

# Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

[www.lrwc.org](http://www.lrwc.org); [lrwc@portal.ca](mailto:lrwc@portal.ca); Tel: +1 604 738 0338; Fax: +1 604 736 1175

3220 West 13<sup>th</sup> Avenue, Vancouver, B.C. CANADA V6K 2V5

## Check Against Delivery

Date: 16 September, 2013

HRC section: Agenda Item 3 General Debate

Speaker: Ms. Vani Selvarajah

## Oral Statement to the 24th Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC), a non-governmental organization in special consultative status

### Independent civil society organizations and democracy: Thailand, Cambodia

Mr. President:

The right to political participation,<sup>1</sup> including the right to vote in free and genuine elections<sup>2</sup> and rights to freedoms of expression and assembly, were emphasized by the Independent Expert on democratic and equitable international order. Systemic stifling of political debate in Thailand and Cambodia demonstrates the importance of the Independent Expert's recommendations.

Thailand's defamation and insult laws punish public disclosure and debate of human rights and political issues. Human Rights Defender, Somyot Prueksakasemsuk, was sentenced to 10-years imprisonment on *lèse majesté* charges despite a finding by the Working Group on Arbitrary Detention that Mr. Somyot is being arbitrarily detained.<sup>3</sup> In Cambodia, government authorities acting in concert with commercial actors are frequently involved in human rights violations.<sup>4</sup> Human rights defender, Ms. Yorm Bopha, is now in her second year of detention after being wrongly convicted of fabricated charges in unfair proceedings.<sup>5</sup> Cambodia's government authorities routinely suppress human rights training and peaceful protests using threats or violence.<sup>6</sup> Neither Thailand nor Cambodia properly investigate and prosecute attacks—including murders—of human rights defenders.<sup>7</sup> The resulting impunity exposes human rights defenders to heightened risk.

Civil society groups rely on NGOs truly independent of governments with ECOSOC consultative status to promote and ensure accountability. As recommended by the Independent Expert, LRWC urges Council to recommend that the General Assembly streamline procedures for granting consultative status to genuine NGOs so as "to eliminate politicization and enhance civil society access to the Council."<sup>8</sup>

Thank you.

<sup>1</sup> UN General Assembly, *Vienna Declaration and Programme of Action*, 12 July 1993, A/CONF.157/23, para. 8, available at: <http://www.refworld.org/docid/3ae6b39ec.html> as cited in paragraph 3 of the Report of the Independent Expert on the promotion of a democratic and equitable international order, Alfred-Maurice de Zayas, A/HRC/24/38, 1 July 2013 [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/24/38](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/24/38).

<sup>2</sup> Universal Declaration of Human Rights, Article 21(3), cited in paragraph 1 of Mr de Zayas report.

<sup>3</sup> The Working Group concurred with the finding of the Special Rapporteur on the right to freedom of opinion and expression that Thailand's Article 112, Criminal Code of Thailand ( *lèse majesté*) suppresses "important debates on matters of public interest, thus putting in jeopardy the right to freedom of opinion and expression." Opinions adopted by the Working Group on Arbitrary Detention at its 64th session, 27–31 August 2012, No. 35/2012 (Thailand), Communication addressed to the Government on 15 June 2012 Concerning Somyot Prueksakasemsuk, A/HRC/WGAD/2012/35, Para 20, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/183/84/PDF/G1218384.pdf>

<sup>4</sup> See the joint statement by LRWC and ALRC, 20<sup>th</sup> Session of the Human Rights Council, 21 June 2012, <http://www.lrwc.org/?p=3940>

<sup>5</sup> For more detail see LRWC's letter entitled "Cambodia: Land Rights Advocate Yorm Bopha Arbitrarily Detained," 16 May 2013, <http://www.lrwc.org/land-rights-advocate-yorm-bopha-arbitrarily-detained-in-cambodia/>. On 14 June, Yorm Bopha's appeal was denied, and on 12 August 2013, LRWC filed a petition to the Working Group on Arbitrary Detention.

<sup>6</sup> See, e.g. Protest takes dark turn, Phnom Penh Post, 16 September 2013, available at <http://www.phnompenhpost.com/national/protest-takes-dark-turn>; ADHOC, *A Turning Point? Land, Housing and Natural Resources Rights in Cambodia in 2012*, Phnom Penh: ADHOC, February 2013, available at <http://www.adhoc-cambodia.org/wp-content/uploads/2013/02/ADHOC-A-Turning-Point-Land-Housing-and-Natural-Resources-Rights-in-2012.pdf>

<sup>7</sup> More than 20 human rights defenders have been murdered or disappeared with impunity for the perpetrators over the past two decades. For more detail, refer to LRWC's letter of 24 August 2011, available at <http://www.lrwc.org/murder-of-mr-thongnak-sawekchinda-the-situation-of-human-rights-defenders-in-thailand/>. LRWC has also drawn to the government of Thailand's attention its concern about draft amnesty legislation that could contravene international human rights law binding on Thailand by providing amnesty for persons responsible for murders, extrajudicial killings or other grave human rights violations in connection with political violence that took place in 2010. See LRWC's letter of 1 August 2013, available at <http://www.lrwc.org/?p=7257>

<sup>8</sup> Report of the Independent Expert on the promotion of a democratic and equitable international order, Alfred-Maurice de Zayas, A/HRC/24/38, 1 July 2013, para 57(e)