

Islamic Republic of

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Permanent Mission to the United Nations

Statement by: Mr. Mostafa Alaei

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On

Item 71c: Human Rights Questions
(Human Rights Situations)

General Assembly 60th Session
Third Committee

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Mr. Chairman

This is for the first time my delegation is making statement under item 71©, drawing the attention of the distinguished delegates to a specific situation. Indeed, I am making this statement with profound hesitation and reluctance, since it is not consistent with our established policy that discourages us from referring to specific situations. We believe that this item, due to the lack of an objective definition to guide our deliberations and decisions in a universal and non politicized manner, is frequently susceptible to serve more as an instrument of fault finding and naming-blaming exercise than a vehicle to bring understanding and contribute to building knowledge and capacity required for promotion and protection of human rights worldwide. The fact is that no country can claim perfect in human rights performance including my own country. We all face variety of challenges and impediments to fulfill our obligations. We all need guidance, assistance and collective wisdom to move forward in human rights domain. And what is significantly needed is to set indicators and accordingly assess the overall trends through cooperation and dialogue.

Mr. Chairman

As you might be aware Canada has indicated that it will present a resolution on the situation of human rights in Iran. Some may think that Canada may have reached to a level of human rights record that allows it to point its finger to others in order to criticize their human rights records. We took a cursory look at the UN documents and the reports of the NGO's such as Amnesty International to verify this perception. Astonishingly, we found otherwise. We have obtained piles of credible and reliable information suggesting that the violation of human rights in Canada in many respects including the civil and political rights particularly the right to life and the rights of indigenous people are at some stages alarming. Due to the time constraint, I share just a tiny portion of the existing information with you as appeared in the following documents, and obviously the more detailed information on the Canada's human rights records are available in the sources that I will briefly refer to. We leave the final judgment and analysis with you and the distinguished delegates to determine whether Canada is in a position to submit human rights resolution against others.

**Arbitrary Detention (statement of the Working Group on Arbitrary Detention
16June2005**

"There are now at any time more persons deprived of their liberty in Canada awaiting trial or sentencing than there are persons actually serving a sentence in detention. This is of great concern, first of all because under both Canadian and international law everyone has the right to be considered innocent until proven guilty at trial."

"The Working Group is gravely concerned about the following elements, which undermine the security certificate detainees' rights to a fair hearing, to challenge the evidence used against them, not to incriminate themselves, and to judicial review of detention."

The Committee Against Torture expresses its concern at:

07/07/2005

“(i) Continued allegations of inappropriate use of chemical, irritant, incapacitating and mechanical weapons by law enforcement authorities in the context of crowd control.”

“(g) The absence of effective measures to provide civil compensation to victims of torture in all cases;”

**Aboriginal peoples (Report of the Special Rapportuer on Indigenous Peoples)
2December2004**

(A)Lands, resources and culture

"Ever since colonial settlement, Canada's indigenous peoples were progressively disposed of their lands, resources and culture, a process that led them into destitution, deprivation and dependency, which in turn generated an assertive and, occasionally, militant social movement in defense of their rights, restitution of their lands and resources and struggle for equal opportunity and self-determination."

"Aboriginal critics indicate that at the current rate, outstanding claims will take many centuries to be addressed."

(B)Criminal justice system

"The Supreme Court of Canada finds "systemic discrimination in the criminal justice system."

"The Government of Canada which is constitutionally exclusively responsible for Indians, and whose military confiscation of the Chippewa's' entire reserve lands in 1942 led to the demonstrations) is refusing to participate as a party to the inquiry, on the grounds that the inquiry lacks jurisdiction over federal matters, including "Indian lands"; but it has provided the inquiry with documents relevant to the events. This is a highly disturbing position, one that will limit the utility of this inquiry into governmental takings of First Nations reserve lands."

(c)Police brutality

A number of complaints concerning alleged incidents of police brutality against Aboriginals were presented to the Special Rapporteur. In Saskatoon, several urban Indians were found frozen to death on the outskirts of the city. Some, who had made it back home alive, later told that they had been picked up by the police, harassed, and while in custody, dumped on some lonely road. Colloquially, procedures are referred to as "starlight tours". In Manitoba, the Special Rapporteur was given documents and reports on several instances of police brutality and physical abuse of urban Aboriginals in Winnipeg, sometimes accompanied by racist and discriminatory behavior by police officers. A number of cases of police abuses were also reported in Ontario, occasionally resulting in the death of the victim.

(D) Disappearances, murder, and Women

"The Native Women's Association of Canada and other institutions report that approximately 500 Aboriginal women have been murdered or reported missing over the past 15 years."

"Many of these reports signal discriminatory and gender bias in policing, as well as overrepresentation of native women in the prison system."

(E) Extrajudicial, Summary or Arbitrary execution

The shooting in 1995 by the police of three unarmed Chippewa land rights demonstrators at Ipperwash, and the death of the unarmed demonstrators such as Dudley George, as well as other individuals including Mr. Keivan Tabesh in other incidents. The Special Rapporteur on extrajudicial, summary or Arbitrary execution and Human Rights Committee has called for investigation"

(F) Self-governments Arrangements

"In some communities, factional struggles over issues concerning management and resources have led to confrontation between community members and government officers. In the Mohawk community of Kanasatake, the Special Rapporteur was informed that people fear that a standoff such as the one that occurred during the Oka crisis in 1990 (when a protest over land issues was put down through military intervention) might be repeated. The parties involved in the conflict are seeking a solution, but Mohawk leaders are understandably concerned."

(G) Economic situation

"For Aboriginal peoples and many observers it is difficult to understand why they cannot protect, benefit meaningfully from, and dispose freely of the land and resources to which they have an inherent right that has been recognized in principle in the Constitution. This is probably the main obstacle to real economic development among First Nations, Metis and Inuit. As a result of land loss and severe limitations set by the various levels of government on the free use and continuing benefit of their natural resources, Aboriginal people have become increasingly dependent on distributive measures undertaken for their benefit by the federal or provincial governments. This in turn accounts for the large disparities in levels of living indicators between Aboriginal people and other Canadians."

"Our once life-sustaining environment has turned into a dangerous and deadly place. Hopelessness and despair have led to one of the highest suicide rates in the country". The Special Rapporteur was able to observe directly the deplorable housing conditions and poverty prevailing at Cross Lake during his visit in 2003. The community has submitted a complaint to the Inter-American Commission on Human Rights."

Human Rights Committee:

Criminal Justice and Arbitrary Detentions

"The Committee is concerned that under such rules and practices, some people have been detained for several years without criminal charges, without being adequately informed about the reasons for their detention, and with limited judicial review. It is also concerned about the mandatory detention of foreign nationals who are not permanent residents. (Articles 7, 9 and 14)"

"The Committee is concerned about information that, in some provinces and territories, people with mental disabilities or illness remain in detention because of the insufficient provision of community based supportive housing. (Articles 2, 9, and 26)."

"The Committee is concerned about information that the police, in particular in Montreal, have resorted to large-scale arrests of demonstration."

Torture

"The Committee is concerned by allegations that Canada may have cooperated with agencies known to resort to torture with the aim of extracting information from individuals detained in foreign countries."

Discrimination (Preliminary Concluding Remarks)

"With regards to discrimination in Canada, under article 67 of the Covenant, it seemed that Canada had returned to the starting point, so there was a need for follow-up."

Mr. Chairman

The above, illustrates only parts of what transpires at the international level on the situation of human rights in Canada. The question now arises whether the human rights defenders in the third Committee realize that Canada should be the subject of a resolution in this august body? We believe that those considering country resolutions as a legitimate means to promote and protect human rights should live up to their faith in the universality of human rights and thus hold the Government of Canada accountable. But I am certain they will not. Because they have long reserved the kind of Item © and country resolutions for developing countries based on their political agenda. Thank you