

## **SHR report on the examination of Cambodia by CERD, 18-19 February 2010**

04.03.2010

Cambodia presented its combined 8<sup>th</sup> – 13<sup>th</sup> periodic reports to the Committee on the Elimination of Racial Discrimination (the Committee) on 18 and 19 February 2010.[1] The report was presented by a delegation from the Permanent Mission of the Kingdom of Cambodia in Geneva, headed by Mr. Sun Suon, the Permanent Representative in Geneva. It has been assembled at the last minute with encouragement from the Committee.[2] In his opening statement, Mr.

Cambodia presented its combined 8<sup>th</sup> – 13<sup>th</sup> periodic reports to the Committee on the Elimination of Racial Discrimination (the Committee) on 18 and 19 February 2010.[1] The report was presented by a delegation from the Permanent Mission of the Kingdom of Cambodia in Geneva, headed by Mr. Sun Suon, the Permanent Representative in Geneva. It has been assembled at the last minute with encouragement from the Committee.[2] In his opening statement, Mr. Sun Suon emphasized Cambodia's commitment to international human rights treaties and the global struggle against discrimination since the adoption of its new Constitution in 1993. He also outlined Cambodia's development efforts and progress fighting poverty and meeting the Millennium Development Goals.

The Committee commended the Cambodian delegation on the State's human rights commitments and resumed participation in the submission of State reports under the *Convention on the Elimination of All Forms of Racial Discrimination*, and acknowledged the brutal historic legacy that Cambodia faces in its struggle for development and human rights. Committee members were generally encouraging and diplomatic in their presentation of comments and recommendations, which focussed on the issue of implementation. The Committee considered that Cambodia had made ambitious international human rights commitments, but had yet to achieve uniform application in a number of areas, including distribution of social programmes, policy towards refugees and asylum seekers and the implementation of newly developed legislation relating to the protection of indigenous peoples' land rights.

Concern for indigenous peoples was a dominant theme in the discussion. Committee members asked for details on the legal protections that apply to indigenous peoples, such as recognition of indigenous languages and the provision of culturally relevant education programmes. The issue of land distribution was of particular concern. Land ownership is a critical issue in Cambodia given the country's efforts to attract foreign investment and make concessions to foreign companies. The Committee was curious to know how territory distribution is decided, who participates in the decision making process and whether indigenous peoples had the legal title necessary to qualify for land ownership under new, unclear land laws. The Committee also asked the delegation about compensation and reparations for land taken away from indigenous populations by the State.

The Committee also raised questions about the lack of an independent judiciary in Cambodia. Corruption and politicisation of the judicial process continue to hamper the just application of laws. In particular, the Committee was concerned about allegations that judicial bias has resulted in impunity for perpetrators of attacks on indigenous communities.

Other prominent issues raised included: the difficult process of obtaining Cambodian nationality, particularly for the Krom people;[3] deportations to Vietnam,[4] the inaccurate definition of discrimination in Cambodia's report;[5] the imprecise nature of the report and lack of statistical information on racial diversity, immigration and other relevant topics; recommendations that Cambodia ratify ILO Convention No. 169; and the report's neglect of post-conflict justice issues in Cambodia.

In conclusion, the Committee expressed appreciation to the delegation for renewing its dialogue with the Committee and encouraged Cambodia to submit a more detailed and developed report for its next review.

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[1] CERD/C/KHM/8-13, available at <http://www2.ohchr.org/english/bodies/cerd/cerds76.htm>

[2] This was the delegation's explanation for the lack of representation from Phnom Penh. It may also explain the reports' lack of detailed and statistical content.

[3] 19 Krom were recently denied national ID cards. The application process is often prohibitive, as it requires a birth certificate, which many of the Khmer Krom are lacking.

[4] Particularly the case of Buddhist monk and Krom rights activist, Tim Sakhorn.

[5] The definition cited in Cambodia's state report was really the definition of corruption.

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