

Lawyers' Rights Watch Canada

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

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Speaker: Mr. Gavin Magrath

Oral Statement to the 30th Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC), a non-governmental organization in special consultative status

Report of the Special Rapporteur on the situation of human rights in Cambodia

Mr. President:

LRWC welcomes Prof. Rhona Smith's appointment as Special Rapporteur on Cambodia and appreciates her emphasis on legal reform during her recent initial visit to Cambodia.

Cambodia has largely failed to implement recommendations of treaty bodies and Special Procedures mandate holders since 1993, and Cambodia's endemically corrupt judiciary continues to lack independence.¹ Judicial harassment of human rights defenders, particularly those working on land rights issues, is a longstanding concern. In July 2015, human rights defender Mr. Ny Chakrya, was charged with criminal defamation after complaining to the Disciplinary Council of the Supreme Council of Magistracy about a Deputy Prosecutor's lack of independence.²

A *Law on Associations and NGOs*, passed in July 2015 without meaningful civil society consultation, increases opportunities for restriction, judicial and administrative harassment and criminalization of civil society's internationally protected rights to freedoms of expression, association and assembly.³ The law forbids unregistered associations to operate, and only days after the law came into force, police threatened "punishment" of a group of litigants in a land rights dispute if they protested without being registered.⁴

LRWC urges Council to pass a resolution extending the mandate of the Special Rapporteur for another two years and that strongly calls on Cambodia to end its entrenched pattern of serious human rights violations and to cooperate fully with treaty bodies, the Special Rapporteur and other Special Procedures mandate holders. We ask Council to urge Cambodia to respond promptly to several mandate holders' allegation letters and to accept the 2012 request of the Special Rapporteur on Independence of Judges and Lawyers to visit Cambodia. Thank you Mr. President.

¹ International Bar Association (IBA), "IBAHRI report highlights extent of corruption in the Cambodian judiciary," IBA, 17 September 2015, available at <http://tinyurl.com/qcjl1b3>

² FIDH, "Cambodia : Judicial harassment against Mr. Ny Chakrya, 7 July 2015, <https://www.fidh.org/International-Federation-for-Human-Rights/asia/cambodia/cambodia-judicial-harassment-against-mr-ny-chakrya>

³ Cambodia: Rights Groups Urge 44 governments to seek Cambodia's withdrawal of Draft NGO Law, Joint letter of 11 international human rights organization, available at <http://www.lrwc.org/?p=9211>

⁴ Aun Chhengpor, "Kratie Families Feel Effects of NGO Law," *Cambodia Daily* 17 August 2015, available at <https://www.cambodiadaily.com/news/kratie-families-in-land-dispute-feel-effects-of-ngo-law-91796/>.