



PRESS RELEASE

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

Phnom Penh, 9 December 2011

I am about to complete my sixth human rights fact-finding mission to Cambodia. The focus of this mission has been a human rights assessment of State institutions relevant to the electoral process in the Kingdom, including the laws, policies and practices applicable to elections. During my mission I also have attempted to assess any progress in the implementation of recommendations contained in my previous reports to the Human Rights Council, and I have taken the opportunity to continue to monitor and address other ongoing human rights issues in the country, such as disputes related to land, freedom of expression, and the proposed Law on Associations and Non-Governmental Organizations.

During the mission I was able to meet with a broad range of actors, including civil society, political parties, the National Election Committee and a provincial electoral committee, the Minister of Interior, the Cambodian National Police, the Ministry of Defence, commentators, foreign diplomats and donors and the United Nations Country Team.

Free and fair elections are underpinned by respect for international human rights norms. Article 25 of the International Covenant on Civil and Political Rights (to which Cambodia is a State party) provides that everyone has the right to take part in the conduct of public affairs in the country, and to vote (and to be elected) “at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors”.

Cambodia stands at the cusp of two years of elections, with commune elections in 2012 and national elections in 2013. These will be the fourth national elections run by the Kingdom since the landmark 1993 elections organised by the United Nations.

The Constitution of Cambodia firmly establishes the country as a democracy, and elections are central to democracy. Cambodians across the country embraced democracy with high expectations, and my visit here again shows how seriously all actors are engaging in preparations for the forthcoming elections. Cambodians in the street see their future as a democratic future. After a relatively short history of democracy in the country, Cambodians are used to the idea of voting, and those responsible for organizing the elections have greatly increased their capacity to do so. A key challenge will be to anchor this thirst for democracy in the nation's youth, and I am encouraged by efforts by the National Election Committee to devise programme to reach out to the Kingdom's burgeoning youth population. More generally, since the first elections in 1993, the Cambodian Government and those working in the electoral institutions have greatly increased their knowledge and strengthen their ability to run and hold elections. I am very happy to report that civil servants working in government ministries, the National Election Committee and other state institutions, as well as civil society have all shown to me during my meetings that they have a very good understanding of the laws and practices that govern the electoral process in Cambodia.

During my mission I received a large amount of information from people and institutions with often very different viewpoints. Many presented me with information on the improvements made over the past decade to ensure that elections conform with good international practice. Others presented me with allegations of irregularities or of systemic problems that undermine the country's ability to hold free and fair elections. I have listened to and taken note of all this information. I will need to consider it carefully and - if necessary - verify the information before I write my report. Today I can merely flag some of the matters brought to my attention.

In order to have free and fair elections a country needs to have a flourishing and open society to share ideas, thoughts and opinions. Criticism of a government is a healthy and natural occurrence, in all democracies from West to East we can see that those with an open society encourage the government to rethink, debate and take on board new suggestions that aim to benefit the country as a whole. The need for an effective and functioning opposition therefore is paramount as they act as check and balance for government politics, actions and strategies. Opposition parties can furthermore work with the Government to bring people together, particularly in the case of elections where it is in both the Government's and the opposition's interest to have a high voter turnout.

This general context of a functioning pluralist democracy underpins free and fair elections. I now turn to the conduct of elections themselves.

I am concerned at the information I have received concerning low voter turnout, a decreasing trend in voter participation and voter fatigue. There are a number of reasons why an individual may choose to opt out of participating in the electoral process. However in many cases people do not choose to abandon their right to vote, but face such significant barriers that they are effectively disenfranchised. After my visit, I will look closely at the ability of those most vulnerable in society - the poor, the homeless, the evicted – to see whether they are in reality able to exercise their right to vote. I hope to be able to provide the Royal Government with some recommendations to strengthen citizen participation in democracy in Cambodia.

A number of other concerns were raised with me, and I intend to study each of them carefully.

- One is the role of the media in elections, and concerns that some political parties have been denied access to the media on an equal footing with other parties.
- Another is the use of State resources by political parties during their campaigning, including the time of government employees, motor vehicles, materials. I was happy to receive assurances from His Excellency the Deputy Prime Minister and Minister of Interior that the Government will be instructing all civil servants, police and military personnel that they should not participate in any political activities whilst working in their official capacities, which includes the use of government resources, and that neutrality is to be paramount.
- Some interlocutors highlighted the cumbersome voter registration process, and the scope that the process itself opens for irregularities.
- Some political parties have reported threats, intimidation and harassment (including legal proceedings) against their members and candidates. These are extremely worrying allegations and I have raised with the authorities. I will continue to seek information in these issues.
- I am aware of the situation of the leader of the Sam Rainsy Party. My view is that a concerted effort by the ruling party and the opposition party towards a reconciliation is in the interests of stronger and deeper democratization of the country.

Before I conclude I would like to address briefly the issue of the draft Law on Associations and Non-Governmental Organizations. I was encouraged by the decision of the Royal Government to produce a new draft of the Law and to signal their intention to hold further consultations with civil society on the new draft. I urge the Government to release the new draft as soon as possible and to allow enough time and as broad a representation of civil society as possible to achieve a meaningful consultation.

In concluding, I would like to thank the Royal Government for the good level of cooperation extended to me during this visit. My other interlocutors have proven very welcoming and forthcoming, including the election committees, civil society, the UN country team and donors. As ever, the Office of the UN High Commissioner for Human Rights has provided me with the logistical and technical support necessary to undertake my work, and I thank them.

END

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) or Huan Touch (Tel: +855 012 476 493 / email: htouch@ohchr.org).