

NGOs Working Group for Human Rights Day, December 10



JOINT STATEMENT

Cambodian Civil Society Congratulates the 66th Anniversary of Human Rights Day

December 10, 1948 – December 10, 2014

Today, civil society organizations in Cambodia is celebrating the 66th Anniversary of the Universal Declaration on Human Rights (UDHR) (10 December 1948 – 10 December 2014) in which we have invited the King's representative, members of senate, government representatives, foreign diplomats and citizens under the theme: ***"The Existences of an Independent Judiciary Leads to the Respect for Human Rights"*** in Phnom Penh, Kingdom of Cambodia. On this historical day, the Cambodian Civil Society would like to express its deepest appreciations and commemorations to human rights defenders and activists around the world, particularly in Cambodia who have devoted their lives to the cause for the protection of human rights.

The United Nations General Assembly adopted the UDHR on December 10, 1948. This Declaration sets out a broad range of fundamental human rights and freedoms to which all men and women everywhere in the world are entitled, without distinction as to race, colour, gender, ethnicity, religion, culture, political opinion, social status or origin, wealth, sexual orientation and others. As a member state of the United Nations, the Kingdom of Cambodia is strongly committed to its international obligation by virtue of Article 31 of the 1993 Constitution. We, the Cambodian Civil Society, celebrate today to show our respect to the commitment by all human rights advocates, activists, and institutions that are promoting and defending human rights in Cambodia.

Articles 6-8 of the UDHR expressly state that a socially just society is one that treats everyone with the same *recognition everywhere as a person before the law*. Everyone in Cambodian society should be *entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination*. The United Nations tasks each member state government with the important task of fulfilling their obligation under the UDHR and other international human rights instruments to create a society that provides equal protection by *competent national tribunals* to all its citizens. One of the fundamental rights

To this end, the Royal Government of Cambodia (RGC) has an obligation to promote, respect and fulfil these international human rights obligations properly and adequately. To date, we, the Cambodian Civil Society recognizes a number of positive developments with regard to the respect for and promotion of human rights and social justice in the Kingdom. These developments include the ratification of many

international human rights instruments; the recent inclusion of elected Members from the opposition Cambodian National Rescue Party (CNRP) to the National Assembly for the fifth mandate of the National Assembly; the passage in June of the three fundamental laws purporting on reforming the legal and judicial system; and the recent revocation of over 60 economic land concession license where businesses have demonstrated no development activities on the affected land all point towards a Cambodian society that is developing through stronger awareness and recognition of social justice values.

However, we remain concerned by the slow progress of legal and judicial reform towards an independent judiciary working without political interference and corruption; the fact that the three fundamental laws were passed with little or no consultation with civil society and the general public; ongoing land grabbing and forced evictions in both urban and rural Cambodia; threats against human rights defenders; as well as restrictions on the freedom of peaceful assembly and the freedom of expression at public areas. Furthermore, we have documented ongoing human rights violations including trafficking and exploitation of women and children; violations against indigenous people with regard to their property rights for community lands; discrimination against persons with disabilities; violation of accused persons' right to access to justice through adequate legal representation; and a continued abuse of basic labour rights in Cambodia such as annual leave entitlement, poor and dangerous working environments and harassment and threats to trade union leaders.

The ability to access information freely from government agencies remains the cornerstone in which a democratically elected government can be held to account by its people. Despite a patchwork of legislative provisions currently exist that touches on access and disclosure obligations by government agencies, there is currently no specific law addressing the right of access to information. Government's disclosure practices remain weak, as they appear reluctant to disclose information related to "sensitive" issues and often lack the capacity to respond to requests for information in a timely fashion. In addition, Cambodian citizens have limited awareness of their rights to access public information and they have limited ability to demand it.

In this regard, the Civil Society wishes to urge the Royal Government of Cambodia, National Assembly, Senate, and the courts at all levels to take the following suggested measures:

- Fully commit and expedite the process in which the government consults with CSOs on the implementation and potential future reform of the three recently laws reforming the legal and judicial system. The law as it was passed in June 2014 potentially places too much unfettered powers in the hand of the executives to interfere with the independence of the judicial system. Civil Society calls on the Cambodian government to implement sound strategies that will further strengthen the independence and impartiality of the courts at all levels to guarantee just and fair trials. Guarantee to all citizens access to justice and legal representation.
- Open more public spaces to promote freedom of expression and freedom of assembly, so as to enhance all activities in public governance for promoting and defending human rights, the rule of law and democracy, especially to avoid restriction through newly introduced controversial Laws on Association and NGOs and the proposed Cyber-Crime Law. In particular, the protection of the independence of the press and media to report on human rights abuses and illegal activities.

- Promote and respect the rights of labourers through the strengthening of labour conflict resolution mechanisms, instead of resorting to the use of arm to suppress lawful and peaceful assemblies.
- Immediately end threats and harassment against human rights defenders, including NGO workers, journalists and local activists. To recognize the United Nations Declaration on Human Rights Defenders in order to protect those who work to demand for justice and protection of victims of human rights violations.
- Develop a Land and Housing policy that ensures an appropriate standard of living for all people with adequate housing, health care, basic services, and access to education, as well as to put an end to forced evictions in relation to land disputes and respect community land throughout the country as part of socially responsible economic development strategies. Especially noting the cases between Union Development Group in Koh Kong and cases in urban Phnom Penh.
- Take special actions to promote gender equality in the public systems and eliminate all forms of discrimination against women, in particular women's rights to participate in the political field. Further, to respect the rights of every Cambodian regardless of their gender identity or sexual orientation and take concrete measures to eliminate discrimination on the basis of sexual orientation and gender identity.
- Protect and promote the rights of indigenous people as well as other ethnic minorities who are living in Cambodia from being discriminated in all forms.
- Put an end to and eliminate all forms of trafficking and exploitation of women and children by effectively implementing the anti-trafficking law.
- The effective implementation of the Law on the Defence and Promotion of the Rights of Persons with Disabilities and to ratify the Convention on Rights of Persons with Disabilities.
- Passing of an Access to Information Law that reflects the fundamental principles of the people's right to access information being held by the government, as well as strengthening the existing legislation. Government actors must take steps to develop openness and promote disclosure.
- Respect the rights of people seeking asylum in Cambodia, especially the Montagnard people from Vietnam, Cambodia need to uphold their obligation under the 1951 Refugee Convention, especially the principle of non-refoulement, and not condemn these asylum seekers back to where they will be persecuted and harmed without a proper, independent judicial process.

Phnom Penh, December 10, 2014