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STATEMENT BY

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TO THE UNITED NATIONS

TO THE THIRD COMMITTEE
60TH SESSION OF UNITED NATIONS GENERAL ASSEMBLY

ITEM 71c: HUMAN RIGHTS SITUATIONS

NEW YORK, 2 NOVEMBER 2005

DÉCLARATION DE

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AUPRÈS DES NATIONS UNIES

À LA TROISIÈME COMMISSION
60E SESSION DE L'ASSEMBLÉE GÉNÉRALE DES NATIONS UNIES

POINT 71c : SITUATIONS RELATIVES AUX DROITS DE L'HOMME

NEW YORK, LE 2 NOVEMBRE 2005

Mr. Chairman,

In his address to the 60th General Assembly, Foreign Minister Pettigrew noted that “we are duty-bound to prevent and combat flagrant human rights violations that still plague the world”. That duty extends from identifying and addressing specific cases of human rights abuses; to ensuring that the mechanisms which address human rights concerns are healthy and effective, and if not, are reformed; that international human rights instruments are adopted, implemented and respected; and finally to ensuring that states which have made efforts to improve their domestic human rights situations are recognized and their efforts supported.

This session of the Third Committee of the General Assembly provides us with an opportunity to uphold this duty. It allows us the opportunity to look critically at the state of the protection of human rights and to underscore the linkages between human rights, humanitarian issues, development, and security.

Unfortunately, there are many instances where we, as member states, fall short of assuming our obligations with respect to human rights. We would like to draw attention to such shortcomings in five broad areas: physical integrity of the person; political and democratic rights and freedoms; protection of minorities as well as freedom from discrimination and intolerance; protection of civilians in situations of conflict and humanitarian crisis; and impunity. At the same time, we must also draw inspiration and hope from instances where positive steps have been taken and have translated into increased protection of and respect for human rights - and along with it, an improvement in the lives of individuals and communities.

Physical integrity of the person

The **physical integrity of the person remains under attack**, with use of torture, arbitrary arrest and detention, extrajudicial killings and enforced disappearances occurring throughout the world. Disturbingly, these abuses are increasingly justified by the perpetrators under the pretext that security concerns and counter terrorism measures necessitate the violation of such fundamental rights.

In Turkmenistan and Uzbekistan, for instance, in the context of political repression and censorship, arbitrary arrest, detention and torture are all too common. In Uzbekistan in particular, there has been a disturbing increase in abuses to the physical integrity of the person, and the fight against terrorism is often used as a pretext to quell political dissent and to justify extrajudicial killings, torture and censorship.

In the Democratic People’s Republic of Korea, the lack of respect for human rights is endemic, and the country remains closed to independent scrutiny of human rights issues. Canada urges the Government of the Democratic People’s Republic of Korea to allow visits by the Special Rapporteur and to implement his recommendations - including to sign and ratify the Convention against Torture.

Canada remains deeply concerned by the ongoing, grave violations of international human rights and humanitarian law in Sudan, including attacks on innocent civilians and sexual and gender-based violence against women. Canada fully supports the ongoing International Criminal Court investigation in Darfur, as mandated by the UN Security Council, welcomes the formation of the new Government of National Unity, and urges all parties to continue to implement all aspects of the Comprehensive Peace Agreement.

In Nepal, the ongoing insurgency and the government's response to it has resulted in an increase in serious human rights violations with deplorable use of torture, arbitrary arrest, extrajudicial killings, summary executions and disappearances. The recent dismissal of the Prime Minister and the current state of emergency under King Gyanendra represents a serious setback for democratic progress. Nepal is party to all key international human rights instruments and the government has a responsibility to respect its human rights obligations.

In Syria, there continues to be serious concerns about physical abuse of detainees, including torture. Serious human rights abuses, including killings, torture and inhumane treatment have also become increasingly common in Togo. In many other parts of the world, cruel and inhumane sentences are handed out, such as capital punishment by stoning and amputation.

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In Colombia, we acknowledge the enactment of the Justice and Peace Law and the creation of a Commission on Reparation and Reconciliation as important initiatives in the pursuit of peace. We urge the Colombian government to ensure that the demobilization of illegal actors respects international norms in the areas of human rights, justice and reparations. We also remind national authorities of their commitment to respect the activities of human rights defenders.

Political and democratic rights and freedoms

As noted in the Summit Outcome Document, development, security and respect for human rights are interconnected. Human rights are not luxuries which are afforded only after the war on terrorism has been fought, after economic development has been attained, prosperity achieved, and political stability maintained. Human rights are essential to sustainable development, legitimate and effective democracies, and improved security and stability. It is with regret and concern that we note backsliding in many countries and increased violations of the political and democratic rights that are fundamental to our very lives and intrinsic to healthy communities, nation states, regions, and our global community as a whole.

In Iran, for instance, we have seen no credible evidence of any improvement in the overall human rights situation and in the protection of political and democratic freedoms. In fact we note a deterioration which has led us to table, for the third year in a row, a resolution on Iran's human rights situation. The international community has already called on Iran to assume its human rights obligations. Yet, Iran has not complied with past UN resolutions on this matter. Indeed, we note that repression of political dissent has increased and that executions in the absence of internationally recognized safeguards, including executions of children, are ongoing. In addition, torture and discrimination against women and minorities have continued with impunity. We believe that this must change and look forward to the active support of the international community in this endeavour.

We also note with serious concern recent steps taken in Cambodia to limit political opposition and freedom of expression. Canada encourages Cambodia to respect basic civil and political rights, and to progress with the implementation of the Khmer Rouge tribunal.

Zimbabwe continues to demonstrate widespread disdain for human rights with continued restrictions to freedoms of speech, association, and the press. Ongoing arbitrary detentions and use of torture are cause for concern, as is the human rights and humanitarian situation which resulted from Operation Restore Order. We are troubled by the NGO bill which threatens to restrict the human rights and governance work done by civil society and note that the latest amendments to the Constitution have exacerbated rather than improved an already deplorable human rights situation.

The intimidation and detention of political opponents and journalists is also a common occurrence in several countries including Belarus and Eritrea. In Saudi Arabia, we remain concerned by continued reports of torture and forced confessions as well as by the high incidence of capital and corporal punishment. In Ethiopia, the use of force against opposition demonstrators and their detention following recent elections marks a decline in respect to political rights and freedoms.

We note China's efforts, over the last several years, to develop its legal system. Governance under the rule of law, however, entails that severe restrictions on freedom of expression and association should be lifted. This includes restrictions with regards to religious or spiritual belief and the rights of minorities (particularly in Tibet and Xinjiang), as well as measures to limit the publication and dissemination of information over the internet and to punish those who do so. Further, extra-judicial measures such as re-education through labour are inconsistent with the rule of law. We look forward to China's ratification of the International Covenant on Civil and Political Rights.

Vietnam has made notable progress on human rights issues as they relate to governance, education and minority rights, but restrictions on freedom of expression and association continue. Restrictions on freedom of speech and association also continue in Cuba. Canada urges an end to the detention of citizens who peacefully express their political or religious views, and the release of political prisoners in both countries.

Of note is progress made in Burundi over the past year, with the completion of the transitional process helping to consolidate gains and improve the human rights situation. In addition, and while there remain human rights concerns in Georgia, the Georgian government has reduced police brutality, tackled corruption within law enforcement agencies, and has made efforts to reduce attacks on religious minorities.

Protection of minorities, as well as freedom from discrimination and intolerance

Minorities continue to be at increased risk of human rights violations. These groups are vulnerable to discrimination, violence, and are often not afforded the same rights as their fellow citizens. The interconnection between human rights, development and security is particularly true when it comes to the protection of minorities and freedom from discrimination and intolerance. Only when minority rights are protected and when discrimination and intolerance against the Other ends, will our societies enjoy true economic and social development, stability and security.

The Burmese people continue to suffer under repressive military rule devoid of respect for human rights and fundamental freedoms. Burmese minorities face plunder by a brutal and opportunistic army that systematically uses the abhorrent practice of forced labour. In addition, we note with concern a recent ILO report noting Burma's expressed intention to withdraw from the organization - it demonstrates the regime's lack of commitment to end the abhorrent practice of forced labour.

Noting some improvements with respect to the rights of minorities in Kosovo, we nevertheless remain concerned about their security and freedom of movement, as well as the lack of significant progress in creating the conditions necessary for the return of internally displaced persons.

We remain concerned about a broad range of violations of human rights in Pakistan, including religious discrimination, child labour, blasphemy laws, women's rights and gender equality, and in particular, the Hudood Ordinance criminalizing extra-marital sex, including for rape victims. While we welcome Pakistan's recent reform measures, including anti-corruption and policing reforms, much work needs to be done to ensure the rights and protection of women and minorities in Pakistan.

While there continue to exist serious human rights concerns in Iraq, we welcome the Iraqi government's openness and willingness to work with the international community in addressing and working to improve its human rights shortcomings. Canada believes that much progress can be made in addressing ongoing concerns by working closely with the government. We will be working with the Government of Iraq to help develop human rights institutions and improve the protection and respect for human rights - particularly in the areas of minority rights, as well as women's rights and gender equality.

Protection of civilians in situations of conflict and humanitarian crises

It is an unfortunate fact that civilians are increasingly the victims - and often the targets- of modern conflict. The world has been shocked by repeated reports of killings, torture and gross violations of human rights conducted with impunity, and massive displacements of civilians which result from conflict; yet, these violations continue.

The protection of internally displaced and refugee populations in a situation of conflict is the responsibility of the State where they live, but when this protection is not forthcoming, these most vulnerable of people merit the attention, support and protection from the international community. The rights of these groups must be ensured, and as stated in the Summit Outcome Document, access to civilians by humanitarian aid organizations and human rights workers is paramount.

In Northern Uganda for instance, the Government needs to urgently improve the security and living conditions of the internally displaced people and to assist in the rehabilitation and reintegration of children and other abductees brutalised during the long-running insurgency. Canada encourages the Government of Uganda and the Lord's Resistance Army to bring an end to this terrible conflict.

Although the Democratic Republic of Congo is progressing through the hurdles of a transitional process which aims to institute peace following recent civil conflict, progress has been slow. The country does not yet have a stable democratically-elected government and human rights abuses, including police brutality, gender-based violence, and extrajudicial killings continue on a daily basis.

In Sudan, the recent increase in violence by all parties involved in the conflict in Darfur, including an attack on an internally displaced people (IDP) camp and attacks on the African Union Mission in Sudan (AMIS), has dramatically hindered the delivery of international humanitarian assistance to the people of Darfur and jeopardized the effectiveness of AMIS in its efforts to promote and protect human rights. Canada calls on all parties in the conflict to continue to seek a just and peaceful resolution, of which the respect for human rights must be integral.

In the context of the protection of civilians and the inter-connectivity between human rights, security, and development, Canada welcomes Israel's withdrawal from Gaza and the northern West Bank as a positive first step. However, much remains to be done to ensure that this withdrawal leads to a reinvigoration of the Quartet's roadmap. We cannot lose sight of an eventual two state solution; Israel and a sovereign, independent, viable, democratic and territorially contiguous Palestinian state, living side by side in peace and security. Canada expects the Palestinian Authority to do its utmost to ensure law, order and good governance. Israel must also do its part to build confidence, and to avoid taking steps in Jerusalem and the West Bank which would prejudice the outcomes of eventual final status negotiations. We offer our concrete and political support for institution-building, reform and peace efforts and encourage others to do the same.

In addition to the humanitarian crises caused by conflict, over the course of the past year, we sadly have also been witness to the greatest humanitarian disasters in human memory. The devastation of the December 2004 tsunami in South-East Asia was followed by horrible storms and flooding throughout Central and North America. This has demonstrated forcibly that no one and no country is immune from the havoc caused by nature at her fiercest. Only last month, massive earthquakes shook Pakistan and Northern India - reinforcing that it is not only human created conflict that can cause massive displacement, deaths, injuries and devastation. These natural disasters have drawn the attention of the international community and have underscored the need for rapid, co-ordinated, and effective responses in order to provide the assistance that is most needed, when it is most needed.

Again, access to humanitarian and aid organizations is essential to ensure that the humanitarian and reconstruction assistance is provided to the victims of these disasters. In this regard, we welcome the steps taken by the Governments of Indonesia and Pakistan to allow immediate and unimpeded access of humanitarian workers to tsunami and earthquake affected areas, and their efforts to ensure a strategic and co-ordinated response when faced with devastation of epic proportions. We also commend Indonesia and Pakistan for taking important and quick steps to address human trafficking and prevent illegal adoptions.

Impunity

Calling for the protection and promotion of human rights is pointless without an equally strong call for an end to impunity. As long as impunity persists, human rights violations will continue, perpetrators left unpunished remain free to continue to commit abuses, and a culture of fear will persist. States which fail to take efforts to end impunity and bring justice to those who have suffered human rights violations have failed their international obligations to protect human rights, and their domestic obligations to protect their citizens. For instance, impunity has continued in Ivory Coast, where killings of civilians by armed militias have increased and go unpunished.

Indonesia has made meaningful progress domestically over the past year to address human rights concerns and consolidate democracy. Canada also welcomes the peace agreement reached between the Government of Indonesia and the Free Aceh Movement, bringing an end to a long-running and violent conflict in Aceh Province. We recognize the effort made by the Government in reaching this agreement and Canada continues to support Indonesia's efforts to improve the protection and promotion of human rights and to encourage efforts to address ongoing human rights violations including the question of impunity.

Afghanistan has taken important steps to promote human rights, instill rule of law and improve good governance throughout the country. However, we remain concerned with continued acts of violence, particularly against women and minority groups, and by ongoing impunity for offenders, including recalcitrant commanders. Without a commitment to take decisive action against those who most overtly defy the rule of law, they will continue to subvert efforts to promote stability in Afghanistan. In Sierra Leone, while human rights concerns remain, the Special Court has made progress.

Unfortunately funding for this important initiative remains a challenge, despite the recent pledging conference which was held in September.

In conclusion, **Mr. Chairman,**

Canada's commitment to human rights is one which applies not only in our international relations, but domestically as well. Canada takes its human rights obligations seriously. We recognize that our country is not without its own challenges, and we are working to address these in an open and transparent fashion. This approach is reflective of a vibrant and healthy democracy. Further, Canada has sought to cooperate fully with UN special mechanisms. For example Canada recently appeared before the Human Rights Committee of the International Covenant on Human Rights to discuss our domestic human rights situation. We welcomed and embraced the opportunity to discuss issues the committee brought forward and to benefit from their collective experience. We recently welcomed the visit to Canada of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People, and in June 2005 Canada welcomed the Working Group on Arbitrary Detention on a two-week visit to Canada to look at a variety of issues relating to detention.

Canada is committed to the protection and promotion of human rights domestically and in international fora. Although we have focussed our intervention today on specific human rights concerns, it is also our commitment and our responsibility to ensure that the multilateral human rights bodies mandated to address these concerns are strengthened and effective, and we welcome the commitment made in the Summit Outcome Document establishing a Human Rights Council. We look forward to working and co-operating constructively with other states and the President of the General Assembly to ensure that the Council is established with the tools, modalities and the mandate which will allow it to function as the prime mechanism through which human rights are promoted and protected internationally, as per the ideals and objectives of the United Nations.