



អង្គការសហប្រជាជាតិ

ការិយាល័យនៃឧត្តមស្នងការអង្គបណ្តុះបណ្តាលសិទ្ធិមនុស្សប្រចាំកម្ពុជា



Statement by the United Nations Special Rapporteur for Human Rights in Cambodia
Professor Surya P. Subedi

Phnom Penh, 26 January 2010

I am about to complete my two-week mission to Cambodia to monitor the human rights situation and to contribute to fostering strengthened cooperation in this field with the Royal Government of Cambodia, the civil society sector and other stakeholders to improve the regime of protection and promotion of human rights. Although the situation of human rights in Cambodia still falls short of the international standards required, I am encouraged by the progress made by Cambodia in a number of areas since my last visit in June 2009, and by the willingness on the part of the Government to work with me to identify the problems and address them together. Examples of such areas of progress include the strengthening of the legal framework to manage the issue of urban evictions and relocations; the completion of the first case at the ECCC and good progress on the investigations of the subsequent cases; continued effort to reform the prison system; the adoption of the Penal Code; and an improved regime for public demonstrations.

I have had the privilege of meeting with His Excellency Prime Minister Mr. Hun Sen and a number of other senior government officials, the leaders of several political parties in the National Assembly, the chairpersons and members of various constitutional bodies, the ambassadors based in Phnom Penh, and representatives of civil society, and am pleased with the assurance of cooperation received from them.

The Government has been receptive to some of the suggestions, including developing binding national guidelines on land evictions, making the law-making process more transparent by sharing draft legislation which has an impact on human rights issues with the wider community, and creating a Government and civil society forum in order to foster an environment of cooperation to strengthen democracy and human rights in the country. The Government is becoming more actively engaged with the UN human rights bodies in identifying the issues that stand to be addressed in the country. I hope that the Government will move towards more inclusive, participatory and transparent decision-making processes on issues which have a direct impact on people's human rights. The challenge is to implement in practice the commitments made by the Government in its reports to various UN and treaty bodies.

After completing my first mission to the country in June 2009, which was primarily a familiarisation mission, my work has entered a new phase in which I am looking into the workings and effectiveness of state institutions responsible for promoting and protecting the rule of the law, and addressing the human rights issues of the people of Cambodia. Since democracy and human rights are intertwined, what happens at the heart of the government in terms of the operation of the principles of the separation of powers and checks and balances

on those powers has profound implications for the promotion and protection of human rights by state institutions. The independence of the judiciary and its ability to command the respect, trust and confidence of the people is vital to the Cambodian society, which is still in the process of transition from the legacy of the tragic past. In this respect, I have suggested that an increase in the budget devoted to justice, and the adoption without further delay of the law on the organization of the court system, and on the status of judges and prosecutors, would be significant steps to that end.

The executive branch of the Government has a vital role to play in guiding the nation towards a situation where individuals can maximise their potential within a democratic framework, but executive powers need to be balanced against the powers of the legislative and an independent judiciary under the rule of law. The executive branch should set a good example by demonstrating greater tolerance for democratic pluralism. Since parliament is the soul of democracy equally important is the need for an effective and properly functioning National Assembly capable of representing the aspirations of the people and making the executive accountable. Cambodia has made a good progress in establishing various institutions to promote and protect the rule of law, democracy and human rights. But there are concerns about the functioning of these institutions as effectively, objectively and impartially as possible. Having institutions is one thing, but their proper functioning is another.

It is important for parliament – which basically is a debating chamber on issues of national importance - to enable all of its members to express their views freely and participate fully in the conduct of its business, regardless of which political party they belong to, if it is not to be seen as a mere rubber stamp. It needs also to have the power to amend draft laws, even against the wishes of the executive. The principles of democracy demand that the majority respects the minority in decision making. The challenge is not only to apply the existing laws but to make the laws themselves more democratic and more conducive to the expression of a plurality of voices and the enjoyment of the rights and freedoms by the people of Cambodia.

Land and housing rights, freedom of expression and the independence of the judiciary were some of the core areas of concern expressed to me by the representatives of civil society. I understand that many aspects of these issues are also closely linked to the independence, transparency and accountability of the State institutions that are mandated to protect and promote human rights. The challenge is to transform the international obligations undertaken by Cambodia not only into national law but also into practice, in order to strengthen the culture of democracy and tolerance required to usher the country towards lasting peace, greater prosperity and unity. It is with this in mind that I have charted out the next phase of my work in Cambodia and I hope to receive full cooperation from the Government, civil society and the international development partners of Cambodia.

I am pleased with the opportunity that I have had during my visit to outline my intention to engage in a constructive dialogue with the Royal Government of Cambodia and to offer my assistance in dealing with some of the pressing human rights issues confronting this nation. I thank the Royal Government for discussing issues of concern in an open and candid manner and for inviting me to assist them to address some deficiencies that exist in the democratic governance of the country and in the promotion and protection of human rights. I also take this opportunity to extend my sincere thanks to His Excellency Prime Minister Mr Hun Sen and other senior ministers, the diplomatic corps, and various other stakeholders in this society, including the people in the media and the NGO sector, for their welcome and cooperation. Last, but not least my sincere thanks also go to the national and international staff of the Office of the High Commissioner for Human Rights in Cambodia for the welcome and support extended to me during my visit.

- END -