

Human Rights Situation in Cambodia 2006



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LICADHO

CAMBODIAN LEAGUE FOR THE PROMOTION
AND DEFENSE OF HUMAN RIGHTS



Political and Historical Context

- **1975:** “Year Zero”
- **1978:** Vietnamese oust the Khmer Rouge from power.
- **1979 – 1991:** Civil war.
- **1991:** Paris Peace Accords, UNTAC takes the helm.
- **1993:** First general elections are held. Royalist FUNCINPEC wins 58 seats; Former Communist CPP 51; BLDP 10 and Molinaka Party 1. A coalition government is formed.
- **1997:** 2nd Prime Minister Hun Sen stages a coup



Political and Historical Context, cont.

- **1998:** Second general elections are won by Hun Sen's CPP party (CPP 64, FUNCINPEC 43, SRP 15). Weeks and weeks of demonstrations ensue. Another coalition government is formed.
- **2002:** First Commune level elections. CPP wins.
- **2003:** Third general elections. CPP wins but does not win enough seats to govern alone (CPP 73; FUNCINPEC 26 and SRP 24). Political deadlock.



Political and historical context, cont.

- **2004:** National Assembly approves a new coalition government with the CPP and FUNCINPEC, ending nearly 12 months of political deadlock.
- **2004:** After being at the forefront of the Kingdom's politics for more than half a century, Norodom Sihanouk abdicates the throne, and is succeeded by his son Norodom Sihamoni.
- **2004:** National Assembly passes legislation to enable trials of former Khmer Rouge leaders to take place
- **2006:** Constitution is amended to enable a party winning a simple majority in a general election to form a government.



Human Rights Concerns

**Violations of Civil
& Political Rights**

**Need for Legal &
Judicial Reform**

**Violation of Women
& Children's Rights**

Systematic Concerns:

**Corruption and Impunity
Poverty
Violence
Discrimination Against
Women**

**Need for an
Independent HR
Commission**

**Violations of Social, Economic
& Cultural Rights**

Topical HR Concerns
(Khmer Rouge Trial, Montagnard
Refugees, WTO)



Systemic Human Rights Concerns

Endemic Corruption

- At the highest levels of the police, army & gendarmerie; government; and private sector

The Poverty Gap

- The poor are over-represented in prosecutions
- Justice is not equal for the poor vs the rich

Culture of Violence

- Past experiences of systemic political turmoil and genocide
- Lack of control over police's use of firearms and lethal force
- Lack of trust in the judiciary exacerbates mob violence

Discrimination Against Women

- Women and girls are particularly vulnerable to all forms of exploitation

impunity



Violations of Civil and Political Rights

Denial of freedom of assembly, movement

- Violent repression of demonstrations and restriction of movement by the authorities in eastern part of Cambodia
- Systematic repression of gatherings and demonstrations in Phnom Penh since January 2003 (Anti-Thai Riot)

Restrictions on freedom of association

- Political opposition and NGO leaders in rural areas are subject to intimidation, threats

Restrictions on freedom of expression

- Newspapers are often politicized and lack professionalism
- TV is gov't controlled; radio stations censored





Violations of Civil and Political Rights, cont.

Shrinking Democratic Space

- 2005 National Assembly votes to strip parliamentary immunity from three members of the opposition Sam Rainsy Party (SRP)
- Systematic increase in repression of freedom of assembly, expression and movement (e.g. Oct/Dec 2005 arrests of individuals who criticised border issue between Cambodia and Vietnam; government prevents garment factory workers from entering the capital to celebrate 2006 Labour Day)
- Open interference with the judiciary by the executive
- New repressive drafts of forthcoming legislation (Law on Public Assembly, Law on NGOs)



Violations of Civil and Political Rights, cont.

The right to life, liberty and security of the person

- Abuse of power worsened by culture of impunity
- Politically motivated threats, brutality and killings
- Arrests, threats and violence against journalists and human rights defenders

Example:

Chea Vichea

labour leader murdered;
22 January 2004, Phnom Penh

Forestry Community Members

attempted killing;
July 2005, Kampong Thom





Violations of Civil and Political Rights, cont.

The use of torture

- By civilian perpetrators:
 - Trafficking;
 - Sexual exploitation;
 - Gender based violence;
 - Domestic violence, etc.

- By state actors:
 - to extract confessions, information;
 - to punish alleged perpetrators;
 - to extort money;
 - to deter prison escapes, etc.



Violations of Civil and Political Rights, cont.

Election irregularities

- Intimidation of voters, confiscation of voter documents, gift distribution...

Election intimidations

- Verbal and physical assaults, threats to political activists

Election violence

- July 2003 elections – The UN Special Representative notes 13 murders of “special concern”
- Repression, often violent of political gatherings outside of official election period.





Violations of Civil and Political Rights, cont.

Poor Prison Conditions

- Severe overcrowding
- Excessive and prolonged pre-trial detention
- Limited access to family, lawyers, human rights workers
- Impoverished conditions – prison budget only 0.25 USD per day for food and water
- A number of innocent young children living in prisons with their parents





Women and Children's Rights

Trafficking

- Sexual exploitation
 - reports of sexual exploitation of woman and children has drastically increased since the 1990s
- Worst Forms of Labor
 - adults and children are working under hazardous and life-threatening working conditions
- Cambodia is both a source and a destination of trafficked persons
- Failure of judiciary to convict in great majority of cases



Women and Children's Rights, cont.

Rape

- In 2005 LICADHO investigated 203 cases but most are likely unreported. The majority of reported cases involve young girls
- Serious problems with prosecution of perpetrators due to:
 - investigative weakness
 - brokering of criminal charges
 - corruption
 - judicial misinterpretation of relevant law etc.



Women and Children's Rights, cont.

Domestic Violence

“Its none of your business, I am only hitting my wife!”

*Response of a man to a police officer who told him to stop his violence against his wife. The officer did nothing more.
(LICADHO, Less than Human, June 2000)*

- Reported cases of domestic violence are increasing
- Not considered a real crime rather a family affair in which police are reluctant to “interfere”
- 2005, National Assembly passed a new set of laws to fight against Domestic Violence; poor implementation by authorities





Women and Children's Rights, cont.

Child Labour

- The right of children to protection from worst forms of child labor is not adequately enforced
- Child labour in a commercial context is qualitatively different than that of a traditional agricultural setting but exploitation is possible in both





Economic, Social and Cultural Rights

Land-grabbing and Economical concessions

- Economical concessions granted by the government to private interests affecting communities
- Land-grabbing undertaken by or assisted by military, police or government officials
- Systematic violation by government officials of the 2001 Land Law
- Illegal logging
- Threats made against NGOs working on land-related issues
- Breach of the right to an adequate standard of living (CESCR, art.11)





Economic, Social and Cultural Rights, cont.

Health

- High rates of death arise from childbirth and preventable childhood diseases
- Structural issues and bribes have hindered efforts to improve health care

Education

- Children may be required to work to provide income for the family rather than attend primary school
- Low salaries, bribery, and lack of professionalism amongst some teachers
- High drop out rates, especially among girls





Topical Human Rights Concerns

Khmer Rouge Trial

- Concern it may not meet international standards of fairness and impartiality

Montagnard Refugees

- Despite its international obligations, Cambodia continues to deny refugee status to Montagnards fleeing Vietnam

Accession to the WTO

- Concern that the negotiation of Cambodia's accession to the WTO was too burdensome and may hinder Cambodia's ability to protect economic, social and cultural rights.



Need for Legal and Judicial Reform

Inadequate or problematic legislation

- Elements of the civil and criminal codes have not yet been enacted.

Lack of independent judiciary

- The judiciary suffers from:
 - corruption;
 - lack of neutrality and political bias;
 - interference from the military, police and government.

Poor law enforcement and criminal administration

- Like the judiciary, law enforcement also suffers from lack of independence, corruption and low professionalism.



Need for Legal and Judicial Reform, cont.

Impunity

- Lack of effective action to prosecute police, military and government officials who commit human rights violations
- 2004, UNCOHCHR reported 178 high profile human rights violations, including politically-motivated killings, torture and human trafficking

In 2005...

- Institutional change transferred the secretariat of the Supreme Council of Magistracy (SCM) to the authority of the Ministry of Justice, creating a consolidation of power by the Executive
- In 2005 the Prime Minister announced the “iron fist” campaign to prosecute corrupted judges; convicted judges in absentia went on a re-trial and were all acquitted.



Need for an Independent Human Rights Commission

- None of the three human rights committees and commissions are independent from the government
- Thus the government cannot adequately pursue allegations against its own members
- An independent committee or commission should be established – with capable staff, transparent procedures, a broad mandate, and an adequate budget



The Role of Donors

"Donors are one of the most important sources of pressure we have on Cambodia."

*Mike Jendrzeczyk, Washington
Director of Human Rights Watch*



Role of the International Community

- International community has contributed billions in aid money, accounting for roughly half of Cambodia's government budget each year
- Some of this money has helped to develop the country, but a large part has been squandered through corruption and mismanagement
- The majority of the key benchmarks set by donors in 2004 were not reached



Recommendations for the International Community

- Strengthen the international message on human rights (raise human rights issues at the diplomatic and public level, support and maintain dialogue with local NGOs and civil society, etc.)
- Set clear goals and performance indicators, and insist the Cambodian government meet them
- Support the strengthening of the independence and integrity of judiciary
- Ensure the rule of law is enforced and applied evenly

The End

Please visit www.licadho.org for up-to-date information
on what LICADHO is doing

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