



## FOR IMMEDIATE RELEASE

### Statement by the United Nations Special Rapporteur on the situation of human rights in Cambodia, Professor Surya P. Subedi

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This year is the 20<sup>th</sup> anniversary of the adoption of the Paris Peace Accords in 1991 which set in motion the peace process in Cambodia. My mandate has its origins in these Accords. What has been achieved in Cambodia since then is remarkable. The conflict was resolved, the transitional period was managed reasonably well, a new democratic Constitution was adopted in 1993 and periodic elections have taken place since then. There has been steady economic growth and political stability in recent years which has enabled many people to come out of poverty, at least in urban areas, and enjoy not only their civil and political rights but also economic, social and cultural rights. On the whole, Cambodia can be proud of these achievements.

The Paris Peace Accords established the rule of law, human rights and democracy as major pillars of the new political architecture for the country. Thus, the peace process cannot be regarded as complete until the democratic institutions created under the Constitution are able to work effectively and independently. Therefore, the international community has a particular stake and a responsibility in this regard. It is in this context that I am carrying out a systematic assessment of the State institutions with a view to exploring the ways and means of strengthening their capacity and independence in upholding people's rights. Accordingly, my latest report to the Human Rights Council focused on the judiciary. I hope the Royal Government will give serious consideration to my recommendations and inform me about the steps it is taking in this regard.

I have focused my current mission mainly on examining the capacity of parliament to uphold people's rights and democratic norms. Enjoyment of human rights by all depends on the state of democracy in the country. Democracy is not only about holding periodic elections, but developing a culture of debate, pluralism and participation. A properly functioning democracy requires an effective opposition. Democracy is not about rule by law but about the rule of law. It is in these areas that a great deal of work needs to continue and I am here to offer my assistance. Cambodia is one of the most ancient and rich civilizations in this region, but in terms of democracy, it is young and can benefit from assistance from different quarters, including the United Nations.

With a view to providing my constructive suggestions to the Government, I have monitored the situation of human rights in the country and am concerned by the state of various human rights issues and especially freedom of expression and land rights. I am of the view that the peaceful expression of opinion should not be dealt with under the Penal Code as is currently the case with crimes such as defamation and falsification of information. Those holding public positions should be willing to accept criticism for their decisions. Criticism is not a crime but an exercise of freedom of conscience, an act of intelligence. I believe that criticism is more useful when it is constructive and respectful. Disparaging remarks do not help dialogue. These were some of the main issues which constituted the basis of my dialogue with Prime Minister H.E. Mr Hun Sen, the Deputy Prime Minister H.E. Mr Sok An, and other senior members of the Government. I was encouraged by their response to some of the issues that I raised.

I am concerned about the narrowing of space for people to express their views peacefully and without fear, including those belonging to different political parties. I am particularly

concerned in this regard by the use of the crime of incitement against human rights defenders. In my view, political actors and civil society organizations should work towards creating an environment which is conducive to the enjoyment of human rights by all and to economic development for the benefit of all.

Many achievements have been brought about by the Government to improve the situation of human rights. Efforts to rebuild the legal framework since 1993 and to rebuild the judiciary (virtually from scratch) are notable examples. Another example is the work carried out by the Ministry of Land Management to develop a comprehensive legal and policy framework relating to land rights and housing issues. The Ministry of Interior has set a good example in its effort to reform the correctional system, to establish a mechanism to prevent torture, and to develop and implement the law on peaceful demonstrations. More recently, the Ministry has been engaging in fruitful consultation with civil society organisations on the draft NGO law. I hope that it will pursue this consultation to bring the draft law into conformity to international norms. The Cambodian Human Rights Committee is finalising the Government's report to the United Nations on its obligations under the International Convention on Civil and Political Rights and is working to implement the recommendations of the Universal Periodic Review.

Another item on the agenda in my meeting with the Prime Minister was a possible mechanism for dialogue between the Government and civil society as proposed by a group of NGOs. The Prime Minister has underlined the importance of the mechanism being as inclusive as possible. I would encourage the Government and the civil society to pursue dialogue on this path towards the establishment of a regular consultation mechanism.

All in all, I have enjoyed a good level of cooperation from the Royal Government. The dialogue with the Prime Minister and other senior Ministers was candid but cordial and we agreed to continue our cooperation. The meetings that I had with Members of the National Assembly and Senate, representatives of political parties and civil society representatives were fruitful. My direct interaction with victims of human rights violations was helpful to understand the weaknesses that still exist in the implementation of domestic laws and international norms in the country.

Cambodia has ratified more human rights treaties than many other States and has accepted all recommendations made during the Universal Periodic Review process in the Human Rights Council. It is a forward-looking country with a democratic Constitution. Obviously, it has different challenges to other States, given its turbulent history. Cambodia can aspire to be a model, aiming to live by better examples. The presence of the UN and its human rights mechanisms in the country is a good thing for Cambodia. Many interlocutors agree with me on this. Mutuality of respect and a constructive approach should, of course, be the basis for cooperation.

In conclusion, I would like to thank the Prime Minister and other members of the Royal Government, members of the National Assembly and Senate, civil society representatives, members of the diplomatic community based in Phnom Penh, the UN country team and the Cambodia Office of the United Nations High Commissioner for Human Rights for their cooperation, welcome and support extended to me during my mission to this country.

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*Professor Surya P. Subedi was appointed by the UN Human Rights Council as the UN Special Rapporteur for Human Rights in Cambodia in March 2009. He is currently Professor of International Law at the University of Leeds in the United Kingdom.*

*All media requests related to the Special Rapporteur can be addressed to the Cambodian Office of the High Commissioner for Human Rights. Please contact Zoe Latumbo (Tel: +855 012790178 / email: [zlatumbo@ohchr.org](mailto:zlatumbo@ohchr.org)) or Huan Touch (Tel: +855 012 476 493 / email: [htouch@ohchr.org](mailto:htouch@ohchr.org)).*