

Time to move on – UN expert urges Cambodia to fully implement rights and freedoms at every level

PHNOM PENH / BANGKOK / GENEVA (20 October 2016) – The time for the Government of Cambodia to blame the troubles of the last century for the situation today is surely over, United Nations Special Rapporteur Rhona Smith said at the end of her third visit* to the country to assess progress on issues of discrimination against ethnic minorities, indigenous peoples, vulnerable groups as well as the current human rights situation.

“Cambodia has earned its place on the international stage as an equal sovereign state and, as such, the Government must take responsibility for fully implementing at the national, provincial and commune/*sangkat* levels all those rights and freedoms in the treaties it has so willingly ratified,” stressed the independent expert mandated by the UN Human Rights Council to monitor and advise on the situation of human rights in Cambodia.

On the eve of the twenty-fifth anniversary of the 1991 Paris Peace Accords which laid down the framework for the present Cambodian constitution and enshrined respect for human rights, Ms. Smith observed that the Cambodia of 2016 is very different from the Cambodia of 1991: “The progress and development is well worth celebrating, however imperfect aspects of that progress may be.”

Drawing on the text of the Accords, she identified particular issues with the realisation of human rights today. “The Cambodian constitution in Article 31 makes clear the emphasis to be placed on respect for human rights and on ensuring that the law is applied without discrimination on any ground. Yet, there are many examples of the law being applied in an apparently discriminatory or politicised manner,” she said. “Restrictions on freedoms of assembly, expression and association are particularly problematic.”

The Special Rapporteur commended Cambodia’s strong and vibrant civil society, symbolic of the post-1991 country. However, she underlined that “civil society is under a duty to respect the law of Cambodia and the rights and freedoms of others,” noting that “human rights defenders and activists are not, necessarily, political actors.”

The independent expert called on the Cambodian authorities to review and revise a number of laws to strengthen the protection of human rights, and called for judges to publish reasoning for all decisions in order to strengthen both real and perceived judicial independence.

Focusing on vulnerable groups not yet in a position of equality under the law, Ms. Smith commented that rounding up people in street situations is simply not acceptable, after a visit to the Prey Speu Drop In Centre. “There is a need for a

holistic approach to economic and social rights to ensure no one is left behind,” she said in a reference to the UN Sustainable Development Goals.

Chronic overcrowding in the two main prisons was also a cause for concern, on which the expert recommended increasing the use of non-custodial sentencing and reducing the reliance on provisional detention as two ways to alleviate the overcrowding.

“The Paris Peace Accords provided for full and fair opportunities for everyone to organise and participate in genuine elections,” the expert said looking to the forthcoming local elections in 2017 and national elections in 2018. However, she warned that “there is a deep loss of trust between the two principal political parties.”

“I urge both parties, through intermediaries as necessary, to explore opportunities for working productively together,” Ms. Smith stated. “Both parties were elected in 2013 to serve the people of Cambodia. The people deserve that those they entrusted do so professionally in the best interests of the people.”

During her ten-day visit, the Special Rapporteur met in Phnom Penh with numerous senior Government officials, members of the UN system, the diplomatic community and representatives of a broad range of civil society actors and other stakeholders.

In addition, she undertook visits to various sites in and around Phnom Penh including Khmer Cham living on land and on the river, the Prey Sar commune correctional centres (CC1 and CC2) and the Drop In Centre (formerly Prey Speu). She also visited Kampong Speu Province where she had meetings with provincial authorities, members of indigenous communities, and communities claiming loss of land due to sugar concessions.

The Special Rapporteur will present her next report to the Human Rights Council in September 2017.

(* Check the Special Rapporteur’s full end-of-mission statement:

<http://cambodia.ohchr.org/sites/default/files/Statement%20-%20FINAL%20-%2019.10.2016.pdf>

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Ms. Rhona Smith was appointed by the United Nations Human Rights Council in March 2015. Ms. Smith is a Professor of International Human Rights Law in the United Kingdom. She has also taught international human rights law as a visiting professor in China and Canada and spent time as a distinguished visitor in Vanuatu. Professor Smith has also been a visiting professor 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. To learn more, see: <http://www.ohchr.org/EN/HRBodies/SP/CountriesMandates/KH/Pages/SRCambodia.aspx>

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UN Human Rights, country page – Cambodia:

<http://www.ohchr.org/EN/Countries/AsiaRegion/Pages/KHIndex.aspx>

For additional information and **media enquiries**, please contact:

In Phnom Penh: Ms. Christine Pickering (+855 23 993 590/91, Ext: 213 / cpickering@ohchr.org)

In Geneva (before and after the visit): Ms. Jennifer Kraft (+41 22 928 9830 or write to srcambodia@ohchr.org)

You can access this press release here: <http://cambodia.ohchr.org/en/media-center/press-statement>

For **media inquiries** related to other UN independent experts:

Mr. Xabier Celaya – Media Unit (+ 41 22 917 9383 / xcelaya@ohchr.org)

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