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**Address of Professor Vitit Muntarbhorn, UN Special Rapporteur on the Situation of Human Rights in Cambodia, to the UN Human Rights Council, October 2023.**

Excellencies, Ladies and Gentlemen:

It is an honour and a pleasure to address the Council and to submit my third report on the human rights situation in Cambodia. The report covers the period from the middle of 2022 to the beginning of June 2023, and this statement endeavours to provide the Council with an update of developments since that period.

At the outset, my sincere thanks are conveyed to the people of Cambodia for the hospitality during my first visit under this mandate to the country in August 2022. The visit took place just after the 2022 commune elections at the local level. I was very pleased to have access to the field, such as prisons and closed institutions, to offer advice on needed improvements. I also met the Government, a range of government officials, a number of civil society organizations, detainees and other stakeholders.

During the past year, constructive actions in regard to the country’s link with human rights can be identified and they include more attention to child protection, introduction of social protection measures such as pensions for employees, expanded help for the poor and vulnerable, and improvements of the justice system to clear case backlogs and to introduce non-judicial dispute resolution. Notably, it was reported very recently that the authorities had spent over one billion dollars in the past three years helping needy groups in the country.

During this period**, various economic-social-cultural issues also arose**, at times with implications for law making, enforcement and anti-crime measures. There were multiple cases of human trafficking of a modernistic kind, especially on-line fraud or scam; many nationals from other countries had been/have been tricked to come to Cambodia and prey on other people on-line. At times, they are subjected to violence if they fail to defraud other people as demanded by the traffickers. Today, there is more cooperation among law enforcers and other personnel to tackle these cases.

Yet, these people who are tricked into preying on other people should be seen as victims and should not be criminalized as illegal immigrants in the destination country or illegal emigrants in the country of origin. They need transparent assessment of their status, as well as supports with empathy for their recovery and return. On another front, various incidents during the year raised concerns in regard to intercountry-adoptions and surrogacy, with needed measures from the authorities to prevent the sale and exploitation of children.

**Turning now to progressive assessment of the human rights situation in the country, there were innovative benchmarks/indicators in my 2022 and 2023 reports** which have provided an opportunity to take stock of the realities. Since the peace process of the early 1990s, Cambodia has progressed on several fronts as seen by the assessments per the 20 benchmarks in my recent report. It has great potential economically and I welcome the increased attention for environmental protection and climate change as part of green development.

**However, those progressive developments tend to be in the economic- social-cultural field rather than in the political arena.** A large number of the benchmarks – more than half of the twenty benchmarks - in regard to the latter, as analyzed in my report, are regrettably unfulfilled. This is especially due to the monopolization of power at the top, fencing in the political and civic space as a systemic, restrictive enclosure.

**There is now a power shift from the older generation** who were there for some three decades and more - to their children and kith-an-kin personifying dynastic transfer of position and power, through instrumentalization via the recent constrained elections. In essence, this scenario jeopardizes respect for human rights, democratic principles and the international Rule of Law.

**My 2023 report provides details of the 2022 commune elections**, which were won by the ruling party, the Cambodian People’s Party, while the main opposition party, the Candlelight party, and other parties made some headway. This was despite the fact that the electoral machinery was very much weighted in favour of the former; the political situation was already conditioned by the monopolization of power at the top of the system.

**Since then, the political panorama has undergone a disconcerting contraction, as evidenced by the following anomalies.**

**First, the landscape towards the 2023 national elections** was undermined by a clamp-down on the political opposition. Before the national elections, the registration of the Candlelight party was turned down by the authorities under questionable circumstances, thus excluding the main opposition party from participation in the elections.

**Second, prior to the elections, those in power amended the electoral law** to prohibit incitement affecting the electoral process. This added another unnecessary layer to the already overused criminal law provisions on incitement which have been employed extensively to stifle those disagreeing with the power base. This new law impeded the political campaign of various political parties seeking pluralization of the polity and steps towards a liberal democracy.

**Third, key rights holders and stakeholders, such as opposition leaders and civil society actors, were arrested, prosecuted and detained**, at times with verbal and or physical attacks against them, some before, some during and some after the national elections, thus being prevented from taking part in the national elections and their aftermath which have turned out to be exclusive rather than inclusive by nature.

**Fourth, those in charge of organizing the elections were and are known to have close ties with the ruling elite**, thus epitomizing imbalances contrary to fair play. They are part of the collegial stratum undergirding the power base, the latter having under its wings all the pillars of the State – executive, legislative and judicial.

**Fifth, the main political party which had already been in power for a long time won again in July 2023, for lack of a viable opposition.** It won 120 out of 125 seats in the National Assembly. This was almost a *deja vu* of the previous 2018 national elections when the ruling party won all 125 seats. The latter was especially due to the fact that the main opposition party at the time – the Cambodian National Rescue Party – had been disbarred/dissolved by judicial intervention in 2017, also under dubious circumstances. Hence, the perpetuation of political monopoly (or quasi-monopoly), not plurality.

**In truth, the 2023 national elections were neither free nor fair, despite having many election observers at the field level.** There remains an issue of whether those observers were independent from those in power. Wisdom dictates that we should look at not only election day but also what preceded it, as well as what succeeded it. It invites systemic, qualitative - rather than cosmetic, quantitative – taxonomy of the electoral spectrum.

Today, in interfacing with the new Government, the world community should invite it to seize the opportunity to turn the tide and rectify the discrepancies of the recent past. At the end of my 2023 report, there is, from this mandate, the **Intergenerational Call to All** urging the authorities to offer that rectification and abide by the basics of human rights, as well as key recommendations for improvements.

At a time when the path of the country’s development is being reshaped by a new generation, it is pivotal to integrate the call for human rights and democracy substantively into the trajectory towards the future. Notably, the country is now embarking on its **Pentagonal Strategy** as its new development path to elevate the country to middle income and ultimately developed country status; that strategy focuses oneconomic growth, job creation, equity, efficiency, and sustainability over the next 25 years.

I call upon the authorities to integrate into its strategy and related implementation this **Pentagonal Commitment to Human Rights**, with five key components, incumbent on the authorities to offer responsive action(s):

* **Fulfill the 20 Benchmarks, such as by suspending and reforming negative laws, policies and practices, already voiced by this mandate in the 2023 report to enable the country to comply with the full range of human rights interwoven with democratization and as guided by the Cambodian National Human Rights Action Agenda, which this UN Special Rapporteur issued at the end of his visit to Cambodia in 2022;**
* **Ensure access to justice for all, such as to release expeditiously the range of persons detained for political reasons and detained human rights defenders; drop the charges against them; and revoke their sentences;**
* **Open up the space for political pluralization and inclusivity, such as for political actors, civil society organizations, activists and media, working especially on human rights, democracy and environmental protection as human rights defenders, and Demonopolize the power base to share power in a democratized, liberalized setting;**
* **Revamp the numerous State-related institutions, especially the body in charge of organizing elections and the judiciary, to become genuine checks and balances with a sense of justice and political-cum-societal equilibrium;**
* **Cooperate with the UN system, including this mandate, to enable genuine implementation of the Paris Peace Accords, human rights treaties, other international obligations, and related national laws, policies and practices, enhancing the incontrovertible nexus between peace, human rights, democracy and sustainable development.**

**Thank You.**