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Civil Society for Organizing International Human Rights Day, 10 December

JOINT STATEMENT

Civil Society Congratulates International Human Rights Day, 64th Anniversary

Phnom Penh, 10 December 2012

The 64th Anniversary of human rights day is celebrated today to commemorate the adoption of the Universal Declaration of Human Rights (10 December 1948 – 10 December 2012) by the United Nations' General Assembly. Like previous years, human rights day is celebrated in Phnom Penh and other provinces throughout the Kingdom of Cambodia with a focus on a wide range of human rights issues present in Cambodia.

The celebration of human rights is a dedication to the human rights activists across the world for their longstanding struggles which paved the way for the Universal Declaration of Human Rights (UDHR) on December 10, 1948. Like in many other countries, we, Cambodian Civil Society, celebrate this event in order to show our respect to the commitment by all human rights advocates and activists in Cambodia who have been working on promoting and defending human rights.

This Declaration sets out the framework of the fundamental rights and freedoms to which all men and women everywhere in the world are entitled, irrespective of their race, gender, language, religion, culture background, political opinion, social status or origin, wealth, and any other factors. Since its adoption, the Declaration has been universally considered as “*a common standard of achievement for all peoples and all nations.*”

Today, Civil Society Organizations, trade unions, workers, youths, students and indigenous communities all come together to celebrate human rights day with a theme on “*Business and Human Rights*”.

Despite the fact that, all people are obliged to respect, defend and promote human rights as stated in the UDHR and other international human rights instruments, the State has obligations to respect, protect and fulfill human rights and all fundamental freedoms including preventing from any violations including the third party, namely “*business actor*”.

In the context of fast economic development, private business sector plays a significant role in the contribution to the development and economic growth of the country. In Cambodia, there are many business operations in various fields ranging from agro-businesses, to land and natural resources concessions, garment factories, extractive industry, and to many other development projects.

Despite the contributions made by the business sector to the nation's economy, Civil Society has observed numerous adverse impacts caused by the Government and the businesses' activities on human rights. Those impacts are generated from: forced evictions from land and houses without proper and fair compensations, lack of prior consultations with respect to the upcoming development projects, lack of access to information and consultations in regard of the projects, the use of violence and intimidation against human rights defenders/protesters, and in some cases, escalation of conflicts into arbitrary arrest, detention and unfair court

judgment. In the labor field, there are also a lot of issues, in particular, discrimination against independent unions, short-term employment contracts, low wages, and violations to rights of migrant workers, especially women migrants who are most vulnerable.

The new UN Guideline on “**Business and Human Rights**” was adopted by the Human Rights Council on 16 June 2011. It stipulates that *States* have obligations to protect from any form of violations of human rights including those committed by business sector. States, therefore, are required to make laws, policies and establish mechanisms to reduce and eliminate violations.

In this Guideline, *Business* shall also have responsibility to respect for human rights and avoid all forms of violations of rights of others. Therefore private enterprises or companies must identify and assess the social and environmental impacts on people caused by their business’s activities. Business must make and implement policies to eliminate potential risks and respond to existing adverse impact. *Victims* of business activities or of government’s actions must be compensated fairly and properly either through competent judiciary or by non-judicial system.

In order to enhance the respect, protection and promotion of human rights in Cambodia, the Civil Society would like to make the following recommendations.

For the Royal Government, Parliament and Court:

- Strengthen the independence and impartiality of the courts at all levels to guarantee just and fair trials (i.e. recent *Mam Sonando* case, and other cases related to politicians and human rights defenders which demonstrate the practice of unfair treatment in trials);
- Accelerate the process legislation with respect to fundamental laws such as the Law on the Amendment of the Supreme Council of Magistracy, the Law on the Organization and Functioning of the Court and the Law on Status of Judges and Prosecutors, Access to Information Law, which are all essential in the course of establishing a set of fully-functional rule of laws and promoting judicial reform in the country through enhancing efficiency and effectiveness of the judicial institutions and judicial officials at all levels;
- Avoid and terminate all development projects and other business activities that have serious adverse impact on human rights and compensate the victims immediately;
- Develop a Land and Housing policy that sets out an appropriate standard of living for all. The policy should cover adequate housing, health care, social services, access to education, as well as call an end to forced evictions.
- Stop discrimination, in the form of unfair trials, against human rights defenders and victims of human rights violations;
- Promote and respect the rights of laborers through the strengthening of labor conflict resolution mechanisms and terminate the practice of short-term contract, stop discrimination against independent unions which work on the protection of the interests of workers and employees;
- Take special actions to promote gender equality in the public sector and eliminate all forms of discrimination against women, in particular those who works in political field;
- Protect and promote the rights of indigenous people as well as those of minority groups residing in Cambodia, especially respect their right to have access to consultations related to development projects, and their right to register collective community land;

- Tackle the issue of human trafficking by effective implementation of the anti-trafficking law;
- Urge for effective implementation of the Law on the Defense and Promotion of the rights of people with disabilities and end all forms of discrimination against them;
- Take special action to prevent all forms of discrimination against people with HIV/AIDS, as well as ensure that they enjoy equal access to social activities.

For Business Sector:

- Understand and respect human rights and State's laws which will in turn improve the reputation of business, thus benefit the business' ability to generate revenue.
- Avoid and end any business activities that adversely affect human rights to a large extent.

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The Members of the NGOs Working Group for Human Rights Day 2012:

- 1- Cambodian Human Rights Action Committee (CHRAC)
- 2- NGO Forum on Cambodia (NGO Forum)
- 3- Cambodia Labour Confederation (CLC)
- 4- Committee to Promote Women in Politics (CPWP)
- 5- NGO Coalition to Address Sexual Exploitation of Children in Cambodia (COSECAM)
- 6- Committee for Free and Fair Elections in Cambodia (COMFREL)
- 7- Housing Rights Task Force (HRTF)
- 8- Neutral and Independent Committee for Free and Fair Elections in Cambodia (NICFEC)
- 9- Advocacy and Policy Institute (API)
- 10- Cambodian Disabled Persons Organization (CDPO)
- 11- Star Kampuchea
- 12- NGO Coalition for the Rights of the Child (NGO CRC)
- 13- Youth Committee for Unity and Development (YCUD)
- 14- End Child Prostitution Abuses and Trafficking (ECPAT Cambodia)
- 15- Asia Network for Social Accountability in East Asia Pacific (ANSA EAP)
- 16- Coalition of Integrity and Social Accountability (CISA)
- 17- HIV/AIDS Coordination Committee (HACC)
- 18- CHAB DAI
- 19- World Vision- Cambodia (WVC)
- 20- Cambodian Volunteers for Society (CVS)
- 21- Indigenous Community Support Organization (ICSO)