

Lawyers' Rights Watch Canada

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

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Organization: Lawyers' Rights Watch Canada
Item: Item 10 – Interactive dialogue on the Report of the Special Rapporteur on the situation of human rights in Cambodia
Date: 26 September 2018
Speaker: Catherine Morris

Oral Statement to the 39th Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC), NGO in special consultative status

Mr. President:

Lawyers' Rights Watch Canada (LRWC) thanks the Special Rapporteur for her report and the addendum that “seriously calls into question the genuineness” of the July 2018 election¹ to meet requirements of Article 25 of the International Covenant on Civil and Political Rights (ICCPR).²

Since the election, which renders Cambodia a single-party State, the government has released several human rights defenders, journalists and opposition politicians from arbitrary detention. However, these releases do not portend any cessation of harassment of defenders and critics. Releases are not unconditional, and illegitimate charges remain pending indefinitely.

Cambodia's government continues to use overbroad laws and executive-controlled courts to criminalize or restrict peaceful expression, association, and assembly by political opponents and civil society. Legitimate human rights education and advocacy is curtailed.³

¹ UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Cambodia, Addendum, A/HRC/39/73/Add.1, 7 September 2018, para. 90, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/39/73/Add.1.

² *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, <http://www.refworld.org/docid/3ae6b3aa0.html>.

³ Laws that have been misused include the criminal code laws against criminal defamation, public insult, discrediting judicial decisions, treason and espionage. Criminal Code Kingdom of Cambodia, Criminal Code, 2014, Sections 305, 307, 502 and 523, Articles 439-450, and Article 437 bis, ‘Insulting the King,’ 14 February 2018. See http://sithi.org/admin/upload/law/Criminal_Code_Book_with_cover_Jan_2014.pdf; Law on Associations and NGOs (LANGO), Kingdom of Cambodia, Law on Associations and Non-Governmental Organizations, 2015 <http://sithi.org/admin/upload/law/Unofficial-Translation-LANGO.pdf>. For analysis, see Office of the United Nations High Commissioner for Human Rights in Cambodia, A Human Rights Analysis of the Law on Associations and Non-Governmental Organizations, 4 August 2015, <http://cambodia.ohchr.org/~cambodiaohchr/sites/default/files/Final%20OHCHR%20analysis%20of%205th%20LANGO%2C%20En%2C%20August%202015.pdf>; 2017 amendments to the Law on Political Parties Cambodia OHCHR analysis of 2017 amendments at <http://cambodia.ohchr.org/sites/default/files/Analysis%20on%20the%20Amended%20Law%20on%20Political%20Parties%2028FINAL-EN%29.pdf>.

Much of this harassment appears to be carried out to protect the business interests of government officials and government-connected business people involved in illegitimate land acquisition.⁴ We suggest that the Special Rapporteur consider a special report on illegitimate land acquisition and its impacts on more than 830,000 people in Cambodia since 2000, including involuntary displacement and disproportionate impacts on women, ethnic minorities, and indigenous peoples.⁵

Civil and political rights in Cambodia have markedly regressed, and defenders and critics live in fear of reprisals. LRWC urges all States Parties to the ICCPR to exercise their collective obligations (*erga omnes partes*)⁶ to insist on the Cambodian government's good faith implementation of Cambodia's duties under the treaty.

LRWC also asks all States to urge Cambodia to renew its Memorandum of Understanding with the Office of the High Commissioner for Human Rights for a period of five years after its expiry on 31 December 2018.

Thank you, President.

⁴ The Special Rapporteur's 2018 Annual Report contains a brief section on land issues. UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Cambodia, A/HRC/39/73, 15 August 2018, Para 56-60, http://cambodia.ohchr.org/sites/default/files/Annual-reports/Annual%20Report%202018%20of%20SR%20-%20A_HRC_39_73_EN.pdf.

⁵ "Breaking New Ground: Investigating and Prosecuting Land Grabbing as an International Crime," Allard International Justice and Human Rights Clinic (Vancouver: Allard School of Law, February 2018), p. 5, 17, 19, http://www.allard.ubc.ca/sites/www.allard.ubc.ca/files/uploads/IJHR/breaking_new_ground_-_allard_ijhr_land_grabbing_manual_-_public_version.pdf.

⁶ The UN Human Rights Committee has pointed out that each State Party is "obligated to every other State Party to comply with its undertakings under the treaty" and that calling on other States Parties and to comply with their ICCPR obligations is a "reflection of legitimate community interest." UN Human Rights Committee, *General comment no. 31 [80], The nature of the general legal obligation imposed on States Parties to the Covenant*, 26 May 2004, para. 2 and 4, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=11.