

LIBERTAS

Ayesha Imam and BAOBAB

for Women's Human Rights in Nigeria Honoured in Montreal

In Montreal on the eve of International Human Rights Day, Dr. Ayesha Imam of Nigeria accepted the \$25,000 John Humphrey Freedom Award, which she shared with BAOBAB for Women's Human Rights of Nigeria. Dr. Imam has worked tirelessly for women's human rights in Nigeria and across the Muslim world, helping women to become more aware of their rights and how to access them in their daily lives. She is the founding director of BAOBAB for Women's Human Rights in Nigeria, which has a hundred volunteers in 15 states.

As part of the Award tour, Ms. Imam also visited Ottawa and Toronto, where she met with the media, students, academics, human rights activists and women's groups as well as government officials to discuss the human rights situation in Nigeria, particularly the protection of women's rights under the new discriminatory Sharia criminal laws that have been implemented in 13 of the 19 northern states in the last four years.

When asked about the recent unrest, Ms. Imam points to the West and its imposition of structural adjustment programs on Africa that cut social programs in health and education and switched from subsistence farming to cash crops in order to compete in a free trade world. She explains that local religious organizations and leaders had to step in and support the hungry and sick, and they consequently soared to power.



Kathleen Mahoney, Chairperson of the Board of Rights & Democracy, Fatima Houda-Pépin, Liberal Member of Quebec's National Assembly, Ayesha Imam, and Jean-Louis Roy, president of Rights & Democracy at the 2002 John Humphrey Freedom Award Ceremony in Montreal.

And as Ms. Imam aptly points out, whether Muslim or Christian, secular or customary, the laws are created by and in the interests of those in power.

Ms. Imam explains that a progressive interpretation of the Sharia that takes into account human rights is possible and that to question

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Rights & Democracy

International Centre for Human Rights
and Democratic Development

Rights & Democracy (International Centre for Human Rights and Democratic Development) is a Canadian institution with an international mandate. It is an independent organization, which promotes, advocates and defends the democratic and human rights set out in the *International Bill of Human Rights*. In cooperation with civil society and governments in Canada and abroad, Rights & Democracy initiates and supports programmes to strengthen laws and democratic institutions, principally in developing countries.



Best Wishes for the New Year

As we begin the new year, our best wishes are marked by a deep sense of worry. Incivility is spreading throughout our societies and the conditions that ensure our safety and shared development are regressing. In

this context, the struggle for the full respect of political, economic and social rights for all and the means to implement these rights are the main ingredients for peace in our times. Thank you to all the friends of Rights & Democracy for your support.

In December, Rights & Democracy sadly bid farewell to two of its board members: David Matas, a Canadian lawyer based in Winnipeg with an expertise in immigration and refugee laws; and Suzanne Laporte, a career diplomat currently deputy minister at the Department of Foreign Affairs and International Trade. We wish them success and thank them for their exceptional contribution to the mandate of Rights & Democracy.

I would also like to welcome our three newest board members: Charles Peter Turner, Rebecca J. Cook and Alexander Wayne MacKay, who were appointed by the Government in Council for a term of three years.

Rebecca J. Cook, a professor at both the University of Toronto's Faculty of Law and the School of Public Health at Columbia University, has worked extensively in the area of international human rights law, with a strong focus on reproductive and women's rights.

Alexander Wayne MacKay, President and Vice-Chancellor at Mount Allison University, is a native Nova Scotian, former Executive Director of the Nova Scotia Human Rights Commission, and founding director of the Law Programme for Indigenous Blacks and Mi'kmaq at Dalhousie University.

Charles Peter Turner is a lawyer and mediator practicing in rural Quebec. Since the late 1960s, he has taught at various universities in Ontario and Quebec, in human rights and international law.

Jean-Louis Roy, President

Ayesha Imam and **BAOBAB** for Women's Human Rights in Nigeria Honoured in Montreal

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the conservative and discriminatory application of the Sharia is not anti-Islamic.

Ms. Imam also addressed the importance of international solidarity action in cases such as Amina Lawal, who has been sentenced to death by stoning for having a child out of wedlock. At a roundtable discussion held at Rights & Democracy, Ms. Imam reiterated the importance of consulting those on the ground before undertaking any kind of activity or campaign. She explained, for instance, that it is not very useful to organize a letter-writing campaign addressed to the President of Nigeria to protest a state court decision, which is under the purview of the State Governor. Sometimes international intervention can be misused by the local authorities of any country in further politicizing their "us" versus "them" attitude. In fact, it can be more useful to allow the appeal to go through and thereby legitimize the rule of law.

Activists on the ground will sometimes have more power when there is no direct international intervention. Useful indirect



Photo: Chris Osler

Foreign Affairs Minister Bill Graham with Minister of State for Multiculturalism and the Status of Women, Jean Augustine, hosted a luncheon for Ayesha Imam and Sindi Médar-Gould, current Executive Director of BAOBAB for Women's Human Rights in Nigeria, in Ottawa's House of Commons on December 11, 2002.

intervention in that case may mean providing funding to cover the legal or medical costs of the accused or sharing knowledge regarding Muslim laws.

policies; refugee policies, etc.); be active with your own media (assist in preventing or correcting language which is biased or uneducated); contact the people on the ground and ask them what they need.

Media organizations should also beware of not endangering human rights defenders or victims, by using accurate language and developing a sensitivity regarding the cultural or religious context.

Some suggestions were offered for the public who want to assist human rights defenders: be active with your own government (in foreign policy matters, including economic

Working Group on the Rights of Indigenous Peoples: **Slow Progress** in Geneva

Jean-Louis Roy, President of Rights & Democracy, called on governments to recognize the right of indigenous peoples to self-determination and to pave the way for the adoption of the United Nations Draft Declaration on the Rights of Indigenous Peoples.

Speaking at the 8th session of the Draft Declaration Working Group of the UN Commission on Human Rights held in Geneva from December 2 to 10, 2002, Mr. Roy said: "It would be tragic, with respect to both history and the future, if the International Decade of the World's Indigenous Peoples were to end without a favourable response to their principal aspiration."

"The right of indigenous peoples to self-determination does not represent a threat to peace. Rather, it is a condition for peace. It amounts to a sine qua non of justice for indigenous peoples," he asserted.

Despite some movement on Article 3 on self-determination, which has become the stumbling block of the Draft Declaration, not a single article was adopted at this meeting. However, there was guarded optimism on a possible acceptance of Article 3 in its present form, when a number of States, including Mexico, Cuba, Denmark and Guatemala, endorsed it.

Canada continued to oppose Article 3 and suggested several amendments that would have forced indigenous peoples to negotiate their

political status internally with governments. Indigenous representatives were disappointed with this approach as they were with the United States when it reintroduced the concept of a limited "internal self-determination," a proposal that did not win any support from other delegations.

Most indigenous representatives at the Working Group and leading legal scholars insist that "internal self-determination" is not a recognized concept in international law and must be rejected.

Rights & Democracy organized a seminar on Article 3 and self-determination last May in New York, bringing together numerous experts as well as representatives of governments, indigenous peoples and non-governmental organizations, in an attempt to depolarize the debate and to identify possible solutions. The presentations of the experts who took part in the seminar, including Erica-Irene Daes (Chairperson of the UN Working Group on Indigenous Populations for the past 20 years), Rodolfo Stavenhagen (UN Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People), and Antonio Arenales Forno (Permanent Representative of Guatemala at the United Nations in Geneva), were published in a report which was released at the Working Group in Geneva and which is available in French, English and Spanish at www.ichrdd.ca.

Winds of Change Sweep Kenya

With the defeat of President Daniel Arap Moi's government on December 27 and the election of a coalition of the opposition, Kenya is demonstrating that democracy can take root in Africa. After a 30-year struggle, the National Rainbow Coalition has succeeded in removing the ruling KANU party by winning a majority in Parliament with 125 out of 210 seats.

Among the elected were some of Rights & Democracy's friends and partners: Kiraitu Murungi, now Minister of Justice and Constitutional Affairs, was one of the founders of the Centre for Governance and Development (CGD); Mukhisa Kituyi, Minister of Industry, also of the CGD; Wangari Matthai, Assistant Minister for the Environment, has been a very active representative of the Green Belt Movement; and Kivutha Kibwana, an elected representative, was a member of the National Convention Executive Council.

For the first time in Kenya's history, six women have joined the cabinet, including three as ministers and three as assistant ministers.

The new government's priority is to complete, during the next 90 days, the constitutional reform in which Kenyan civil society has been involved for the last few years.

Kenya has now joined the ranks of other African countries who have made the peaceful transition to democracy, such as South Africa, Nigeria, Mali and Senegal. It is an encouraging sign for East Africa and the Great Lakes Region where a peace process is underway.

Nina Pacari **named Foreign Affairs Minister of Ecuador**

Rights & Democracy would like to extend its sincere congratulations to our friend and partner, Nina Pacari, who was recently appointed Foreign Affairs Minister in Ecuador, the first indigenous woman ever to be chosen for that position. Concurrently, Luis Macas, also an indigenous

representative, was chosen as Minister of Agriculture.

Nina Pacari participated as an expert and member of the Republic of Ecuador National Congress in Rights & Democracy's seminar on the right to self-determination of indigenous peoples, which took place in New York on May 18, 2002.



Afghanistan Mission Report:

Women No Better Off One Year Later

More than a year after the fall of the Taliban regime, the situation of women and girls has changed very little in Afghanistan: Women still have no access to education, health or the workforce. They have little freedom of movement and are victims of harassment, says a report published by Rights & Democracy.

Ariane Brunet and Isabelle Solon Helal of Rights & Democracy travelled to Kabul in the fall to assess the needs of women and to establish the Canadian International Development Agency (CIDA) sponsored Fund for Women's Rights in Afghanistan. In its fact-finding mission report (available in French and English at www.ichrdd.ca), Rights & Democracy points to the need for involving women in every aspect of Afghanistan's reconstruction, aid programmes, and peacebuilding efforts.

In more than 30 recommendations the authors address a host of issues, including the militarization of humanitarian assistance, the need to extend the International Security Assistance Force outside of Kabul and women's legal, educational and health issues.

With the International Support Group to Afghanistan (Medica Mundial — Germany, All Afghan Women Union Kabul, Afghan Women Lawyers Professional Association and Canadian Women for Women in Afghanistan), Rights & Democracy released an open letter to the donor countries meeting in Oslo on Dec. 17 urging them to put women's rights on top of their agenda. The group recommended banning the practice of giving young girls or children to pay off debts or as compensation for murder. Not only do rules allow

for humans to be traded, but women who are imprisoned in Afghanistan jails have committed no crime: they are doing time for their fathers, husbands or brothers.

The mission also found that the "militarization of aid delivery" has had serious consequences for beneficiaries and for the future of the country. Troops, charged with delivering humanitarian assistance, also gather intelligence, a practice which creates fear among the population, says Rights & Democracy's report. "This affects the relations of aid workers with the local population and can lead to inconsistent quality of assistance... The new security agenda and the militarization of aid contradict the basic principles of humanitarian assistance: impartiality and neutrality."

Rights & Democracy

Holds International Meeting on Burma

On October 10 and 11, Rights & Democracy hosted the annual meeting of The Burma Donors Forum (BDF). The BDF is comprised of organizations and foundations that support the Burma pro-democracy movement. For the first time, the BDF meeting took place concurrently with the Burma Border Consortium (BBC) meeting, an international coalition providing humanitarian assistance to Burmese refugees in Thailand and which is comprised of non-governmental organizations and government donors from 13 countries. The BDF meeting was hosted by Inter Pares.



Photo: Inter Pares

His Excellency, Dr. Sein Win, Prime Minister of the National Coalition Government of the Union of Burma (NCGUB)

In conjunction with these events, on October 9, Rights & Democracy and Inter Pares supported Canadian Friends of Burma and solidarity groups in organizing a one-day public conference in Ottawa entitled "Promoting Democratic Change in Burma: The Role of the International Community." Participants included NGOs, international experts, government representatives, members of parliament and the general public and such respected government officials as His Excellency, Dr. Sein Win, Prime Minister of the National Coalition Government of the Union of Burma (NCGUB).

Rights & Democracy was the first institution in the world to recognize and provide political and financial support to the NCGUB. Created in December 1990, the NCGUB consists of representatives elected to the People's Assembly (Pyithu Hluttaw) in the May 1990 national elections in Burma. It was formed as a result of the consistent refusal by the military rulers to transfer power to the legitimately elected representatives of the People's Assembly.

For more information on the conference, visit the Canadian Friends of Burma Web site at www.cfob.org.

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