

United Nations
Office of the High Commissioner for Human Rights



Address by Mary Robinson,
United Nations High Commissioner for Human Rights to
the
National Assembly of the Kingdom of Cambodia

Phnom Penh,
21st August 2002

Your Highness, Excellencies, Members of the National Assembly,

Let me start by thanking you for the invitation to speak to you today. I am pleased and honoured to have this opportunity to address you and through you the People of Cambodia.

I first visited Cambodia as High Commissioner in January 1998. The national concern then was on the impending elections to this Assembly and the importance of free and fair elections. I was particularly concerned that the election of the members of this distinguished body, in the summer of that year, should take place in free and fair conditions.

I have the honour to address you today at another important moment in Cambodia's democratic development, as the National Assembly considers amendments to the law that will enact the 2003 national elections. I realise that there are important debates and differing views on many areas of this legislation, and look forward to the development of laws and regulations that help address concerns key to the success of these elections. These include public confidence in electoral institutions; freedom of expression and equitable media access for all political parties; effective enforcement of electoral law; just and peaceful resolution of any disputes; and results that accurately reflect the will of the Cambodian people.

In addition, key to the success of any legislation is a full consultative process amongst all political parties, civil society organisations and the general public. I cannot understate the importance of public consultation to a properly functioning democratic process. Let me express the hope that you, and the people of Cambodia, are now on the road towards a society in which responsible, democratic and representative government will be firmly established.

As you all well know, this was not always the situation in your country. Cambodia has suffered deeply, and the wounds from three decades of conflict, violence and suppression will not easily heal. It will take strong, continuing political will, and considerable effort, to overcome this legacy, and to address the problems of today and tomorrow. But this can and must be done.

The United Nations has played an important role in assisting Cambodia in its efforts to establish its democratic institutions on a firm basis. The role of United Nations bodies in Cambodia has changed over time as Cambodians themselves and their government, have taken up their sovereign responsibilities. This is as it should be; democratically-chosen governments, responsible to the people of the nation for ensuring that their fundamental rights are fully respected.

The presence in Cambodia of our United Nations human rights office, the Office of the High Commissioner for Human Rights has also evolved, reflecting not only the changing circumstances in this country, but also the growing importance which the world attaches to full respect for human rights.

In Cambodia our presence includes not only our Office, but also the Special Representative of the Secretary-General for Human Rights in Cambodia, Professor Leuprecht, who reports to the Secretary-General, the Commission on Human Rights, and the General Assembly. Through these mechanisms we follow human rights developments in this country closely, both in Geneva and in New York.

I was pleased to be able to sign, in February of this year, a new Memorandum of Understanding with the Royal Government of Cambodia, extending our technical cooperation programme on human rights for another two years. The Office of the High Commissioner for Human Rights will continue to provide assistance to establish and strengthen institutions to safeguard and advance respect for human rights. Activities will continue to aim at judicial and legal reform as well as combating impunity. Attention will be given to economic, social and cultural rights, having particular regard to land and housing. We will continue to assist the Government in ensuring the protection of human rights of all in Cambodia. Close cooperation with non-governmental organizations, civil society groups and governmental institutions will of course continue.

Parliaments in all democracies are indispensable in ensuring that human rights are protected.

In the first place, parliaments are responsible for the ratification of international human rights treaties and conventions. I am glad to acknowledge that Cambodia has ratified all six of the core international human rights instruments. However, I must emphasize the importance of submission of timely reports to the treaty bodies.

I hope that Cambodia will discuss the signing and ratification of the two Optional Protocols to the International Covenant of Civil and Political Rights. I encourage the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

Our ambition is to speak about seven rather than six “core” international human rights instruments. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families will come into force with one additional ratification. The provisions of this Convention are relevant to Cambodia and therefore, I can not but urge you to sign and ratify it.

The point, now, is to implement and enforce these treaties.

Parliamentarians have a critical role in ensuring that Governments abide by the human rights standards embodied in the major international human rights instruments.

In many countries the Parliament has a Human Rights body drawn from its members. Cambodia is an interesting example because both chambers of your parliament have established human rights commissions. One function of parliamentary human rights bodies is to scrutinize legislation to ensure compliance with international human rights standards. I commend that function to the Commission on Human Rights and Reception of Complaints of this Assembly.

Your Highness, Excellencies;

I want to raise with you one problem, which I know is of concern to all of us. That is

the repugnant trafficking in human beings. Every day, in many countries of this world, women and children are bought and sold, transported against their will, and forced into lives of prostitution, pornography, slave labour and utter misery. The lives of these unfortunate human beings are ultimately cut short because of the diseases and dangers to which they are subjected.

Unfortunately, Southeast Asia is a major centre for such trafficking. You will be aware that every year more than 200,000 women and children are "trafficked" in this region. In Southeast Asia, the problem of trafficking is a cross-border phenomenon. Cambodia is a source, as well as transit and receiving country. Vietnamese girls and women are trafficked into Cambodia, while Cambodian children, women and men are sent to Thailand and other countries to do the most degrading work. Cambodia is also confronted with in-country trafficking. The flow is mainly from rural areas towards urban centres, tourist sites and border vicinities. Most of the in-country trafficking occurs for purposes of sexual exploitation, being linked to prostitution and mainly concerns women and children.

The pool of potential victims in this part of the world, as in all others, is growing rapidly because of widespread inequalities, lack of employment opportunities, violence, discrimination and poverty. Traffickers are able to operate with impunity because of inefficient law enforcement, compounded, in some cases, by official corruption.

South East Asia is not the only region where this shameful trade is practised. Recently a study was published on trafficking in South -East Europe. The trade there displays the same characteristics of exploitation and abuse of women and children as in this region. The OHCHR in partnership with UNICEF and the Organisation on Security and Co-operation in Europe undertook the study. The same organisations are working together and with governments in the region to bring an end to trafficking

Part of the answer lies in tougher laws. Cambodia has signed in November 2001, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. I encourage and urge you to ratify this Protocol as soon as possible. I note with

satisfaction that your Assembly has approved the ratification of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

I am aware of the many initiatives and programmes that Cambodia has undertaken to prevent and combat trafficking, including in cooperation with my Office and other United Nations and international agencies. These are all commendable. However, more needs to be done.

Just last week the Ministry of Justice of Cambodia completed a draft of a revised law on trafficking and sexual exploitation. I read with concern the remarks of the Minister of Women and Veteran's Affairs Madame MU Sochua, on the occasion of a consultation on the new draft, that trafficking is increasing and increasing dramatically in Cambodia.

The women and children who are subjected to this inhumane cruelty are not foreign to us. They are our sisters and daughters, they are our children. This trafficking in them must stop. In today's world there is no place for this. It must be stopped, stopped completely.

I want to ask you today to work with me, to work with the United Nations and the international community to bring human trafficking to a halt.

I am issuing today this "Appeal from Phnom Penh," to all those countries in the region which are concerned with this scourge, to work together, to take every necessary step, to leave no stone unturned, to end this vicious and inhuman trade.

In the framework of the UN Inter-Agency Project on Trafficking in Women and Children in the Mekong Sub-Region, I urge the governments to adopt National Plans of Action to combat trafficking. This will involve ensuring an appropriate legal framework and an adequate law enforcement response at the national level, protecting and supporting trafficked persons; improving cooperation and coordination between countries; and identifying and responding to those factors which increase vulnerability to trafficking and which sustain demand. I am pleased to note that Cambodia has already adopted a *Five Year Plan of Action against*

Trafficking and Sexual Exploitation of Children, covering prevention, protection, recovery, and reintegration strategies, and that specific responsibilities are entrusted to various Ministries. It is important that similar commitments be extended to women and other victims of trafficking. The effort must now be on strengthening implementation of the Plan through concerted action at the national and regional level.

My Office has developed Recommended Principles and Guidelines on Human Rights and Human Trafficking which I commend to you as a useful tool in the fight against trafficking. I am pleased to announce that these Principles and Guidelines have been translated and are available in Khmer. I urge the National Assembly to ensure that the new draft law on trafficking takes a rights-based approach and reflects Cambodia's international human rights obligations as well as the Principles and Guidelines.

Human Rights must be the core of any credible anti- trafficking strategy. A human rights approach also demands that we acknowledge the responsibility of governments to protect and promote the rights of all persons within their jurisdictions. This responsibility translates into a legal obligation for governments to work towards eliminating trafficking and related exploitation.

A responsive and effective judiciary, adequately sensitized to the problem of trafficking and its human rights dimensions, is essential to secure accountability for traffickers and justice for victims.

Efforts to raise public awareness is very important in combating trafficking. An intensive media campaign is necessary to alert people to the evils involved. But in addition there must be economic and social development programmes for women and children who are at risk. Such preventive measures can save potential victims.

Those who have the misfortune to be trafficked are not criminals, but simply victims. They should be provided assistance to overcome the trauma they have lived through, as well as other options to live a decent life where their fundamental rights are respected. There is a clear distinction between victims of trafficking and illegal migrants which should not be

confused.

I can only say that I regret the Cambodian court verdict of 5 August, which charged victims of trafficking with illegal migration and issued them prison sentences.

Firm and continued political will to break the trafficking cycle must underpin action in all the above areas.

Your Highness, Excellencies;

In a few weeks I will leave the Office of High Commissioner for Human Rights and return to private life. I am very conscious of the continuing challenge of ensuring respect for human rights throughout the world. But at the same time I am encouraged by the fact that the world is addressing this problem more seriously and energetically than it has in the past.

Personally I will remain active in the continuing effort to ensure respect for human rights. I will always be ready to do whatever I can, to overcome resistance or hesitation, and to advance the universal respect for human rights.

Your Highness, Excellencies;

I thank you once again for your warm hospitality. I wish you all, and the Cambodian people you represent, the peace and happiness which this country so deeply deserves.

Thank you.