



PRESS STATEMENT

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

Phnom Penh, 25 May 2013

I have completed my ninth human rights fact-finding mission to the Kingdom of Cambodia today and what I propose to outline are my initial findings and thoughts about the human rights situation in the country since my last mission. My final conclusions and recommendations will be contained in my report that I will present to the United Nations Human Rights Council in September this year.

I was appointed as the Special Rapporteur on the situation of human rights in the Kingdom of Cambodia by the UN Human Rights Council in March 2009 and I have produced four substantive and substantial reports with a thorough analysis of the situation of human rights and the challenges faced by this country in terms of the promotion and protection of human rights. These reports, submitted annually 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. Each of the reports contains a series of constructive recommendations designed to assist the Government with their reform agenda and the process of democratization in the country.

Prior to my last mission to the Kingdom in December 2012, I felt time was ripe to take stock of the progress achieved on the implementation of the recommendations I had made in my previous reports and identify the remaining challenges.

The purpose of this mission and my December 2012 mission was therefore slightly different to my previous missions in the sense that rather than taking up a new human rights issue or thematic focus at this juncture, the missions would be focused primarily on a stock-taking of the recommendations that I have made in my previous reports.

During this mission I was able to meet with a broad range of actors. They included senior members in the Royal Government of Cambodia, notably, Deputy Prime Minister and Minister of Interior Mr. Sar Kheng, Senior Minister and the President of the Cambodian Human Rights Committee Mr. Om Yentieng, the President of the National Election Committee Mr. Im Sousdey, the Chairman of the Commission on Foreign Affairs, International Cooperation, Information, and

Media of the National Assembly, Mr. Chheang Vun, the Secretary-General of Senate, Mr. Oum Sarith and a Secretary of State in the Ministry of Justice, Mr. Prum Sidhra. I was very pleased with the level of engagement and dialogue I have had with these dignitaries. The dialogue was candid, cordial and constructive. They were forthcoming with information, acknowledged deficiencies where they exist, and prepared to work with me in a constructive manner to address the remaining challenges concerning greater protection of human rights, stronger democracy and genuine rule of law.

The key pillars to my work as the Special Rapporteur are independence, impartiality and objectivity. To this end, it is imperative in the exercise of my mandate that I have the opportunity to interact with all segments of the Cambodian society. I therefore note with satisfaction my meetings with Government interlocutors, and that I have had the opportunity to interact with a wide group of people from various walks of life during my mission. I interacted with various other stakeholders in the Cambodian society, including the various political parties, civil society, local communities, private citizens and development partners of Cambodia.

Regarding the recommendations made in my report on the ways and means of enhancing the independence and capacity of the judiciary, I note that progress in the implementation of these recommendations remains very slow. Nonetheless, I was encouraged by the assurance given to me that drafts of the three fundamental laws that were part of my key recommendations are almost ready and will be tabled before Parliament in the first semester of 2014. The Government seems to have taken a number of other initiatives to enhance people's access to the courts in line with my recommendations, including increasing the capacity of the Court of Appeal.

With regard to my recommendations on parliamentary reform, I was encouraged by a positive response and a willingness to implement as many of them as possible in the next parliament. I was given information about the efforts being made to implement some of my recommendations and the difficulties involved in implementing some others. With regard to electoral reform, I was encouraged by the detailed recommendation-by-recommendation response I received from the National Election Committee. I am aware of concerns raised on the voter registration list. If founded, these concerns should be addressed. I was informed that a number of measures have been taken to facilitate a smooth election including publishing the voter list both online now and in hard copy one month prior to the elections. I also was informed that two senior retired judges were appointed to the National Election Committee to strengthen its independence. I welcome such a move as it was one of my recommendations that the members of the National Election Committee should be drawn from a wider pool of retired senior judges, senior members of the Bar and university professors of law, public administration and political science, etc.

With regard to the recommendations in my report on the economic and other land concessions, I realise that the report was submitted only eight months ago and the Government may need more time to consider my recommendations. However, I note the positive developments resulting from the private land titling programme of the Government led by the Prime Minister himself. Along with many national and international stakeholders I have long been calling for a speedy land titling programme and it now is happening. I encourage the Government to continue with this programme paying due attention at the same time to the special situation of indigenous peoples and other communities living on disputed land. This is a unique opportunity to address the tenure security of many families, including those excluded from this and previous titling efforts, and those in conflict with more powerful individuals and private sector interests. Nevertheless, further implementation of the existing framework on land rights and strengthening of land management institutions is necessary for these gains to be sustainable.

It was during my seventh mission to the country in May 2012 that the Prime Minister issued a decree imposing a moratorium on the granting of new economic land concessions. Again, this is something which I along with other stakeholders have been urging the Government to do. I commend this measure, and look forward to the promised review of existing economic land concessions. Other chronic land disputes including Boeng Kak lake, Borei Keila and communities near Phnom Penh airport have to be addressed keeping in mind the interest of the people affected by decisions to acquire land for development purposes. I also note the continuing pattern of criminalisation of land activists. A number of cases involving violence and detention have been brought to my attention.

My mission came at the important time when the country is at the cusp of elections for the National Assembly, and I have had a number of representations made to me regarding the process of holding free and fair elections. In this regard, I once again urge all parties and the National Election Committee to ensure free, fair and peaceful elections. All sides should play by the rules, demonstrate maturity in debate, and not engage in insulting games. All sides must be able to play on a level-playing field. In this regard, I have reiterated in my meetings the need for fair and equitable access to the state media and the strict prohibition of use of state resources by any political party. I was also reassured that the Government directive instructing all personnel working as civil servants, military personnel and members of the police not to participate in any political activities whilst exercising their functions is in place. The issue of racism figuring in some party's political election campaign has also been brought to my attention. I urge all sides concerned to refrain completely from exploiting racial sentiments to garner support for their electoral campaign and work towards building a tolerant and cohesive society in Cambodia. I will continue to monitor the situation in the country, and in doing so, urge all Cambodians to

exercise restraint and have due regard for the rights of other fellow citizens when exercising their own.

Freedom of expression is essential both to the electoral process and the democratic development of the country. The release of Mr. Mam Sonando, the Director of Beehive radio station was a welcome development. However, freedom of expression remains a matter of concern for me as some people working in the media may be exercising self-censorship in view of the harsh action taken against some people in the media in the past and against human rights defenders.

I also remain concerned about the culture of impunity in Cambodia, and the long list of crimes for which no one has been brought to justice. I urge the Government to expedite its investigation of such cases and bring to justice the perpetrators.

To conclude, Cambodia seems to be moving along on the road to democracy. It has come a long way since the conclusion of the Paris Peace Accords in 1991 and adoption of the new Constitution founded on liberal democratic values in 1993. However, it still has some way to go in promoting and protecting human rights, strengthening good governance, enhancing the independence and capacity of State institutions responsible for upholding people's rights, as was acknowledged by my Government interlocutors throughout my mission. It is in this respect that I stand ready to assist the Government of Cambodia. I see as a sign of progress that the Government has readily admitted the shortcomings in my meetings with them, and has shown its willingness to work with me in their endeavor to improve the human rights situation for the people of Cambodia.

I take this opportunity to thank the Royal Government once again for inviting me to the country and for engaging in a constructive and meaningful dialogue with me during this mission.

It was brought to my attention that there may have been some communication gaps with the Royal Government in the recent past, however I believe that this mission has filled that gap and brought us back on the road to a regular mode of cooperation. There were two protests organized during my mission against my human rights work in the country, but they have not and will not deflate or distract me from the work that I am mandated to do in the country by the United Nations. If one were to go by the media reports, both protests seem to have been orchestrated and seem to represent the views of a tiny minority in the country whose intention was to destabilise me. On the contrary, I was greatly encouraged by the huge volume of messages of support that I received from people from various walks of life for the work that I am doing in Cambodia for the greater good of the country and for a sustainable peace, democracy and prosperity and I will continue in my endeavour.

I also thank 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.

ENDS

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. As Special Rapporteur, he is independent from any government or organisation and serves in his individual capacity. He is currently Professor of International Law at the University of Leeds in the United Kingdom and a practising Barrister of the Middle Temple in London. He is the Vice President of the Asian Society of International Law and editor of its flagship publication – the Asian Journal of International Law published by Cambridge University Press.

UN Human Rights, country page – Cambodia:
<http://www.ohchr.org/EN/Countries/AsiaRegion/Pages/KHIndex.aspx>

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).

For **media inquiries** related to other UN independent experts:
Xabier Celaya, UN Human Rights – Media Unit (+ 41 22 917 9383 / xcelaya@ohchr.org)

UN Human Rights, follow us on social media:
Facebook: <https://www.facebook.com/unitednationshumanrights>
Twitter: <http://twitter.com/UNrightswire>
Google+ [gplus.to/unitednationshumanrights](https://plus.google.com/unitednationshumanrights)
YouTube: <http://www.youtube.com/UNOHCHR>
Storify: <http://storify.com/UNrightswire>