



A NEW CHAPTER FOR HUMAN RIGHTS

A handbook on issues of transition
from the Commission on Human Rights
to the Human Rights Council



Annex 3.1

Special Representative of the Secretary-General for Human Rights in Cambodia

Current mandate holder: Yash Ghai
Mandate started: 1993

Term of mandate holder: 2005 - not specified
Mandate up for renewal: duration not specified

Background and areas of focus

- Established to ensure a continued United Nations human rights presence in Cambodia after the expiry of the mandate of the United Nations Transitional Authority in Cambodia, which was established following the signing of the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict in 1991;
- Maintain ongoing contact with the Government and people of Cambodia;
- Guide and coordinate the United Nations' human rights presence in Cambodia;
- Assist the Government of Cambodia in the promotion and protection of human rights;
- Focus particularly on the areas of the justice sector and the rule of law; freedom of association, assembly, and expression; land; the role of civil organisations in promoting social justice; and the country's Constitution.

Differing working methods and reporting obligations

- The Independent Expert does not submit communications to the Government.

Cooperation with the Government

- The Government of Cambodia has given full support to the Special Representative since the creation of the mandate in 1994;
- During his most recent mission, the Special Representative was granted an audience by the chief of state, King Norodom Sihamoni, as well as other senior representatives of the Royal Government of Cambodia.
- The Special Representative has also met with the President of Cambodia's governmental Human Rights Committee, court authorities, representatives of political parties, non-governmental and community organizations, trade unions, bilateral and multilateral development cooperation agencies and the diplomatic community.

Key developments

- The country's Constitution incorporates the core international human rights instruments to which it is a party, but it has been massively disregarded and its safeguards have been weakened;
- Cambodia continues to operate under a transitional code of criminal law and procedure adopted by the UN Transitional Authority in Cambodia that was intended to be temporary. Laws that make up the basic legal framework, such as the Penal Code, and the Code of Criminal Procedure, have still not been enacted;
- There is also a pattern that suggests that the Government abuses various laws for political purposes and there is a pervasive practice of impunity for persons who are politically or economically well-placed;
- There are questions surrounding the independence and integrity of the judiciary;

- The way that Cambodia's land and natural resources are managed and used is problematic, especially in relation to the secrecy surrounding the concession of land to private and military companies;
- There is a deteriorating environment for democratic participation and practice for opposition politicians, trade unions, journalists, civic society and human rights organisations, mainly due to the frequent use of lawsuits by the Government to counter dissent and opposition.

Country visits

Cambodia: November to December 2005, November 2004, November 2002, June 2002, March 2002, November 2001, June 2001, February 2001, November and December 2000, October 1999, August 1999, May 1999, March 1999, January 1999, October 1998, July 1998, May to June 1998, April to May 1998, January 1998, December 1997, August to September 1997, June 1997, March 1997, December 1996, January 1996, January 1995, November 1994, January 1994.

Pending reports

Annual report (E/CN.4/2006/110).

Communications (2005)

No information available in the 2006 annual report.

