

CAMBODIA: DETERIORATING HUMAN RIGHTS SITUATION CALLS FOR URGENT EU ACTION

A briefing paper prepared for the EU's human rights dialogue with Cambodia - Brussels - March 12, 2014

Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty. Article 3: Everyone has the right to life, liberty and security of person. Article 4: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. Article 5: No one shall be subjected to torture or to cruel,



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Introduction: Human rights situation deteriorates

During its Universal Periodic Review (UPR) in 2009, the Government of Cambodia took the extraordinary step of accepting all 91 recommendations to improve the human rights situation in the country. However, over the past four years the government has largely failed to live up to its commitments and those in power have continued to commit human rights abuses. Most recently, the government has displayed disdain for the UPR process by sending of a low-level delegation to the UPR second cycle in January 2014 and entering its own submission late.

The UPR second cycle on Cambodia took place on January 28, 2014. The Cambodian delegation identified seven major areas of concern: ratifications of important human rights treaties; land rights; rule of law; detention and issues related to torture and ill-treatment; economic, social, and cultural rights; women's rights; and children's rights. The delegation defended the government's record on each issue. In the interactive sessions, the Government acknowledged that some issues remain, such as improving rights of children, but downplayed electoral irregularities and attacks on rights to freedom of expression and peaceful association. The Cambodia delegation also deferred all recommendations in relation to aligning national laws to meet its obligations under the Rome Statute and the Optional Protocol on the Convention Against Torture.

The human rights situation in Cambodia has deteriorated since the 2009 UPR. Corruption remains endemic and violence against government critics is systematic. Activists and journalists have been murdered and the authorities have consistently failed to properly investigate those crimes and bring the perpetrators to justice. Prominent government critics have been imprisoned on spurious charges. Business figures and politicians have routinely broken the law, intimidated opponents, and benefited from land concessions and land confiscation that have displaced close to a million people. Violence against women, sex and labor trafficking, child rights violations all remain serious human rights challenges in the country.

Land grabbing continues unabated

Land disputes remain one of the most persistent and pressing concerns in Cambodia. From January 2013 to January 2014, Cambodian League for the Promotion and Defense of Human Rights (LICADHO) staff based in 12 provinces as well as Phnom Penh investigated 101 land-related cases affecting 3,533 families (about 15,900 individuals). These cases highlight a disturbing decade-long trend in which LICADHO documented land grabbing cases affecting over 420,000 Cambodians since 2003. ELCs and EBA schemes negatively impact rural communities

The government's Economic Land Concession (ELC) scheme, formalized in the 2001 Land Law, granted over 2.2 million hectares of land to private firms as long-term leases. Reports have documented how the number of ELCs issued for sugar cultivation increased as a result of the full liberalization of Cambodian sugar exports to the European Union (EU) under the Everything But Arms (EBA) trade scheme for developing nations¹. The rapid development of the Cambodian sugar industry has been accompanied by: forced evictions; child labor; widespread seizures of farmland; destruction of property, crops, livestock, and community forests; and the use of violence and intimidation.

Furthermore, ELCs have been issued in violation of Cambodia's laws regarding: land area; prior environmental and social impact assessments; prior informed consent and consultation of affected communities; transparency; and classification of land awarded². In addition, the government has routinely ignored fair and adequate compensation clauses. Efforts to enforce Cambodian land laws with civil lawsuits have been met by years of court delays or retaliatory criminal lawsuits filed by police, court officials, and company representatives. Numerous criminal charges have also been brought against community members and land activists suspected of involvement in the land disputes.³ As recently as December 2013, LICADHO agreed to represent a group of villagers who face criminal charges in relation to disputed land contested by community members and private sugar companies seeking to profit from preferential treatment under the EBA.

An EU Parliament resolution adopted in January 2014 strongly appealed for action on the EBA-related land disputes, calling for the European Commission "to act, as a matter of urgency, on the findings of the recent human rights impact assessment of the functioning of the EU's Everything But Arms (EBA) initiative in Cambodia." The resolution also called on the Commission to require exporters seeking to take advantage of EBA privileges "to testify that they have not evicted people from their land and homes without adequate compensation." On February 10, 2014, the Cambodian government publicly announced that it would seek a comprehensive solution for the communities affected by the sugar concessions and that government ministers as well as EU representatives would meet on March 5, 2014 to discuss the resolution process.

Although this is a positive sign for implementing a long-overdue resolution for affected families, the government made empty promises to address problematic ELCs in the past. The Prime Minister issued a directive in May 2012 suspending new ELCs and mandating a review of existing ELCs. A vague exception, however, allowed for at least 16 new ELCs, totaling well

1. See notably the joint open letter to EU Trade Commissioner to address issue of Human rights linked to trade preferences, november 2013, <http://www.fidh.org/en/asia/cambodia/14208-cambodia-joint-open-letter-to-eu-trade-commissioner-to-address-issue-of>

2. FIDH Report Land cleared for Rubber, Rights Bulldozed, october 2011, http://www.fidh.org/IMG/pdf/report_cambodia_socfin-kcd_low_def.pdf

3. See Report of the Special Rapporteur on the situation of human rights in Cambodia, Surya P. Subedi "Addendum: A human rights analysis of economic and other land concessions in Cambodia," 24 September 2012, A/HRC/21/63/Add.1, page 62. See also United Nations OHCHR annuals reports available at <http://cambodia.ohchr.org/EN/PagesFiles/LandandHousingRights.htm>

over 80,000 hectares. In addition, the government failed to conduct a systematic review of the implementation of the May 2012 directive and its impact on rural communities. Instead, the number of landless villagers with no means of self-sustenance continued to grow. From January 2013 to January 2014, LICADHO investigated 12 new cases relating to existing ELCs and affecting 837 families (approximately 3,766 individuals).

Human rights defenders targeted⁴

The government has continued to target and crack down on Human Rights Defenders (HRDs), including members of communities seeking redress for evictions. In May 2013, Phnom Penh police used high-pressure water cannons to disperse land rights demonstrators seeking the release of Yorm Bopha, a prominent land rights activist and leader of the Boeung Kak Lake (BKL) community. The community has been fighting against a massive land grab that resulted in the eviction of some 3,500 households since 2008. Police knocked three protesters unconscious and injured around 20 others during the incident.

In December 2012, the Phnom Penh Municipal Court sentenced Yorm Bopha to three years in jail for intentional violence without the presentation of a single piece of evidence or testimony to support the claim and ignored exculpatory evidence.

The bizarre nature of Yorm Bopha's case continued in June 2013 when the Court of Appeals suspended one year of her sentence but, in doing so, found her guilty of an entirely different charge that was never tried by the lower court. According to the Court of Appeals, Yorm Bopha was not guilty of participating in the violence but was guilty of masterminding it. In contrast, Yorm Bopha's husband, who was also convicted by the lower court on identical charges, had his conviction fully suspended by the Court of Appeals. As with the previous trial at the Municipal Court, the appeal hearing was characterized by a stunning lack of evidence.

Yorm Bopha's case was finally heard by the Supreme Court on November 22, 2013. Although Yorm Bopha was finally released from prison, the Supreme Court did not overturn her conviction but instead released her on bail and remanded her case to the Court of Appeals. No date has been set yet for the re-trial.

Recommendations:

- Given the failed promises of the Cambodia government to act upon its numerous promises to adequately resolve land disputes concerning families adversely affected by EBA-related land concessions.
- Call on the Cambodian government to adopt a transparent strategy to implement their promise of a comprehensive resolution of sugar-related land disputes and insist that the strategy include short-term, time-bound benchmarks with public disclosure requirements for each stage of the implementation process.
- If the time-bound benchmarks are not met by the Cambodian government, call for an immediate, genuine, and inclusive investigation by the EC into the serious abuses linked to all of the sugar plantations in Cambodia, as required under the GSP regulation. Depending on the findings of that investigation, consider suspension of EBA tariff exemptions for sugar.
- Ensure that exporters seeking to take advantage of EBA privileges testify they have not benefited from land eviction, as called for in the January 2014 EU Parliament resolution, and establish a monitoring mechanism to that end.
- Call on the Cambodian government to ensure that all human rights defenders are able to work without any fear of reprisal and to conform to the United Nations Declaration on Human Rights Defenders, the Universal Declaration of Human Rights, and other international human rights instruments ratified by Cambodia.

4. FIDH carries out its activities of protection of human rights defenders within the framework of the Observatory (a joint programme with OMCT)

General election's widespread irregularities spark calls for reform

In the run-up to the 2013 elections, politically motivated threats became common. In February 2013, authorities in a village in Kampong Chhnang province threatened more than 500 villagers with the removal of their names from voter lists if they attended a public forum with Kem Sokha, leader of the opposition Cambodia National Rescue Party (CNRP). CPP supporters and local authorities also made several assaults and attempts on the lives of CNRP backers, including bludgeoning a supporter to unconsciousness with rocks and sticks, strangling a supporter for documenting the removal of a CNRP sign board, and a military police colonel firing his AK-47 rifle in the air to threaten a parade of CNRP youth supporters. Death threats were also common, with a CNRP secretary receiving phone threats before an attempt to burn down his house in Banteay Meanchey Province. A CNRP youth activist in Svay Rieng was terrorized via SMS, when a village assistant chief and CPP group leader sent a photo of a man pointing a gun to another's head. LICADHO also documented numerous cases of people illegally detained on false accusations and arrested without warrants because of their CNRP support. In order to be freed and have charges dropped, many were forced to sign documents pledging their loyalty to CPP.

The elections were marred by numerous irregularities and observers witnessed serious discrepancies recurring in a majority of the stations visited. The most common issues included: voter roll irregularities such as missing names, intentional fraud or vote rigging; and intimidation or harassment. As a result of thousands of recorded irregularities throughout the election process,⁵ many organizations spoke out for reform of election-related laws, procedures, and mechanisms. Moreover, CNRP leaders and supporters challenged the legitimacy of the election and began holding peaceful demonstrations calling for an independent investigation.

Recommendations:

- Call on the Cambodian government to establish a thorough, transparent, and independent investigation into serious allegations of election fraud and irregularities during the July 2013 polls.
- Call on the Cambodian government to establish an all-inclusive, transparent, and accountable mechanism tasked with carrying out a comprehensive election reform that ensures that future elections are free and fair.
- Support Cambodia's election reform process by providing technical assistance to authorities, NGOs, and civil society within the framework of the EU's electoral assistance projects.

5. For more details see LICADHO report, "Briefing Paper: Turned Away: Fraud, Irregularities, and Intimidation during the 2013 National Assembly Elections," available at <http://www.licadho-cambodia.org/reports.php?perm=181>; see also The Electoral Reform Alliance, "Joint Report on the Conduct of the 2013 Cambodian Elections," available at www.licadho-cambodia.org/reports/files/184ERARReport-NationalElection2013Irregularities-English.pdf

Restrictions on freedom of expression and peaceful assembly

Government cracks down on political demonstrations

The general election led to a noticeable increase in violations of the right to freedom of expression and peaceful assembly. LICADHO investigated a total of 140 cases of politically motivated violations of the right to freedom of expression and peaceful assembly in 2013 - compared to 22 cases in 2012 and only 14 cases in 2011.

On September 15, 2013, in Phnom Penh, police shot and killed an innocent bystander when they fired live ammunition on peaceful Cambodia National Rescue Party (CNRP) demonstrators who were trapped in heavily congested traffic along with commuters and local residents and after the police had erected barbed-wire barricades to prevent the protest. During this incident, police arrested six people, charging them with intentional violence and causing property damage. Their subsequent trial on February 17, 2014, epitomized the deficiencies of the Cambodian justice system. Police witnesses who testified before the court could not identify a single defendant and all of them denied that their unit was responsible for any of the arrests. Despite this utter lack of evidence, neither the prosecutor nor the judge dismissed the case. In addition, Ngveang Thideuk, one of the six defendants, was denied bail and remained in Phnom Penh's Correctional Centre 1 (CC1). On February 28, 2014, the Phnom Penh Municipal Court sentenced Ngveang Thideuk to three year in prison and ordered the release of the five other defendants.

Government uses deadly force to repress labor protests

Between January and September 2013, there were at least seven incidents of violence against striking workers by police, private security firms, and employers resulting in 41 injuries. In November, police suppression tactics continued to escalate and armed forces dispersed a garment workers protest in Phnom Penh using live ammunition which resulted in the killing of an innocent bystander.

On January 2, 2014, armed soldiers suppressed a labor strike in front of a garment factory in Phnom Penh's Pursenchey District. The general strike was organized by union leaders in order to peacefully protest the insufficient increase in the minimum wage for garment workers. In two violent clashes, soldiers chased and beat workers with slingshots, batons, and metal pipes. During these clashes, the soldiers detained ten protesters, severely beating some and holding them all overnight at a military base without access to adequate medical treatment. Later that same day, the violent dispersal of striking protesters continued in another part of Phnom Penh as military police and police forces entered an industrial park and violently dispersed and beat striking workers who were dancing in front of factories with loudspeakers.

The following day, on January 3, 2014, police and military personnel shot and killed at least four striking workers amid a renewed crackdown using live ammunition at the Canadia Industrial Park, in southwest Phnom Penh. An additional 38 people were hospitalized during the attack, 25 of them suffered bullet wounds. One person, who a witness says was shot in the chest and taken away by security forces, remains missing. The mixed security forces also arrested 13 more protesters during the crackdown.

The whereabouts of the 23 individuals who were arrested on January 2-3 remained hidden from family, lawyers, and medical staff until January 8 when it was announced that they were all being detained at Correctional Centre 3 (CC3) prison, a remote prison located in Kampong Cham

Province. Despite significant international pressure, including a resolution by the European Parliament on January 16, 2014 calling explicitly for “Cambodian authorities to immediately release the 23 people unjustly arrested,” 21 of the 23 remain in prison as of February 20, 2014, some without access to necessary medical treatment in hospitals. Moreover, the government has failed to thoroughly and transparently investigate the deaths and injuries that resulted from this violent suppression.⁶

Government bans all forms of assembly

On January 4, 2014, a mixed force of police, military police, and thugs dispersed peaceful protesters at Phnom Penh’s Freedom Park. Demonstrators had camped at Freedom Park since mid-December 2013 to call for election reforms and an investigation into the numerous irregularities reported in the July 2013 general election. Later that same day, the Ministry of the Interior issued a media statement banning all public gatherings and marches “until security and public order are secured and return to normal.”

As of February 20, 2014, the ban remains in effect and while it has not been systematically enforced, it has led to repeated violent suppression, harassment, and arbitrary detention of human rights activists and demonstrators⁷. On January 26, at a rally organized by leaders of nine unions and associations, security forces left at least eight people injured as they violently dispersed demonstrators, human rights observers, and media. On January 27, more than 1,000 security forces mobilized in response to a demonstration calling on the Ministry of Information to grant independent broadcaster Mam Sonando a license for a television channel. Security forces detonated smoke grenades and used electric batons against demonstrators and bystanders, injuring at least 10 people.

On two occasions, the ruling Cambodian People’s Party (CPP) mobilized “civilian” supporters armed with batons to gather near pre-announced Cambodia National Rescue Party (CNRP) public forums and speaking events, forcing CNRP leadership to cancel these events. In one instance, these CPP supporters surrounded the hotel where CNRP leader Kem Sokha was staying in order to prevent him from leaving to attend the CNRP event.

Recommendations:

- Call on the government to implement the recommendations made by the January 2014 EU Parliament resolution on the situation of rights defenders and opposition activists in Cambodia and Laos, including: immediately revoke the ban on all public gatherings; thoroughly investigate and hold to account those responsible for deaths and injuries among peaceful protesters; end the use of disproportionate force in crowd control; immediately release the 21 people and Ngveang Thideuk who remain in jail after being unjustly arrested.
- Call for an immediate investigation into the whereabouts of the missing person allegedly shot in the chest and carried away by security forces on January 3, 2014.

6. See FIDH, LICADHO, ADHOC press release, “Bail refused for 21 workers and human rights defenders”, February 11, 2014, <http://www.fidh.org/en/asia/cambodia/14627-cambodia-bail-refused-for-21-workers-and-human-rights-defenders>

7. See FIDH, OMCT, LICADHO, ADHOC, and CCHR press release “Harassment, arrest, and detention of human rights defenders continue, January 22, 2014, <http://www.fidh.org/en/asia/cambodia/14511-cambodia-harassment-arrest-and-detention-of-human-rights-defenders>

Legislation restricts legitimate activities of civil society and human rights defenders

Laws stifle freedom of expression and peaceful association

Several laws currently in force contain vague language or cumbersome criteria often manipulated to harass civil society and human rights defenders (HRDs) or to obstruct their lawful activities. The Criminal Code, which entered into force in December 2010, contains several articles that are often misused in cases regarding HRDs. Offenses such as defamation, insult or incitement prohibit vaguely defined conduct and are often employed by the government to harass, threaten, and obstruct HRDs.⁸ Additionally, two sections restricting publication of comments intended to influence a court or criticizing a judicial decision could be used to criminalize HRD's public advocacy for the reform of the justice system and may deter lawyers from speaking about their cases.⁹

The Law on Peaceful Assembly specifies cumbersome notification and approval requirements for demonstrations. The authorities often use the law to prohibit peaceful protests likely to be critical of the government on grounds of security, safety or public order. Moreover, the law stipulates that criminal charges can be filed against organizers of demonstrations for vaguely defined transgressions by any participants.

Several provisions of the Anti-Corruption Law, which entered into force in August 2011, threaten freedom of expression. Notably, under another vague defamation provision, a whistleblower is subject to imprisonment if the information he provides leads to an undefined "useless inquiry."¹⁰ In June 2013, the National Assembly passed the Law Against Non-Recognition of the Crimes Committed During the Democratic Kampuchea Period. The law criminalizes a wide-range of expression deemed to question crimes committed during the Khmer Rouge genocide with hefty fines and up to two years' imprisonment. The law was a blatant political move to discredit and silence opposition leader Kem Sokha. It was first proposed by Prime Minister Hun Sen on May 27, 2013, after Cambodia National Rescue Party (CNRP) leader Kem Sokha was alleged to have claimed that atrocities committed by the Khmer Rouge were actually staged in Vietnam, an allegation he denied.

Proposed draft laws raise concerns

There are several draft laws that, if passed in their current form, threaten to impose severe restrictions on the work of human rights defenders (HRDs).

The draft Law on Associations and Non-Governmental Organizations (LANGO) is a highly controversial and unnecessary piece of legislation that was first developed in 2010. The first three drafts received extensive criticism from local and international civil society organizations, donor governments, and legal analysts. Despite several revisions, the fourth and most recent draft still contains restrictions on the freedom of association, burdensome registration requirements

8. Articles 305 ("defamation"), 307 ("insult"), 495 ("incitement"), 502 ("insult against a public official"), Cambodia Criminal Code

9. Article 522 ("comments intended to unlawfully coerce judicial authorities") and 523 ("discrediting judicial decisions"), Cambodia Criminal Code

10. Article 41 ("defamation and disinformation"), 2011 Anti-Corruption Law

for some organizations, excessive powers granted to unelected officials of the executive branch, and unreasonable restrictions on foreign NGOs.¹¹

A Law on Trade Unions has been in draft form for over two years and includes worrying provisions likely to increase the vulnerability of workers, especially those who join union activities. The draft law contains burdensome registration and reporting requirements and hefty fines for vaguely defined violations. The proposed law also allows the government to dissolve or suspend unions on arbitrary grounds. The government recently stated that it plans to pass the law by the end of 2014.

The draft Law on the Management and Use of Agricultural Land, poses a serious threat to private land owners, particularly smallholder farmers, and to HRDs advocating on agricultural development issues. The draft law contains numerous exploitive provisions, including an entirely new “agricultural land lease” scheme that renders ineffective limitations and protections required for Economic Land Concession under the 2001 Land Law and subsequent sub-decrees. There are, for example, no land area or duration limits, environmental impact assessments, or prior consultation or consent requirements related to such leases in this draft law. The draft law also prescribes a sentence of up to one year in prison for any violation of the law itself, of any sub-decrees issued under the law, or orders issued by the General Directorate of Agriculture (GDA), a body under the Ministry of Agriculture, Forestry, and Fisheries (MAFF).¹² The draft must be substantially revised to prevent it from providing legal cover for land-grabbing and exploitation of Cambodia’s land and resources.

A Cyber Law draft, developed under the pretense of national security concerns and e-commerce, also continues to raise serious concerns about government censorship of the Internet, a tool that has that is increasingly relied upon by civil society and HRDs.

Recommendations:

- Call on the government to review, amend or repeal legislation used to restrict or violate human rights and to apply existing laws in accordance with the fundamental rights enshrined in the Constitution.
- Call on the government to end the misuse of laws to harass, intimidate, and prevent civil society, HRDs and political opposition from conducting lawful activities.
- Demand the government ensure inclusive consultation with all affected stakeholders, including relevant sections of civil society, during the legislative drafting process.

11. For a full analysis of the provisions of the fourth draft, see LICADHO report “Briefing Paper: Draft Law On Associations & NGOs: Comments on the Fourth Draft,” published December 2011, available at <http://www.licadho-cambodia.org/reports/files/1632011JointStatementanalysisOf4thdraftLANGO.pdf>

12. For more information on the most disconcerting provisions of the draft that require substantial revision, see LICADHO report “Briefing Paper: Cambodia’s Draft Law on the Management and Use of Agricultural Land,” published July 2012, available at http://www.licadho-cambodia.org/collection/14/agricultural_land_management_law

Labor trafficking: Underlying causes unaddressed

In 2013, LICADHO investigated a total of 117 human trafficking cases affecting 336 individuals, nearly 90% of whom were victims of labor trafficking, predominantly to Malaysia and Thailand.

Domestic workers exploited

After several years of systematic abuse of Cambodian domestic workers in Malaysia, at the end of 2011 the Cambodian government declared a moratorium on sending domestic workers there. The ban means that currently no domestic workers can be trafficked through debt bondage by recruitment agencies or fall into abusive labor conditions in Malaysia. However, those domestic workers already in Malaysia have received little help or protection from the Cambodian authorities and remain vulnerable to abuses.

The ban has also had the unwanted effect of increasing forced contract extensions for workers already in Malaysia because of the need to make up for the lack of new arrivals from Cambodia. Extension of work contracts are commonly signed in private between the employer and the worker, with the worker facing the threat of loss of salary if she does not agree to the contract. Often, employers withhold passports threaten women with physical violence or imprisonment if they attempt to escape. The cases investigated by LICADHO in 2013 involved the disappearance of at least 38 women. Another 28 victims have reported forced contract extensions or other abuses such as bad working conditions, no or low payment, maltreatment and violence.

The governments of Cambodia and Malaysia are currently seeking to lift the moratorium on domestic workers despite the fact that many of the underlying causes have not been addressed. Gaps in the regulation of Cambodian recruitment agencies remain and legal protections as well as complaint and support mechanisms for victims are not yet in place. It is also worrying that Cambodian authorities have failed to prosecute the majority of documented offenders. Investigations by LICADHO in 2013 found evidence that at least three Cambodian recruitment agencies that were involved in sending Cambodian women into exploitative working conditions in Malaysia are now accused by numerous victims of labor trafficking to Thailand. Two more companies are now recruiting women for work in Singapore.

Workers on fishing vessels exploited

Another continuous labor trafficking concern is for Cambodians who are forced to work in exploitative conditions on long-haul fishing trawlers in the South China Sea and off the coasts of Africa. In 2013, LICADHO investigated 12 new cases of human trafficking of Cambodian fishermen, affecting 88 men. In general the victims are either tricked by Cambodian labor agencies or trafficked by brokers and crime syndicates. They are kept at sea for months and sometimes years, working 20-hour days without pay, adequate food, or freedom to leave. They are often physically abused, suffering beatings, torture and drugging at the hands of the boat crew.

One notable case involved the Giant Ocean International Fishery recruitment agency. Giant Ocean is a recruitment agency that purported to offer Cambodians work in Malaysia, Thailand, and Japan. In March 2012, however, organizations throughout Cambodia began receiving numerous complaints from victims who had managed to return to Cambodia. In violation of their contracts and Giant Ocean's operating license, the vast majority of Cambodians were not sent to the countries identified in their contracts and in some cases they were sent to extremely distant locations including South Africa, Senegal and Mauritius.

Over a year later, on May 10, 2013, one of the heads of Giant Ocean, Lin Yu Shin, was finally arrested in Siem Reap and charged under the Law on Suppression of Human Trafficking and Sexual Exploitation. Investigations to identify and secure arrest warrants for other leaders within Giant Ocean, including Lin Yu Shin's husband, are ongoing. A verdict on Lin Yu Shin's trial is expected to be reached by the Phnom Penh Municipal Court in March 2014.

Recommendations:

- Call on the Cambodian government to actively help and protect vulnerable Cambodian women who are trapped in abusive working environments in Malaysia and Thailand.
- Urge the Cambodia government to maintain the moratorium on domestic workers being sent to Malaysia to prevent an increase in the systematic abuse against Cambodian migrant workers.
- Call on Cambodian authorities to investigate and prosecute documented labor trafficking offenders, including exploitive recruitment agencies, individual brokers, and criminal syndicates.
- Assist in the development of comprehensive regulations for labor recruitment agencies as well as adequate legal protection and support mechanisms for victims of human trafficking and related abuses.

National human rights institution fails to comply with international standards

The government established the Cambodian Human Rights Committee (CHRC) in 1998 to investigate and provide remedies for human rights violations in the country. The CHRC was also tasked with organizing trainings and disseminating information on human rights as well as submitting human rights reports to the UN.¹³

CHRC is biased and lacks independence from the executive branch

Since its inception, the CHRC has come under fire for its lack of impartiality and its failure to properly investigate complaints concerning human rights abuses committed by politically connected people. It has also obstructed the Cambodian Human Rights and Development Association (ADHOC) from carrying out its own investigations.

The CHRC also lacks sufficient independence from the Cambodia's executive branch. The CHRC Chairman, Om Yenteng, is a close advisor to Prime Minister Hun Sen and a high-ranking member of the ruling Cambodian People's Party (CPP). At the UN Human Rights Council's Universal Periodic Review (UPR) of Cambodia in January 2014, Mak Sambath, the CHRC Vice-Chairman and CPP member, made the outrageous accusation that villagers affected by land confiscation and forced evictions had inflated their numbers in order to be granted more land.

As the CHRC is government controlled, civil society groups, and the Cambodia Working Group, a group composed of several local NGOs, have called on the government to set up an independent national human rights institution in accordance with international standards set forth by the Paris Principles. The Prime Minister publicly committed to doing so in 2006, but has since failed to act.¹⁴

CHRC is hostile towards other human rights bodies

In May 2013, the CHRC claimed that the report by UN Special Rapporteur on human rights in Cambodia Surya Subedi was mistaken on nearly every point and it accused him of not having read the CHRC's own human rights report.¹⁵

Given the silence of the CHRC during the suppression of the right to freedom of expression and peaceful assembly and the use of deadly force against protesters, and its previous claims that the government had adequately addressed the Boeung Kak Lake dispute, it is clear that the CHRC in its current form is unable, or unwilling, to function as an effective human rights body.

Recommendations:

- Call on the government to ensure that the new national human rights institution is established in such a way as to comply with international standards, particularly the Paris Principles. In

13. CCHR, *Institutions Series: National Human Rights Bodies in Cambodia*, March 2012

14. Cambodia Daily, *Groups Want Independent Human Rights Body*, 30 November 2013

15. Phnom Penh Post, *UN Envoy's Fairness Questioned*, 23 May 2013

order to provide for a strong national human rights institution that is capable of operating effectively and independently, the institution should be established by an amendment to the Cambodia Constitution and it should explicitly provide for an inclusive and transparent selection process of the members.

Establishing the facts

Investigative and trial observation missions

Through activities ranging from sending trial observers to organising international investigative missions, FIDH has developed, rigorous and impartial procedures to establish facts and responsibility. Experts sent to the field give their time to FIDH on a voluntary basis.

FIDH has conducted more than 1 500 missions in over 100 countries in the past 25 years. These activities reinforce FIDH's alert and advocacy campaigns.

Supporting civil society

Training and exchange

FIDH organises numerous activities in partnership with its member organisations, in the countries in which they are based. The core aim is to strengthen the influence and capacity of human rights activists to boost changes at the local level.

Mobilising the international community

Permanent lobbying before intergovernmental bodies

FIDH supports its member organisations and local partners in their efforts before intergovernmental organisations. FIDH alerts international bodies to violations of human rights and refers individual cases to them. FIDH also takes part in the development of international legal instruments.

Informing and reporting

Mobilising public opinion

FIDH informs and mobilises public opinion. Press releases, press conferences, open letters to authorities, mission reports, urgent appeals, petitions, campaigns, website... FIDH makes full use of all means of communication to raise awareness of human rights violations.

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LICADHO - Cambodian League for the Promotion and Defense of Human Rights

Since its establishment in 1992, LICADHO has been at the forefront of efforts to protect civil and political and economic and social rights in Cambodia and to promote respect for them by the Cambodian government and institutions. Building on its past achievements, LICADHO continues to be an advocate for the Cambodian people and a monitor of the government through wide ranging human rights programs from its main office in Phnom Penh and 12 provincial offices.

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ADHOC - Cambodian Human Rights and Development Association

ADHOC's mission is to strengthen the capacity of ordinary citizens, enable them to defend their own rights and lobby and advocate for better governance and full respect for human rights that every citizen can practice. ADHOC aims at helping ordinary citizens to assert their human rights fully by lobbying and advocating for improvement and enhancement of laws, institutions and law enforcement.

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FIDH represents 178 human rights organisations on 5 continents



inhuman or degrading treatment or punishment. Article 6: Everyone has the right to recognition everywhere as a person before the law. Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. Article 8: Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. Article 9: No one shall be subjected to arbitrary arrest, detention or exile. Article 10: Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him. Article 11: (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty

ABOUT FIDH

FIDH takes action for the protection of victims of human rights violations, for the prevention of violations and to bring perpetrators to justice.

A broad mandate

FIDH works for the respect of all the rights set out in the Universal Declaration of Human Rights: civil and political rights, as well as economic, social and cultural rights.

A universal movement

FIDH was established in 1922, and today unites 178 member organisations in more than 100 countries around the world. FIDH coordinates and supports their activities and provides them with a voice at the international level.

An independent organisation

Like its member organisations, FIDH is not linked to any party or religion and is independent of all governments.

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Find information concerning FIDH's 178 member organisations on www.fidh.org