

A Rights-Based Approach to Reform

One year ago, the United Nations commemorated Human Rights Day under the theme, “My Voice Counts!” Yes, it does. On the occasion of Human Rights Day 2013, we look back on an eventful year in which that voice demanded to be counted and reform in some areas has been initiated. In light of Cambodia’s ambitious development targets, the three critical components of the human rights-based approach to development – accountability, transparency and participation - would improve the chances for successful reform.

First, success requires clear mechanisms of **accountability**. An accountable public administration and an effective and independent judiciary are among the most important pillars of support for the realisation of sustainable human development goals in a liberal democracy. The peaceful and just resolution of conflict depends on a reliable court system so that citizens, investors, in fact, any persons seeking redress can have confidence that their case, whether civil or criminal, will be adjudicated in line with both the letter and spirit of the law. The plans for comprehensive justice sector reform, following the public consultation we understand is soon to be held on this issue, are thus eagerly awaited.

Accountability, however, is not just about the courts. Accountability is critical at all levels of public services. And intrinsic to the sense of responsibility that goes with accountability is an understanding of, respect for and protection of human rights. To this end, the national reform agenda would benefit from a reinforcement of human rights education for public servants. It is also said that the ultimate accountability mechanism in a functioning democracy is the ballot box. The viability of an accountability structure capable of effectively protecting human rights will depend in part on successful electoral reform, which the Government has committed to, and this must be done and required under international human rights norms.

Secondly, the rights-based approach calls for **transparency**. When the public is informed about the contents of the State budget, transactions of State assets, ownership of land, the contents of draft legislation, or the extent of corruption in the public service, they can provide useful feedback, which in turn will allow for more informed decision-making. Lack of it would deprive the nation not only of those facts in question but also the rich discussions and new ideas that might have emanated from them. Beyond the utilitarian benefits, enabling access to vital information is a constituent part of a rights-based governance framework. Guaranteeing it, such as through a law on access to information, would be a welcome sign of commitment to transparency.

The third vital component of a rights-based approach is meaningful **participation** in decision-making. Essential for this are the other specific rights by which participation is made possible in a practical sense, in particular the right to peaceful assembly and freedoms of association and expression. From the intensity of the marches, petitions, and demonstrations seen this year, including in the lead-up to today, it is clear that the voice of the Cambodian people is resonating. At the same time, should there be need for any measures that restrict movement or allow the use of force, they must be taken in strict

conformity with the requirements of necessity, legality and proportionality set out in the International Covenant on Civil and Political Rights, to which Cambodia is a party. Moreover, an important vehicle for meaningful participation in democracies are the elected representative bodies. Parliament will fulfill this role when it holds public debate or consultations before enacting legislation.

Various Ministries have announced that they will hold public consultations on how to improve their services. Support should be given to institutionalizing such consultations across all the Ministries on a regular basis, to make them inclusive and allow them to benefit from the best of national and international expertise. Toward that end, these consultations should themselves embody transparency, accountability and participation.

This year's Human Rights Day marks the close of a very special year. For the United Nations, 2013 marks the 20th Anniversary of the establishment of the Office of the High Commissioner for Human Rights. The world over, we mark the loss of one of the greatest leaders of humanity who was known for his selflessness, his convictions and for having changed the global discourse on human rights. His name, Nelson Mandela, is synonymous with the principles that 65 years ago today found expression in the Universal Declaration of Human Rights.

Here in Cambodia, we can rejoice in the rectification of some longstanding injustices, while others remain to be addressed. One lesson learned from rights-based programmes everywhere is that the process matters as much as the intention or results. When the process of reform is itself grounded in human rights principles, its chances for success increase many times over. The United Nations stands ready to assist. Madiba would demand nothing less.

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