



PRESS STATEMENT

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

Phnom Penh, 14 December 2012

I am about to complete my eighth human rights fact-finding mission to the Kingdom of Cambodia and what I propose to outline are my initial findings and thoughts about the human rights situation in the country.

Let me start by offering my condolences to the King, Royal Government and country on the death of the King Father. When I paid my respects at the Palace on Monday, I expressed my view that King Father Norodom Sihanouk's passing was a loss not only for Cambodia but also for the entire international community.

Since my appointment by the UN Human Rights Council in March 2009, I have produced four substantive and substantial reports with a thorough analysis of the situation of human rights and the challenges that this country faces in terms of the promotion and protection of human rights. My annual reports to the UN Human Rights Council have focused on judicial, parliamentary and electoral reform and the human rights impact of economic and other land concessions. My reports include a series of recommendations designed to assist the Government with their reform agenda and the process of democratization in the country. Rather than taking up a new human rights theme, I decided to focus this mission on monitoring the situation of human rights in the country and on the follow up of the recommendations made in my previous reports.

During my mission, I interacted with various stakeholders in the Cambodian society, including civil society, local communities, private citizens and development partners of Cambodia. I travelled to Kompong Chhnang province and obtained first hand information from the local communities about the situation of human rights. I very much regret that I was not able to interact with Government interlocutors this time, but expect to do so during my future missions. It is not clear to me why and how this situation came about. The main mandate that I have from the UN Human Rights Council is to monitor the situation of human rights in the country and to report publicly to the Council. That is what I have done during this mission and will write my report in due course.

I believe that dialogue is the crucial way forward, and I have repeatedly underlined the importance of it with all stakeholders and particularly with the Royal Government. Throughout my missions I have interacted with various actors in Cambodian society, including the Royal Government, parliamentarians, the judiciary, civil society and development partners, and there have been occasions when we have disagreed on certain things. But we continued our dialogue to find a common ground and that is what I wish to do with the Government too.

I have taken a constructive approach in the implementation of my mandate and will continue to do so. My objective is to offer my advice for a peaceful, democratic, stable and sustainable future of the country and my recommendations are designed to offer solutions to some of the human rights challenges in the country.

Cambodia continues to do well on a number of economic indicators, supported by political stability. The country appears to be on course to achieve some of the Millennium Development Goals. However, owing to the historical legacy, land rights have been a major issue in this country. Along with various human rights organizations, civil society, and development partners, I had been calling for a speedy, fair and transparent land titling programme in Cambodia. Since my last mission, the Royal Government has introduced a land-titling programme aimed at providing secure tenure for thousands of Cambodians. During my visit to Kompong Chhnang Province on Monday, I saw the happy and smiling faces of villagers who have received their long-awaited land titles. Of course, there are a number of concerns about the implementation of this land-titling programme such as a lack of transparency, its impact on indigenous populations and how communities are chosen to be titled. However, insofar as the programme results in legitimate owners receiving title to their land, it is a welcome development.

I have had a good level of interaction with different stakeholders on the issue of economic and other land concessions, the topic of my last report. This morning I held a meeting to focus on finding a balanced solution to the problems that exist in respect of these concessions.

I believe that the recommendations that I have made in my previous reports are in the best interests of the country and are grounded not only in common sense but also in the obligations of Cambodia under various international human rights treaties ratified voluntarily by the country, as well as the constitution of the country. My task is to point out the obligations flowing from such treaties and the internationally accepted norms of liberal democracy, rule of law and plurality and to assist the Government in fulfilling its obligations. Cambodia is an important member of the UN and has agreed to abide by the human rights norms of the UN. What I am trying to do as part of my job on behalf of the UN is to advise the Government on what its obligations are under international law and to suggest a way forward in my capacity as an independent expert of the UN.

The point I wish to stress is that the country has a stated policy to continue on the road to stronger democracy, genuine rule of law and respect for human rights. In light of this, the human rights challenges I have dealt with in my reports will need to be addressed at some point sooner or later.

Of course my recommendations as to how to address these challenges are for the Government to consider. I fully respect the sovereignty of this country and the competence of the Government to take decisions in the national interest.

I devoted my sixth mission to the country to the issue of human rights in elections, and again draw attention to my report focusing on electoral reform submitted to the Human Rights Council in September 2012. I urge all parties and the National Election Committee to ensure free, fair and peaceful elections. I also urge all Cambodians to exercise restraint and have due regard for the rights of other fellow citizens when exercising their own.

A properly functioning judiciary is the backbone of democracy and human rights. A number of representations have been made to me during this mission about the independence and capacity of the judiciary. As I stated in my 2010 report on the judiciary, the three fundamental laws designed to ensure the independence of and enhance the capacity of the judiciary, are long overdue. Unfortunately this remains the case to date. I urge the Government to speed up the adoption of these core laws.

I remain deeply concerned about the culture of impunity in Cambodia, and the long list of crimes for which no one has been brought to justice. Impunity is corrosive. It erodes public confidence in the system of justice in the country, not only the judiciary but also the police and other law enforcement agencies.

I am also deeply concerned about the situation of freedom of expression in the country. A number of cases of intimidation and harassment of the people working in the media and human rights advocacy have been reported to me. Excessive use of the law on 'incitement' seems to be forcing people into self-censorship.

Finally, I am aware that the country is still mourning the death of the King Father. In my view, this is also an opportunity to celebrate what he achieved during his lifetime for peace, stability, political reconciliation, democracy, rule of law and human rights and what Cambodia has achieved since the conclusion of the Paris Peace Accords in 1991. This is a period to contemplate and demonstrate a new resolve to move forward in harmony and reconciliation for the greater good of the country. In my personal view, leadership and statesmanship is about championing dialogue. The aim should be to build consensus and reconciliation of competing values and interests for the well-being of the entire nation.

I must say I am a little surprised by the reaction to some of my recommendations. In other countries, such recommendations are seen as being part of the normal national debate, and a frank but professional discussion would have ensued. The focus should remain on the substance of what I am recommending, and not on me as a person.

I would like to conclude by thanking the Royal Government for inviting me to the country and not impeding my access to victims of human rights violations. I also thank the communities I visited for their welcome, as well as my other interlocutors, including parliamentarians, civil society, the UN Country Team and the diplomatic community based in Phnom Penh. As ever, the Office of the UN High Commissioner for Human Rights – both in Geneva and Phnom Penh - 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).