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STATEMENT BY

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TO THE THIRD COMMITTEE
OF THE 61st GENERAL ASSEMBLY

on Item 67b) and c): PROMOTION AND PROTECTION OF HUMAN RIGHTS

NEW YORK, 30 OCTOBER 2006

ALLOCUTION DE

L'AMBASSADEUR HENRI-PAUL NORMANDIN
REPRÉSENTANT PERMANENT ADJOINT DU CANADA

À LA TROISIÈME COMMISSION
DE LA 61^e SESSION DE L'ASSEMBLÉE GÉNÉRALE

sur le Point 67b) et c): PROMOTION ET PROTECTION DES DROITS DE L'HOMME

NEW YORK, LE 30 OCTOBRE 2006

Mr. Chairperson:

In his speech to the General Assembly several weeks ago, Prime Minister Harper addressed the issue of accountability – the mandate Canada's new Government was given to make our national government more accountable, and the accountability of the United Nations to its members and the international community.

Accountability is the foundation upon which peaceful societies and good government rest. When accountability is subverted and impunity takes root, the public suffers. All too often the suffering is in the form of gross and systematic abuse of human rights. Conversely, the application of accountability is a critical component of ensuring justice, stability, and respect for human dignity. Canada continues to support the updated Set of Principles on Impunity as a useful guideline to assist States in developing effective measures for combating impunity.

The failure to address human rights issues neither makes them disappear nor removes them from a country's or a leader's legacy. Societies cannot fully heal without recognition of wrongs. This is an ongoing struggle for all states, including Canada. In this context I am pleased to advise that Canada recently offered the first formal apology and compensation to Chinese Canadians for the head tax Chinese immigrants to Canada were forced to pay between 1885 and 1923. Representatives of the Chinese Canadian community have hailed this as an important step in reconciling past wrongs. Further, on May 10, 2006, the Government of Canada announced approval of a final Residential Schools Settlement Agreement, which had been negotiated with legal representatives of former students of Indian Residential Schools, legal representatives of the Churches involved in running those schools, the Assembly of First Nations, and other Aboriginal organizations. The Agreement proposes a Common Experience Payment for all eligible former students of Indian Residential Schools, an Independent Assessment Process for claims of sexual or serious physical abuse, as well as measures to support healing, commemorative activities, and the establishment of a Truth and Reconciliation Commission.

Mr. Chairperson,

Accountability exists on a number of levels. It exists in states' responsibility to their own populations and their primary obligation to protect and promote human rights. The international community also has a responsibility to promote respect for human rights, and to ensure states are held accountable for their commitments under international human rights law. It is incumbent on the international community to seek to prevent human rights abuses, and to proactively encourage international cooperation to protect human rights, drawing on all appropriate tools at its disposal.

At the 2005 World Summit, this body endorsed the international responsibility to protect. In doing so the international community also recognized the fundamental truth that responsibility and accountability lie at the very core of state sovereignty. In extreme situations, such as genocide, war crimes and other crimes against humanity, the international community has affirmed its collective responsibility to protect through timely and decisive action, should states manifestly fail to protect their own populations from such crimes. The Security Council, with the primary mandate to uphold international peace and security, is accountable for discharging this responsibility.

Mr. Chairperson,

Civil society has a significant role to play in ensuring accountability. Onerous and intimidating registration and surveillance practices, as well as the arbitrary closure of NGOs, by states such as Belarus, threaten this critical process. We also remain preoccupied by the possible impact of the new Russian legislation on NGOs.

Regrettably, where civil society's activities are restricted, all too often the freedom of expression and assembly are also restricted. Canada hails journalists around the globe whose work exposes injustice and holds to account those responsible, often at great personal risk. It is a disturbing fact that over 60 journalists and media assistants have been killed so far in 2006, not to mention those that are arbitrarily imprisoned, harassed and threatened.

In Belarus and Cuba, independent journalists work under the threat of criminal sanctions. The intimidation and detention without full due process of political opposition, journalists and human rights NGOs is also of continuing concern in Eritrea and Ethiopia. The complete lack of freedom of expression in the Democratic People's Republic of Korea and Turkmenistan mirrors those countries' lack of respect for human rights writ large.

The Democratic Peoples Republic of Korea remains closed to independent scrutiny of human rights issues. We urge the Government of the Democratic People's Republic of Korea to allow visits by the Special Rapporteur and to implement his recommendations -- including to implement and accede to all human rights treaties, abolish sanctions for political dissent as well as to initiate reform of its prison system under the concept of the Rule of Law; improve the criminal justice system; and promote safeguards for the accused and access to an independent justice system.

In similar fashion, we call on Belarus to respect such fundamental rights as those of freedom assembly and association, and the right to fair and public hearings by competent, independent and impartial tribunals.

There is a particular onus on the international community to assist and protect human rights defenders. They are our eyes, ears and conscience. Initiatives such as the Martin Ennals award are commendable, in no small part because they demonstrate that human rights defenders are not alone, that the outside world is paying attention. This year's recipients, Arbold Tsunga and Akbar Ganji, from Zimbabwe and Iran respectively, epitomize the courage and dedication of human rights defenders and the obstacles they face in these countries.

Canada is deeply concerned with continuous human rights violations and disrespect for the rule of law in Zimbabwe. The humanitarian situation, in particular with respect to food security and shelter for the urban displaced, is also cause for concern. In the face of the deteriorating economic situation, we urge the Government of Zimbabwe to respect the rights of Zimbabweans to freedom of expression and association as well as the right to peaceful assembly. We call on the Government to refrain from the use of intimidation, violence and repression against its citizens. Dialogue between the government and its people is essential in finding an eventual resolution to the political crisis in Zimbabwe.

Last year, the United Nations General Assembly decided that it would continue its examination of the situation of human rights in the Islamic Republic of Iran in the current, 61st, session. We will be doing so in the weeks to come.

The violent repression of protestors by Uzbekistan in the city of Andijan last year remains of serious concern. Without freedom of expression and the right to peaceful assembly, accountability remains elusive. We are concerned in particular for the fate of those refugees and asylum seekers returned to Uzbekistan, whose condition after arrival in that county is prevented from being monitored independently by the international community.

We note China's recognition of the importance of the rule of law, and its efforts to address social and economic inequalities associated with rapid economic development. However, we have concerns with respect to continuing violations of civil and political rights – including freedom of expression, association and spiritual belief, due process of law, arbitrary detention and incidence of torture. The apparent crackdown on many prominent human rights defenders is worrisome. In addition, the shooting of unarmed Tibetans attempting to cross the China-Nepal border reinforces preoccupations relating to the treatment of ethnic minorities. China's lack of adherence to international standards of free and informed consent in the context of organ transplants is also of concern.

The Burmese people continue to suffer under repressive military rule devoid of respect for human rights and fundamental political freedoms. Burmese minorities face a brutal and opportunistic army that systematically uses the abhorrent practice of forced labour. We are deeply concerned by the continued detention of

more than 1,100 political prisoners and call for their immediate and unconditional release. This is another example of the methods used by the current government to continue to deny freedom and democracy in Burma. We are also concerned for the growing number of internally displaced persons and refugees. Canada, along with other countries, has been working with the UNHCR to resettle Karen refugees accepted for resettlement from Thailand. We urge Burma to respect the human rights and fundamental freedoms of the Burmese people.

Elsewhere, Canada remains deeply concerned by the deteriorating humanitarian, human rights and security situation on the ground in Darfur. The Janjaweed continue to act with impunity. Belligerents continue to use gender based violence as a weapon of war. Humanitarian access remains restricted by poor security conditions and government obstructionism. We urge the Government of Sudan to help us end the suffering of the people of Darfur and bring peace to this region by accepting the UN mission called for in Resolution 1706. We regret any decision which may set back the peace processes in Sudan or derail the implementation of Peace Agreements. We call upon leaders in countries which have experienced recent horrors to help the people of Sudan avoid a similar fate. If the responsibility to protect is to have any meaning, both the Government of Sudan and the international community must rise to the test. Ultimately, this is about getting assistance to people who are urgently in need.

Mr. Chairperson,

At the Second Session of the Human Rights Council, despite a considerable amount of positive work and achievements in other areas, for a variety of reasons the Council was regrettably unable to reach a substantive outcome on the situation in Darfur. The Human Rights Council has a responsibility to build on more than sixty years of human rights norm-building by giving practical effect to those rights. As the process of building the Council continues, we must look to both thematic and country mandates to make a difference where it counts most – on the ground.

In this regard, we commend those states whose cooperation the UNHCHR has hailed as promising improvement in their human rights situations, in particular Guatemala, Uganda and Nepal. We realize that this is not necessarily a simple thing to do, and that these states and others who cooperate with the United Nations human rights mechanisms are working to fulfill their obligations and should be supported, particularly in the area of proactive prevention. It is in this spirit that we commend Sri Lanka for its initiative to create an *International Independent Group of Eminent Observers*. We look to Sri Lanka to work closely with the OHCHR to maximize the *Group's* effectiveness, and trust it will consider ways to increase the protection of civilians, including aid workers, and combat the recruitment of child soldiers.

Canada also applauds the recent progress made towards a peaceful resolution to Uganda's longstanding conflict and is encouraged that the protection and promotion of human rights remains a priority for the Government of Uganda. In our view, a negotiated agreement to end a conflict in which serious international crimes are alleged to have been committed should include provisions for those accused to be brought to justice in accordance with international standards.

As the security situation in Chechnya improves, we encourage relevant international organizations to upgrade their presence in the region.

Canada is very preoccupied by the deteriorating humanitarian situation in the Gaza Strip and the West Bank. Israel needs to undertake efforts to increase movement and access in these territories. The Palestinian Authority must also take measures to address Israel's security concerns by controlling and preventing terrorist violence. While we recognize Israel's right to defend itself against terrorism, it also has a duty to ensure the protection of Palestinian civilians. Canada continues to believe that respect by both parties for human rights and international humanitarian law can contribute to the creation of a climate conducive to achieving a just, lasting and comprehensive peace settlement.

In Haiti, there have been positive developments. The Presidential and Legislative elections held this year, as well as the confirmation of the municipal and local elections to be held on December 3rd, are important first steps toward the restoration of democracy and rule of law in the country. Canada has substantially contributed to international efforts to re-establish security and stability, and support longer-term reform and reconstruction. An important part of this reform will be making sure that institutions are in position to ensure the promotion and respect of the human rights of the Haitian people. Improved justice is essential for success in Haiti. We remain concerned about the use of prolonged detentions in contradiction of accepted international standards and Haiti's own constitutional obligations. Given this fragility, Canada has been working with Haitian authorities and its international partners to help define priorities that would lead to significant improvements. Part of Canada's contribution of \$520 million over the next five years, announced at the July 25 international donors' conference in Port-au-Prince, will serve to support justice reforms, as part of overall efforts to solidify the transition toward stability, security and good governance, and to assure respect for human rights and the rule of law. Canadian support is dependent on the determination of the Haitian authorities to deal with insecurity (including the tackling of gangs and disarmament), the timely conclusion of the electoral process, institutional reform and strengthening, and political reconciliation.

In Iraq, the elections in May of the first democratically elected government with a full-term mandate since the fall of Saddam Hussein's dictatorial regime is a remarkable accomplishment considering the decades of dictatorship inflicted

upon Iraqis and the attempts by insurgents to derail Iraq's democratization. We continue to be concerned by the deterioration of the security situation, but are pleased to 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.

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. Canada is supporting the peace process through contributions to the OAS Mission in Colombia (OAS/MAPP) and the National Commission for Reparation and Reconciliation (CNRR). Holding paramilitary leaders to account for serious crimes and rebuilding the lives of victims will be key for the sustainability of the peace process and for maintaining the support of the international community. We are looking for an improvement in the overall human rights and humanitarian situation, particularly the situation of the over 1.8 million internally displaced. We also remind national authorities of their commitment to respect the activities of human rights defenders.

In Afghanistan, we strongly support the prominent place accorded to governance, human rights and the rule of law in the Afghanistan Compact, and we are actively engaged in supporting the Compact's implementation. We have provided the Afghan Human Rights Independent Commission with \$1 million in funding, focused on the advancement of women's rights, human rights education, and transitional justice. 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 clear political commitment by the Afghan Government to take decisive action against those who most overtly defy the rule of law, they will continue to subvert efforts to promote stability in the country.

The decision by Senegal to bring to trial Hissène Habré is a very positive step towards ending the culture of impunity. Elsewhere in West Africa, the transfer of Charles Taylor to face trial in the Special Court for Sierra Leone is significant. His trial will be an important step in ensuring that the victims of past atrocities will see justice done, and in helping to bring long-term stability to the region.

In Argentina the nullification by the Supreme Court of amnesty for those implicated in the Dirty War, and the sentencing of Julio Simon in August for his role in the abduction and killing of José Poblete and Getrudis Hlaczik was rightly hailed around the world as a significant milestone in the fight against impunity.

Mr. Chairperson,

We have highlighted today some of the areas of greatest concern in the protection and promotion of human rights, in particular the pervasive culture of impunity that is a fact of life for many people. We have also drawn attention to

Governments and individuals that should be praised for their leadership and the hope they inspire for a better world. And we have highlighted some of our own challenges, in Canada, and some of the steps we have taken to address them. In his speech to the General Assembly last month, Prime Minister Harper called upon the United Nations to become more accountable and effective. Nowhere *is this* more laudable and more important than in the promotion and protection of human rights. Let us rise to this challenge.