

**Statement of the Special Rapporteur on the Situation of Human
Rights in Cambodia**
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Human Rights Council
30th Session
29 September 2015

Mr President, Excellencies, ladies and gentlemen.

I am deeply humbled at the trust placed in me by the Human Rights Council in appointing me Special Rapporteur on the situation of human rights in Cambodia. This afternoon I have the honour to present my first report. This was submitted in June before I had the opportunity to visit the country and I note the useful additional information provided by the Kingdom of Cambodia, available to the Council as a G document – A/HRC/30/G/1. I have just returned from my first mission to the Kingdom and can update the Council on my findings. At the outset, I would like to extend my sincere appreciation to the Royal Government of Cambodia for their invitations to visit and the cooperation extended during the visit. I would also like to thank OHCHR for their support of the mission.

My oral report will summarise this initial mission, reflect on progress on the recommendations of my predecessor, indicate current issues of pressing concern in Cambodia and reflect on possibilities for this mandate.

It was a pleasure to return to Cambodia in my new capacity as Rapporteur, and I was moved by the warm welcome I received from all those whom I met. During my nine-day visit, I had the privilege of meeting with Samdech Techo Prime Minister Hun Sen, a wide range of Government ministers, as well as representatives of the National Assembly, the Senate, and the Cambodian Human Rights Committee. I also met with representatives of the civil society, local communities, and the diplomatic community, in addition to the UN Country Team. I further took the opportunity to visit Koh Kong province, where I met with provincial authorities and private actors to better understand land concessions and the implementation of the law on peaceful demonstrations. Additional meetings were held in Bangkok last Friday.

This initial mission had two principal goals: introductory and information gathering. It was an opportunity to introduce myself to key members of the Royal Government as well as a wide range of other stakeholders. My second, related, goal was information gathering. Through meetings, observation and the field trip, I sought to gather information to help my understanding of the human rights situation in the country.

At each ministerial meeting, I enquired as to areas of progress as well as actual or anticipated challenges in respecting, protecting and promoting international human rights within each Ministry. Based on the responses received, it is clear to me that the Government is engaged in a number of reform initiatives which could pave the way to resolving some of the outstanding human rights issues in the country. I was most appreciative of the acknowledgement of what remains to be done and the willingness of so many Ministers to engage in constructive dialogue with me, and indeed, other actors including the Office of the High Commissioner of Human Rights.

This mandate has a long history. Should it be renewed by the Council later this week, I plan to build on the work of my five predecessors. Their observations outlined the challenges that this country has faced in promoting and protecting human rights and included concrete recommendations, many of which are yet to be fully implemented. My predecessor took an institutional approach: his reports focused on judicial, parliamentary, electoral and land reform. I would echo his findings and

recommendations and I would plan to continue to monitor future institutional developments and reforms.

With respect to the judiciary, the Minister of Justice outlined how his Ministry is engaged in the implementation of the three fundamental laws on the judiciary which were adopted last year. I heard from many Cambodians that a strong, independent judiciary is considered essential to guarantee the full realisation of human rights. I agree with their views and it is to be hoped that this opportunity will be taken to further strengthen the independence of the judiciary by integrating appropriate safeguards.

As for parliament, I took the opportunity to meet with those involved at all stages of the legislative process. A number of stakeholders expressed concern over the perceived lack of meaningful consultations preceding the enactment of key laws with implications for human rights, not least the Law on Associations and Non-Governmental Organisations (LANGO), adopted July 2015. A draft trade union law and draft cybercrime law are amongst measures presently under development. Further transparency and consultation in the legislative process should be encouraged to ensure a process with participation by, and consideration of, the views of all stakeholders as well as evaluation of all laws for compliance with international human rights standards.

Land remains one of the most complex human rights issues Cambodia is currently facing. The process of conferring land titles and redressing problematic land concessions granted in the past is beginning to see a degree of success. However much remains to be addressed, particularly for the most marginalised communities, including indigenous peoples. The review of concessions, including their cancellation and redistribution as appropriate, is ongoing. I was pleased to note that the Minister of Environment is willing to actively resolve specific issues brought to his attention whilst working more generally on the resolution of land issues particularly in protected areas.

Turning to key issues in Cambodia today, there was a general consensus among civil society actors that the space for the peaceful exercise of the freedoms of assembly, association and expression is shrinking as the country moves towards the 2017 commune elections and the 2018 National Assembly elections. This is a matter of concern given that the ability of all persons to obtain redress and contribute to finding solutions to land, labour and other disputes often depends on their ability to peacefully exercise such freedoms. As I repeatedly found evidence of concern over the interpretation and application of restrictions, I was pleased to have had the opportunity to engage in discussion with many Government actors on the importance of ensuring a balance between freedom of expression, assembly and association and the legitimate need of the State to preserve and maintain public order and stability in accordance with international human rights law. I do hope that the planned implementation guidelines on LANGO will appropriately reflect this balance as expressed, amongst others, by the Special Rapporteur on Freedom of Peaceful Assembly and Association. I further hope that they, and the implementation guidelines on the Law on Peaceful Demonstrations, are then widely disseminated to all relevant officials and the public in order to ensure the uniform and fair application of these laws.

Concerns were also raised by a number of stakeholders relating to the treatment of particularly vulnerable groups: the situation of asylum seekers and refugees in Cambodia (especially from the Central Highlands of Viet Nam); and the use of vocational training centres to house people removed from the streets of the capital city are just two examples. There are clear obligations, voluntarily accepted by Cambodia in the Refugee Convention of 1951 and core human rights treaties, which, if given full effect, would ameliorate that vulnerability.

Mr. President, Excellencies,

In addition to monitoring and building on the work of my predecessors, I believe my contribution could be to focus on the situation of specific marginalized and disadvantaged groups, for example, those victims of race and ethnic discrimination, indigenous peoples, women, children, and persons with disabilities. I trust that a closer examination of the human rights situation with respect to such marginalised and disadvantaged groups will enable me to assist the Government with its endeavours to achieve an equitable and prosperous society.

As an academic, I am firmly of the view that education, particularly human rights education, is a key to securing a just and more equitable future for the people of Cambodia. The importance of ensuring better access to, and better quality of, education is supported by the demographic composition of Cambodian society. It is encouraging to note the dedication of the Minister of Education, Youth and Sport in this regard. It is clear that education should include promotion of tolerance and understanding as well as human rights awareness. Human rights education should, in my view, be a cornerstone of Cambodia's future, and should not be restricted to children and youth, but also encompass law enforcement officers, parliamentarians, all levels of government and the judiciary.

By voluntarily ratifying a substantial number of core human rights treaties, the Royal Government of Cambodia has agreed to act in accordance with the internationally understood meaning of those treaty obligations by taking the necessary administrative, legislative and related steps to ensure the protection of rights within its jurisdiction. This means the adoption of laws which respect human rights norms and legally guarantee the fair and equal enjoyment of the rights contained in those treaties. It also means securing the institutional foundations for checks and balances on power, as well as remedies when violations occur. As I believe the Government of Cambodia is aware, building both the legal and institutional foundations for human rights protection is a "work in progress". There is thus ample reason for the continuation of cooperation and I note the resolution tabled on Cambodia foresees a renewal of both the mandate and continuation of the work of OHCHR in the country.

Should this resolution be adopted, I pledge to undertake the tri-partite role any mandate entails, namely advising, monitoring and reporting on the human rights situation, with honesty, neutrality and in a spirit of cooperation. Finally, for the remarkable privilege of being appointed by this institution to serve both you and the people of Cambodia in such a unique, independent way, thank you.

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