fully supports the

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International War Crimes Tribunal in its efforts to attribute individual responsibility and ensure justice is done.

We wish to condemn in the strongest terms the use of brutal force by the authorities of Serbia and Montenegro, their public incitements to discrimination and hatred against ethnic and religious groups, and their forced recruitment of refugees in Kosovo, Sandjak and Vojvodina.

Mr. Chairman,

Canada sees UN Special Rapporteurs and Representatives as playing a key role in monitoring human rights violations, and in encouraging governments to improve their performance and to live up to their commitments. Their work continues to be hampered by a lack of resources and, in many instances, a lack of cooperation from governments. Canada considers all governments, without exception, obliged to cooperate fully and openly with the authoritative mechanisms of the Commission on Human Rights.

In Iraq, the nightmare of human rights abuses continues, with the Commission's Special Rapporteur on Iraq describing the situation as having further deteriorated from the widespread abuses reported last year. Over the past three years, the government of Iraq has systematically sought the destruction of a people and way of life in the marshes of the Euphrates river. Meanwhile, the Kurds and other minority groups face the most severe repression. Obviously, the time is long past due for the government in Baghdad to seek accommodation with its people, as demanded by numerous UN resolutions. This Assembly should consider carefully the disturbing implications of the reports of the Special Rapporteur and do everything in its power to implement his recommendations.

Canada deplores, in the strongest terms possible, ongoing fighting between the Government of Sudan and the factions of the Southern People's Liberation Army. All parties to this conflict are guilty of gross abuses of human rights, including: torture, indiscriminate attacks on displaced persons, hijacking relief convoys and fanning the flames of religious and ethnic intolerance. Canada is especially concerned by the inflexible attitude demonstrated by the government of Sudan at the most recent IGADD-sponsored peace talks. We deplore Sudanese harassment of UN agencies and NGOs in their humanitarian relief efforts. We strongly urge the government of Sudan to cooperate with the Commission's Special Rapporteur, Mr. Gaspar Biro. Personal attacks on him are tantamount to attacks on the United Nations, and should not be tolerated.

We continue to call for renewed co-operation on the part of Iran with the Commission's Special Rapporteur, Mr. Reynaldo Galindo Pohl. It is difficult to understand any criticism of his work when he has not been allowed into the country to meet with interested groups and individuals. At the same time, we call on the Iranian authorities to exert all efforts possible to prevent the type of attacks witnessed over the last year against members of Iranian religious minorities, particularly the on-going and systematic discrimination against its

Bahai community. The fatwa against British author Salman Rushdie is an outrage against the fundamental values of the United Nations.

We continue to be disappointed by Cuba's refusal to cooperate with the Special Rapporteur of the Commission on Human Rights. We hope, however, that the recent visit to Cuba of the High Commissioner for Human Rights, which we welcome, will lead to greater Cuban cooperation with the UN system on human rights issues. Cuba's achievements in many areas of economic and social rights, including recent reforms, are noteworthy. They may be lost, however, if not reinforced by progress in civil and political rights.

Mr. Chairman,

In the Vienna Declaration and Programme of Action, Member States reaffirmed the mutually reinforcing relationship between democracy, development and respect for human rights. Indeed, it has always been Canada's basic premise that respect for human rights is integral to human development. Economic and social development is reinforced by a vigorous civil society, where political parties, labour unions, private enterprise, non-governmental organisations and community groups give people a voice and the opportunity to articulate their needs and preferences.

Several country situations can serve to illustrate the crucial link between democracy and respect for human rights.

In Burma, the CHR Special Rapporteur continues to document callous disregard for human rights and the democratic process. Daw Aung San Suu Kyi continues to be under arrest. The beginnings of a dialogue are encouraging but her unconditional release, along with that of the other political detainees, is essential to the process of reconciliation and democratic reform. The international community must monitor the situation in Burma through the elaboration of clear and timeframed benchmarks to measure progress. Canada will work with others, especially neighbouring countries, in pursuing initiatives to promote greater respect for human rights in Burma.

We are encouraged that Vietnam has adopted modest measures of administrative and legal reform. Nevertheless, we continue to have grave concerns that religious leaders continue to be subjected to arbitrary arrest, detention and imprisonment under harsh conditions. Prominent dissident figures calling for greater individual freedom and democratic reforms have been sentenced to long prison terms. We call on the Government of Vietnam to release these individuals.

Given the progress noted in preceding years, we are concerned about more recent developments in Indonesia, including East Timor, and look forward to the resumption of a more positive trend. Canada looks to Indonesia to comply fully with its commitments made at the last meeting of the United Nations Commission on Human Rights, welcoming in this regard the June visit of the Special Rapporteur on Summary or Arbitrary Executions. We call on Indonesia, as a member of the Commission on Human Rights, to ensure speedy ratification of the two

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international human rights covenants as demonstration of its commitment to human rights.

We are still concerned by the human rights situation in China. There continue to be reliable reports of imprisonment of individuals for their political beliefs, lack of due process and transparency in the judicial system, and restrictions on freedom of expression and freedom of worship. Furthermore, there has been no sign of improvement in the human rights situation in Tibet. The establishment of the rule of law based on international human rights principles offers the best guarantee against political arbitrariness in China. Canada's policy is to maintain a constructive dialogue with China on these matters. To this end, we remain prepared to share our experiences with China and pursue cooperative projects to assist in developing China's judicial machinery. This was recently expressed to Chinese leaders by the Prime Minister of Canada.

Nigeria has reversed five years of cautious progress toward democracy, the military regime steadily increasing its powers and violating the human rights of its citizens. While leaders of the democratic movement remain in detention, labour-union rights are being trampled, minority rights, including those of the Ogoni, are being repressed and public executions of groups of individuals have reappeared. Nigerians have waited too long already for the restoration of democracy. The international community should join to help them by increasing bilateral and multilateral pressures on the military regime in favour of renewed progress towards achieving democracy.

We greatly regret that the Gambia, after a generation of democratic experience, now seems to be preparing for a military regime to remain in power through 1998. This is neither necessary nor justifiable. We call on the new Gambian authorities to reconsider this plan and expedite the reforms they announced at the outset.

The political situation has improved in Zaire with the formation of a transitional government. Respect for human rights could benefit from this new development if the government could manage to control abuses committed by the security forces. The international community will no doubt want to follow closely the delicate evolution of this situation.

In Togo, we welcome the new government's emphasis on human rights, the rule of law and reconciliation, but concrete action is needed. Too little has been done to correct longstanding abuses by the security forces, and elections were marred by irregularities and violence including the death of an opposition candidate.

Canada remains concerned about the human rights situation in Peru. We recognize the initiatives of the Peruvian government to improve the situation. Canada condemns acts of terrorism and supports all efforts to eliminate it. We also support all efforts, including of the OAS, to prevent human rights abuses committed by official institutions. We recognize that much more work remains to be done and that the task ahead will not be easy.

Mr. Chairman,

Conflict situations resulting from violations of human rights and fundamental freedoms not only represent a profound obstacle to development, but also threaten international peace and security. The Secretary General's Agenda for Peace emphasized preventive diplomacy as an important means by which the United Nations can strive to ensure peace and security. Canada fully supports the Secretary General's efforts to reinforce the institutional capacity of the UN to take preventive action to reduce human rights violations. Early warning and prevention of human rights violations are one of the keys to avoiding political instability and eventual conflict.

The long-standing and vexing problem concerning Jammu and Kashmir continues to concern us. We welcome the efforts taken over the past year to address the human rights and humanitarian situation in this region, including the granting of increased access to the media, diplomatic observers, and some international organizations. However, further concerted efforts are required by all parties to bring about an end to human rights abuses. We encourage the Indian government to allow further access to Jammu and Kashmir for international human rights organizations, including the United Nations High Commissioner for Human Rights. Canada continues to encourage both India and Pakistan to engage in a constructive and sustained dialogue regarding their differences, including Jammu and Kashmir.

And while Canada appreciates Pakistan's on-going commitment to improving its human rights situation, we continue to encourage the government to address problems, including discrimination against minority groups.

In Liberia, the recent peace agreements are failing. Human rights violations by all factions have become so endemic that humanitarian agencies can no longer operate and UN and regional peacekeepers have begun to withdraw. All factions must demonstrate through their actions that they are serious about peace if the international effort to assist Liberia is to continue.

Canada is deeply concerned by the continued suffering of Afghans both inside and outside their country, caused by the factional fighting. It is the responsibility of the Afghan faction leaders to end the carnage and reconcile their differences in order to enable a process of reconciliation and reconstruction to take place in their war-ravaged country. Canada is encouraged by recent developments and fully supports the continuing diplomatic efforts of the UN Secretary General's Special Envoy Mehmud Mestiri.

Mr. Chairman,

The situation is not uniformly bleak. Progress has been made toward greater respect for human rights in many parts of the world.

Few countries have made such dramatic progress in the area of human rights in such a short period as has South Africa. The Bill of

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Rights enshrined in the interim constitution provides an agreed framework within which all levels of government and the courts must operate. The election of April 1994 was a step on the road to genuine equality and democracy. The international community must continue to encourage and support the efforts of the new government of national unity to overcome the legacies of the apartheid system.

Regarding Haiti, Canada welcomes the return of its democratically-elected President, Jean-Bertrand Aristide. Clearly, major challenges confront the government in its efforts to restore full respect for human rights. We are pleased to see that the UN/OAS civilian observer mission is active again in Haiti. The Canadian government has announced a \$30 million aid package for Haiti which includes substantial assistance for the protection and promotion of human rights. We are also providing police training both in Canada and in Haiti for the future Haitian police force and will participate in the United Nations Mission in Haiti when the time comes. We support the Secretary General's report on the Situation of Human Rights in Haiti and his recommendations as well as those of the Special Rapporteur.

Another situation that has for too long preoccupied the General Assembly is now giving us cause for cautious optimism. In the Middle East, the historic peace treaty between Israel and Jordan has strengthened the impetus of the peace process. Efforts to negotiate an end to the Israeli-Arab conflict must be complemented by the will of all States in the region to improve the human rights situation. However, a great deal remains to be done, notably the application of the Fourth Geneva Convention. Canadians are outraged by attacks on the part of Hamas, which have claimed so many innocent victims.

Canada welcomes the stated intention of the recently-elected government of Sri Lanka to address human rights problems actively and positively through, for example, the establishment of a human rights commission. The coming session of the Commission for Human Rights provides an excellent opportunity for the Government of Sri Lanka to review its progress on human rights in light of its undertakings to the Commission last year. We hope that moves by the government, and those opposed to the government, in the direction of a negotiated solution to the bloody civil conflict which has afflicted that country, together with a decline in reported human rights abuses by the security forces and by Tamil secessionists, points the way towards a more understanding and cooperative spirit in Sri Lanka.

The situation in Latin America as a whole continues to be cause for optimism. In Guatemala, we remain hopeful that the negotiations between the government and the Unidad Revolucionaria Nacional Guatemalteca (URNG) can lead soon to an end to Central America's longest standing armed conflict. At the same time, we are deeply concerned that human rights abuses have increased during the last year. This underlines the need to promote respect for human rights and address the issue of continued threats, disappearances and murders, and the ongoing problem of impunity. We would hope that the arrival of the UN Verification Mission in Guatemala will contribute to ending human rights violations.

In the past year, El Salvador has made significant progress in its quest for peace and reconciliation. For the first time, national elections were held in which all the country's disparate political organizations participated. We urge the Government of El Salvador and the Farabundo Martí National Liberation Front (FMLN) to consolidate the advances made thus far by fulfilling the remaining undertakings of the Peace Accords. We welcome the initiative of the Salvadoran Government to work with the Secretary-General's Independent Expert on human rights issues, Mr. Pedro Nikken.

Canada has vigorously supported UN and regional initiatives to achieve a negotiated settlement to the Angolan conflict and has repeatedly urged both parties to the conflict to safeguard human rights and ensure the secure delivery of humanitarian assistance. We welcome the signing of the Lusaka protocol on November 20th and urge the Government and UNITA to adhere fully to their obligations under this agreement.

Mr. Chairman,

The UN Charter and the Universal Declaration of Human Rights clearly establish the international and legal obligations of all governments to promote and protect universally recognized human rights and fundamental freedoms for all of their citizens. Article 55(c) of the UN Charter makes clear that respect for human rights is the key to a more peaceful and prosperous world for everyone. The promotion and protection of human rights is an obligation for all members of the United Nations.

Thank you, Mr. Chairman.

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CANADA

The Permanent Mission of Canada
to the United Nations
at Geneva

La Mission Permanente du Canada
auprès des Nations Unies
à Genève

COMMISSION ON HUMAN RIGHTS/COMMISSION DES DROITS DE L'HOMME
50TH SESSION/50IEME SESSION

ITEM 7: ECONOMIC, SOCIAL AND CULTURAL RIGHTS
ITEM 8: RIGHT TO DEVELOPMENT

STATEMENT BY ANNE PARK, HEAD OF THE DELEGATION OF CANADA/
ALLOCATION PRONONCEE PAR ANNE PARK CHEF DE DELEGATION DU CANADA

GENEVA/GENEVE
8 FEBRUARY/8 FEVRIER 1994
SERA DISPONIBLE EN FRANCAIS

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Mr. Chairman:

During the past year much progress has been made with respect to our approach to economic, social and cultural rights and to the right to development.

Economic, social and cultural rights.

The Vienna Declaration firmly established that political and civil rights and economic, social and cultural rights are inter related - or, in the words of the Vienna Declaration, integral, indivisible and inalienable elements of fundamental human rights.

We believe that much of the misunderstanding which has surrounded this subject has derived from the basic difference in the nature of the governmental obligations flowing from these two families of rights.

In the International Covenant on Civil and Political Rights, Article 2 establishes the unqualified obligation of all states parties to "respect and to ensure to all individuals ... the rights recognized" therein. This is essentially an obligation on governments to refrain from arbitrarily or unduly curtailing the fundamental freedom of its citizens.

On the other hand, Article 2 of the International Covenant on Economic, Social and Cultural Rights recognizes the central importance of limited resources in that context: "each state party ... undertakes to take steps individually and through international assistance and cooperation, ... to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized" in that Covenant.

This distinction, also elaborated in Article 22 of the Universal Declaration, has important practical significance. But it does not imply any difference in the relative importance of these two sets of rights.

As a party to both Human Rights Covenants since their entry into force in 1976, Canada has long considered the principles contained in these instruments fully compatible and fundamentally interrelated.

Looking to ourselves, this view is central not only to our approach to human rights at the international level; it also reflects the underpinnings of Canadian society.

Canadians are firmly attached to the fundamental rights entrenched in our Charter of Rights and Freedoms.

At the same time, they are committed to a national social, economic and cultural ethos in which each citizen, rich or poor, healthy or sick, young or old, can participate to the fullest extent possible in the political and civil life of Canada. Such

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things as our national medicare system, the provision of assistance to poorer provinces to help them provide essential public services are part of the very fabric of Canadian society.

The new and important consensus about the fundamental inter relatedness of the two kinds of basic human rights should put end forever to unproductive debates whether developed countries are overly concerned with political and civil rights, or whether developing countries should give first or exclusive priority to a lesser standard of respect for civil and political rights.

What matters is that both kinds of human rights reflected in the Universal Declaration - both political and civil rights and economic, social and cultural - be accepted and strived for. We believe this holds one of the keys to the improvement of international understanding and cooperation in the field of human rights.

Right to development

Mr. Chairman:

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

We see little more challenging for the world community than assisting the emerging democracies of the developing world and the countries of central and eastern Europe to develop the institutions and infrastructures which will enable them to develop stable societies based on respect for fundamental human rights, political and civil, economic, social and cultural.

That is not to say that human rights abuses are unique to any particular part of the world or any particular group of countries. Indeed, history is replete with examples of both good and bad human rights records among developed and developing countries alike. Ethnic discord, violence, authoritarianism and intolerance are just as likely to give rise to human rights abuses as underdevelopment.

Nor does it imply the imposition of "western" values or forms of government. Guarantees of basic political freedoms can, and do translate into different political structures based on different national traditions, needs and habits of thought, just as economic and social policies and programmes are shaped according to national circumstances.

Rather, the profound changes taking place in the world in recent years have simply made it abundantly clear that economic

development is most likely to be successful and sustainable over the long term if it rests on a foundation of democratic processes and institutions. A country's potential for social and economic development turns on the freedom its citizens enjoy to participate fully in all aspects of society, no less than on governmental commitment to material prosperity.

Much progress was made in Vienna in developing a new and broader consensus on the importance of key relationship between human rights, democracy and development, which was itself a key underlying theme of the entire Vienna World Conference.

There is growing acceptance of the idea that development, democracy and human rights are inter related. And old suggestions, on the part of some, that lack of development can be an excuse for human rights violations, or that development must come first with human rights to be considered later as a lower priority, ring increasingly hollow.

We are moving away from development as a debating ground between north and south in the Commission, and towards a more cooperative mutual understanding of the issues involved.

A forward agenda

Mr. Chairman:

The question before us here is what we in the Commission on Human Rights can do to move forward in the new more constructive spirit developed at the Conference in Vienna? What can we do here during these six weeks to ensure that the concepts and ideas reflected in the Vienna Declaration are not consigned to the archives of history but form the basis of a new partnership to promote human rights, democracy and development at the international level? What concrete steps can we take?

Canada, like some other countries, has increasingly made human rights an important component of our bilateral assistance programmes.

But, we also believe that more can be done within the UN system to assist countries which are genuinely trying to improve their human rights records.

This does not of course mean that the international community should become less vigilant in speaking up about serious cases of human rights violations, wherever they may occur. That is and will continue to be a main focus of the Commission.

But we could at the same time usefully devote more effort to the development of practical and constructive ways to assist

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countries to build the national infrastructures they need to improve observance of human rights.

And, at a time when resources are scarce, such measures need not be costly. A lot can be done with ingenuity and using the resources we have to best effect.

. Cooperation among national human rights institutions.

For our part, Canada, through its national Human Rights Commission, is playing a leading role as a part of a small group of countries trying to develop a new cooperative relationship among independent national human rights institutions. We believe there is much to be gained from this kind of dialogue as developing countries and others increasingly establish such institutions as part of their own human rights infrastructure building. Canada provided \$175,000 to bring heads of national human rights institutions to Vienna, and are fostering efforts to make this an ongoing feature of international human rights cooperation.

. Enhancing technical assistance in the field of human rights

Last year African delegations reminded us forcefully of their interest in improving administration of justice. Brazil has advanced ideas in the context of improving the rule of law. The Vienna Declaration sets out some ambitious goals for enhanced technical assistance in the field of human rights in the UN system. We need to consider how, in practical terms, we can collectively move this agenda forward.

. Developing the Human Rights Centre as a centre of excellence for human rights in the UN system

A sign of the growing importance of human rights in the development process is the increasing pressure the Centre for Human Rights is coming under to provide assistance to countries in the area of human rights training, education, legislation and constitution writing and so forth. In fact, the centre, together with the rapporteurs, treaty bodies and other human rights mechanisms constitute a tremendous source of expertise which could be immensely valuable to many countries but which is not being fully utilized. Canada would like to see the Human Rights Centre become a "centre of excellence" within the UN system for the provision of this kind of assistance, in cooperation with other UN agencies. We therefore welcome ASG Fall's plans, announced in his January 31 address, to strengthen his office's role in coordinating the Centre's work on both civil and political rights, and on economic, social and cultural rights.

There are also other steps we can take.

The Commission must encourage the new Office of High Commissioner for Human Rights to give priority attention to his mandate to ensure more effective coordination and communications among the Centre, the specialized agencies, the international financial institutions, and even regional organizations engaged in the promotion of human rights. Mr. Fall has informed us of the Secretary-General's initiative, pursuant to the Vienna Declaration, of placing this issue on the agenda for the next meeting of the Administrative Committee for Coordination (ACC). We will follow these deliberations with great interest.

Mr. Chairman, as a traditional supporter of the concept of the right to development, Canada regretted its inability to support last year's Commission resolution on this topic and we hope that a constructive text that commands the broadest support can be developed.

My delegation has read the report of the Working Group on the Right to Development with interest. The challenge facing this Working Group is a daunting one indeed. As I have already said, the right to development is a very broad concept - essentially a reaffirmation of the obligation of individual governments and of the international community to strive for the realization of all principles reflected in the most basic human rights instruments.

Clearly the responsibility for promoting this goal within the UN system must be shared among a wide range of institutions, agencies, and mechanisms working within their respective spheres; and the new High Commissioner's coordinating mandate will play an important role in bringing greater coherence to the United Nations' role in this field.

In this context, it will be no easy task for a single Working Group to make a distinctive contribution to the cause. We recognize that the Working Group has just begun its work, and will support the continuation of its mandate; but in so doing, we hope the group will proceed in a pragmatic, focussed fashion, and in full cognizance of related efforts being pursued in other quarters of the UN system.

Thank you Mr. Chairman.

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THE HUMAN RIGHTS SITUATION IN ANGOLA

ISSUE

After 19 years of almost continuous civil war, Angola's ongoing humanitarian crisis and poor human rights record continue to be of great concern to the Canadian government. While encouraged by the successful conclusion of the Lusaka peace talks, Canada continues to urge both sides to demonstrate the political will required to create a sustainable peace and begin the long process of national reconciliation and reconstruction.

BACKGROUND

Following independence from Portugal in 1975, conflict between the MPLA government and UNITA rebel movement, fanned by rivalry between the superpowers, degenerated into a civil war that left one-third of the population displaced and hundreds of thousands dead. Under pressure from the United States and Russia to resolve the conflict, following the end of the cold war, direct negotiations under Portuguese mediation began in April 1990 and resulted in the signing of the Bicesse Accords of May 31, 1991. The Accords provided for a ceasefire, the deployment of the UN Angolan Verification Mission (UNAVEM) II, the creation of a national army and multiparty elections planned for late 1992.

Multiparty elections were held in September 1992, even though neither the Government nor UNITA forces were fully demobilized. The MPLA won the elections which the UN declared to have been generally free and fair. However, UNITA refused to accept defeat, challenged the legitimacy of the elections and threw the country back into civil war. The UN resumed its efforts to bring the two parties together at peace talks in Lusaka which after nine months of negotiations concluded in the signing of the Lusaka Protocol on November 20, 1994.

Fighting escalated in the lead up to the signing with each side attempting to gain as much territory as possible. A ceasefire is gradually taking hold. The UN estimates that 3.7 million people, one third of the population, are in need of some type of emergency assistance. The UN considers Angola to be one of, if not the, most mined country in the world with more than one mine laid per Angolan, or over 11 million mines. Health services and nutrition levels have suffered to the extent that UNICEF now lists Angola as having the second highest child mortality rate (under 5 years of age) in the world at 292 deaths per 1000 live births.

In Angola, there is little respect for the most basic human right, the right to life, as reports of atrocities committed by both sides have surfaced and thousands of people have died through war famine and disease. The enjoyment of basic civil, political and economic rights enshrined in the constitution is extremely limited. Both sides have been accused of discriminating on the basis of race, sex, religion, ethnicity and social and linguistic grouping. Those who have been disabled by the numerous land mines also face discrimination, as the government tends to institutionalize amputees rather than integrating them into society.

The human rights situation should improve provided both sides adhere to the conditions of the Lusaka protocol. The cease fire will allow the full implementation of the Angolan Action Plan including mine clearances and the return of displaced people. Phase I of the Lusaka Protocol, which came into effect November 22, calls for the release of all civilian and military prisoners detained as a consequence of the conflict.

CANADIAN POSITION

Canada welcomes the signing of the Lusaka Protocol. We continue to urge both UNITA and the Government of Angola to adhere to the terms of the Protocol to achieve a lasting peace.

A resolution at the 50th CHR urged both parties to the Angolan conflict to cease immediately all military actions in order to prevent further violations of human rights.

Canada has made a number of human rights demarches urging both the Angolan government and UNITA to respect international humanitarian standards and to facilitate the delivery of humanitarian assistance to the victims of the conflict. Among the issues raised were the safety of non-combatants, the treatment of detainees, extrajudicial killings and security guarantees for the delivery of humanitarian assistance by international organizations.

Our humanitarian assistance efforts are continuing. Since 1990, Canadian has provided over \$38 million in food and emergency aid. Canada provided UN observers for the 1992 elections and had 15 troops serving with UNAVEM. Humanitarian assistance grants totalling \$5.6 million for the Angola Food Aid project have recently been identified including \$380,000 to support an integrated mine action program.

December 1994

THE HUMAN RIGHTS SITUATION IN BURUNDI

ISSUE

The attempted coup d'état that led to the death of President Ndadaye on October 21, 1993, triggered a wave of ethnic massacres that has apparently caused over 100,000 deaths, in addition to putting 800,000 Burundians to flight into neighbouring countries and uprooting another 200,000 within the country. These atrocities represent one of the worst human rights disasters of our time. The mindless actions of the perpetrators have also interrupted a democratic process which could have served as a model not only for Central Africa, but for the whole continent. Burundi is still unstable and risks being drawn into the wake of the Rwandan crisis.

BACKGROUND

The assassination of President Ndadaye by rebel elements in the Army resulted in massacres of Tutsis, who represent 15 per cent of the population but are predominant in the Army, by Hutus of the interior seeking to avenge themselves for the death of their elected President, the first Hutu ever to hold the position. In return, the Army, seeking to protect the Tutsi ethnic minority of the interior, began wholesale massacres of Hutus, taking advantage of its superior weaponry. While apparently under solid leadership, the Hutus were equipped with only machetes and spears to eliminate their adversaries.

While the worst part of the massacres was short-lived, not until December 6, 1993, the day of the President's funeral, did they end completely. This was also the first time that members of the Government dared to venture forth from their hotel that it was using as its shelter. The situation has improved, but remains tenuous. The authorities appealed for an international protective force, but the UN Security Council, which had just gone through some difficult experiences in Somalia, Haiti and Bosnia, was no longer prepared to deploy forces with no end to their mandate in sight. The OAU was prepared to deploy an African force, but could not do so without logistical and financial support.

After three months of intense negotiations, the presidential side and the opposition signed an agreement to govern on September 10 last; it will serve as a basis for a four-year transitional period. The acting president was restored to his position on September 30. However, the crisis returned on December 1 with the election of Jean Minani as Speaker of the National Assembly. The opposition accused him of having encouraged the extermination of the Tutsis over Rwandan radio, on the occasion of the attempted coup that put President Ndadaye to flight. During this time, hard-liners on both sides have taken violent action and became increasingly radical in their positions. In this climate of violence in which weapons are available in such abundance, flagrant violations of human rights are commonplace.

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CANADIAN POSITION

Canada strongly condemned the attempted coup on the day when it occurred. It has distributed millions of dollars in humanitarian aid for the refugees in the neighbouring countries and for those displaced in the interior. However, Canada feels that there is an urgent need to establish a climate of security to protect the distraught populace and to encourage refugees and displaced persons to return. It has asked the Ambassador to intervene with the Prime Minister to this end. Last July, Canada named a special emissary to Central Africa to help find a solution to the problems of Burundi and Rwanda. Canada favours a stronger international presence in Burundi to deter extremist elements. It would also like to see the institutions reflect more fully the ethnic composition of the country, especially where the armed forces are concerned. Canada is encouraging the activating of the OAU crisis-prevention mechanism in order to prevent a Rwandan-style catastrophe.

THE HUMAN RIGHTS SITUATION IN CAMEROON

ISSUE

Cameroon is a country where human rights violations are neither systematic nor flagrant, but where isolated miscarriages and abuses do occur. Continued vigilance is necessary.

BACKGROUND

Cameroon is emerging from a lengthy period of single-party government. During this period, President Biya concentrated all the decision-making powers in his own hands and made all bureaucratic and political appointments. Theoretically, the National Assembly had the power to table and to propose legislation, but in reality, proposals contrary to the government's wishes were doomed to failure. The need to reflect the country's ethnic composition was one of the few elements that kept abuses from being more widespread. Faced with a rising tide of protest from an ever-increasing opposition made up of journalists, students, politicians of various stripes and the general public, President Biya was obliged to open up the political system in 1990.

There were instances of fraud during the 1992 elections, but this did not dissuade a majority of the population from voting for the parties and presidential candidates of the opposition. However, since the electoral system allows for a multiplicity of parties and candidates, the former governing party and the former authoritarian President registered narrow victories. The opposition, feeling swindled, expressed its disagreement, triggering a repressive reaction on the part of the government, which decreed a state of emergency in one region, and placed John Fru Ndi, the second place presidential candidate under arrest. The subsequent appointment of a national unity government stabilized the situation. However, international funding agencies remain sceptical and want concrete evidence that Cameroon indeed plans to adopt policies and practices more respectful of human rights. Discontinuation of the state of emergency in December 1992 was an important step as was the decision in November 1994 to resume the constitutional dialogue and hold municipal elections in 1995.

There has been, nevertheless, little improvement since 1993. The opposition is regularly harassed by the police which makes liberal use of a law allowing recourse to unlimited powers of administrative detention. Students and strikers suffer intermittent suppression. Several years of economic crisis have fanned criminality. Press liberty is problematic. Television and radio is a government monopoly. Censure of private newspapers has intensified but several remain highly critical. Any public activity requires prior authorization which is often refused to the opposition. The legal system is subject to multiple pressures. Real democracy will require constitutional reform establishing the rule of law, limiting the power of the executive, ensuring the independence of the judiciary and creating an autonomous electoral commission.

CANADIAN POSITION

Canada has been very active in the Cameroonian human rights situation. It has been especially active in the electoral field, having sent technical expert Louis Massicotte in November 1991. Canada also sent observers to the parliamentary elections of March and the presidential election of November 1992. Numerous irregularities, especially in the presidential election, make it impossible to vouchsafe the credibility of the announced results. The lifting of the state of emergency, the liberation of John Fru Ndi and the establishment of a government of national unity largely satisfied Canada's post-electoral preoccupations. Nevertheless, Canada has maintained the pressure throughout 1994, protesting the repression of political activities, financing eight small projects to promote democratization and human rights, and organizing a conference on federalism and decentralization.

Cameroon can have no doubt as to the importance Canada attaches to the advancement of human rights, good governance and democratic development.

HUMAN RIGHTS SITUATION IN EQUATORIAL GUINEA

ISSUE

Having been governed by successive oppressive regimes since 1968, the government of President Obiang has begun to make some timid gestures in favour of a more open regime. However, elections held in November 1993 were a "farce" and human rights violations of the most pernicious kind continue.

BACKGROUND

Ruled by tyrants, scarred by malaria, isolated by geography and language, Equatorial Guinea has had a bloody history. Under the sanguinary hand first of Macias, responsible, according to some estimates, for the murder of 40,000 people, including 21 cabinet ministers over eleven years, and later of Obiang, his nephew's brother, who maintained his villainous repression, Equatorial Guinea has reached the bottom in almost every measure of quality of life.

Faced with the rising tide towards democracy in the 1980's, Obiang abandoned military rule in 1982 and formed a civilian government. In 1986, he allowed the formation of a single political party, his own. In 1991, he permitted the introduction of a multi-party system but harassment, arbitrary arrests, torture, especially of political opponents, persisted. Multi-party elections were set initially for September 1993 but were postponed until November.

Several donor countries tried to intervene to ensure a reasonable expression of political opinion during the campaign but were unsuccessful. Fearing fraud, half of the legalized parties eventually boycotted the poll. Large-scale abstentions and allegations of wide-spread vote-rigging marred the elections which were won by Obiang's ruling Equatorial Guinean Democratic Party. Many international observers characterized the election as a farce. Since the elections, intimidation and arrests of opposition supporters and leaders who boycotted the elections as well as other abuses by security forces, continue. Obiang has, of course, claimed that the elections have legitimized his grip on the nation. Some donors have, nevertheless, reacted to his election with veiled threats to cut aid which, because of its dependency on foreign aid, would have an important impact on the Equatorial economy.

The overall human rights situation remains sombre. Arbitrary arrests and torture were reported again in 1994. Civil and political rights are not respected. Opposition opinion is not tolerated. Discrimination, especially against foreigners like Nigerians, is rampant. Economic, social and cultural rights are rudimentary.

At the 50th session of the Commission on Human Rights, a consensus resolution was adopted expressing the Commission's concern about the human rights situation in Equatorial Guinea, and renewing the mandate of the Special Rapporteur, M. Alejandro Artucio. The Special Rapporteur will be reporting on the latest developments before the upcoming session of the

Commission. Also, despite the appointment of a UN Special Expert to advise the Equatorial authorities on human rights issues, no improvement has been forthcoming.

CANADIAN POSITION

Canada is accredited to Equatorial Guinea through our mission in Gabon but on-site visits are rare. Information is difficult to obtain and impossible to verify. Nevertheless, Canada deplores the culture of political persecution and oppression which has stunted the development of this unfortunate country. Although our influence in Equatorial Guinea is minimal, Canada does take all appropriate occasions to bring its views on democratic development and good governance to the attention of Equatorial authorities.

December 1994

HUMAN RIGHTS SITUATION IN ETHIOPIA

ISSUE

Ethiopia has made significant progress in human rights since the overthrow of the Mengistu regime. Canada supports the Transitional Government's (TGE) efforts at reform and democratization, but recognizes a need for further efforts in national reconciliation and broader political participation.

BACKGROUND

Ethiopia is now into the fourth year of the transitional process started in 1991 to dismantle the defeated Marxist regime (known as the Dergue) and replace it with a constitutional democracy. The current transitional government is non-elected, and composed mainly of the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) — a coalition of ethnically based movements which defeated the government of Mengistu Haile Miriam in a bloody and protracted civil war.

Integrity of the person continues to improve, though reports of arbitrary arrest, detention, and occasional instances of summary execution continue. Charges are now being laid against over 1000 former Mengistu era officials being held in custody. The first tranche of public trials began December 13 in this historic effort to attack the impunity which Ethiopian officials have used in the past to grossly abuse human rights. Opponents of the current government have been involved in confrontations with EPRDF units, particularly in the Ogaden and parts of 'Oromia'. Ethnic and intercommunal violence, a common feature of Ethiopian history, has also flared up in some rural areas.

Freedom of speech, assembly, association, religion and travel were protected in the transitional charter and are guaranteed in the new draft constitution. However, these rights are constrained by a poor security situation in some areas, notably the Ogaden and Eastern Hararghe, incidents of harassment of opposition political parties, and state-monopoly of radio and television. The judiciary has shown some positive signs of independent action. A brash and vigorous independent press, with some irresponsible elements, has emerged.

The TGE is committed to providing basic social services to the entire population without discrimination; however, lack of funds, chronic underdevelopment and food scarcity has hampered these efforts. Military expenditures have been sharply curtailed, but the establishment of a professional army and police force has been slow.

Religious freedom is respected. The new constitution provides for local and regional governments based on language and ethnicity. Education is provided in the local language.

Women are guaranteed full equality; however, customs of some ethnic groups emphasize a subordinate role. Women are prominent, though a minority, in local and national

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governments; family planning is encouraged, and an active campaign to promote women's rights exists through government policy and NGOs.

Child employment under age 14 is prohibited, though exceptions, e.g. animal herders and street vendors, abound. A disturbing new phenomenon associated with rural-urban migration, unemployment and the relaxation of social control since the fall of the Dergue is increased and more visible prostitution. Swedish 'Save the Children' estimates that 50,000 girls are involved in prostitution in the capital, and the number is growing.

A National Electoral Commission has been established. Constituent assembly elections held in June to ratify a draft constitution were deemed to be largely 'free and fair', even though most opposition groups, citing government harassment and inadequate preparation time, did not participate. National legislative elections are expected in May/June 1995.

CANADIAN POSITION

Over the past year, Canada has continued to make representations at the highest levels of the TGE and opposition groups to encourage the peaceful negotiation of differences and participation in good faith in the nascent democratic process. As chair of the "Donor Group" in Addis Ababa, Canada's ambassador has consistently emphasized to the National Elections Board of Ethiopia its responsibility to create conditions for free and fair elections. The Canadian Embassy joined others in observing the Constituent Assembly elections of June 5, 1994.

Canada has also made representations to the TGE on behalf of opposition figures detained without trial; students arrested for demonstrating; the private press; and various detained individuals.

In support of developing the rule of law, Canada has provided financial assistance to the work of the Special Prosecutor's Office and the Public Defender's Office. Along with other donors, Canada provided assistance to the National Elections Board (through the UNDP) for the conduct of Constituent Assembly elections. Through CIDA's Democratic Development and Good Governance Fund, additional assistance will be provided over the coming year to help Ethiopians establish a successful constitutional democracy and civil society.

THE HUMAN RIGHTS SITUATION IN KENYA

ISSUE

Despite multi-party elections in 1992, the KANU-led Government in Kenya has yet to reconcile itself to pluralist politics. The trappings of authoritarianism remain: security forces are corrupt and repressive; KANU maintains a tight grip over local administration; the independent media and opposition are frequently harassed; and quiet but effective government control of the judiciary is practiced. As chair of the Nairobi-based 'Donor's Democratic Development Group' (DDDG), Canada has worked to press the Government of Kenya (GoK) on its commitment to human rights and democracy.

BACKGROUND

Kenya's constitution contains de jure protection for a broad range of rights and freedoms. In addition, Kenya is party to most international covenants/charters on human rights. However, several laws, such as the Preservation of Public Security Act, give the GoK draconian powers. Moreover, extra-legal activities as well as government influence over the judiciary mean that the legal framework does not necessarily restrain government behaviour when important political interests are perceived to be at stake.

Ethnic clashes in the Rift Valley continued in 1994 (though not of late), with the apparent complicity of senior government officials. Conditions for the displaced are poor and the GoK has moved slowly to implement a resettlement program. Allegations of torture, police brutality and forced confessions continue, with conditions in some prisons described as "life threatening".

The independence of the judiciary has been seriously compromised of late. The legal system is used to harass and intimidate opposition MPs, journalists and activists. Nearly half of Kenya's opposition MPs were arrested last year on various, generally trumped up, charges. The case of Koigi Wa Wamwere, ex-Nakuru North MP charged with raiding a police station, continues to drag on, despite protests from human rights groups and the donor community over the apparent spuriousness of the charges.

The Kenyan Government tolerates a wide range of opinion and criticism in print, with the exception of criticism of President Moi himself. The electronic media is controlled by or sympathetic to the GoK. A number of journalists, including the editors of "The People" and "Daily Nation", and journalists for the "Standard", have been arrested on charges varying from criminal contempt to sedition over the past year.

In the past, the GoK has favoured members of President Moi's Kalenjin tribe for public service posts. President Moi has also stated that areas which elect opposition MPs cannot expect to receive government funding. This may be changing as wide-ranging economic reforms — including civil service and parastatal reform — begin to take hold. Nonetheless, official corruption remains endemic and is a significant drag on economic growth.

Women continue to be treated as second class citizens and are highly under-represented in government. Lack of access to property and polygamy are problems for rural women. Physical abuse is not condoned but occurs.

Economic, social and cultural rights are recognized as goals of public policy, but the ability of the GoK to address them is circumscribed by fiscal constraints. Inflation, declining public sector employment and strong population growth have diminished prospects for the average Kenyan, most of whom have an inadequate standard of living. Primary and secondary schooling is highly valued, although access has been limited due to a dramatic rise in school fees. University professors returned to work in September following an unsuccessful nine-month strike to have themselves union-certified: five organizers were subsequently dismissed from their teaching posts.

The number of street children in Kenyan cities has grown considerably (30,000-50,000 in Nairobi alone - UNDUGU Society estimates) as a result of poor economic conditions and dislocation caused by ethnic clashes. Government response has been minimal.

A government task force to review laws relating to the disabled was established in October, 1993. It has yet to formulate any policy recommendations. While Kenya has no official human rights organ, the independent 'Kenyan Human Rights Commission' acts as a credible data collection and rights-monitoring group.

CANADIAN POSITION

Canada continues to press for improved human rights, strengthened democracy and better governance in Kenya. Canadian officials regularly meet with senior GoK officials in Nairobi and Ottawa (most recently to discuss the trial of Koigi wa Wamwere).

Canada continues to chair DDDG meetings, to which prominent Kenyans involved in democratization and human rights are invited. In coordination with other donors, Canada observed all but one by-election held last year; played a part in a UNDP/GoK-chaired national committee on the displaced; and maintained contact with a wide variety of Kenyan human rights activists and NGOs. We have provided funding to the Institute for Education and Democracy in Kenya, as well as assistance to the Catholic Church in aid of victims of ethnic clashes.

THE HUMAN RIGHTS SITUATION IN LIBERIA

ISSUE

The factions which agreed last year to end a long and brutal civil war are fighting again and are increasingly split internally. Aid workers have had to withdraw; UN and regional peacekeepers, already downsized, may be next.

BACKGROUND

Liberia was founded by freed American slaves in 1822 and became independent in 1847. The local tribes' longstanding resentment of the more affluent settlers' descendants came to a head when Master Sergeant Samuel Doe took over in a bloody coup in 1980 and launched a decade of brutal dictatorship.

Charles Taylor's December 1989 rebellion against Doe ultimately toppled him, but plunged Liberia into a horrific civil war that so far has caused 50,000 combat deaths while 100,000 starved and over a million refugees fled. Only the intervention since 1990 of regional peacekeepers from the Economic Community of West African States (ECOWAS) maintained a semblance of stability at certain times and in certain areas. After several earlier agreements failed, UN and ECOWAS mediation led to the Cotonou accord in July 1993. The three major factions agreed to form an all-party transitional government and disarm their forces in preparation for elections. UN observers and new African troops would enhance the impartiality of the ECOWAS force. By March 1994 real progress had been achieved in all these areas, and fall elections seemed within reach.

However new tribally-based factions appeared, the three major factions split increasingly along ethnic lines, and widespread local/tribal fighting broke out. Humanitarian agencies were unable to operate in this chaos, and began to leave in frustration. Ghana's President Rawlings, as new head of ECOWAS, convened the factions in September for a final attempt to revive the peace process, but the resulting Akosombo Accord was stillborn. Since then, the UN has downsized its observers by 70 per cent and its Special Representative has resigned; half the new African troops have left; and the ECOWAS force, the backbone of peacekeeping efforts in Liberia for four years, has begun significant reductions because the regional countries can no longer afford to maintain it. The international community as a whole is losing patience and likely soon to focus on more promising situations elsewhere.

CANADIAN POSITION

As Liberia was neither in the Commonwealth nor la Francophonie, Canada was traditionally not directly involved. Bilateral ties were minimal, aid was limited to small NGO projects, and consideration of a draft tax treaty was abandoned in light of human-rights concerns.

The human rights situation during the civil war has been unbelievably bad. There were at least two massacres of over 500 people each and many smaller ones committed by all sides. Civilians, notably women and children, bore the brunt of atrocities far more than soldiers. One of the most distressing aspects of the war was the use of heavily drugged boys as young as 10 as soldiers, largely but not exclusively by the Taylor-led rebels. Less dramatic but more widespread was acute famine and malnutrition found in several areas controlled by various factions. While Canada and others were appalled and spoke out at times about these abuses, the attention of the international community was engaged elsewhere, and until recently they did not receive the consideration they deserved.

Despite its minimal bilateral interests in Liberia, Canada has done more than its part to address the humanitarian crisis and the threat to regional peace there through substantial relief aid and electoral expertise. Since the civil war began, Canada has provided over \$24 million of humanitarian and food aid for Liberians through UN agencies, the Red Cross and church groups. Canada provided electoral experts in 1992 and 1993 for missions of the Carter Center and UN, whose preparatory work for elections was pre-empted by the revival of the civil war.

It is time for the Liberian factions to demonstrate by their actions that they are serious about the search for a lasting peace. If they do, Canada remains prepared to consider possible technical assistance for elections when conditions on the ground are favourable. If they cannot muster the necessary political will, they should not be surprised when the international community chooses to redeploy resources elsewhere to greater effect.

The ECOWAS countries have earned a lot of credit for sustaining their innovative peacekeeping effort through four years of adversity. They have certainly contributed to the current international interest in regional peacekeeping and conflict management. We continue to hope that their initiative can be brought to the successful conclusion it deserves.

THE HUMAN RIGHTS SITUATION IN MALAWI

ISSUE

The human rights situation in Malawi has improved as the country moved from a single party dictatorship with a poor human rights record to a multi-party democracy declaring respect for fundamental rights and civil liberties.

BACKGROUND

The human rights situation has been steadily improving since 1992 when President for Life, Dr. Hastings Banda, in response to internal and external pressures held a referendum on ending the single-party system that had characterized Malawi since independence. The majority of Malawians voted for change.

In November 1993, Parliament passed bills eliminating from the Constitution the clauses enshrining the single party system, appending a bill of rights, establishing a multiparty electoral law and repealing detention-without-trial provisions of the Public security act as well as the Forfeiture Act and Malawi's restrictive dress code.

An increasingly assertive populace, the growing independence of the judiciary and an active opposition press helped force the National Police, once one of the worst abusers of human rights in the country, to curtail the worst of its abuses. Abuses by the paramilitary Malawi Young Pioneers disappeared after they were disarmed in December 1993.

Presidential and parliamentary elections were held in May 1994, with three major parties contesting both. Dr. Bakili Muzuli and his party, the United Democratic Front, won a plurality. Following a smooth transition, the new Government committed itself to respecting human rights and the democratic process.

Legal discrimination against Malawi's Asian minority has been removed; they are no longer prohibited from owning businesses in agriculture or transport.

CANADIAN POSITION

Canada welcomes the smooth transition to democracy that occurred in Malawi in 1994.

THE HUMAN RIGHTS SITUATION IN NIGERIA

ISSUE

How to improve the steadily deteriorating situation of human rights and democratic development brought about by the military regime. While political rights are under the most pressure, economic and social rights continue to languish in an unfavourable climate.

BACKGROUND

Nigeria has been under military rule for 25 of its 34 years of independence and continuously since 1983. General Ibrahim Babangida began a cautious transition to democracy in 1989 with adoption of an American-style two-party constitution. Local, state and legislative elections followed with relative success. In the presidential election in June 1993, Chief Moshood Abiola won 58 per cent of the vote and 20 of 31 states, in what foreign observers including Canada's considered Nigeria's cleanest vote ever. However Babangida annulled the election ten days later, before final results were officially proclaimed although widely known.

Two months of unrest at home and international condemnation convinced Babangida to step down. When it became clear to the people that his successor Ernest Shonekan was a puppet still controlled by the military, further unrest prompted defence minister General Sani Abacha, who had been part of the military regime all along, to oust Shonekan in a bloodless coup in November. He dismissed all parliamentary, state and local officials elected since 1990, suspended the constitution and banned parties. He also coopted several Abiola allies to Cabinet and promised a constitutional conference to restart the democratic process.

By the time delegate elections for the conference were held in May 1994, it was clear that this approach was a sham which the military fully intended to control. The democratic movement, revived by the South African elections and newly united, again turned to Abiola who rose to the occasion by claiming the presidency on the anniversary of his election. His arrest and trial for treason triggered an oil-workers' strike in July and gave him the hero/martyr status he had previously lacked. The regime became increasingly hard-line as the strike spread, dismissing all union leaders, arresting activists without charge and closing newspapers.

After finally crushing the strike in September, the regime gave itself absolute power and immunity from legal challenge. It ignored a court order to release Abiola on bail despite his declining health, even after appeals by Nelson Mandela and USA Congressmen. Most recently it abandoned *habeas corpus* (along with Burma in dropping this basic legal safeguard) and moved to retire many high-court judges, further weakening the independence of the judiciary.

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At the same time harsh repression of minorities continues, notably the Ogoni who bear many of the burdens of oil production but reap few of the benefits, whose leader Ken Saro-Wiwa has been detained without charge since May and now faces trial by military tribunal. The regime has resumed public executions of groups of criminals. Labour unions have been harassed and dismantled nationwide. Good governance (transparency, accountability, probity) is lacking especially with regard to large oil revenues, much of which go to maintain the military/security apparatus. Endemic corruption, fraud and crime have also damaged economic rights.

CANADIAN POSITION

Canada had observers at the 1993 presidential election, and was well placed to strongly condemn its annulment. We also adopted limited measures as follows:

- Received Abiola in Ottawa and spoke out for his safety.
- Demanded diplomatic access to political detainees.
- Cancelled visit to Canada by Institute of Strategic Studies.
- Suspended Nigeria's eligibility for military and police training assistance.
- Cancelled proposed visit of Inspector General of Police.
- Declined request to negotiate investment protection agreement.

Since Abacha's takeover in November 1993, we have reaffirmed the previous measures and added the following:

- Refused visas to senior Nigerian military and ministers.
- Blocked requests to send military-capable exports to Nigeria.
- Called repeatedly for Abiola's release as an indispensable part of any solution.
- Delayed presentation of credentials by our High Commissioner.
- Sponsored editor of Nigeria's leading banned paper to tour Canada.
- Declined to host meeting of Canada/Nigeria Joint Commission.
- Cited Nigerian abuses in several UN human rights speeches.

We have also called tirelessly for the release or public trial of Saro-Wiwa, whose detention without charge for six months in poor health is of great concern to many Canadians. In addition to diplomatic representations, Secretary of State Christine Stewart has written twice during the fall to the Nigerian foreign minister on his behalf.

Most recently Canada's International Centre for Human Rights and Democratic Development recognized the courage and commitment of Nigerian democrats in the face of considerable adversity by presenting its Freedom Award to the Nigerian NGO Campaign for Democracy in December.

Overall, Canada's position has been at least as energetic as any other Western country's and more sustained and effective than some. It has earned real credibility with Nigeria's

democratic movement and in the Commonwealth, but so far has had little visible impact on the regime. Our modest aid has not been cut, as it goes directly to the population through Canadian and local NGOs and international agencies, but we have experienced increasing difficulty in delivering it.

The future of Canadian measures will be geared to developments in Nigeria. Given the current lack of progress, additional bilateral measures may be warranted. Among those that could be considered are steps to improve the flow of information, and further political, diplomatic and economic actions.

In the Commonwealth we support Secretary General Anyaoku's efforts, and are considering with our partners how the Commonwealth can increase pressure on military rulers who overstay. Progress has been made in developing consensus for a balanced package of incentives to improve implementation of the Harare Declaration on Commonwealth Values.

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THE HUMAN RIGHTS SITUATION IN RWANDA

ISSUE

The state of civil war that has prevailed in Rwanda since the attack by the Rwandan Patriotic Front (RPF) in October 1990 has caused numerous human rights violations. However, the situation triggered by the destruction of the presidential aircraft on April 6, 1994 has assumed catastrophic proportions. The ensuing massacres have created one of the postwar era's worst tragedies, leaving some two million refugees, an almost equal number of displaced persons within the country, and between a half-million and a million dead.

BACKGROUND

The massacres triggered by the destruction of the presidential aircraft were so widespread and so sudden that they left no doubt whatsoever as to their having been planned in every detail. Elements of the Army and the Presidential Guard began by attacking political opponents of the presidential side, and then letting the Hutu militia enter the fray, attacking mainly the Tutsis. After 10 of its Blue Helmets were killed, Belgium withdrew its UNAMIR contingent. Without its best-trained, best-equipped units, UNAMIR had to withdraw its powerless troops until a stronger Security Council mandate was forthcoming. With only 400 soldiers at its disposal, UNAMIR was in no position to protect civilians from being massacred. The situation has now changed. UNAMIR, 5,500-strong since the end of August, is now in a position to guarantee a measure of security. The presence of 100 UN human rights observers as of January 1995 should also help matters.

Insecurity in the camps, especially in Zaire, has caused great concern to the Canadian government. In response to a request from Minister Ouellet asking him to consider the problem, the UN Secretary General has produced a report outlining three possible courses of action: 1) Send 3,000 Blue Helmets for 24 months or 5,000 for 10 months to establish security zones in the camps, one after the other; 2) Send between 10,000 and 12,000 Blue Helmets to separate the militia and military from the civilians, by virtue of UN Charter Chapter VII; or 3) send a force under the auspices of Chapter VII.

Ideally the second option appears to be the most effective, but given the current troop-contributor fatigue, the first option seems more realistic. Without making any decisions on the organizing of an intervention force, the Security Council has asked the Secretary-General to obtain more information about the costs and countries interested in providing troops under Option One. Many countries have been approached to provide mechanized units, but no affirmative replies were known to have been given at the time of writing. On the other hand, the Security Council decision to set up an international tribunal to judge those responsible for the genocide was a positive one, and Canada would like to see it become functional as soon as possible. The virtually nonexistent judicial system also needs to be restored, and the government needs assistance in order to function.

CANADIAN POSITION

Canada has favoured UN intervention from the outset, having contributed generously to such intervention by supplying over 500 soldiers during the peak period. It intends to replace the communications unit with a logistical support unit. Getting the refugees to return is our greatest priority. To achieve this, we must work at both the external and internal levels. In the refugee camps, the militia and former soldiers are intimidating those who wish to leave and are threatening NGOs distributing humanitarian aid. Given the scope of the problem, the UN must coordinate the efforts of the international community, in cooperation with the leaders of neighbouring countries. Canada named a special emissary in July to promote dialogue between the parties.

Internally, the Rwandan government must take concrete measures to reassure the refugees and give them access to their property. The government has no means whatsoever of functioning; Canada is prepared to assist it. Thanks in large part to our intervention, the problem of arrears owed to the World Bank has been solved, thereby opening the way for other sources of financing to assist the Rwandan government with its operating budget. In addition to providing nearly \$25 million in humanitarian aid, Canada is prepared to place a counterpart fund of \$7 million at the disposal of the government, plus \$5 million for arrears and a social development fund. Other means of intervention are also being considered, particularly in the area of judicial assistance.

It should also be remembered that last May's special session of the UN Human Rights Commission was a Canadian initiative. The Commission approved the nomination of a Special Rapporteur to investigate human rights violations in Rwanda and requested the UN High Commissioner for Human Rights to set up a team of human rights monitors et provide human rights technical assistance to the Rwandan government.

At the last session of the Third Committee of the General Assembly, Canada sponsored a resolution on the human rights situation in Rwanda. The resolution was adopted without a vote.

THE HUMAN RIGHTS SITUATION IN SOMALIA

ISSUE

The human rights situation worsened in Somalia as clan violence increased. Canada is concerned that the situation will deteriorate further following the withdrawal of UN military forces.

BACKGROUND

Somalia, consumed by civil war since 1988, self-destructed in January 1991 after the overthrow of the repressive regime of Siad Barre. Over 800,000 Somalis left the country while nearly one million were internally displaced as a result of famine and fighting. In December 1992, the Security Council approved the US-led United Task Force (UNITAF) to intervene militarily in order to secure the delivery of humanitarian relief. In May 1993, UNITAF transferred its authority to UN Operations in Somalia (UNOSOM). On November 4, 1994, the Security Council voted a final extension to UNOSOM II's mandate until March 31, 1995. It calls for the complete withdrawal of UN military forces and assets "as soon as possible".

A degree of normality returned to Somalia in 1993/1994: some markets, businesses and other institutions were re-established, and an abundant crop yield was reported throughout much of the country. There was progress on the re-creation of local police forces and regional councils, though their representativeness and effectiveness has varied. These changes were primarily the result of UNOSOM's ability to maintain a semblance of order. The extent to which this can be sustained after the withdrawal of UN forces remains questionable.

Assessing the human rights situation in Somalia is difficult in the absence of any central authority. Since 1991, Somalia is best understood as three regions: the South, which is highly unstable and prone to endemic clan violence; the Northeast, which has been relatively calm; and the Northwest (Somaliland) which, until recently, has been largely peaceful and equipped with a semi-functioning administrative apparatus. A degree of political reconciliation in the regions has also occurred, including the lower Juba Valley, Sanaag province, and the Northeast.

However, guarantees of political liberty, press freedom, fair trials or any other fundamental human rights do not exist. Detention without charge, intimidation, extortion and summary executions are commonplace. The use (or misuse) of Sharia law has returned in many areas in the absence of a functioning judicial system.

Human rights, particularly the right to security of the person, were commonly violated by all actors in Somalia, including a few much publicized violations by UN peacekeepers. There have been some UN initiatives to deal with these matters, including the establishment of a human rights office within the justice division of UNOSOM, but little has been

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accomplished. The violent struggle for power amongst Somalis has cost many lives and Somalis are unable to travel freely within their own country. Banditry and kidnapping, particularly against expatriates, is widespread, and has induced many non-Somalis and NGOs to leave.

As security conditions deteriorate, fewer agencies are willing to work in Somalia, with a negative effect on education, health care and food distribution. Insecurity has also unravelled many of the gains made by Canadian Forces in Belet Huen to repair and reopen schools, health clinics and roads.

Discrimination along clan and sub-clan lines, and by ethnic Somalis against Bantu farmers in river-plain areas and Swahili communities along the coast, is prevalent. The status of women, little advanced under Siad Barre, remains poor.

CANADIAN POSITION

Canada has carried its full share of the burden in Somalia: since 1991, we have provided over \$43 million in emergency humanitarian assistance, and taken in over 20,000 refugees. Over 1300 Canadian peacekeepers served with the initial UNITAF operation, and seven Canadians were seconded to UNOSOM II headquarters until April of this year.

Over the past year, Canada provided funds for women's training centres and the rehabilitation of schools and borehole wells from our Nairobi mission's "Canada Fund" (\$300,000/year). In addition, CIDA provided \$4.27 million in funding to the International Federation of Red Cross Societies (IFRC), World Relief Canada, UNICEF, UNHCR and the UN Department of Humanitarian Affairs (DHA) for: relief programs in Northern Somalia, health care in Kismayu, school and water rehabilitation projects, refugee repatriation and victims of violence programs, and humanitarian assistance co-ordination. Another \$902,000 was provided to Canadian NGOs for agriculture and integrated projects in Hiran, Gedo and Johar.

We continue to work with the donor community and the UN Secretary General to determine what future role the international community can/should play in Somalia. In the meantime, the Canada Fund, food aid and other humanitarian assistance will be provided in response to evolving needs.

THE HUMAN RIGHTS SITUATION IN SOUTH AFRICA

ISSUE

In the past year, South Africa has undergone a "democratic big bang" with the first ever multiracial democratic elections taking place in April 1994. Nelson Mandela heads the newly elected Government of National Unity (GNU) whose members include representatives of the three major political parties. The country is currently operating under an interim Constitution that includes a Bill of Rights and provides for a series of checks and balances between the executive, legislative and judicial arms of the government. The protection of minority rights provided for in the South African Constitution is more generous than is found in most major western democracies.

BACKGROUND

The human rights situation in South Africa has improved dramatically in 1994. The elections saw the completion of the transition from apartheid to multiracial democracy. Death tolls from political violence were high for the first quarter of 1994, but have declined since the election. The desire for peace has held as governments, police and communities work together to address the serious problems of criminal violence.

Over the next two years, the new National Assembly and Senate sitting as a Constituent Assembly will approve a permanent Constitution. Basic freedoms such as the freedom of speech are now more widely respected, freedom from discrimination has improved, minority rights have been established and the Government of National Unity (GNU) has shown support for gender equity initiatives. South Africa has moved to sign the UN Convention on the Rights of the Child. Disability is included in the Bill of Rights as a basis of non-discrimination. Political tolerance, however, is not always respected as some political parties are not allowed to campaign in certain areas. The centrepiece of the GNU's platform is the Reconstruction and Development Plan (RDP) which will attempt to translate democratic gains for the black majority into concrete improvements in living conditions. Included in the RDP is primary education for all and free health care for those under six.

CANADIAN POSITION

Canada continues to support the democratic changes that have taken place in South Africa and to encourage South Africa's re-entry and active participation in various regional and multilateral organizations. Canada provided \$4.5 million (Cdn) in various activities related to the administration, monitoring and technical assistance for the election. The Secretary of State for Latin America and Africa led the bilateral Canadian Electoral Observer Mission and over 120 Canadians participated in UN, Commonwealth and NGO missions.

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THE HUMAN RIGHTS SITUATION IN SUDAN

ISSUE

The Government of Canada is greatly concerned by reports of grave violations of fundamental human rights by the Government of Sudan (GoS) and southern rebel forces.

BACKGROUND

Civil war resumed in Sudan in 1983 when then President Nimeiri declared his intent to Islamicize Sudan through the imposition of 'Sharia' law. This is opposed by southern Sudanese who, unlike their Arabized northern compatriots, are largely black, Christian and/or animist. A coup d'état in 1989, orchestrated by the 'National Islamic Front' led by Hassan al-Turabi, brought to power an even more militant government headed by General Umar al-Bashir.

During the latest course of fighting, civilians in the south have been victimized by aerial bombardment, forced relocation, and indiscriminate attacks by Government of Sudan troops, allied militia and SPLA rebels. The resulting insecurity has destroyed much of the indigenous trading, productive and support systems, leaving an estimated 3-4 million Sudanese internally displaced, and another 400,000 languishing as refugees. The UN, when permitted by Government and rebel forces, has attempted to deliver relief assistance through a consortia of NGOs, "Operation Lifeline Sudan" (OLS).

Over the past year, the UN was able to negotiate improved access for OLS relief operations throughout the North and South (including opening important land and barge routes). However, many of these gains have proven impossible to implement as fighting intensified in the most directly affected areas.

On the political front, the Intergovernmental Authority on Drought and Development (IGADD) sub-committee on Sudan convened five meetings between the GoS and SPLA factions. A limited breakthrough occurred in May when a draft "Declaration of Principles" highlighting the key issues of religion/state and southern sovereignty was tabled. GoS negotiators refused to discuss this document in September, stalling the process. Discussions to reconvene along a different track are ongoing.

Militarily, the civil war reached a climax in February and March following GoS capture of a number of key towns in Western and Eastern Equatoria. This fighting, combined with GoS aerial bombardments, created a new wave of internally displaced and refugees, many fleeing to Uganda. Inter-Nuer ethnic fighting along the Sobat river basin area also caused severe displacement. Intense fighting recently near Kajo Keji and Nimule, along with Northern Bahr el Ghazal, is likely to exacerbate this trend.

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All sides in the civil war have been guilty of obstructing international humanitarian assistance. For example, one WFP barge leaving Malakal in May was repeatedly looted by the SPLA. In the same period, a train carrying food aid from Kosti into southern Kordofan was looted both by the SPLA and GoS. Of equal concern are continuing abuses perpetrated by the GoS and allied militias in the Nuba mountains area of South Kordofan. The GoS has refused to cooperate with the UN Special Rapporteur. Nevertheless, chilling testimony gathered for his report details examples of torture, killings, forced displacement and slavery.

In Northern Sudan and Khartoum area, reports of harassment and "forced disappearances" of civilian opponents by security forces, including torture in notorious "ghost houses", are commonplace. Government control of the media, the security forces and the judicial system is total, with a ban on political parties and near-zero tolerance of dissent. Squatters on the outskirts of Khartoum, fleeing fighting in the South and drought in the North, have been forcibly relocated by authorities and denied access to basic services. Officially, religious pluralism in Sudan is tolerated, though accounts of harassment and abuse, particularly in the South, are widespread.

Independent NGOs and other elements of civil society are systematically stifled.

CANADIAN POSITION

The Government of Sudan fails to publicly recognize the seriousness of human rights violations in Sudan. This has made it impossible for Canada to have a constructive dialogue with the GoS on this issue. Canada has suspended bilateral aid to Sudan, and we continue to deny export permits for the sale of military goods and aircraft parts. Current two-way trade is minimal.

Canada has repeatedly called for an immediate ceasefire between the GoS and SPLA factions, stressing that only a negotiated political settlement can bring lasting peace. We strongly support IGADD's efforts at mediation, and have provided financial support for three resource persons to assist the negotiating parties. Canada vigorously supports Operation Lifeline Sudan efforts to distribute emergency humanitarian relief.

The Canadian government has repeatedly made its concerns known to Sudanese officials in Khartoum, Addis Ababa and to the Sudanese Chargé here in Ottawa. Canada regularly speaks out on the situation of human rights in the Sudan at the United Nations General Assembly, and we have annually co-sponsored resolutions at the Commission on Human Rights sharply critical of Sudan. Canada does not have an embassy in Khartoum.

THE HUMAN RIGHTS SITUATION IN TOGO

ISSUE

The legislative elections held in two rounds in January and February 1994 — the first such elections since the 1960s — led to the formation of a government of "cohabitation" between President Eyadéma and opposition politician Edem Kodjo. Killings and other abuses of human rights by the security forces marred the legislative elections, and the arbitrary arrest of a journalist occurred in April. The year ended on a more hopeful note, however, with the President's announcement of new initiatives to improve national reconciliation and the reopening of the frontier with Ghana.

BACKGROUND

The legislative elections which began the year were marred by violence and intimidation, including the assassination of an opposition deputy elected in the first round. The opposition parties, the *Comité d'Action pour le Renouveau (CAR)* and the *Union Togolaise pour la Démocratie (UTD)* won 34 and 6 seats respectively, against 38 for President Eyadéma's *Rassemblement du Peuple Togolais (RPT)*. The opposition leaders could not agree to form a coalition and this left the initiative with the President. In preference to CAR leader Yawovi Agboyibo, Eyadéma chose UTD leader Edem Kodjo to form a government of "cohabitation" of the UTD and RPT. A former OAU Secretary General and opposition candidate in the 1993 presidential election, Kodjo was confirmed as Prime Minister by the National Assembly on 24 June 1994. The RPT, however, holds the majority of cabinet posts, given the parliamentary arithmetic.

Kodjo himself favours, and is well aware of international pressure for, improved respect for human rights. He spoke out on 25 April on the importance of the rule of law, respect for human rights and reconciliation between the people and the security forces. The government nominated Mr. Aboudou Assouma, President of the National Commission on Human Rights, for election to the UN Human Rights Committee. However, the Prime Minister does not appear strongly positioned to take action against the security forces who share tribal kinship with, and are loyal to, the President.

Specific examples this year of human rights abuses include:

- a. the deaths of 48 persons, "executed" by the security forces following an attack on the main army barracks in Lomé on 5 January, said by the government to have been organized with Ghanaian connivance;
- b. the arrest on 11 January of trade unionist Komi Dackey, suspected of participating in the attack on the barracks, and his continuing detention without trial;
- c. the assassination of deputy Gaston Edeh and two political party colleagues in February;

- d. the "disappearance" of four persons in February;
- e. the arrest of Martin Dossou Gbenouga, editor of *La Tribune des Démocrates*, on 26 April and his imprisonment for five years, for "insulting the guardians of public order".

Most of the 250,000 Togolese who took refuge in Bénin and Ghana in early 1993 remain in those countries, because of continuing uncertainty about economic prospects and the government's longstanding unfavourable record on human rights. A source of political and economic instability in both countries, they complicate Togo's relations with the two neighbours.

President Eyadéma received a Ghanaian Ambassador in Lomé and announced (on 9 December) the reopening of the border with Ghana, effective 10 December, in the interest of good neighbourly relations and regional cooperation. In the name of "national reconciliation", he announced the waiving of judicial proceedings against the presumed perpetrators of the attacks of 25 March 1993 and 5 January 1994 and the presentation in the National Assembly of a bill promulgating a general amnesty.

CANADIAN POSITION

Apart from the annual \$250,000 Local Initiatives Fund, Canada suspended its aid to Togo in the wake of the political crisis of 1992 and it has not been resumed. In 1993, Canada gave \$3 million to assist the refugees in Bénin and Ghana.

The Department of Foreign Affairs received reports and representations about human rights abuses in Togo from individuals and organizations such as the Canadian-Togolese Community (Hull), International Pen (Toronto), Amnesty International (London) and the Union of Forces for Change (Paris).

Canada has welcomed the legislative elections, despite their imperfections, as an important first step in Togo's democratization process. Canada has stressed, both in private diplomatic exchanges and in public forums such as the annual meetings of the UN Commission on Human Rights and the Third Committee of the UN General Assembly, that Togo must attach much higher priority to eliminating the abuse of human rights. Because of the long history of such abuses under President Eyadéma, the implementation of the measures he has just announced will bear close scrutiny to determine whether they constitute a meaningful (and, if so, welcome) departure.

THE HUMAN RIGHTS SITUATION IN ZAIRE

ISSUE

Respect for human rights in a developing country like Zaire depends in large part on the harmonious operation of the democratic process. Unfortunately, Zaire's economic situation is deplorable, and President Mobutu is clinging to power by force.

Since the famous speech delivered by Mobutu on April 24, 1990, in which he proclaimed a new era of democratic openness, the country has experienced a measure of free speech. Having had a taste of democracy, the people immediately began to entertain high hopes. By contrast, a marked deterioration has occurred in practically every other area.

The economic situation, already catastrophic, has gone from bad to worse. Civil servants still are not being paid, and the military have resorted to looting. The illicit introduction of 30 tons of bank notes by Mobutu's entourage suggests that he is not interested in giving the government the room it needs to set the public finances in order and get the economy back on track.

BACKGROUND

Ever since Mobutu, under pressure from public opinion internationally and at home, promised to introduce multipartism, Zaire has been caught in a profound political crisis. Serious human rights violations have occurred on a number of occasions, notably in the pillaging of October 1991 and January-February 1993. The ethnic manipulations in Kassai and Kivu have also caused much suffering. Pitiful mismanagement of public funds is also responsible for the misfortunes of the people. For example, excessive use of the banknote plate has automatically resulted in inflation, thus aggravating the already difficult living conditions. At the same time, large sums of money are disappearing from the regular monetary circuits and being diverted to other purposes.

Realizing that the institutions emerging from the National Sovereign Conference (NSC) would seek a larger share of the political power, Mobutu has done everything he can to obstruct the democratic process. In addition to deploying the armed forces to intimidate the opposition, he removed the Prime Minister installed through the NSC and set up one of his own choosing. The resultant duplication of institutions led to an impasse which lasted until the High Council/Transitional Parliament elected Prime Minister Kengo in June 1994.

Freedom of opinion has improved in recent years, but remains subject to reprisals. The electronic press is still controlled and muzzled by the State.

Zaire has a form of tribalism which rests on ethnic criteria. Tribal discrimination is especially virulent in the provinces of Shaba, Kasai and Kivu. The Constitution guarantees

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equal rights for all, but the problem lies in the effective application of the rights of women: this is the result of many obstacles such as discriminatory practices, customs and legal provisions.

CANADIAN POSITION

Canada continues to support the democratic process issuing from the NSC, in concert with its French, Belgian and American partners. It opposed having a Francophone Summit held in Zaire, and at the most recent Summit, in Mauritius, the Canadian representative stated that the Francophone countries should be quick to criticize countries like Zaire which obstruct democratic development. Visa applications are studied carefully, on a case-by-case basis. Canada closed its Kinshasa embassy in May 1993 for budgetary and security reasons, but this action can also be seen as a sign of discontent with the lack of progress toward democracy. We suspended our bilateral aid in October 1991, but continue to provide humanitarian aid via NGOs. Canada has expressed its concerns to the Zairian Ambassador on a number of occasions.

Canada has taken note of the emergence of the Kengo government, and wishes it every success in its attempts to set the public finances in order and to ensure respect for human rights. It has begun a dialogue with the new Prime Minister concerning the Rwandan crisis. Canada, however, reserves the right to judge the new government by its acts.

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December 1994

HUMAN RIGHTS SITUATION IN AFGHANISTAN

ISSUE

The political situation in Afghanistan remains essentially unchanged due to continued factional fighting. This situation amounts to a civil war. The human rights situation is of grave concern: abuses are widespread and are being perpetrated by all the warring factions, particularly in the Kabul area.

BACKGROUND

The intense factional fighting that erupted on January 1, 1994, continues to inflict senseless deaths and needless suffering on a brutally battered civilian population in various parts of Afghanistan, including in and around Kabul. Military and civilian casualties to date are in the hundreds, and injuries are in the thousands. The ongoing fighting represents an effort by Prime Minister Hekmatyar, aligned with northern warlord and Communist proponent, General Rasheed Dostum, and other factions to oust President Rabbani and Defence Minister Masood.

Initiatives by the UN, Pakistan and Iran, among others, to end the fighting have been largely ignored by the warring factions. The UN Special Representative for Afghanistan, Sotirios Mousouris, has been active in trying to convince the factions to cease fighting, but with little effect. However, there has been a recent encouraging development with a number of faction leaders, including President Rabbani, apparently having agreed in principle (albeit with some caveats) to a peace plan put forward by Ambassador Mahmoud Mestiri, the UN Secretary General's Special Envoy. It remains now for those faction leaders who have not accepted the proposed peace plan formula to reconsider their position.

The present military impasse, and the demonstrated intention of the various factions to continue the conflict, makes a durable ceasefire, or a military solution, unlikely. In the meantime, there is little else other interested foreign parties can do of a practical or political nature in response to the Afghanistan debacle, beyond calling for an end to the hostilities and supporting the efforts of others in this direction.

CANADIAN POSITION

Canada's High Commission in Islamabad continues to monitor the situation in Afghanistan (Canada has not had diplomatic relations with Afghanistan since the invasion by the former Soviet Union in 1980), and consults with the UNHCR and other international organizations. Canada has disbursed or pledged a total of \$6.5 million through UN and other international organizations. Some of these funds are directed to assist refugees from the Afghanistan conflict.

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Canada is deeply concerned over the continued suffering of Afghans being endured both inside and outside their country as the result of the factional fighting. It is the political as well as the moral responsibility of the various Afghan faction leaders to end the carnage and reconcile their differences. They should and must do all that is in their power to enable the process of reconciliation and reconstruction to take place in their war-ravaged country.

Canada fully supports the continuing diplomatic efforts of the UN Secretary General's Special Envoy, Mahmoud Mestiri, to promote compromise, evolve consensus and establish tranquility in Afghanistan both for the benefit of its long-suffering people and the future of regional security in south-central Asia.

At the 50th session of CHR, a consensus resolution was adopted expressing the Commission's concern about the deplorable human rights situation in Afghanistan. The Commission will consider the recommendations of the Special Rapporteur who will be reporting at its next session.

HUMAN RIGHTS SITUATION IN BURMA (MYANMAR)

ISSUE

Despite the State Law and Order Restoration Council's (SLORC) negotiation of ceasefires with most ethnic insurgent groups and its willingness to talk with Aung San Suu Kyi, Burma has one of the worst human rights records in Asia. Arbitrary detention, torture, extrajudicial, summary and arbitrary executions of civilians, arrest and detention of persons for ransom, rape and abuse of women, and forced labour occur on a wide scale. Widely and frequently condemned by the international community, Burma maintains a harsh military dictatorship.

BACKGROUND

After civil unrest in 1988 resulting from 26 years of Burma Socialist Program Party rule of General Ne Win, the military re-established control over the country, creating the SLORC as the new ruling body. The National League for Democracy, led by Nobel Peace Prize winner Daw Aung San Suu Kyi, won the elections in 1990 but SLORC refused to allow the parliament to convene. They claimed that a new Constitution must be passed before they could hand over power.

Since 1992, there have been a few developments including the convening of a National Convention on the drafting of a new constitution that will formalise the army's domination of Burmese politics. Two senior SLORC generals held talks with Daw Aung San Suu Kyi, now in her sixth year under house arrest, in late September and again in late October, in a move probably designed to soften international criticism. No formal reports from these talks have been issued and Daw Suu Kyi's views are not known.

Some of Burma's dozen distinct ethnic groups have their own armies and have been fighting the central government for greater autonomy or independence for decades. SLORC has concluded ceasefire agreements with some of them in an effort to exploit their differences. There are approximately 70,000 refugees along the Thai-Burmese border. The Thai government has organized repatriation programs for some of them despite the concerns expressed by the UNHCR and NGOs regarding the safety of those returning.

In a reversal of its previous self-imposed isolation, Burma is actively wooing its neighbours, especially China. ASEAN countries are responding with a policy of "constructive engagement" in which bilateral visits and trade ties are increasing rapidly.

In 1993 and 1994, both UNGA and CHR passed consensus resolutions strongly urging SLORC to proceed with democratic reform and respect for human rights. Canada co-sponsored the resolutions. During his recent mandate, the UN Special Rapporteur was unable to visit Daw Aung San Suu Kyi. In his report, he cited numerous examples of continued and systematic human rights violations in Burma.

CANADIAN POSITION

Canada recognized Burma at the time of independence in 1948 and established diplomatic relations in 1958. The Canadian Embassy in Bangkok is accredited to Burma. Burma opened an embassy in Ottawa in 1966, closed it in 1978 and reopened it in 1985.

Canada's relations with Burma are limited because of our human rights concerns. The bilateral aid program was suspended in 1988 and no export permits on sensitive materials have been issued. Moreover, Canada does not promote trade with Burma.

The Canadian position on Burma can be characterized as one of "critical engagement". Canada remains concerned over Burma's human rights record and its lack of concrete commitment to democratic reform. We will continue to express our displeasure with SLORC until it demonstrates that it is ready to respect fundamental human rights and return to democratic government. Canada is urging SLORC to proceed with constitutional reforms enabling the transferral of power to the National League party, lead by Aung San Suu Kyi, winner of the 1990 elections. At the same time, Canada recognizes that other countries, including those of ASEAN, may have a stronger influence on SLORC and therefore Canada wishes to cooperate with them. Canada will pursue any productive avenues which could influence SLORC to move towards democracy.

During the 1994 ASEAN Post-Ministerial Conference in Bangkok, some Western governments, including Canada and Australia, endorsed the idea of developing a set of "benchmarks" to monitor Burma's progress toward democracy. These benchmarks for SLORC would include the unconditional release of Aung San Suu Kyi and all other political prisoners, and the pursuit of a political dialogue with her, unrestricted access for the ICRC and the UNHCR to political prisoners and to refugees, SLORC's acceptance of a transitional constitutional process with a timetable, legal guarantees for minorities, abolition of forced labour, and the repeal of censorship laws.

HUMAN RIGHTS SITUATION IN CAMBODIA

ISSUE

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

BACKGROUND

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

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

The nascent Cambodian government is giving a high priority to human rights, but given the fragile nature of administrative structures in place and the re-emergence of civil conflict in the country, sustained efforts will be needed to ensure that human rights violations are held in check and progress is made in the future. In recent months there have been disturbing reports of human rights abuses by the Royal Cambodian Armed Forces including extra-judicial killings and inhumane treatment of prisoners in certain parts of the country. With the continuing jockeying for power, including an attempted coup in July, the commitment of certain officials in power to maintain such elements as a free press is becoming more tenuous.

Approximately 10-15 per cent of the country, primarily in the north and west, remains under Khmer Rouge control. There have been repeated human rights violations including the abduction and subsequent murder of Western nationals, the execution of soldiers captured in combat and the massacre of Vietnamese civilians. Khmer Rouge units have been implicated in the rape of female villagers, in the laying of anti-personnel mines and in using village communities as human shields to protect themselves from enemy shelling.

CANADIAN POSITION

Canada applauds the recent measures taken by the new government to improve the human rights situation in Cambodia. At the 49th session of UNGA, Canada co-sponsored a resolution on the human rights situation in Cambodia, which, inter alia, expressed the

international community's serious concerns over the human rights violations as detailed by the UN's Special Representative in his report to the General Assembly. The resolution also requests the Special Representative to undertake an evaluation of the extent to which the recommendations made in his report are followed up and implemented.

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

December 1994

THE HUMAN RIGHTS SITUATION IN THE PEOPLE'S REPUBLIC OF CHINA

ISSUE

The human rights situation in China continues to be of major concern to Canada. Seeing it improve is one of the four pillars of Canadian policy toward China.

BACKGROUND

Little has been done over the past year to improve a situation which is still unpromising. The incarceration of political prisoners, arbitrary arrests, lack of equity and transparency in the judicial system, restrictions on freedom of speech and on freedom of worship continue to be common practice. Although not systematic, physical and psychological torture is still widespread, as is capital punishment. Economic exploitation and execution of prisoners for the harvesting of their organs, subsequently sold at high prices, are also denounced by international organizations. The latter continue to report regular violations of human rights in Tibet and Central Asia, where the religious practices of Lamaism and Islam, considered a threat by the Chinese authorities, are part of the cultural affirmation of the local people.

The Chinese government continues to institute administrative and legal reforms designed to structure the country in accordance with the rules of a market economy, which China has been pursuing for the past few years. The legal apparatus, tied to political power structures, lacks transparency, and the police continue to be associated with the Communist Party (CCP). This legal variableness is conducive to widespread corruption, which the CCP attempts to curb by disciplinary and exemplary measures. With the death of Deng Xiaoping imminent, it is unlikely that the regime will undertake major political reforms in the short-term, including the introduction of human rights and good governance. However, there are signs that these concepts are finding attentive ears in some sectors of Chinese society. At the local level, citizens are taking measures against the abuses of power.

The constitution of China guarantees a host of rights and freedoms, including freedom of the press, opinion and assembly. However, these are all subject to the interests of "the State, the society and the community". The Chinese government affirms that democracy and human rights are relative concepts that should reflect the national reality, cultural traditions and economic status of nations.

China has accused Canada, the US and Sweden of interference in its domestic affairs for denouncing its human rights violations before the 49th UN General Assembly. China had hoped that by adhering to the consensus in the final declaration of the UN World Conference on Human Rights, it would put an end to such denunciations.

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CANADIAN POSITION

Canada is taking pains to establish a constructive dialogue with China on the human rights question, having expressed its concerns both during this year's frequent high-level bilateral meetings (including the meeting between prime ministers Chrétien and Li Peng), and in international fora, particularly the CHR.

At the CHR last spring, Canada co-sponsored a draft resolution on human rights in China. The resolution expressed concern over constant reports of violations of human rights and fundamental freedoms in China. It invited China to take measures to respect these rights for all, including women, and to continue cooperating with UN special rapporteurs and working groups. The resolution also asked for a special report to be produced on human rights in China. Unfortunately, a majority of countries voted in favour of a Chinese proposal that no decision be made on the draft resolution.

Another aspect of Canada's human rights policy is known as "constructive engagement". In cooperation with the Chinese authorities, the aim is to establish programs which are designed to enhance China's legal and judicial structures. In so doing, Canada is helping to establish in China a state based on due process which is considered the best guarantee against political arbitrariness and human rights violations. Other programs include exchanges and lectures on the democratic system for Chinese audiences sensitive to these concepts, chosen in accordance with the influence they have in their particular circles. The ultimate goal is to help establish democratic structures to end, or at least limit, political arbitrariness and the human rights violations stemming from it.

The Canadian government realizes that this policy of "constructive engagement" will not bring about major changes in the human rights situation in China in the short term, there being no strong private sector and no NGO network on which it might rest. This policy is producing a measure of progress and cooperation with China in the field of human rights. Accordingly, a productive dialogue on the subject is developing between our two countries.

THE HUMAN RIGHTS SITUATION IN INDIA

ISSUE

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

BACKGROUND

India is a multi-ethnic country with most states created along ethnic/linguistic lines. About 30 per cent of India's population remain below the poverty line. Although India is officially a secular state, problems of communal or inter-religious tensions and violence remain. These problems were highlighted in 1992 with the demolition of the Babri mosque in Ayodhya and subsequent violence, and in 1993 with bomb attacks in Bombay, but have been less evident in the past year. While protection of human rights is generally well covered in India's legal framework, India has not implemented these laws effectively and human rights abuses continue in a range of areas.

Recently we have welcomed measures taken by India aimed at improving the human rights and humanitarian situation in Kashmir. India has released several Kashmiri leaders from detention, promised economic relief for Kashmir, negotiated an agreement with the ICRC regarding its presence there, and is considering access for groups such as Amnesty International. Despite these measures and the Indian Government's promise to hold elections in 1995, it remains to be seen if the political situation in Kashmir will stabilize. Kashmir is the only state in India with a Muslim majority and, over the past three years, secessionist sentiments and activities have escalated. The current phase of unrest had its origins in the rigged state assembly elections of 1987, and resulted in violent protests in Srinagar in December 1989. The introduction of over 250,000 Indian military personnel, the dissolution of the state assembly and the imposition of President's Rule further alienated the local population. There are continuing reports of serious human rights violations by government forces and civilian control does not exist.

In Punjab, state and national elections took place in February 1992 after a long period of President's Rule. A campaign by Indian security forces to eradicate militant groups within the Punjab has been largely completed, and the general level of violence, including killings by the police and militant groups, has declined. The Punjab police, however, continue to be accused by many local and international human rights groups of custodial brutality and extra-judicial killings. Militant Sikh organizations, pressing for a state of "Khalistan" in the Punjab, continue to pose a terrorist threat and problems could recur if the Indian Government fails to address the genuine grievances of Sikhs.

Women and girls suffer from low status and unequal access to education, employment, health care, income, and political participation in India despite an extensive legal framework, beginning with the Constitution, which gives equality to women. The problem is deeply

rooted in traditions related to caste, social attitudes and religious practices such as arranged marriages. The number of so-called dowry deaths is on the rise. India has not yet ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Child labour is endemic in India despite provision in the constitution to protect children from this practice. Over 40 per cent of children work. Poverty and lack of access to basic education are the main reasons for child labour. India is also cited as having possibly the largest number of street children in the world. Despite laws prohibiting child marriage under the age of sixteen, the practice is widespread. India has ratified the UN Convention on the Rights of the Child.

India's National Commission of Human Rights (NCHR) established in 1993, has demonstrated a willingness to take up controversial cases and has focused on key human rights issues. Despite a limited mandate and a lack of staff, the Commission has issued a directive requiring states to report custodial deaths and rapes, and has actively opposed India's Terrorist and Disruptive Activities Act (TADA) requesting information on all TADA cases from States and publicly stating its intention to challenge TADA at the Supreme Court level. Although the armed forces, including the paramilitary, do not come within their purview, the NCHR reported on the October 1993 Bijbehara massacre in Kashmir and criticized the conduct of security forces. In 1993, a special unit within the armed forces was established, its purpose being to educate and generally raise the awareness of security force members with regard to human rights. However, despite these efforts, the effectiveness of the NCHR remains to be seen, particularly as it has no independent investigative capacity and no method of ensuring its recommendations to government will be acted upon. The NCHR has expressed interest in establishing a rapport with the Canadian Human Rights Commission.

CANADIAN POSITION

Canada continues to encourage the efforts of the Indian Government to improve the human rights situation in the country and welcomed the establishment of a NCHR in 1993. Canada regularly raises human rights problems in India in multilateral fora such as the CHR, the UN General Assembly and the Indian Development Forum. India is one of the most inflexible of NAM members at UNGA and the CHR especially on issues relating to the improvement of the effectiveness of UN human rights machinery.

Bilaterally, Canada maintains a dialogue on human rights with the Indian Government, both at the national and state levels and has consistently pressed the Indian Government to re-admit groups such as Amnesty International to the country and to create an effective human rights commission. We continue to press for a more transparent approach to human rights in India. Human rights were discussed with Indian Home Affairs Minister Chavan during his visit in October.

Poverty is one fundamental underlying factor behind human rights abuses. Bilateral and Canada Fund development programs are directed towards poverty alleviation and include important women-in-development components.

December 1994

THE HUMAN RIGHTS SITUATION IN INDONESIA

ISSUE

The human rights situation in Indonesia remains of concern following a number of setbacks over the past year and signs, both positive and negative, of increased sensitivity by the Indonesian government.

BACKGROUND

A complex country not well known to Canadians, Indonesia is quickly emerging as a major player on the international stage. This new status is a reflection of its size, phenomenal economic growth, impressive natural resource base and strategic location in Asia. Following on the political and economic chaos that characterized the Sukarno era, the Soeharto government has made unity, stability and development its top priorities. While it has enjoyed success in all three areas, the government has made use of the military, judicial system, legislation and press controls in ways not always respectful of human rights.

Developments over the past year have heightened international concern about human rights in Indonesia. In May, the suspicious death of a union activist and a generalized strike led to a riot in North Sumatra that highlighted the limited labour rights enjoyed by Indonesian workers in one of the more dynamic economies in the region. In June, the Indonesian government banned three prominent news magazines because of reporting on government corruption and economic policies. Warnings were issued to other prominent Indonesian media in further attempts to limit press freedoms. Ensuing demonstrations were met with force and many demonstrators were detained. Also in June, Indonesia publicly threatened the Philippines with political and economic sanctions to force the cancellation of a non-governmental conference on East Timor eventually held at the University of the Philippines.

In July, a demonstration in East Timor was forcefully suppressed by Indonesian security forces equipped with riot-control gear following a series of incidents reminiscent of the situation that preceded the November 1991 Dili incident. In this latest event, approximately 50 demonstrators were injured and many were detained. Further incidents of violence during the APEC meetings in November speak to the heightened tension between the Timorese and the large occupying military force.

While there have been setbacks, there have also been some advances as demonstrated by the restraint exercised by the security forces in dealing with both peaceful and more violent (as in Dili, in November) public demonstrations. Recent meetings between the Indonesian Foreign Minister and exiled Timorese leaders, the visit to East Timor of the United Nations Special Rapporteur on Summary and Arbitrary Executions and the improved access enjoyed by the ICRC in East Timor and the country as a whole are further indications of the government's increased sensitivity to international concerns.

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As has been well documented by several international organizations, none of these developments or trends has any real bearing on the fundamental structural problems that are at the heart of the human rights situation in Indonesia. The military maintains an oppressive presence in East Timor and elsewhere and generally behaves with little regard for human rights and with impunity in dealing with perceived threats to national security. The legal system remains subject to political interference and the political system has no true democratic accountability. The slow, gradual improvement in the human rights situation is attributable to the considerable domestic and international pressure in this matter. This pressure will likely increase both domestically as a result of improved economic prospects and higher education levels, and internationally as Indonesia seeks to play a more important role commensurate with its economic and political weight.

CANADIAN POSITION

Human rights concerns have been at the forefront of the bilateral relationship since Canada's suspension of three planned development projects following the November 1991 Dili incident. The Canadian government has repeatedly raised our concerns at every opportunity, most recently when Prime Minister Chrétien met President Soeharto at the APEC meeting in Jakarta. One of the first items raised by Prime Minister Chrétien, the situation in East Timor was discussed at length. The Prime Minister offered Canadian cooperation in support of Indonesia's own efforts in strengthening respect for human rights. It is in this context that the Canadian government is supporting the visit of Canada's Chief Commissioner for Human Rights and his efforts to engage the Indonesian Commission for Human Rights in constructive cooperation. While in Indonesia, Prime Minister Chrétien also announced a new \$2 million project with Care Canada aimed at strengthening community groups and NGOs in East Timor and helping the poor meet basic human needs.

The Canadian Embassy remains active in pursuing Canadian concerns in meetings with senior Indonesian officials and non-governmental organizations active in this area. The Canada Fund, administered by the Embassy, has been effectively used to support projects aimed at furthering Canadian human rights interests in Indonesia.

Canada has also been active on this issue in multilateral fora. At the Third Committee of UNGA, it has consistently addressed the issue of human rights in Indonesia and particularly in East Timor, urging the Indonesian government to improve access to East Timor by international observers and pursue real progress in the UN-sponsored talks between Portugal and Indonesia. At the CHR, Canada has worked with other delegations to ensure the most effective outcome possible on the issue of East Timor following the Dili shootings in November 1991.

An important element in furthering Canada's human rights objectives, the development assistance program in Indonesia addresses fundamental social, environmental and economic issues facing the Indonesian people. CIDA, through its bilateral and partnership channels, cooperates with organizations that promote human rights in areas such as women's rights,

child labour, access to legal reforms, human rights training and religious tolerance. Projects are aimed at strengthening community groups and NGOs, improving governance, and broadening participation in decision making and in the allocation of resources and benefits. Multilateral support is also provided to the ICRC for its programs in Indonesia and East Timor.

In July 1994, the Indonesian government cancelled the Sulawesi Rural Development Project executed by the University of Guelph apparently because of the latter's identification with an independent consultant's report critical of Indonesia's human rights record. Canadian regret at this decision, especially in light of the project's obvious benefits for the Indonesian people, was expressed at senior official levels in both Ottawa and Jakarta.

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THE HUMAN RIGHTS SITUATION IN PAKISTAN

ISSUE

The human rights situation in Pakistan remains worrying. Discrimination against women and minorities, underpinned by Islamic precepts, continue to stand out as particular problems. The election of Prime Minister Benazir Bhutto in October 1993 reaffirmed the democratic process, holding out the hope for basic social improvements, which in turn will improve the human rights situation. It is still not possible to fully assess the performance of her government in this regard.

BACKGROUND

Prime Minister Bhutto's government, on taking office, indicated that it would place stronger emphasis on strengthening democratic institutions and address a wider range of social concerns. Social conditions in Pakistan make it difficult for human, political and economic rights to flourish. However, Mrs. Bhutto seems bent on steering Pakistan towards a more secular, western-looking orientation.

Increasing income polarization, removal of subsidies and cutting of services — part of Pakistan's IMF-inspired structural adjustment package — further sharpen existing social and economic disparities. The situation is compounded by the abject poverty that prevails throughout the country, which in turn supports odious institutions such as bonded labour. The rural masses, the bulk of the population, continue to live under the dominance of feudal overlords who have constituted the majority in virtually every legislature Pakistan has had since independence. Illiteracy rates are among the highest in the developing world, and are particularly poor for women where the rate is less than half the average rate for developing countries (22%).

The progressive and relentless Islamisation of Pakistani society has been a significant deterrent to fostering a better human rights environment. While successive Pakistani leaders have resorted to increasingly harsher versions of Islam, PM Bhutto has initiated steps to slow down its progress. These include establishment of a human rights cell to investigate cases of violence against women and excessive use of force by the police; a human rights tribunal headed by a Supreme Court judge; a forum to review the terms and to build consensus towards ratification of the Convention on All Forms of Discrimination Against Women, and women's police units.

Worsening socio-economic conditions have contributed to the emergence of the "Kalashnikov" culture. The rich are heavily guarded and the powerful retain small private armies. Ethnic, sectarian, political and criminal violence is often inter-mingled and increasingly lethal due to the easy availability of weapons. The police are seen by most Pakistanis not as protectors but as oppressors. The levels of venality, corruption and criminality in police ranks are extremely high. Physical abuse, rape and torture in police custody are still commonplace.

In addition to traditional banditry, discrimination of all forms characterises Pakistani society, although Pakistan does not have as rigid and pervasive a caste system as India. There are in fact few places in the world where women are worse off. Literacy among women is less than half of the (abysmally low) rate among men. However, urban upper-class women enjoy opportunities for education and professional work in some fields. They make up most of the membership of women's groups who promote women's rights and lobby the government. Discrimination against religious and other minorities also is rife, with abrogations of Islam being punishable under law.

The Prime Minister, in addition to the measures mentioned above, recently announced the end of the Speedy Trial Courts. Although the Anti-Terrorist courts will continue as before, the abolishment of the Speedy Courts will take away a facility used by past governments largely to harass political opponents. Recent notable victims of this process were the present Prime Minister and her husband following the PPP's dismissal in 1990.

The government has set up a number of advisory bodies related to women's development and other social issues. It also claims to be reviewing all legislation to remove clauses which discriminate against women and has progressed to the stage where a few female judges have been inducted into the high courts of Pakistan. The appointment of two women judges in the High Courts of the NWFP and Sindh have been widely applauded, but this will raise some thorny issues so long as the law of evidence remains in place. This law bars women from being witnesses in Hadood and Diyat cases, and considers evidence of two women as equal to one man in other situations. This issue will have to be addressed by the government.

A major breakthrough has been a recent Lahore High Court decision by a female judge (recently appointed) ensuring a muslim woman's unconditional right to "Khula" (ending her marriage). The Court must now accept a muslim woman's application for Khula without her having to establish grounds to end her marriage. Previously, unlike men who have an unconditional right to divorce without recourse to the law, women who applied for Khula had to enter a long and expensive procedure to establish grounds without necessarily ending her marriage.

CANADIAN POSITION

We are pleased with the developments that have taken place over the past year, in particular, the naming of women judges to the High Courts. As regards other legislative changes and measures, we look forward to their full implementation.

Canada continues to be extremely concerned over the situation and treatment of women as a result of the application of the Hadood Ordinances and discrimination against religious, ethnic, and other minorities as a result of Ordinance XX and various other laws. We are pleased with the urgent steps taken by the Bhutto Administration last year to establish women-only police stations so as to enable women police officers to deal more effectively with public safety concerns of women. However, we are disappointed by the fact that the number of women in the lower ranks of the Police has not been increased and that no women have been inducted into the officer ranks.

We are concerned over the considerable evidence that many prisoners in police custody are the victims of torture and that female prisoners are still often the victims of wanton rape.

Canada frequently makes its human rights concerns known to the authorities, through multilateral channels as well as the Ministry of Foreign Affairs in Islamabad and the Pakistan High Commission in Ottawa.

Canada maintains close contact with Pakistani human rights groups, and has been involved in making recommendations for Pakistani participants in Canadian human rights courses. ICHRDD is involved in a project to promote the rights of bonded labourers.

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THE HUMAN RIGHTS SITUATION IN SRI LANKA

ISSUE

The election of the People's Alliance (PA) government in August 1994 brought with it a sense of cautious optimism that fundamental change in the field of human rights can and will be achieved. Several positive measures initiated by the PA government in the months succeeding its election have demonstrated that the political will for real improvement does exist.

BACKGROUND

In the early 1990's the UNP government responded to domestic and international pressure and began a program of reform intended to address serious and systematic human rights abuses. Following the assassination of President Premadasa in May 1993, the Wijetunga administration continued efforts to improve the human rights situation in Sri Lanka, although the pace of reform remained slow. In 1994 observers agree that there was a steady, if not dramatic improvement, including a reduced rate of detention under the Prevention of Terrorism Act (PTA) and the Emergency Regulations, as well as an improvement in the manner in which security operations in Colombo were conducted. Largely because of the reduced intensity of the conflict, particularly in the east, "disappearances" and extra-judicial killings attributed to the security forces were significantly reduced in 1994. Although some violations do still occur, especially in the north and east, observers including AI and the ICRC, agree that a positive trend was maintained throughout 1994.

Measures undertaken by the previous UNP government include, among others: the creation of a relatively effective Human Rights Task Force and a less useful Presidential Commission of Inquiry into the Involuntary Removal of Persons. Invitations were extended to AI and the UN Working Group on Enforced or Involuntary Disappearances to send missions to Sri Lanka.

At CHR50 the Wijetunga government made a number of specific commitments. While only a few of these were addressed before the change of government in August (e.g. ending of air attacks against civilians crossing the Jaffna lagoon and the drafting of legislation related to Sri Lanka's accession to the UN Convention on Torture), subsequent to the election of the PA government there has been substantial progress towards meeting the remaining commitments. For example, the Emergency Regulations have been revised, limiting their scope and focusing them more precisely on legitimate security needs in the north and east. Legislation has been presented in Parliament dealing with the provision of death certificates in cases of disappearances and in support of the UN Torture Convention. Several persons have been indicted on charges related to the disappearance of school children at Embilipitiya, the economic blockade on the north has been relaxed, and the issue of long-term detention has been effectively addressed. Some issues remain as yet unresolved, but the PA government has certainly made a genuine effort to fulfil its international obligations. We

share the cautious optimism expressed by the Sri Lankan human rights community, and with them are concerned that this initial, fragile progress be supported by effective implementation of specific measures to improve human rights.

Though not a government party to international conventions on human rights, the record of the Liberation Tigers of Tamil Eelam (LTTE) in human rights is completely unacceptable by any international standard. In areas under LTTE control there is no freedom of speech, opinion, conscience or movement. The LTTE has been responsible for attacks on civilians in the north, east and south, including terrorist bombings and political assassinations. In areas it controls, the LTTE is responsible for summary executions, the use of civilians as "human shields", violations of ICRC and UNHCR safety zones, forced recruitment and recruitment of children, and abductions of civilians. The LTTE allows the ICRC only limited access to prisoners of war and denies access to Tamil political prisoners.

CANADIAN POSITION

Canada believes that negotiation and dialogue are essential to any lasting solution in the northeast. The LTTE must play a major role in any peace process, and needs to demonstrate its good faith both in terms of dialogue and in the re-establishment of the democratic process in areas under its control. The fact that the Kumuratunga government has engaged in discussions with the LTTE is welcome, and we are encouraged by recent indications that the two sides have resumed contacts.

Canada applauds the Kumuratunga government decision to draft legislation to create a National Human Rights Commission, a long standing CHR commitment. We would hope that the Commission will have a clear mandate which protects its independence, guarantees its impartiality and provides it with sufficient authority to render meaningful judgements.

Canada intends to build on its experience of the last few years and increase the proportion of its official development assistance directed towards strengthening non-governmental and governmental institutions responsible for human rights, good government and democracy.

Canada has again brought the issue of human rights violations in Sri Lanka to the attention of the Third Committee of UNGA, having taken the lead in drafting strong statements for the Chair at the last two sessions of the CHR. We expect the government of Sri Lanka to fully honour its CHR50 commitments.

Canada believes that the time has come for the international community, concerned governments and NGOs to seriously explore and expose the dismal human rights record of the LTTE. Strong international pressure must be brought to bear on the LTTE to improve its conduct and to negotiate in good faith a just solution to Sri Lanka's long and bloody conflict. In this effort, Canada, for its part, is well placed to use the credibility and influence as the home of the largest Sri Lankan Tamil community outside of South Asia.

December 1994

HUMAN RIGHTS SITUATION IN VIETNAM

ISSUE

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

BACKGROUND

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

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

There are several prominent examples of human rights violations including Dr. Nguyen Dan Que, who has two brothers in Canada and relatives in the USA. As a result of his activities to promote fundamental political reform (and membership in Amnesty International), Dr. Que was sentenced in 1992 to 20 years in prison, which given his age amounts to a life sentence. A colleague, Doan Viet Hoat continues to languish in prison in a remote part of northern Vietnam, and there are serious concerns about his health.

Concern also continues about the incarceration of Buddhist monks and Catholic priests (several of whom are Canadian interest cases). A number of prominent writers, poets and journalists also remain imprisoned, which is a focus of attention of Amnesty International's Canadian section and PEN International.

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CANADIAN POSITION

Canada continues to have major concerns about the human rights situation in Vietnam. Vietnam has come under scrutiny in the Official Development Assistance (ODA), human rights and democratic development review process and these considerations have been taken into account in the development of the ODA program. Canada's current position is to work directly and pro-actively with the government of Vietnam to support administrative and legal reform.

Canada continues to make regular high-level representations to Vietnamese authorities on appropriate occasions to encourage greater respect for human rights and about specific cases of interest. Human rights issues were raised by Prime Minister Chrétien during his visit to Vietnam in November 1994.

Canada has also continued to voice its concern about the human rights situation in Vietnam in relevant international fora. The most recent was in a statement made by Canada's representative to the Third Committee of the 49th UNGA on November 29, 1994, which, inter alia, called on the Government of Vietnam to release political dissidents and expressed Canada's grave concerns over the treatment of religious leaders in Vietnam.

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

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THE HUMAN RIGHTS SITUATION IN BRAZIL

ISSUE

The Brazilian Constitution protects basic human rights and fundamental freedoms. However, severe socio-economic inequalities have resulted in human rights abuses against Brazil's most vulnerable groups: street children, indigenous people, and inhabitants of rural communities. Police have been at times implicated in human rights incidents. Canada will continue to monitor closely the situation and provide assistance to social development projects targeted at the underprivileged groups of Brazilian society.

BACKGROUND

Brazil's emergence as a democracy in 1985 followed over twenty years of military dictatorship. The election of President Collor in 1989 engendered a period of democratic euphoria and dramatic economic reform which began to open Brazil to the world to a degree previously impossible. The optimism of the early Collor years was, however, short-lived. Caught up in a web of corruption, Collor was forced to resign to avoid impeachment by Congress. (In December 1994 the Supreme Court, for want of first-hand evidence of his personal involvement, absolved him of criminal charges. His co-accused were convicted.) Having weathered a presidential impeachment process, the new Brazilian democracy was subsequently assaulted by another massive corruption scandal involving dozens of parliamentarians. If the revelation of the depth of political corruption was depressing, the manner in which the political system dealt with it was encouraging. Everything was investigated and pursued according to the best democratic traditions. The new President, Fernando Henrique Cardoso, has a history of involvement in human rights issues.

Whilst the Brazilian economy has begun to stabilize over the last six months, severe socio-economic inequalities, lingering economic uncertainty and endemic corruption have put pressure on Brazilian society which has led to violence against Brazil's most vulnerable groups. Street children are in danger from death squads which are alleged to receive funds from private groups/individuals wishing to rid Brazil's streets of their presence. The police have been implicated in the death squads. Rural violence between landowners and landless peasants continues. Brazil's indigenous peoples are the victims of violence and disease brought by wild-cat gold prospectors trespassing on native territory.

The Brazilian Government has made some efforts to address these abuses (in 1993, 28 policemen were charged for their part in a violent attack on a Brazilian shanty town). The army recently led a campaign to rid Rio's shanty towns of drug-related violence and crime. The presence of the military was welcomed by a citizenry fed up with urban violence (there were 5000 murders in Rio in 1994); human rights groups made little protest at the prospect of soldiers in the streets.

What does remain a basic problem in the administration of justice is impunity before the law. Few perpetrators of major human rights abuses are arrested; fewer are convicted. It is estimated that no more than 8 per cent of murder cases ever go to trial. A telling example of legal impunity is the history of the infamous "Candelaria massacre" of July 1993, in which 8 street children were murdered while sleeping on the steps of Rio's most fashionable church. It is widely believed that police killed the children. To date no one has gone to trial due to a combination of factors: an overburdened court system; poorly educated and paid law enforcement officials; endemic corruption; and an unprotesting populace which, on the whole, is more concerned for its own day-to-day security than with basic human rights issues. Although conditions vary from state to state, it is fair to say that a case which does make it to court will be dealt with in a manner acceptable to the norms of international criminal justice.

CANADIAN POSITION

The Canadian Government, through its Embassy in Brasilia, has been very active in providing support to vulnerable groups by assisting small, community-based projects through the Canada Fund. In fact, 50 per cent of the Canada Fund in Brazil is targeted to social projects directly related to street children.

At the request of PEN International, the Embassy has made enquiries on specific cases alleging the maltreatment of journalists and writers. It has also requested local authorities to provide information on alleged threats made against a Canadian missionary.

The Canadian Government has also developed a productive dialogue with all parties involved in human rights issues in Brazil. We have also noted a greater openness on the part of the Brazilian Government to discuss human rights. Canada was pleased with the cooperation of the Brazilian delegation during the 50th CHR. A further example of this openness is the Human Rights Roundtable, co-hosted by the Embassy of Brazil and the University of Ottawa in November 1994, duplicating a similar event in London, UK, earlier in the year.

THE HUMAN RIGHTS SITUATION IN COLOMBIA

ISSUE

The human rights situation in Colombia continued to give cause for concern in 1994. Are the reforms proposed by the new government appropriate?

BACKGROUND

Although it is a constitutional and functional democracy and a signatory of most of the international conventions, Colombia is faced with a serious problem of violence. In fact, it has the world's highest homicide rate: 77 per 100,000 population. The challenge facing the Colombian government is to ensure respect for the law in one of the world's most violent countries without losing sight of the need to protect human rights.

Human rights violations in Colombia are attributable to a number of elements, in particular delinquency, the drug trade, guerilla warfare, paramilitary groups and the police themselves. Nearly 30,000 people died violently in 1994; about 5,000 of these deaths can be attributed to political motives. Like his predecessor, President Ernesto Samper, who was sworn in on August 7, 1994, recognizes that abuses have also been committed by the army and the police, and is seeking to bring peace through democratic institutions. To combat violence, he has decided to concentrate on improving social policies, updating the justice system, protecting human rights and negotiating a settlement with the guerilla groups.

The new constitution of 1991 guarantees the protection of individual rights. In an effort to counter impunity, the previous government reinforced the judicial power, particularly by the creation of a public advocate's office (*Defensor del pueblo*), which works in cooperation with a type of solicitor general (*Procuraduria*) and a public ministry (*Fiscalia General*) judging human rights violators in criminal court. However, these institutions have not yet made much of an impact on Colombian life. President Samper has asked the Congress to adopt the second protocol of the Geneva Convention on Internal Conflicts, and legislation on "forced disappearances". The Colombian government has decided to maintain a separate regime to judge crimes against the military. However, the Defence Ministry has indicated that it is considering reform of the law governing the military.

Violence arising from drug trafficking has diminished since the December 1993 death of Pablo Escobar and the dismantling of the Medellin cartel. The government is still hoping that by including a clause in the constitution prohibiting the extradition of Colombian citizens, it will encourage drug traffickers to turn themselves in and will promote the dismantling of the other cartels.

The guerilla groups continue to attack the forces of law and order, along with former guerillas who have reintegrated into civilian life. The new government has nonetheless taken advantage of the offer to negotiate with still active guerilla groups, in particular the *Ejercito*

de Liberacion Nacional (ELN) and the *Fuerza Armada Revolucionaria de Colombia* (FARC), and on November 17, 1994, published a document setting out the conditions that it felt were necessary for the resumption of talks. The government has shown flexibility in particular by refraining from asking the guerillas to lay down their arms before negotiating. The conciliation document has been viewed favourably by Colombian society and by the guerillas themselves.

CANADIAN POSITION

The Canadian government has regularly reminded the Colombian government that its efforts to reduce violence and improve human rights protection must follow democratic principles, and their success will be measured by the decline in the number of reported cases of violations. Canada's concerns were raised during a visit to Colombia by the Hon. Christine Stewart, Secretary of State for Latin America, and by Senator Alan McEachen. These concerns will continue to be raised at the appropriate level as often as necessary.

A number of demarches have been made by Canada with the various departments and institutions of Colombia with respect to specific cases. Our representatives in Bogota also have close contact with the NGOs concerned with human rights advocacy, and with activists and victims, in order to determine the nature of their complaints and monitor their personal safety. They have frequently been in touch with the President's Advisor on the defence, protection and promotion of human rights, and have taken part in numerous symposiums organized by the NGOs on this matter, both in Bogota and in the provinces.

For its part, the Canadian International Development Agency (CIDA), whose objectives are to reduce poverty and strengthen civil society, has accorded financial support to projects directly related to protecting individual rights and improving the judicial system in Colombia.

HUMAN RIGHTS SITUATION IN CUBA

ISSUE

Lack of progress in civil and political rights in Cuba remains the principal human rights concern for the Government of Canada. The recent visit of the UN High Commissioner for Human Rights to Cuba, economic reforms toward more open markets, and relaxation of restrictions on the Catholic Church and civil society are positive steps. However, Cuba has not taken substantive steps to fundamentally improve its human rights record.

BACKGROUND

The lack of freedom of expression and freedom of association, and the absence of an independent judiciary are the key areas of concern. Restrictions of these rights remain codified in the penal code. The most common charges under the Cuban penal code are "illegal association", "enemy propaganda", or "disrespect". In the last year, constraints on public discussion have eased somewhat, and the social control exercised by the neighbourhood Committees for the Defence of the Revolution (CAR) has decreased. However, outright opposition to the Revolution and to the central role of the Communist Party is not permitted.

Recent economic policy reforms, such as the legalization of the possession of US currency, and the opening of farmers, industrial and artisan markets have introduced a significant degree of liberalization and market orientation into the centrally-planned economy.

Estimates of the number of people imprisoned for their political views in Cuba range from 200 to 1200, but are extremely difficult to corroborate. Some political detainees are released quickly while others can be held for several months or longer before being charged. Dismissal from jobs on the basis of political considerations is one means of suppressing dissent; there have been fewer incidents of "actos de repudio" (acts of repudiation) in the past year. While there have been occasional reports of rough treatment and harassment of opponents of the Government and of prisoners (criminal and political), there is no evidence of atrocities, summary executions or forced disappearances. There is no pattern of torture.

Cuba's consistent commitment to economic, social and cultural rights is under severe pressure due to the weak state of the economy. The sharp contraction of the economy following the loss of support from the former USSR and COMECON continues to cause economic hardship to the Cuban people and is undermining the social infrastructure built up over thirty-five years. Still, the Government is making a substantial effort to ensure that Cubans continue to enjoy one of the more accessible and effective systems of health, education and social security in Latin America. The impact of market reforms and service charges for basic necessities such as water and electricity on Cuba's traditional commitment to economic and social rights has yet to be determined.

Cuba has a strong record on social rights, including promotion of the rights of women and children. All forms of discrimination are prohibited under the Constitution and condemned by the political leadership, although there is evidence of bias against persons of African descent whose level of education and economic position compare poorly with other groups. Cuban women are still rare in senior government positions. There has been some improvement in the treatment of persons with HIV, who, while they must still be treated at special sanatoria, are now released into the care of their families.

The beginnings of civil society are evident in the emergence of a few non-governmental organizations, but more work remains to be done to relax Government control over NGO budgets and their cooperation with international partners. The Catholic Church has been allowed some room to assert its role in Cuban society, which also indicates a degree of tolerance on the part of the Government. The recent announcement of a national Commission for Reconciliation, Justice and Peace of the Catholic Church reflects a growing popular desire for non-state community activities.

The UN High Commissioner for Human Rights, Mr José Ayala Lasso, opened a dialogue with the Cuban Government during his visit to the island from November 15 to 19, 1994. In meetings with President Fidel Castro, Cuban Ministers and opponents of the Government, Mr. Ayala Lasso was able to reaffirm the human rights concerns of the international community, and to offer UN assistance to build human rights institutions in Cuba. The Cuban Government undertook to study and to ratify key human rights conventions, and to cooperate with the thematic Rapporteurs of the Commission on Human Rights. Canada is interested in seeing concrete results from this visit.

The Cuban Government has consistently refused to cooperate with the CHR Special Rapporteur, denying him access to the island. Both the CHR and the UN General Assembly have criticized the Cuban Government's unwillingness to work with this Rapporteur.

CANADIAN POSITION

The Canadian dialogue with the Cuban Government on human rights has been open and frank, both in Havana and in Ottawa. In her visit to Cuba in June 1994, Secretary of State Christine Stewart raised Canadian concerns in the areas of freedom of expression and association, freedom from arbitrary detention, and Cuba's refusal to cooperate with the UN Special Rapporteur. Our embassy maintains contact with a variety of dissident groups and NGOs in Cuba, and has attended trials of human rights activists. The Canadian Embassy in Havana actively supported the recent visit to Cuba of the UN High Commissioner for Human Rights. Canada has also co-sponsored a number of UN resolutions critical of Cuba's human rights performance.

December 1994

THE HUMAN RIGHTS SITUATION IN EL SALVADOR

ISSUE

El Salvador is making measured progress towards establishing a democratic civil society. However, significant problems remain, including impunity and an inadequate legal system, which must be addressed to improve respect for human rights.

BACKGROUND

El Salvador has been engaged for the past three years in a peace process which has allowed a democratic civil society to begin to take root. Although many social, political and economic issues remain to be resolved, El Salvador's future now appears considerably brighter than its past.

In March and April 1994, El Salvador held national elections in which a broad spectrum of political parties participated. Voting took place in a generally peaceful atmosphere, despite some irregularities and organizational deficiencies in the electoral process. Both rounds of voting were monitored by many domestic and international observers, among them official and non-governmental Canadian delegations. Although the incumbent Nationalist Republican Alliance (ARENA) retained the presidency and won the largest number of seats in the National Assembly, the former guerrilla organization, the Farabundo Martí National Liberation Front (FMLN), emerged as the strongest opposition group.

In his report of October 31, 1994, the Director of the Human Rights Division of the United Nations Observer Mission in El Salvador (ONUSAL) noted a progressive decline in the number of admissible complaints in the post-election period. Some of the improvement was credited to the work of the United Nations-sponsored Joint Group for the Investigation of Politically Motivated Illegal Armed Groups which was created in December 1993 in response to a series of assassinations. Canada and several other UN member states financed the Joint Group's investigations.

On July 28, 1994, the Joint Group released the report of its investigations which concluded that certain groups and individuals had engaged in violent acts for political purposes since the signing of the peace accords in January 1992. Specific evidence collected was delivered to the Salvadoran government in a confidential annex. The Joint Group made a number of recommendations with a view to ending political violence, including strengthening the investigative capacity of the National Civil Police (PNC) and improving the judicial system.

In October 1994, the Government of El Salvador and the FMLN reaffirmed their resolve to fulfil the remaining provisions of the peace accords by April 30, 1995. The United Nations Security Council subsequently gave ONUSAL a final operational mandate to end on that date. Land transfers, reinsertion of ex-combatants, electoral and judicial reform and the outstanding recommendations of the Truth Commission are the major unresolved issues.

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ONUSAL's Human Rights Division is working with the Office of the National Counsel for the Defence of Human Rights (Human Rights Ombudsman) to ensure its ability to assume ONUSAL's human rights verification activities. A joint verification mechanism has been in place since July 1994. The National Counsel is now operating regional offices and has received a budget increase of 33 per cent for 1995.

CANADIAN POSITION

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

In the past year, the Ambassador and other officials of the Canadian Embassy in Guatemala have made regular visits to El Salvador to assess the general political and human rights situations; maintaining an on-going dialogue with representatives of the Government of El Salvador, the United Nations Observer Mission (ONUSAL), the Office of the Human Rights Ombudsman and numerous non-governmental organizations. In April 1994 the Secretary of State for Latin America and Africa, the Honourable Christine Stewart, paid an official visit to El Salvador where she met with President Cristiani, among others, to convey the Canadian government's concerns about the human rights situation.

Since January 1992 the Canadian International Development Agency (CIDA) has provided \$2.6 million in funds for human rights and democratic development projects in El Salvador. In 1995 a \$25 million five-year program for social reconstruction will begin.

The 50th Session of the CHR in March 1994 witnessed an extensive debate as to how the Commission should address the human rights situation in El Salvador. Canada worked with other delegations to reach a consensus on this issue which resulted in the Commission deciding to monitor the developments in human rights in El Salvador under the agenda item "Advisory Services in the field of human rights", and the renewal of the Independent Expert's mandate for another year. As the present Government of El Salvador has made a formal arrangement to cooperate with the Independent Expert, Canada will support continued consideration of the situation in El Salvador at the 51st session of the CHR.

HUMAN RIGHTS SITUATION IN GUATEMALA

ISSUE

The human rights situation in Guatemala has deteriorated during the past year despite political change within Guatemala and continuing international pressure.

BACKGROUND

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

The optimism that followed President Ramiro de León Carpio's accession to power in 1993 was short-lived and concerns continue about his government's capacity to address the human rights situation. In retrospect, this initial optimism overlooked the fact that a change in Chief Executive by itself could not be expected to alter the fundamental power relationships within Guatemalan society. Elements within these existing power structures have continued to engage in or, at least, acquiesce in human rights violations.

There have been some positive developments during 1994. Peace negotiations with the Unidad Revolucionaria Nacional Guatemalteca (URNG) resumed last January, and agreement was reached on human rights, the resettlement of uprooted populations, and the creation of a "Truth Commission". A United Nations Verification Mission (MINUGUA) has been deployed in the country since November 1994 to monitor compliance by both sides with the provisions of the Comprehensive Human Rights Accord reached last March. A constitutional referendum and Congressional elections were held last January and August, respectively and were deemed to be fair. Close to 8,000 refugees returned from Mexico in 1994. Political dialogue continues in Guatemala, despite continual threats and acts of intimidation against the leaders and members of various organizations in the civil society. The press has remained formally free and has spared no one, not even the President. The Army itself appears to remain divided between a hard-line faction and a more moderate element. A badly needed tax reform package, which would modernize the revenue system, facilitate tax collection, and improve the redistribution of resources among the population, was passed by the Congress in November. Finally, civil society, including indigenous groups, seems to be developing with increasing effectiveness.

However, serious problems persist. Continuing disenchantment with, or at best apathy vis-à-vis the existing political institutions resulted in record high rates of abstention in both the January and August electoral exercises; most indigenous people did not bother to participate. The number of returned refugees has been significantly below the 12,000 expected at the

beginning of the year. Although ongoing, political dialogue appears to have yielded few concrete results, and popular frustration with deteriorating social conditions contributed to a bitter and violent civil service strike in the spring and riots about transportation fare increases in the fall. Freedom of the press is becoming more fragile with threats and physical attacks against journalists increasing. Conservative political elements, nostalgic for the "peace and order" maintained under past dictatorships, seem to be on the rise, as illustrated by the electoral success of the Guatemalan Republican Front (FRG) in the Congress and, in particular, Ríos Montt, who was recently elected President of the Congress. Finally, despite several attempts by the UN to get them restarted, peace negotiations have stalled since June on the item of indigenous rights.

CANADIAN POSITION

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

Canada also continues to support various non-governmental human rights organizations through Canadian NGOs and through the Canadian Embassy. Despite our access to the President, the problems of governance in Guatemala have limited Canada's real influence on the situation.

CIDA has funded a \$1.5 million project, managed by *le Centre d'études et de coopération internationale* (CECI), to assist democratic development in Guatemala by providing financial support to Guatemalan NGOs. In spite of the present difficulties, Canada will also continue to support the repatriation of refugees from Mexico to ensure full compliance with the 1992 accords, including the right of unhindered international accompaniment. Canada will also maintain its support for Canadian NGOs involved in the process. Finally, the Government of Canada will continue to explore ways to re-invigorate the peace process.

At the 51st session of the Commission on Human Rights, Canada will consult with other like-minded countries to determine how Guatemala should be treated in the Commission's agenda. Canada remains supportive of the work of the independent expert appointed under Item 19.

December 1994

THE HUMAN RIGHTS SITUATION IN HAITI

ISSUE

The restoration of Haiti's legitimate government is only the first step in the collective effort required to establish a state based on due process in this country.

BACKGROUND

The year 1994 was marked by increased violations of the fundamental freedoms of the Haitian people in an effort to crush once and for all every vestige of support for the exiled President and the return of democracy. The repressors invented new methods, such as the systematic raping of women and girls related to opponents of the de facto regime, or murder accompanied by horrible mutilation, designed to sow terror. The popular leaders, and also personalities such as Jean-Marie Vincent, killed on August 28, were victims of kidnapping, arbitrary detention, often in secret places, and summary executions.

Along with the attaches, who operated directly under military orders, the paramilitary organization FRAPH systematically conducted a campaign of terror in the capital and in the provinces, funded and armed by the upper echelons of Haiti's armed forces. The news reporting on the activities of FRAPH and its leaders contributed toward reinforcing the international community's determination to do away with the regime.

Defiance against the international community increased, despite threats of a wholesale trade embargo. After attempting to manipulate the media, the regime adopted increasingly severe measures against journalists who persisted in publishing the facts. Displeased with the presence of observers from the UN-OAS International Civilian Mission (MICIVIH), the regime carried out a campaign of harassment against them and finally ordered their expulsion on July 11.

In response to this mindless violence, President Aristide suggested that the International Centre for Human Rights and Democratic Development study the possibility of setting up a "truth commission" in Haiti which could begin its work before Aristide's return to Haiti and continue to assist thereafter. Various proposals have been prepared and the constitutional government has published a decree designed to follow through on the idea. Its purpose is to help bring about reconciliation by enabling Haitians to testify about the suffering they have endured, and to propose ways of seeing that justice is done and the democratic institutions reinforced.

With the deployment of a US-led multinational intervention force, the daily occurrences of violence were brought to an end and a breath of hope swept over the people, especially in the capital. However, the refusal to intervene in police functions, the partial failure of the program to collect weapons held by civilians, the arrest of a number of known persecutors followed by their release, and the absence of a significant international presence in many

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places within the country have given rise to well-founded expressions of concern. A number of incidents involving former heads of sections, all relieved of their duties now, or members of FRAPH in the provinces are said to have occurred. Their presence may be felt in the course of the next parliamentary or presidential elections.

CANADIAN POSITION

Canada continued its strong support for Haitian democratic forces in exile and within the country in 1994. It was able to provide behind-the-scenes assistance to human rights advocacy groups, and did its utmost to find a peaceful solution to the crisis.

Wishing to contribute effectively to the democratization process, Canada has agreed, at the request of President Aristide, to train about a hundred young expatriate Haitians in Canada for Haiti's future police force. The courses are given by the RCMP at its academy in Regina. Part of the training consists of an introduction to the concepts of fundamental freedoms and maintaining order in a democratic society.

Aside from its participation in the preparations to deploy UNMIH scheduled for the first quarter of 1995, under a bilateral accord with the Haitian government, Canada has loaned ten RCMP officers to establish an intermediate Haitian police force composed of members of the country's former armed forces. Beginning in January, the RCMP will also help to train permanent candidates for the Haitian police force, the vast majority of whom have never been members of the army or the police before. Canada also took part in preparing the curriculum, drawing on the experience acquired in training the police cadets in Regina.

Canada is concerned about the absence of concrete, visible measures with which to clearly convey to the former members of FRAPH and the armed forces that democracy has come to Haiti to stay. The confiscation of illegal weapons must be resumed, the judicial system must be reactivated, and the people must have access to justice if the bloodshed of the past is not to be repeated. We are prepared to work with the OAS, the UN and the Haitian government in setting up a "truth commission". We shall continue to support the activities of the Civilian Mission (MICIVIH) and of the organizations in charge of election preparations. Through the NGOs, we shall continue to finance support for human rights and good government.

THE HUMAN RIGHTS SITUATION IN MEXICO

ISSUE

The January 1994 uprising in Chiapas, as well as giving rise to alleged human rights abuses by the Mexican military, focussed attention on institutional injustices suffered by Mexico's indigenous population and indirectly led to an acceleration of the political and electoral reform process. The 1994 Presidential elections were relatively fraud-free and represent a major step forward for democracy in Mexico.

BACKGROUND

The opening days of the Chiapas conflict gave rise to grave incidents of alleged human rights abuses by the Mexican armed forces, notably in the town of Ocosingo where a number of extra-judicial executions occurred. Although the National Human Rights Commission is still investigating these incidents, it is disappointing to note that no concrete recommendations have yet emerged. A later incident involving the alleged rape of three indigenous women by members of the Mexican armed forces is similarly unresolved.

In spite of the above, the Mexican authorities can be applauded for having rapidly declared a unilateral ceasefire in Chiapas, a ceasefire that has been rigorously observed by both sides in the conflict. The government subsequently negotiated a package of proposed reforms and compensatory measures that was rejected by the Zapatista National Liberation Army (EZLN) as insufficiently far-reaching. In mid-December, through the Minister of the Interior, the new administration of President Zedillo was seeking to revive negotiations.

Chiapas has focussed attention on the plight of Mexico's indigenous people in general, but it is clear that major changes in policy affecting these groups are unlikely to occur until the immediate crisis is resolved.

In the wake of Chiapas and the departure of hardline Interior Minister Patrocinio Gonzalez Garrido, the pace of electoral and political reform in Mexico accelerated. Mexico's electoral legislation is now among the most comprehensive in the world and the mechanisms for administering fraud-free elections among the most elaborate. Most significantly, six "Citizen Councillors", apolitical figures chosen by Congress through a consensus process, will have a controlling majority on the council of the Federal Electoral Institute (IFE). For the first time, both national and international electoral observers were permitted and for the first time a televised debate between the principal presidential contenders occurred.

The \$2 billion investment of the Mexican government in the design of a new electoral process paid off when it became evident, on election day, that 78 per cent of the Mexican population was prepared to take a leap of faith and vote. The election was marred by a number of irregularities at the local level, notably in Chiapas, but there is no evidence of a systematic attempt at a high level to subvert the election. Mexicans were given the government they voted for.

If the vote itself was relatively clean, it cannot be said that the elections were fundamentally fair. Inequities persist in party access to funding and media time, and political coverage by the electronic media is often biased in favour of the ruling party. It should also be noted that the Presidency and administrative control of IFE remain in the hands of the government.

Corruption within Mexico's various police forces persists. In spite of the efforts of a series of Solicitor Generals to purge local and national police forces, narcotraffickers have developed extensive networks of influence. This was brought home in 1994 by a fatal narco-related car bomb attack in Guadalajara, by the continued failure of the authorities to find and arrest those responsible for the May 1993 killing of Cardinal Posadas and by the October assassination of José Francisco Ruiz Massieu — a killing in which both narcotraffickers and politicians appear to have been involved.

Complaints to the National Human Rights Commission (CNDH) rose 2.05 per cent in the year ending in June 1994; a significant drop (50%) was observed in complaints relating to arbitrary detention, torture, false accusation, and denial of justice.

CANADIAN POSITION

As soon as the Chiapas crisis erupted, senior Canadian officials were in touch with their Mexican counterparts to raise Canadian concerns. The topic was discussed at length at the Joint Ministerial Committee meeting in Mexico City in March, and Minister Ouellet met with CNDH President Madrazo in order to discuss bilateral cooperation in the area of human rights. Dr. Madrazo's duties as peace commissioner for Chiapas prevented him leaving the country this year, but in early 1995 he will visit Canada to establish relations with Canada's Human Rights Commission and Canadian NGO's. Expenditures by the Canadian Embassy's Canada Fund for Local Initiatives reached \$100,000 in Chiapas this year, and Mexico's indigenous peoples were identified as the fund priority. Chiapas-related activities by a number of Canadian NGOs, including the International Centre for Human Rights and Democratic Development, were supported by CIDA. Officials from the Department of Foreign Affairs and the Canadian Embassy paid regular liaison visits to Chiapas, the most recent being in early December 1994.

Canada's Chief Electoral Officer established close relations with Mexico's Federal Electoral Institute and served as an informal adviser in the run-up to the August elections. It was felt that Mexican NGO's were best equipped to observe the elections, so no direct support was given to Canadian NGO's for this operation. The Canadian Embassy mounted its own 12-person observation exercise.

THE HUMAN RIGHTS SITUATION IN PERU

ISSUE

The number of extra-judicial killings and disappearances has decreased significantly in Peru during 1994, but detention without benefit of judicial process and the incidence of torture used by both military and police forces remain of concern.

BACKGROUND

President Fujimori has continued to reiterate that human rights is a matter of concern to all Peruvians, military and civilians alike. The pacification process created a number of difficult situations during 1994, including accusations of massacres in the Upper Huallaga Valley and in remote jungle regions of the Amazon basin. Exaggerated claims against the military forces in this region were quickly refuted and the veracity of further charges questioned because of early, unverifiable public statements by NGOs. Overall, however, the human rights performance of the military appears to be slowly improving.

The National Human Rights Council has become moribund due to a boycott by members of the NGO community in protest over the Government's disposition of the La Cantuta disappearance and murder case involving military culpability. The Human Rights Committee of the Democratic Constituent Congress remains active but has also assumed a lower profile over the past few months. The level of terrorist activity has continued to decrease, with only sporadic attacks throughout the country. At present, 48.2 per cent of the population and 25.3 per cent of the country's territory remain under Emergency Zones where normal constitutional guarantees are suspended.

The "Repentance Law" introduced in 1992 to encourage defections from the terrorist ranks, ended October 31, 1994, with the government claiming more than 6,000 adherents, mostly from Sendero Luminoso. This has drastically reduced the effectiveness of Sendero, but has not eliminated its ability to attack at will. It has also resulted in numerous innocent people being jailed, based solely on unsubstantiated claims by "arrepentidos" providing names to save themselves. The government has recently appointed a panel charged with the responsibility of reviewing and expeditiously discharging the large backlog of cases involving persons held without due process. This constitutes further official recognition that there are weaknesses in the judicial system that the Peruvian government is committed to addressing.

Execution of the government's militarily led "pacification" program which involves conflict with terrorist elements remains the prime cause for human rights violations. The perception of military impunity persists, despite the fact that convictions have been obtained over the past twelve months, including senior military officers. (Sentences were not as severe as demanded by activist groups.) Human rights training is now an established factor in both military and police academies; reduced numbers of complaints may be a result of this fact.

Both Presidential and Congressional elections are slated for April 9, 1995, with Alberto Fujimori running for re-election as permitted by the 1993 Constitution. There are fifteen official presidential candidates and a full slate of Congressional aspirants nominated by registered political parties and a number of independent political movements. International observers have been invited by the government, including a specific request to the Organization of American States (OAS).

The corruption issue has played a prominent role in domestic politics over the past six months with the President's wife, Susana, leading the charge with accusations against current ministers, former ministers, and close advisors to the President. Her charges have been largely dismissed, but she has left the Government Palace and is running for a congressional seat (final eligibility still to be confirmed) in opposition to her husband's political supporters. Deficiencies in the judicial system remain largely unchanged from the situation a year ago. No significant corruption cases have gone to court.

Finally, although economic statistics are much improved and business conditions are promising, the 50 per cent who live in poverty are still waiting to experience any improvement in their plight. Privatization windfall funds have been promised for social development/assistance schemes but they have not as yet been forthcoming.

CANADIAN POSITION

The Canadian government continues to make enquiries to various Peruvian government ministries about specific cases where human rights appear to have been violated. Through our Embassy, we have also made direct contacts with purported victims to determine the status of their complaints and to enquire about their personal safety.

The Canadian government considers that serious efforts are being made by Peru to improve its human rights situation. Concerns will continue to be expressed at the official level on every possible occasion, with Ministers, officials, and with all significant presidential candidates in the 1995 election process.

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THE HUMAN RIGHTS SITUATION IN THE ISLAMIC REPUBLIC OF IRAN

ISSUE

The human rights situation in Iran remains a matter of serious concern to the Canadian Government as well as to the rest of the international community.

BACKGROUND

Iranians enjoyed the democratic features of parliamentary elections in 1992, of presidential elections in 1993, and benefit from a reasonably functional parliament. However, in the field of human rights, in spite of perceived improvement some years ago, this movement came to a halt with the expulsion of members of the International Committee of the Red Cross in 1992 and Iran's refusal to allow the UN Special Representative, Mr. Reynaldo Galhindo Pohl, to return to Iran.

In 1994, serious violations of human rights in Iran were again reported. Areas of special concern continue to be: lack of respect for due process of law; detention without charge and notification to next of kin; ill-treatment and torture of detainees; *in camera* trials; lack of defence counsel in trials before revolutionary courts and lack of right of appeal. The death sentence is widely applied (especially for smuggling drugs and for ordinary offenses) and summary, extra-judicial, executions still take place. The international community also expressed its concerns with regard to the assassination of Iranian political opponents in Europe.

Moreover, problems concerning religious minorities have increased. In spite of Iran's disinclination to discriminate on ethnic grounds — refuge has been granted to some 4 to 5 million refugees from the Afghan, the southern Iraqi and the Azeri-Armenian conflicts — and of apparent improvements in 1993, there is continued ground for serious concern about the treatment of the Baha'is and death sentences served against members of that group. In addition, several leaders of Christian groups were killed in circumstances which have not yet been satisfactorily investigated by the Iranian authorities. Furthermore, in March, a 78 year old Iranian Jew was executed in public, bringing to 13 the number of Iranian Jews executed since 1979, half of them for contacts with Israel. This public execution took place few days after the massacre of Hebron.

The punishment to which women are subject for dress code violations and other discriminatory treatment based on gender are also sources of concern.

As in 1993, the Iranian authorities have reiterated in 1994 their apparent desire to enter into a dialogue with Western countries, including Canada. Their officials renewed contacts in various capitals, including those of the European Union but no significant development resulted from these contacts. In November, the authorities invited the press to visit one of

the most notorious prisons in Iran. The organized tour was seen as part of the annual Iranian counter-offensive to the report of the UN Special Representative on Iran. In the mean time, the UN Special Representative is still denied permission to pay a fourth visit to Iran to obtain first hand information.

CANADIAN POSITION

Canada is disturbed by continuing violations of the right to life, the Iranian authorities' repressive attitude towards women (periodic crackdowns to enforce a dress code and humiliating treatment during their detention), and the continuing persecution of the Baha'i community. We have urged Iran's renewed co-operation with the International Committee of the Red Cross. We will continue to press for full Iranian co-operation with the Special Representative.

Canada continues to use the opportunity of bilateral contacts to express its ongoing concerns over Iran's human rights record and to urge that it be improved. In 1994, as for the previous years, Canadian officials have repeatedly raised human rights issues with the Iranian Embassy in Ottawa and officials in Teheran, including the plight of religious minorities.

At the 49th session of UNGA, the Canadian Representative to the United Nations called for renewed co-operation on the part of Iran with the Special Representative, and for all efforts possible to prevent the type of murderous attacks witnessed over the last year against members of Iranian religious minorities, particularly against the Baha'i community. The Canadian Representative added that the fatwa against British author Salman Rushdie is an outrage against the values promoted by the United Nations.

Canada also co-sponsored a UNGA resolution calling on Iran to improve its record. The matter will be raised again at the Commission on Human Rights early in 1995. Canada will once again be actively involved at the CHR in negotiations leading to the adoption of a strong resolution on the situation of human rights in Iran.

THE 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 became and continues to be the subject of specific consideration by the United Nations in the aftermath of the 1991 Gulf war.

BACKGROUND

The 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 controlling institution, the Revolutionary Command Council. It, in turn, is supported by an omnipresent security apparatus. Violence in Iraqi politics has existed for years, but was exacerbated by Saddam's wars against his neighbours. After the Gulf war, he took draconian measures to put down rebellions by elements of the population not associated with the ruling elite — the Kurds in the north and the Shiites in the south — and moved to consolidate his power in the face of international pressure against his regime.

UN reports paint a grave picture for human rights in Iraq. They include detailed descriptions of a wide variety of illegal abuses such as arbitrary detention, disappearances, torture of the cruellest kind and other inhuman practices, political killings, summary or arbitrary executions, extreme and indiscriminate measures in the control of civilians, including the recent enactment and implementation of decrees prescribing mutilation as a penalty for certain offenses. Constitutional, legislative and judicial protection exist on paper but are ineffective in combatting human rights abuses in Iraq.

Repression and loss of life associated with these abuses has been very high, particularly for thousands of Kurdish civilians forcibly taken from their homes or subjected to chemical weapons attacks (such as the town of Halabja in 1988). Repression against Shiites has also been intense. The interim report of the human rights situation in Southern Iraq submitted by Special Rapporteur Max van der Stoep in August 1992, detailed systematic abuses of the Shiite community. At least in part, this report prompted the imposition of the Southern "no fly" zone in late August. In 1994, the Iraqi Government has almost completed its plan to drain the southern marshes through wide-ranging military operations aimed at destroying the habitat and villages of the Marsh Arabs, thus forcing the local population to flee in large numbers and seek refuge in Iran.

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 take measures to ensure that the human and political rights of all Iraqi citizens are respected. By referring 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 that Iraq must improve its human rights performance as part of its international rehabilitation and as a prerequisite for suspending UN sanctions which continue in place.

Previous efforts to condemn Iraqi practices by the CHR 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. It resulted in numerous interim reports providing a highly negative assessment of the human rights situation in Iraq.

Again this year, at the 49th UNGA, Canada co-sponsored a resolution expressing deep concern for the deterioration of the overall situation and "grave violations of human rights by the Government of Iraq" including: "summary and arbitrary executions, torture and cruel, inhuman or degrading treatment"; "the forced displacement of hundreds of thousands of Iraqi civilians ... as well as the fact that tens of thousands of displaced Kurds have had to take refuge in camps and shelters in the north of Iraq"; "the increasingly severe and grave violations of human rights ... against the civilian population in southern Iraq, in particular in the southern marshes". It further condemned "mutilation as a penalty for certain offenses" and "the unwillingness of the Government of Iraq to honour its responsibilities ... especially with regard to the rights to food and health." It deplores the refusal of Iraq to cooperate in the implementation of Security Council (SC) Resolution 706 and 712, which provide for the sale of oil in return for humanitarian aid, resulting in Iraq's failure to provide the population with access to adequate food and health care. It also called upon Iraq to resolve the cases of disappearances of Kuwaitis and nationals of other States.

CANADIAN POSITION

Canada deplores the human rights situation in Iraq and has undertaken numerous initiatives to demonstrate its opposition to the abuses. Canada supports the implementation of SC Resolution 688 and the decisions of the SC to maintain sanctions until Iraq satisfies all the relevant UN requirements. Canada strongly supports humanitarian assistance programs for Iraq (contributing approximately \$27 million). Canada co-sponsored a resolution condemning human rights abuses in Iraq and the Canadian statement before Third Committee at the 49th UNGA also commented critically on the situation in Iraq. Canada also regrets that by its unjustifiable decision to initiate movement of troops at its borders with Kuwait, Iraq has obstructed further the possibility of early suspension of the SC sanctions.

December 1994

THE HUMAN RIGHTS SITUATION
IN THE TERRITORIES OCCUPIED BY ISRAEL SINCE 1967
AND IN AUTONOMOUS PALESTINIAN TERRITORY

ISSUE

Human rights violations in the territories occupied by Israel since 1967 have been of major concern to the international community. Canada, a party to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (the Geneva Convention of 1949), strongly advocates that Israel comply with the Convention which applies de jure to areas under military occupation. The Israeli-PLO Declaration of Principles (DoP), signed in September 1993, did not immediately translate into a significant decline in violations; however, 1994 saw significant incremental improvements. Respect for human rights by the Palestinian National Authority also bears watching.

BACKGROUND

The Israeli Deputy Foreign Minister once stated that "there is no such thing as a benign occupation". Canada, like other western states, has long argued that the 4th Geneva Convention applies to the West Bank and Gaza. Canada has approached the Israeli authorities and/or spoken out when the Convention has been breached. It has supported the appeals of the UN Commission on Human Rights and the International Committee of the Red Cross.

Although violations continue, the first year of implementation of the DoP has seen a marked reduction in their number. In the first year of the DoP, Palestinian fatalities caused by Israeli security forces were down by 30 per cent; no houses were demolished or sealed by administrative order; the number of Palestinian inmates declined by 66 per cent and the number of jailed minors by 75 per cent. Freedom of expression and of assembly also improved considerably as Palestinians are now able to fly their flag, hang PLO Chairman Arafat's picture, and hold demonstrations both inside and outside the autonomous areas. However, continued construction of Israeli settlements in the Occupied Territories, in violation of the Convention, continues to generate violent clashes.

The decrease in Convention violations by Israeli forces regrettably has not translated into a concomitant improvement in security of the person. In the year since the DoP was signed, Israeli civilians have killed 45 Palestinians (including 29 in the Hebron massacre) and Palestinian rejectionists have killed 21 Israeli citizens in the Occupied Territories and 24 within Israel's recognized boundaries (a further 21 died in the bus bombing in Tel Aviv in October). With the reduction of outright violations, abuse of administrative power is regarded by human rights organizations as the most persistent violation of Palestinian human rights. This also includes: travel abroad, entry of non-resident relations, family reunification, bureaucratic barriers to economic development (access by Palestinians to airports and ports), and the closure of Jerusalem preventing access to services, transportation links and religious sites.

Human rights are also a concern in Gaza and Jericho as the new Palestinian administration undergoes the transition from liberation movement to government. The Palestinian police have been accused of excessive use of force (the first death in custody occurred in July), notably in the quelling of riots. The régime ordered the closure of a newspaper (since reopened). The influence of radical Islam is having a negative impact on the rights of women. However, Palestinian human rights advocates report that there do not appear to be systematic rights violations although there are disturbing incidents. Free elections, to be negotiated with the Israelis, are still awaited.

CANADIAN POSITION

The Canadian Government, through the Embassy in Tel Aviv and missions to international bodies, keeps abreast of human rights issues and related developments in occupied areas as well as in the Palestinian-administered territories. It coordinates closely with responsible international bodies as well as with non-governmental institutions, the Israeli government and Palestinian authorities. It also provides funding through multilateral agencies and bilateral aid programmes to support greater respect for human rights.

Canada supported a resolution of the CHR establishing a special rapporteur with a mandate to investigate violations of international law and to report to the CHR "until the end of the Israeli occupation of those territories". It called on Israel (through bilateral contacts, ministerial statements and position adopted in UN fora) to apply the 4th Geneva Convention and reiterated the position that violations of the convention by the occupying power are contrary to international law.

As experience to date with the Declaration of Principles demonstrates, only the successful negotiation of peace negotiations will break the cycle of violence and ultimately help eliminate human rights abuses in the Occupied Territories.

THE HUMAN RIGHTS SITUATION IN THE SYRIAN ARAB REPUBLIC

ISSUE

Canada continues to be concerned over human rights violations in Syria, especially with regards to the large number of political prisoners, conditions of detention, including torture, inconsistent application of laws and procedures, and legal guarantees (access to legal counsel, notification, charges, visiting rights, etc.). Progress has nonetheless been achieved in recent years, as attested by the ongoing release of political prisoners and the departure of most Syrian Jews. The Syrian authorities now seem prepared to maintain a dialogue, even with international human rights organizations.

BACKGROUND

Syrians continue to live under an authoritarian political regime in which power is monopolized. The political system has not been liberalized in the direction of wider participation in truly democratic elections, such as those held earlier this year. The state of emergency continues to be in force after more than three decades. However, given the changes in the international political and economic situation, the demise of the Soviet Union and the Middle East peace process, Syria is apparently adopting a more conciliatory attitude on human rights issues with a view to improving its relations with the West.

Since 1991, thousands of prisoners (political and common law) have been released, but many remain in jail. During 1994, more prisoners have been released and Syria hosted a representative from an international human rights organization. Apparently Syria is prepared to recognize the value of working with foreign representatives in Damascus and with international organizations, at least for the sake of improving their image with the international community.

The Syrian authorities have allowed the vast majority of Syrian Jews to leave, implementing a decision of April 1992. This has effectively put to this issue to rest as of 1994.

CANADIAN POSITION

Canada hopes that Syria will continue to take measures demonstrating beyond question its willingness to comply with the international human rights standards and conventions. Despite recent improvements, such as the continued release of political prisoners, the situation still leaves something to be desired in many respects.

In the course of the year, coordinating their efforts with like-minded colleagues from other countries, Canadian representatives in Damascus have maintained an active dialogue with the Syrian authorities on a number of issues including due process and freedom of speech, and the implications for Lebanon.

In July 1994 we took advantage of the official visit to Canada by the Syrian Deputy Foreign Minister to take stock of the situation.

December 1994

HUMAN RIGHTS SITUATION IN ALBANIA

ISSUE

Since the election of the first non-communist government in 1992, Albania has struggled to adhere to internationally accepted standards of human rights and freedoms. A lack of democratic institutions and traditions has been the main impediment to progress.

BACKGROUND

The election of President Berisha in March 1992 marked the end of the most repressive and isolated regime in Eastern Europe. The new Albanian government, in an effort to gain Western acceptance and support, began implementing sweeping changes to all facets of society.

Included in these changes was the establishment of a new judicial system based on the Italian model. However, the recent trial of five ethnic Greek members of the OMONIA party raised questions regarding the independence of the judiciary and pre-trial proceedings, including arrest without warrant. Albania also lacks modern laws in areas such as political expression, freedom of the press, and access to information.

The OMONIA trial also underlined historic disputes between Albania and Greece, with the status of the Greek minority seized upon by both sides to make political points. International observers generally agree that Albania's minority Greek population have constitutional guarantees of human and minority rights that measure up to international standards.

The CSCE's High Commissioner on National Minorities, Max van der Stoep, recently suggested to Albanian authorities that they establish a national institution to deal with complaints of discrimination. The Commissioner also recommended that, in order to provide police with a better understanding of human rights in general, special training be provided regarding national legislation and commitments relating to human rights obligations.

At CHR51, the UN Centre for Human Rights will be reporting to the Commission on the implementation of CHR50 resolution 1994/57, which called upon the Albanian authorities to pursue their positive steps towards meeting the requirements under the International Bill of Human Rights and other relevant international instruments, by which the human rights and fundamental freedoms of all Albanians, including the rights of persons belonging to minorities, will be effectively promoted and guaranteed.

CANADIAN POSITION

Canada established diplomatic relations with Albania in 1987 and has non-resident accreditation from our Embassy in Budapest. In 1992, Canada provided technical assistance for the translation of human rights texts for distribution in universities and we have offered

to provide information on Canadian law practices which would be of assistance to Albania in developing a more modern legal system. We used the recent visit by an officer from our Embassy in Budapest to raise with Albanian authorities concerns regarding Albania's human rights record and the interest of Canadian human rights organizations in Albanian judicial proceedings.

THE HUMAN RIGHTS SITUATION IN THE FORMER YUGOSLAVIA

ISSUE

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

Until the fighting stops, and security and stability are restored, human rights abuses will likely continue. Ethnic prejudice and rivalries may cause the conflict to spread to parts of the former Yugoslavia not yet affected by the fighting, or even to other Balkan states.

BACKGROUND

Minority rights abuse has been widespread and conducted by all parties since the beginning of the crisis in the former Yugoslavia. As the federal republic disintegrated, the Serbs sought to ensure their "nation" would remain within one country. In so doing, the Serbs tried to extend their control over regions with sizeable minorities, and over new states led by non-Serbs. Other groups such as the Croats and Muslims sought to consolidate their position in the new states by suppressing the minority rights of others, including Serbs.

The most blatant and shocking abuses of human rights in the former Yugoslavia have taken place through the practice of "ethnic cleansing". Murder, rape, torture and other forms of intimidation are used to drive people of one ethnic group from their homes and towns in areas claimed by another ethnic group. This practice has had a devastating impact in a region where roots run deep and where there is virtually no social mobility.

The first widespread use of ethnic cleansing occurred in Croatia where both Serbs and Croats were forced to move from areas where they were in the minority to other locations where they formed the majority. The United Nations has some 15,000 peace-keepers deployed in UN Protected Areas (UNPAs) to establish basic law and order, and to reassure the civilian population in those areas. Fighting between Croat and Serb forces has more or less halted for the past three years and an economic agreement signed by both sides in December incorporates confidence-building measures.

In Bosnia-Herzegovina, ethnic cleansing is still widespread and systematic. More than 100,000 people have been killed, several hundred thousand more injured, and close to three million have been displaced or forced to seek refuge in neighbouring countries. The UN High Commissioner for Refugees, along with the International Committee of the Red Cross and other humanitarian agencies, has been providing emergency relief supplies to many who have no other means of sustenance or shelter.

The United Nations Protection Force (UNPROFOR) has some 25,000 troops deployed in Bosnia-Herzegovina to provide military escorts to international relief convoys, to keep open Sarajevo airport for the airlift of relief supplies, and to create six "safe areas" for the

protection of civilians. The humanitarian mission of UNPROFOR and of relief agencies has been repeatedly obstructed by all parties to the conflict, in violation of applicable principles of international humanitarian law. Recent Bosnian Serb obstruction has led to the suspension of the Sarajevo airlift and made it increasingly difficult to supply many Muslim areas, such as Bihac.

In Serbia, minority groups such as the Hungarians of Vojvodina, the Muslims of the Sandzak region and the Albanians of Kosovo feel at risk from the Serbian majority. The Conference on Security and Cooperation in Europe (CSCE) established long-term missions in each of these areas, focusing on preventive diplomacy and conflict prevention. Regrettably, Belgrade refused to renew the mandate of the missions and they had to withdraw from Serbia in July 1993. There is evidence that the human rights situation in Kosovo and the other regions has deteriorated since the departure of the CSCE missions.

Mr. Tadeusz Mazowiecki, the Special Rapporteur of the Commission on Human Rights, has submitted seven reports on the human rights situation in the former Yugoslavia. In his most recent report of October 31, 1994, he focuses on the increase in ethnic cleansing in Bosnia-Herzegovina and other serious violations of international humanitarian law, notably the deliberate shelling of civilian installations by the Bosnian Serbs. He noted that the Bosnian Serb authorities refuse to allow an investigation of the human rights situation in areas under their control. Although the Muslim-Croat Federation itself is cooperative, there is evidence that at local levels, violations of freedom of movement and the blocking of the return of refugees continue.

In the Federal Republic of Yugoslavia (Serbia/Montenegro), Mr. Mazowiecki concluded that the situation of ethnic, religious and linguistic minorities continues to deteriorate. He noted an increase in human rights violations, including arbitrary arrest and torture by police, particularly in Kosovo and Sandzak. The fairness of trials of Muslims in Kosovo is questionable due to the lengthy delay between their arrest and the beginning of court proceedings, and the use of intimidation and torture to extract confessions and testimony.

In Croatia, the Special Rapporteur expressed concern that the policy of illegal evictions of Croatian Serbs, mainly former Yugoslav army officers, from apartments and homes continues. In his view, the failure of the Croatian government to stop the evictions undermines the trust and confidence required if peace is to be restored to Croatia.

In the former Yugoslav Republic of Macedonia, Mr. Mazowiecki noted a lack of institutional progress on human rights, but believes that according to initial reports, the October elections were relatively free and fair.

Slovenia was spared much of the fighting that has taken place in Croatia and Bosnia-Herzegovina and, blessed with few ethnic tensions, has been able to build a positive human rights record. It is seeking to become a market-oriented democracy in the Western tradition with ties to the international community, particularly to the European Union.

CANADIAN POSITION

Canada believes that only a negotiated settlement among all parties in the former Yugoslavia will bring a lasting peace, alleviate the suffering of civilians, and restore respect for human rights. Canada has, therefore, supported all efforts to achieve a negotiated peace, while providing humanitarian assistance.

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

In March, Canada contributed a \$233,000 to the trust fund of the War Crimes Tribunal and in September 1993, Canadian Judge Jules Deschênes was elected to the Tribunal. Canada established a position for an Information Co-ordinator to receive information on alleged violations of international humanitarian law in the former Yugoslavia and has submitted two reports on alleged war crimes to the UN Security Council. Canada also helped draft the Declaration on the Protection of Victims of War Crimes, which included specific references to the sexual assault of women during times of armed conflict.

Special Canadian immigration measures were introduced in July 1992 to help people from the former Yugoslavia join their relatives in Canada. To date, over 5,000 people have entered Canada under these special measures. In December 1992, Canada responded to an appeal from the UNHCR to resettle Bosnians released by Serb authorities into transit camps in Croatia. Close to 600 ex-detainees and their dependants came to Canada under this program in 1993. Canada also continues to approve claims to Convention refugee status, under both government-assisted and privately-sponsored programs. Since January 1993, more than 4,000 refugees have been admitted to Canada under these programs.

Canada's total contribution in humanitarian assistance for the victims of the conflict in the former Yugoslavia is close to \$60 million, including \$1.75 million designated specifically for victims of sexual violence. Canadian military aircraft have flown more than 1,500 relief flights to Sarajevo as part of the international airlift, delivering more than 20,000 tonnes of food and medical supplies.

Canada's UNPROFOR contingent is the fifth largest: approximately 2,000 Canadian troops now monitor the UNPAs in Croatia, and provide protection for relief convoys and civilians in Bosnia-Herzegovina. The Royal Canadian Mounted Police provide 45 police monitors to UNPROFOR.

Canada will continue to support strongly all efforts of the CHR and other institutions and organizations to improve the human rights situation in the former Yugoslavia.

December 1994

THE HUMAN RIGHTS SITUATION IN GEORGIA

ISSUE

After three severe internal conflicts over the last three years, Georgia faces extremely difficult challenges in its efforts to promote human rights, democratic development and good governance.

BACKGROUND

Since gaining independence in 1991, Georgia's efforts to develop its nationhood have been sabotaged by civil war and precipitous economic decline. Two separatist ethnic minorities, Abkhazis and South Ossetians, now control sizeable portions of Georgian territory. War, energy shortages and the collapse of inter-republic ties have devastated Georgia's economy, once the most prosperous in the former Soviet Union.

A ceasefire in Abkhazia is now being enforced by 2400 Russian peacekeepers and monitored by the UN. In the breakaway region of South Ossetia, a ceasefire is being enforced by a joint peacekeeping force of South Ossetians, Georgians and Russians. The CSCE has a monitoring mission and a special representative in the region.

The conflicts in Abkhazia and South Ossetia have resulted in over 250,000 displaced persons. The Abkhazis, fearing a loss of control and the re-emergence of an ethnic-Georgian majority, have so far refused to accept these refugees back.

Those conflicts as well as Chairman Shevardnadze's dispute with former President Gamsakhurdia gave rise to all manner of human rights violations, including the torturing and killing of civilians, arrests without warrants and censorship.

In addition, the economic collapse has created an anarchic situation with an attendant mob-rule mentality in the country. Mafia-like groups including elements from Russia are widely thought to be responsible for the murder of National Democratic Party leader Chanturia on December 3.

The government has nevertheless made significant progress in the last six months towards reestablishing authority and the rule of law. Despite censorship, independent newspapers are still able to operate, freedom of association is permitted and dissent is tolerated.

The government is in the midst of drafting a new constitution and parliamentary committees have been established to look at the human rights and ethnic minorities issues. The government is also seeking external assistance from the CSCE, European Union and the United Nations on issues relating to human rights, democratic development and good governance.

CANADIAN POSITION

Chairman Shevardnadze met Prime Minister Chrétien and Foreign Minister Ouellet during a visit to Canada in March. A declaration of Canadian-Georgian friendship and cooperation was signed, and Canada announced \$2 million in humanitarian assistance. Additional disbursements of aid are under consideration.

We have a small but growing bilateral relationship with Georgia. A Canadian expert was recently in Tbilisi to help draft a new constitution. Our embassy in Ankara has also identified a suitable candidate for human rights training programs in Canada.

Canada has agreed upon request to contribute nine people to an expanded UNOMIG in Abkhazia, and one person to the CSCE mission in South Ossetia once requests are received from the UN and the CSCE.

THE HUMAN RIGHTS SITUATION IN TURKEY

ISSUE

The human rights situation in Turkey is paradoxical. Although Turkey is a relatively open society and a secular multiparty democracy, serious and widespread violations of human rights nevertheless occur. The number and severity of these abuses appear to be increasing; they take place mainly, but not exclusively, in the Kurdish-inhabited region of southeastern Anatolia.

BACKGROUND

Since the return to civilian rule in 1983, Turkey has been a parliamentary democracy in which several parties compete freely for power. There was a peaceful transition in government after the ruling Motherland Party was defeated by the True Path Party (DYP) in general elections held in October 1991. The DYP and the smaller Social Democratic Populist Party (SHP), with which it formed a governing coalition, both campaigned on platforms that included promises to improve respect for human rights. The Government has promised to introduce legislation establishing several official human rights bodies, including a human rights council with wide powers of investigation, but has thus far implemented few of these promises. The parliamentary Human Rights Commission established in 1991 remains ineffective. Turkey has an independent judiciary that often dismisses prosecution cases; the rule of law generally prevails. Although Turkey has cooperated with UN and Council of Europe inspections, it recently refused to admit an international NGO researcher. Turkey has ratified many international human rights instruments but remains a non-signatory to the UN Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights.

As a truly secular state, Turkey is nearly unique in the Moslem world. Outside the major cities, however, it remains a traditional society. The status of women in Turkey lags well behind western European countries, but is nonetheless far ahead of most middle eastern countries. The election of Turkey's first woman Prime Minister, Tansu Çiller, at a DYP party congress in June 1993, is a sign of the improved status of women in Turkey. Turkish law enshrines the equality of the sexes in most but not all instances.

Within a broad consensus that includes support for the unity of the Turkish state, public dissent is tolerated. The mainstream press is openly critical of the government, and sometimes reports human rights violations. Individuals and organisations that challenge the integrity of the Turkish republic, however, are subject to severe repression. Anti-terrorism legislation permits security forces sweeping powers, which are often used to suppress legitimate dissent. Pro-Kurdish newspapers and organisations have been subject to quasi-legal harassment, and in some cases shut down altogether. Many journalists, human rights advocates, and supporters of the pro-Kurdish Democratic Party (DEP) and its successor, the People's Democratic Party (HADEP) have been arrested. Eight Members of Parliament,

mostly belonging to the DEP, were arrested in March 1994 for spreading separatist propaganda; they were convicted in December 1994, and sentenced to up to fifteen years, imprisonment. The mainstream Turkish press has been sharply critical of their convictions. In some cases, government opponents have been murdered under unexplained circumstances. The United Nations Committee against Torture report of November 1993 found evidence of the systematic torture of people in custody, bearing out allegations made by human rights advocates; there is no indication that the situation has improved since that time.

The insurgency in southeastern Anatolia by the terrorist Kurdistan Workers' Party (PKK), which began in 1984, provides the context for the most serious human rights concerns in Turkey. The PKK has itself committed documented atrocities against civilians, but in their efforts to suppress terrorism, Turkish security forces have also been guilty of grave human rights abuses. Fighting has escalated since July 1993 in the ten provinces of southeastern Turkey under emergency rule, and the Turkish government has declared the military defeat of the PKK to be its immediate goal. In pursuit of that goal, it has attacked, razed, and forcibly evacuated large numbers of Kurdish villages, while there are plausible but unconfirmed reports that Kurdish civilians have been forced into internment camps. Some Kurdish civilians have fled across the border into northern Iraq.

Turkey is ethnically heterogeneous, and Kurds who embrace the Turkish cultural identity are accepted easily into mainstream Turkish life; many members of parliament and several cabinet ministers, for example, are ethnic Kurds. There is a growing risk, however, that the PKK insurgency, and terrorist attacks it is undertaking outside the southeast, could polarize the Turkish population, and provoke an anti-Kurdish backlash. (Most Kurds live outside traditional Kurdish areas). Already, public support for human rights reforms has weakened due to the perception that terrorists would be the beneficiaries, and proposed reforms have become a subject of dispute within the governing coalition. The government lifted the interdiction against the private or cultural use of the Kurdish language in 1991, but its use in education, broadcasting and politics remains forbidden. Other minorities such as the Greeks, Armenians and Jews are officially protected but nonetheless experience some discrimination; their numbers are dwindling as a result of emigration.

CANADIAN POSITION

Canada condemns both terrorism and human rights abuses. Canadian representatives, up to and including the ministerial level, have consistently raised Canada's concerns over the human rights situation in Turkey during discussions with their Turkish counterparts on every appropriate occasion. The Minister of Foreign Affairs expressed Canadian concern when he met his Turkish counterpart at the NATO ministerial in Istanbul in June 1994. The Department of Foreign Affairs and International Trade called in the Turkish Ambassador in Ottawa in March 1994 when the DEP deputies were arrested and again in December 1994, when they were convicted; a representative of the Canadian Embassy in Ankara attended the opening of their trial in August 1994.

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