

**Statement by the Special Representative of the Secretary-General for
Human Rights in Cambodia to the 60th session of the Commission Human Rights
19th April 2004**

Mr. Chairman, distinguished Delegates,

It seems that some of you are wondering why the United Nations is still discussing the human rights situation in Cambodia. In my view, it does so, and should continue to do so, for two main reasons.

First, because the international community and the UN have a special and heavy responsibility with regard to Cambodia. During the darkest period in its history, they left the country alone. It was not until 1991 that the UN became actively and positively involved in Cambodia. It should not let it down once again. It would be a serious mistake if it reduced its commitment to the people of Cambodia who must be able to continue to rely on the solidarity of the international community.

The second reason is that Cambodia's journey from the killing fields to peace, harmony, democracy, rule of law and respect for human rights is long and arduous. Cambodia has come a long way on this road, but it still has a long way to go. The international community should continue to accompany and support it on this way. It is entirely wrong to view this as a kind of harassment and I am pleased to note that few in Cambodia view it as such. His Majesty the King has repeatedly and publicly expressed his strong support for the continued involvement of the UN and for my mission. During my last visit to the country, I met no one, neither from government nor from civil society, who wished to reduce UN involvement and assistance in the area of human rights. On the contrary, many in Cambodia put great hope in the UN. We must not deceive them.

Cambodia's third general election since the Paris Peace Accords took place in July 2003. In spite of some negative aspects that persist and that I mention in my report, this election marked an important step on Cambodia's road to democracy. It is even more deplorable that nearly nine months later there is still no new government. This is an inadmissibly long period of gestation. Cambodia urgently needs a government capable of tackling the urgent problems and needs of the country.

What are they? Let me mention five of them.

1. Consolidating pluralistic democracy

As Vaclav Havel once said, democracy is a fragile plant that has to be nurtured and watered with patience and love. Cambodia has to move from an authoritarian to a participatory style of government. There must be a true separation of powers. To be genuinely democratic, Cambodia needs transparent, neutral and accountable state institutions. It needs free and independent media; it needs credible public service broadcasting and not government or party television and radio. It needs transparency; citizens must have a right of access to information held by public authorities. Cambodia has a vibrant civil society; it is an essential element of democracy and

should be appreciated as such by those holding power.

2. Building a state based on the rule of law

This is, admittedly, a huge and daunting task. A strong political will is required to make progress on this path. Cambodia urgently needs an independent, impartial and trustworthy judiciary. Most Cambodians regard their magistracy as corrupt, ineffective and incompetent. In many meetings with judges I have found a shocking disregard for fundamental principles of law such as the presumption of innocence. During my last mission I questioned a judge about the fact that in a case involving the killing of a young girl his first and highly improper step was to broker an unofficial compensation deal between the perpetrator and the family of the victim.

The Supreme Council of Magistracy is supposed to be the guardian of the independence, impartiality and ethics of the judiciary. In order to be able to play that role, it must itself be independent which it is not at present. It needs rapid and radical reform.

Mob killings are still one of the sad realities of Cambodian life. Under no circumstances can they be justified. However, one of their underlying reasons is the lack of confidence of the people in institutions of law enforcement.

Unfortunately, in Cambodia justice is not the same for the poor and the rich, for the weak and the powerful. There is no equal access to justice. The country urgently needs a state-funded legal aid scheme.

Impunity persists. It is both a main cause and main result of Cambodia's serious human rights problems. It is inextricably linked to corruption and erodes trust within society. It nurtures a climate of violence of which we have seen many sad examples in recent months.

There are some positive developments. One of these is the new Royal School for Training Judges and Prosecutors which is now operational. During my last visit, I was asked to speak to the students about independence of the judiciary. In the subsequent discussion, I was impressed by their quality, frankness and lucidity. One of them, obviously full of good intentions, but aware of the shortcomings of Cambodia's judiciary, asked: "What will we become once we enter the system? Will the system change us?" My answer was that I sincerely hoped that they will change the system. Indeed, it is to be hoped that a new generation of professional, legally trained judges with solid professional ethics will gradually improve the quality of justice in Cambodia.

3. Eradicating corruption

Endemic corruption is a gangrene that eats away at Cambodian society. It affects many areas of life. One sad example among many is international child adoption which has been negatively affected by unlawful and corrupt practices that undermine the confidence of other countries.

There is reason to believe that corruption in Cambodia is a top-down phenomenon. If

it is, the fight against corruption must be conducted from the top to the bottom.

4. Fighting poverty

I have often said that Cambodia is a perfect illustration of the factual indivisibility of human rights. Poverty negatively affects the enjoyment of human rights – all human rights, not only economic, social and cultural, but also civil and political rights. Like in many other countries and indeed in the world, the gap between the (few) rich and the (many) poor seems to be irresistibly growing in Cambodia.

Because human rights are indivisible, not only in the discourse of human rights activists, but in real life, I have addressed issues such as the right to education and the right to health in Cambodia. I have acknowledged some positive steps that have been taken, e.g. in the field of education. But much more needs to be done to ensure equal access to education and health care for all Cambodians.

A particularly painful problem I have addressed in my reports and in discussions with the government and the people affected is that of land and forestry concessions. They represent a serious threat to the poor. There is a risk of their being instruments not of poverty reduction, but of poverty promotion. They have become focal points for rural conflict. They negatively affect the lives, the livelihood and human rights of the people who live in the areas concerned, particularly the rural poor. The destruction of the Cambodian forest is a human and ecological tragedy.

In the very constructive meeting I had with the Prime Minister during my last visit, he stated that in his political life he had made two big mistakes, one concerning land policies and one concerning forestry policies. The admission of past mistakes is a positive and courageous step; it is now time to correct them.

5. Complying with international human rights commitments

The Cambodian government has been and is pursuing a policy of integrating the country into the international community. An important aspect of this policy should be strict compliance with the binding human rights obligations under international human rights treaties to which Cambodia is a party, including the Convention relating to the Status of Refugees.

These are just a few of the huge and daunting problems which the new Cambodian government will have to tackle. The international community for its part must continue to assist and accompany Cambodia in their solution. Our shared objective must be to ensure a life in dignity for all Cambodians.