



PRESS STATEMENT

Statement by the United Nations Special Rapporteur
on the situation of human rights in Cambodia

Professor Rhona Smith

Phnom Penh, 24 September 2015

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It is an honour and a pleasure for me to have undertaken my first mission to the Kingdom of Cambodia since my appointment by the United Nations Human Rights Council in March 2015 as the Special Rapporteur on the situation of human rights in Cambodia. At the outset, I wish to thank the Royal Government of Cambodia for their invitation and the cooperation extended before and during the mission.

As you are aware, in my role as Special Rapporteur I am independent from any government or organisation and I serve in my individual capacity. My mandate entails a triple role: to advise, to monitor and to report on the human rights situation in Cambodia. I believe that all three functions are equally important and inter-related.

The key objectives of this mission were two-fold: introductory, to establish cordial and constructive relationships with the Government and other interlocutors as a basis for an effective discharge of my mandate, and fact-finding, as I report to the United Nations Human Rights Council next week in Geneva. I have had the privilege of meeting with Samdech Prime Minister Hun Sen, Deputy Prime Minister and Minister of Interior Samdech Kralahom Sar Kheng, His Excellency Deputy Prime Minister and Minister in Charge of the Council of Ministers Sok An, His Excellency Mak Sambath, Chair of the Cambodian Human Rights Committee, His Excellency Hang Chuon Naron, Minister of Education, Youth and Sports, His Excellency Say Sam Al, Minister of Environment, His Excellency Ang Vong Vathana, Minister of Justice, His Excellency Ith Samheng, Minister of Labour and Vocational Training, and His Excellency Chea Sophara, Minister of Rural Development. I have also met with other senior officials from the National Assembly and the Senate, members of the United Nations system in Cambodia, and representatives of a broad range of civil society actors and other stakeholders. I have also undertaken a field visit to Koh Kong province, where I met with provincial government and court authorities, civil society representatives, community members, and private sector actors.

Although I have visited Cambodia many times, my first visit as Special Rapporteur has been an opportunity to establish channels of communication with the senior members of Government and to hear directly from a broad cross-section of the population, including at the grassroots' level. I was pleased by the frank and informative discussions that I have had with all whom I have been able to interact. I thus wish to thank all my interlocutors for these meetings, which have helped me deepen my understanding of the human rights situation in the country.

Cambodia continues to develop at an extraordinary pace, and contemporaneously is assuming a growing role within ASEAN and the world at large. Several government ministers explained the ongoing reforms within their areas of responsibility. Moving forward, it is important that all actors can play a meaningful role in the discussions on the future of this country. Indeed, one of the main positive features of Cambodia's society is the space which allows social media and civil society to flourish. I am appreciative of the acknowledgement of what remains to be done and the willingness of many stakeholders to engage with me in a constructive dialogue, to secure the continued growth and stability of Cambodia.

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 they made a number of concrete recommendations in that regard. I concur with the view expressed that strengthening the rule of law further, developing and ensuring the independence of those bodies with specific roles in the protection of human rights, particularly the judiciary, is essential for building the stable democratic nation that Cambodians aspire to live in. Care must be taken to properly address situations which have created widespread discontent, including land and labour disputes.

The Prime Minister raised the issue of discrimination. In my opinion, discrimination is a matter of concern in any State. My predecessor, Professor Subedi, noted in his final press statement that 'after coming this far in the journey towards good governance, stronger democracy, rule of law and greater respect for human rights, there should be no room in Cambodian politics for racism, xenophobia and discrimination of any kind on any grounds...'. I echo his opinion.

Discrimination on any ground is a legitimate concern when promoting human rights in an equitable, fair society. It is a tool which can be used to limit the enjoyment of human rights by individuals and groups within society. International law is clear that rights and freedoms shall be enjoyed without distinction of any kind, including on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, sexual orientation, gender identity, disability or other status. Whether indigenous peoples and land rights, women and access to justice, asylum seekers and the recognition of refugee status, workers and labour rights, urban poor and the treatment of

street people, rural poor and land concession resettlements, the potential for discrimination to undermine respect for human rights is omnipresent.

Ensuring respect for all human rights and fundamental freedoms is the primary obligation of any State which accepts international human rights treaties. By having voluntarily ratified many of these treaties, the Royal Government of Cambodia has agreed to take all necessary administrative, legislative and related steps to ensure the protection of rights within its jurisdiction. This includes the adoption of laws which respect human rights norms and legally guarantee the fair and equal enjoyment of the rights contained in those treaties. Several key laws with considerable implications for human rights have been adopted in recent years and several more are in progress, including the draft trade union law and the draft cybercrime law. Ensuring inclusiveness and transparency in law-making is an integral requirement for democracy and good governance.

I am grateful for the frank exchanges on the progress and challenges faced in the area of land concessions, which is without doubt a complex human rights issues facing the nation. Many of those that have suffered from forced evictions continue to seek justice, while the process of conferring land titles and redressing problematic land concessions granted in the past is beginning to see a degree of success. I fully agree with the recommendations made by my predecessors and encourage the continued review of the concessions, including their cancellation and redistribution as appropriate. As acknowledged by many, there is still much to be done, particularly for the most marginalised, such as indigenous peoples.

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 their fundamental freedoms of expression, assembly and association. These are the building blocks on which many of their other rights depend. Thus, much of the continuation of peace and stability in the months and years ahead will depend on how well these rights and these freedoms are respected, and how justly the domestic laws that govern them in Cambodia, including the Law on Associations and NGOs (LANGO) and the Law on Peaceful Demonstrations, are implemented across the country. In my interactions, I have noted that there seems to be widely diverging interpretations of permissible restrictions of these rights under international human rights law. The balance between protecting these freedoms and maintaining public order can be a difficult one for any State. Nevertheless that balance must be struck fairly and in accordance with international human rights law. I will be paying particularly close attention to these rights during the discharge of my functions.

Given my background, 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 and better quality of education is necessitated by the demographic composition of Cambodian society. Within education, broadly construed, it is important to ensure the development of awareness of human rights

amongst all actors. Ensuring awareness among children and youth, law enforcement officers, parliamentarians, all levels of government and the judiciary will help Cambodia better fulfil its human rights obligations. Human rights education should, in my view, be a cornerstone of Cambodia's future but also its present.

In this connection, I have been struck in meeting after meeting with senior Government officials by their expressions of appreciation and pledges for cooperation with the Office of the United Nations High Commissioner for Human Rights. I sincerely hope to see that cooperation continue, for advice, no matter how sound, will require action to impact on the lives of people. OHCHR is well placed to provide the necessary technical assistance to help give effect to the recommendations emanating from this mandate, as are a number of development partners that are lending assistance in areas of critical importance to the realisation of human rights.

I am deeply honoured to have been entrusted with this mandate by the United Nations Human Rights Council. I pledged to undertake this important task with honesty, neutrality and in a spirit of cooperation. I am grateful for the Government and the people of Cambodia for welcoming me most warmly during this visit.

END

Professor Rhona Smith (United Kingdom) was appointed by the United Nations Human Rights Council in March 2015, succeeding Professor Surya P. Subedi, who completed his six-year term on the mandate in March 2015. The mandate of the Special Rapporteur derives from the Paris Peace Accords Agreement on a comprehensive political settlement of the Cambodian conflict. Ms. Smith is a Professor of international human rights in the United Kingdom. Ms. Smith has also been a visiting professor at Pannasastra University in Cambodia where she worked on designing and developing course curricula for the re-launch of Cambodia's first master level program in human rights law.

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