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SPECIAL REPRESENTATIVE OF SECRETARY-GENERAL CITES PROGRESS ON HUMAN RIGHTS IN
CAMBODIA, BUT WARNS OF EVIDENCE OF RETURN TO AUTOCRACY

Human Rights Commission Hears More Statements on Minority Rights

The Special Representative of the Secretary-General for Human Rights in Cambodia told the Commission on Human Rights this morning of evidence of a return to autocracy in the Southeast Asian nation.

Australian Justice Michael Kirby said that despite the commitment in the 1991 Paris Peace Agreements to multiparty democracy in Cambodia, reinforced in the country's Constitution, various unreasonable obstacles had been put in the way of the registration of an opposition political party. The opposition was also denied access to the media in Cambodia.

Mr. Kirby said it would be a tragedy if Cambodia were to return to a system of government where only one point of view could be given an effective voice. The United Nations must defend the rights of the Cambodian people against those who would put the clock back. It was his duty to call to attention worrying evidence of a reversion to autocracy.

Nevertheless, the Special Representative told the Commission of progress made by Cambodia in the social and cultural fields, including a 60 per cent increase in the health budget and an 8 per cent rise in spending for education. Furthermore, a growth of Cambodian civil society was illustrated by the countless non-governmental organizations (NGOs) active in the country.

Mr. Kirby's remarks came as he introduced his last report on the situation in Cambodia before returning to national service in May. He is to be succeeded as Special Representative by Thomas Hammarberg, of Sweden. In order to hear Mr. Kirby, whose report is to be examined in more detail when the Commission takes up the question of the provision of advisory services in the field of human rights to a number of countries later in this session, the main United Nations human rights body briefly suspended consideration of the questions currently under discussion, namely the rights of migrant workers, the rights of persons belonging to minorities, and the implementation of the Declaration of the Elimination of All forms of Intolerance and of Discrimination Based on Religions or Belief.

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Also this morning, the Commission formally adopted its agenda for this fifty-second session, following the addition of an item entitled, "Indigenous issues".

Participating in the debate were delegates from Commission Members Hungary, India, Philippines, United States, China, Ukraine, Austria, Russian Federation, Sri Lanka, Egypt, Bangladesh, Republic of Korea, Chile, Ethiopia and Pakistan.

When the Commission meets again at 3 p.m. this afternoon, it will continue its discussion concerning the rights of migrant workers and minorities, and religious intolerance. The Commission is also scheduled to start consideration of the report of the Subcommission on Prevention of discrimination and prevention of Minorities on its forty-seventh session.

Statement by Special Representative of Secretary-General
for Human Rights in Cambodia

Justice MICHAEL KIRBY, outgoing Special Representative of the Secretary-General for Human Rights in Cambodia, said Cambodia had made progress in a number of areas relevant to human rights which he said deserved acknowledgement and praise. For one thing, human rights teaching in schools and colleges had continued to gather pace. And in an unprecedented move, a woman had been appointed Minister, to be in charge of women's affairs. Although women suffered many disadvantages, they were increasingly participating in non-governmental organizations to demand equal rights, including in the political system itself. Cambodia also continued to enjoy a higher level of press freedom than existed in many countries of its region. During the year past journalists had not been imprisoned, although cases were currently before the courts which presented that danger.

But there were problem areas, the Special Representative continued, pointing out that despite the commitment in the Paris Peace Agreements to multi-party democracy, reinforced in the country's Constitution and endorsed in United Nations human rights treaties ratified by the Government, various obstacles had been put in the way of the registration of an opposition political party. There could be no democratic freedom without the privilege to organize parties and express dissenting views. Furthermore, access to the media was denied to opposition opinion, especially in radio and television. Without such access, elections became a charade. It was his duty to call to attention worrying evidence of a reversion to autocracy.

The Special Representative said the expulsion from the National Assembly of a number of elected members, contrary to his advice, and the derogation from their rights, was a matter of grave concern. He welcomed the consideration of the issue by the Inter-Parliamentary Union.

Concerning the situation of prisoners, Mr. KIRBY underlined that the system needed urgent attention. "From their dark prison cells in far-away Cambodia," he said, "prisoners looked to the international community to alleviate their shocking conditions".

The work of the office of the Centre for Human Rights in Phnom Penh and the many other United Nations agencies in the field in Cambodia had

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brought great credit on the United Nations and tangible assistance to the people of Cambodia, the Special Representative concluded.

In his report (document E/CN.4/1996/92), the Special Representative welcomes the increase of 60 per cent in the health budget of Cambodia for 1996, as well as a rise of 8 per cent in spending for education. He also congratulates the Government on the passage of a Law on Cultural Property last December, noting that the United Nations Educational, Social and Cultural Organization approved the permanent listing of the Angkor temples in the World Heritage List weeks earlier on the expectation that the law would be passed.

Among his recommendations, the Special Rapporteur urges the Government to exercise restraint in the prosecution of cases against journalists which, in the past at least, appeared to have resulted in prison terms. He notes that he continues to receive many complaints concerning the independence of the media from Government control.

The Special Representative also specifically recommends that the impediments to registration of the Khmer Nation Party and the Buddhist Liberal Democratic Party be removed forthwith so that their members and supporters may exercise, without interference or inhibition, political freedoms and the right of free association.

The Special Representative writes that during his sixth and seventh missions to Cambodia between August 1995 and January 1996, Cambodia's Co-prime Ministers were not available to meet with him, as they had been on earlier missions. He considers that it would be particularly unfortunate if, as a result of advice and recommendations which were in part unwelcome, the Government of Cambodia at its highest level did not feel able to receive the Special Representative of the Secretary-General. Experience in the field of human rights suggests, he adds, that discussion and the exchange of views are more likely to narrow differences than is the refusal, or failure, to meet.

Statements in Debate

PETER NARAY (Hungary) said a number of recent conflicts had demonstrated that violations of minority rights could upset regional stability. Hungary had long ago learned that respecting the rights of minorities was important for States as well as for their citizens. Democracies did not exist solely to boost the interests of national majorities. Minorities whose rights were respected became strong pillars of their States, experience had shown; they did not threaten the integrity of States, but rather the reverse. In Hungary, the share of the population made up of minorities was around 10 per cent, and recently a law had been passed to actively protect the status, traditions, languages, identities, and cultures of minorities; in many situations, minorities had extensive local self-government, and some also had forms of national self-government.

ARUNDHATI GHOSE (India) said that in her country, the Constitution prohibited discrimination on grounds of religion, race, caste, sex and place of birth; freedom of conscience and the right to freely profess, practice and propagate religion were fundamental rights. A Minorities Commission had been functioning in India since 1979, while a Commissioner on Linguistic Minorities looked into the redress of grievances of minorities. A Cabinet

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Committee on Minority Welfare had been constituted under the Chairmanship of the Prime Minister to review result-oriented implementation of measures for the welfare of minorities. Moreover, in several Indian States, Minorities Development Corporations and Boards were functioning to promote the economic development of minorities. The objective was to maintain both unity and diversity as a composite, pluralistic whole in India. Internationally, the Centre for Human Rights ought to place the promotion of tolerance high on its work plan priority list. Without determined and cooperative efforts on the question of minorities, using persuasion, dialogue and negotiation as tools in the process, Member States and the international community as a whole would continue to face the consequences of extremism and intolerance, conflict and violence.

LILIA BAUTISTA (Philippines) said much more needed to be done to recognize that migrant workers who left home in search of ways and means to earn an honest, decent living, also had human rights -- they were not to be exploited and abused and their basic rights were not to be trampled upon. The report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and Efforts made by the Secretariat to Promote the Convention (document E/CN.4/1996/70) had shown that only 11 of 190 States had responded to the letter of the Secretary-General urging their accession, ratification or succession to the treaty. The Philippines strongly urged all States to consider seriously the Convention and recognize the need to address problems arising from migratory movement. Her Government also reiterated its call for the High Commissioner for Human Rights to make the rights of migrant workers one of his priority concerns and called for a global conference on international migration and development.

CRAIG KUEHL (United States) said the country had welcomed many faiths -- it was proud, for example, that there was a vibrant and growing Muslim community in the United States. The world, however, could not tolerate extremists in countries like Algeria who claimed to speak for Islam and then slashed women's throats because they disapproved of the way they dressed; nor could it accept bloody acts of terror such as had taken place in Israel. The Special Rapporteur had visited Iran recently and documented that country's continuing persecution of religious minorities; the Commission should condemn such intolerable behaviour. Similarly, all must speak out when nationalism masqueraded as religion and its high ideals in other places, as in former Yugoslavia, or in other places in Europe, where there was anti-Muslim discrimination. It was the duty of the Commission to focus attention on those who failed to live up to established standards of religious tolerance, and to reach out to those who worked to enhance tolerance.

YANG HOUDI (China) said that while making efforts to protect rights of minorities, each country should, on the one hand, respect the internationally recognized norms of human rights and, on the other, adopt measures suitable to its own circumstances. Regrettably, some States, out of their own political interests, always made presumptuous comments on the human rights situations of minority nationalities of other countries, interfering in their internal affairs or attacking their territorial integrity. China attached great importance to the promotion and protection of the rights of minorities and to that end had formulated and implemented a whole set of policies, including equality among nationalities and regional national autonomy. Minorities had the right to equal representation in the

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legislature and administration; languages of all nationalities enjoyed equal treatment; customs and rituals of minorities were respected. It was noticed that the report of the Secretary-General (document E/CN.4/1996/88) on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities contained some comments of the Special Rapporteur on torture which were not based on fact. Such comments were irresponsible and biased, and must be corrected.

OLEG SHAMSHUR (Ukraine) said systematic efforts by Ukraine to protect the rights of minorities had allowed it to become one of the few newly independent States to avoid inter-ethnic conflict. Attention paid to the revival of the Ukrainian culture was not taking place at the expense of other minorities in the country, and had nothing to do with allegations of "forced Ukranianization" heard from some quarters. Rehabilitation of peoples deported from Ukraine under Stalin was taking place, but was heavily dependent on limited financial resources. A return movement from Ukraine to other countries also was unfolding on a massive scale. Ukraine expected similar attention to be paid to the needs of millions of ethnic Ukrainians by the Governments of countries where they now resided; unfortunately, in some neighbouring countries, these rights were not secured.

HARALD KREID (Austria) said the development of the situation in the former Yugoslavia, particularly in Bosnia and Herzegovina, was a dire reminder of how minority questions could lead to an uncontrollable conflagration if national or ethnic strife prevailed and human rights were systematically disregarded. Austria would continue supporting the work of the international organizations and non-governmental organization on the ground to assure protection of minority groups in that part of Europe. Austria felt that in order to improve the application of international standards, it was necessary to analyze individual cases of minority protection and promotion schemes. The experience gained could prove invaluable to other States and would be all the more meaningful the broader the participation of non-governmental organizations, scholars and experts was. The initiative of the Organization for Security and Cooperation in Europe concerning setting Europe-wide comprehensive standards in favour of national minorities was an important step in the development of legally-binding norms on the treatment of such groups. The variety and complexity of minority situations could not be seen as an obstacle in the elaboration of international and domestic standards and rules for the protection and promotion of minorities.

BORIS KRYLOV (Russian Federation) said inter-ethnic peace and harmony were vital in Russia, where there were 176 different groups living side by side. In that spirit, the Federal Assembly was about to adopt a Law on National and Cultural Autonomy. And Russia could not be indifferent to the fate of its 25 million compatriots left outside its borders as a result of the collapse of the Soviet Union; it was troubled by a growing tendency in some States of not granting full rights to their Russian-speaking populations. The situations in Latvia and especially Estonia were a cause of growing concern; legislation on citizenship in those countries had instantly turned hundreds of thousands of ethnic Russians into stateless persons. The United Nations Human Rights Committee had stated that Estonia violated a number of the rights of non-citizens, but unfortunately Estonian authorities had not listened to that panel. In fact, they had become harsher in their policy towards ethnic Russians.

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BERNARD GOONETILLEKE (Sri Lanka) said minorities of a particular country might have ethnic, cultural, religious and linguistic links with their brethren in neighboring countries. Those links could, on the one hand, foster positive interaction among the communities concerned but, equally, they might lead to friction and misunderstanding. Tensions evident in the Baltics, the Balkans and in Central Europe were examples of this. In some countries, certain groups sought to project themselves as guardians of the rights of particular minorities, while denying the very people they claimed to represent human rights and fundamental freedoms. They also denied the duly elected parties of the same minorities the opportunity to represent the people and negotiate political solutions through democratic means. Such groups resorted to terrorism to marginalize, or even eliminate, the democratic opposition within their own communities. In order to sustain their violent campaigns, they perpetrated criminal activities such as drug trafficking, trafficking in persons and illicit trade in arms, nationally and internationally. International response had now become imperative to ensure that the quest for promotion and protection of the rights of persons belonging to minorities was not driven by violence or by terrorism.

MOUNIR ZAHRAN (Egypt) said his country regretted that the majority of States had not ratified the International Convention on the rights of migrant workers and their families. Migrants needed international protection -- they were unusually vulnerable. Such workers had to be treated as nationals in such matters as salary and labour conditions, and they had to be granted cultural and social respect in their family and personal lives. The rights of women workers deserved even greater attention. Egypt had been known throughout history as a country of tolerance; it was against violence and intolerance, sought to grant full rights to all minorities, and had signed all international instruments to that effect. It welcomed the activities of non-governmental organizations, but urged them to be objective and fair in their statements.

SHAMEEM AHSAN (Bangladesh) said the need for a definition of "minorities" had increased: it was absolutely necessary for a set of criteria to be established for facilitating identification of the beneficiaries or target groups of protection in accordance with the principles enshrined in the Declaration. The flaw of sticking to the numerical notion of the term "minority" was only too obvious considering the plight of the numerical majority in South Africa during the apartheid regime. Secondly there was the aspect of vulnerability: more than the numerical notion, it was the vulnerability of a population group that brought to the fore the need for protection. The economic environment of a society in terms of access to resources and opportunities would be a distinct factor in causing vulnerability or the perception of it. Thirdly came the question of protection and standards: measures directed at the protection of the vulnerable and non-dominant groups of populations must be included within the framework of municipal initiatives and measures. Given these considerations, rather than elaborating a uniform regime of protection, it would prove more effective to encourage States to substantially improve the situation of minority groups through dialogue with dominant and non-dominant groups.

JOON HEE LEE (Republic of Korea) said one of the primary sources of conflict in the world today came from within States, rather than between States. The intersessional Working Group on minorities of the Subcommittee on Prevention of Discrimination and Protection of Minorities should suggest

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concrete, constructive, and peaceful solutions to minority situations -- such a practice could result in a much-needed preventive mechanism. More comprehensive linguistic and cultural protection of settled groups appeared to be justified; the protection of minorities should not be limited to those with full citizenship. The Republic of Korea had a particular concern for populations without citizenship in their countries of residence. Such populations should be regarded as minority groups and benefit from equal access to State protection.

CARLOS PARKER (Chile) said among the most consistent motivating causes of migration were poverty, marginalization and an unbalanced economic order which failed to provide citizens with decent living conditions and the opportunity for advancement in their own countries. Above all, migration was the result of underdevelopment, suffering and despair. Migrants often suffered hostility and discrimination, and there were cases of human rights violations against refugees, displaced persons, migrant workers and their families. Migrant workers without legal documents were particularly vulnerable. The phenomenon had reached such proportions that it had to be dealt with on both the multilateral and bilateral levels. The delegation of Chile urged all States that had not already done so, to accede to the International Convention relating to migrants.

MINELIK ALEMU GETAHUN (Ethiopia) said the blatant denial of minority rights and other basic human rights had been the source of civil strife and conflict in Ethiopia until the overthrow of the former Government. The new Constitution of Ethiopia, adopted on 8 December 1994, had brought about far-reaching and fundamental changes in the areas of basic freedoms and human rights. The charter embodied the basic principles on which the country's body politic was founded and had firmly established democratic order, human rights and the rule of law. It also declared that all human rights instruments ratified and acceded to by Ethiopia were an integral part of the land. Thus, Ethiopia had established a constitutional order where the Government was transparent and accountable to the governed through periodic elections. The realization of the right to self-determination had enabled the various nations, nationalities and peoples to find true expressions of their identities.

MUHAMMAD YOUSAF (Pakistan) said it was essential that all countries, especially host countries, have laws recognizing the fundamental rights of migrants. There should not be any restrictions on migrants except perhaps those due to national security considerations, and even those should not be used arbitrarily. Rather than being viewed as economic or social usurpers, migrants should be seen as accepting positions which the nationals of a receiving State no longer considered sufficiently lucrative or socially acceptable; migrants were by and large law-abiding and paid their taxes, so it was malignant to depict them as burdens on their host countries. A new international migration regime should be established, with States attracting migrants trying to predict their needs for manpower and international efforts being made to check excessive flows to a few countries. The best way to do that was to encourage investment in countries where there was deprivation and dislocation.

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