



## **CCHR Briefing Note – September 2016**

### **Democracy Under Threat 2016: Fulfilling the Promise of the Paris Agreements, 25 Years On**

#### **EXECUTIVE SUMMARY**

2016 is a highly significant year for Cambodian democracy. Looking back, 2016 marks 25 years since the conclusion of the Paris Peace Agreements (the “Paris Agreements”), which brought an end to 20 years of conflict in the Kingdom of Cambodia (“Cambodia”) and laid the framework for a political settlement based on human rights and liberal democracy; looking forward, 2016 marks the unofficial start of the lead-up to the local and national elections in 2017 and 2018, respectively, as political actors across the spectrum begin to position themselves. This Briefing Note sets out new developments since the publication of the Cambodian Center for Human Rights (“CCHR”)’s “Democracy Under Threat” Briefing Note in September 2015 (the “2015 note”),<sup>1</sup> in the context of the Paris Agreements. In addition to providing updates on issues raised in the 2015 note, it addresses new topics that impact on the state of democracy in Cambodia. As will be shown below, Cambodian democracy hangs by a thread, while the promise of the Paris Agreements remains a distant prospect. Since the 2015 note, threats to Cambodian democracy have multiplied both in number and severity, as the upcoming elections exert an increasing influence on events.

Part I of this Briefing Note provides an overview of the framework created by the Paris Agreements, the obligations imposed on various signatories, and a review of progress in respect of those obligations. Parts II through IV address different structural factors that affect democracy in Cambodia: new legislative developments; institutional challenges; and preparations for the upcoming elections. Part V describes incidents over the past year in which the pillars of democracy – the opposition, civil society and the labor movement – have faced an escalating crackdown. The Briefing Note concludes by making recommendations to the Royal Government of Cambodia (the “RGC”) and the other signatories to the Paris Agreements, which would improve respect for human rights and help ensure the fulfillment of the vision set out in the Paris Agreements.

This Briefing Note is written by CCHR, a non-aligned, independent, non-governmental organization (“NGO”) that works to promote and to protect democracy and respect for human rights – primarily civil and political rights – throughout Cambodia.

---

<sup>1</sup> CCHR, Briefing Note “Cambodia: Democracy Under Threat” (September 2015) <http://bit.ly/2boCpZ0>

## I. THE PARIS PEACE AGREEMENTS – 25 YEARS LATER

### A. Summary of obligations contained in the Paris Agreements

One of the stated objectives of the Paris Agreements is “to ensure the exercise of the right to self-determination of the Cambodian people through free and fair elections.”<sup>2</sup> The Paris Agreements form a comprehensive package, comprising four separate documents with differing legal statuses:<sup>3</sup> the Final Act of the Paris Conference; one non-binding Declaration on the Rehabilitation and Reconstruction of Cambodia; and, most relevantly for the purposes of this Briefing Note, two legally binding international treaties, the Agreement on a Comprehensive Political Settlement for Cambodia (the “ACPS”) and the Agreement on Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia (the “ASIT”).<sup>4</sup> The treaties contain three broad categories of obligations: obligations undertaken by Cambodia;<sup>5</sup> obligations undertaken by other states that are signatories to the agreements; and obligations imposed on various organs of the United Nations (the “UN”). In addition, Article 28(1) of the ACPS imposes certain obligations on all signatories: a restatement of the general obligation under international law to “comply in good faith with all obligations undertaken,” and to “extend full cooperation to the United Nations.”

Twenty-five years later, these obligations remain as relevant as the day the agreements were signed.<sup>6</sup> While Part I of the ACPS specifically deals with arrangements for the Transitional Period – from 23 October 1991 to September 1993<sup>7</sup> – all obligations related to human rights fall in Part II of the ACPS or in the ASIT, which contain no temporal limitation. Accordingly, all the undertakings set out below remain binding on all signatories.

#### i) Obligations of Cambodia: respect for human rights and promotion of liberal democracy

The Paris Agreements created a foundation for a new political settlement in Cambodia that is rooted in human rights and inextricably tied to the international human rights law (“IHRL”) framework already in existence in 1991. In the Paris Agreements, Cambodia also committed to a specific political system: one characterized by liberal democracy and pluralism. Such a system requires not just the minimum level of respect for the rights and freedoms of individuals in Cambodia, but the active promotion of an environment in which multi-party democracy can flourish.

With the exception of the bracketed text that only appears in the ACPS, Article 15(1) of the ACPS and Article 3(1) of the ASIT contain identical statements that:

*“All persons in Cambodia [and all Cambodian refugees and displaced persons] shall enjoy the rights and freedoms embodied in the Universal Declaration of Human Rights and other relevant international human rights instruments.”*

---

<sup>2</sup> ACPS, Preamble, para. 2

<sup>3</sup> Available at: <http://bit.ly/2b6dqpl>

<sup>4</sup> For a first-hand account of the negotiation process and an international law analysis of the agreements, see Ratner, ‘The Cambodia Settlement Agreements,’ *American Journal of International Law* Vol. 87 No. 1 (January 1993) pp.1-41

<sup>5</sup> The Agreements were signed on behalf of Cambodia by the newly-formed Supreme National Council of Cambodia (the “SNC”), comprising representatives of the various factions in the Cambodian conflict, and deemed by the Agreements to constitute “the unique legitimate body and source of authority in Cambodia in which, [...] national sovereignty and unity are enshrined, and which represents Cambodia externally.” Article 28(2) ACPS explicitly provides that the SNC’s signature committed “all Cambodian parties and armed forces.” It should therefore be considered that the SNC was competent to engage the responsibility of the state of Cambodia under international law.

<sup>6</sup> Both the ACPS and ASIT provide that they shall enter into force upon signature.

<sup>7</sup> Article 1, ACPS

This is followed by an explicit undertaking in Articles 15(2)(a) of the ACPS and Article 3(2)(a) of the ASIT that, to this end:

*“(a) Cambodia undertakes:*

*-to ensure respect for and observance of human rights and fundamental freedoms in Cambodia;*

*-to support the right of all Cambodian citizens to undertake activities that would promote and protect human rights and fundamental freedoms ;*

*-to take effective measures to ensure that the policies and practices of the past shall never be allowed to return;*

*-to adhere to relevant international human rights instruments;”*

Finally, in Annex 5 of the ACPS, ‘Principles for a New Constitution for Cambodia,’ Article 4 sets out the following principles:

*“The constitution will state that Cambodia will follow a system of liberal democracy, on the basis of pluralism. It will provide for periodic and genuine elections. It will provide for the right to vote and to be elected by universal and equal suffrage. It will provide for voting by secret ballot, with a requirement that electoral procedures provide a full and fair opportunity to organize and participate in the electoral process.”*

## **ii) Obligations of other signatories: monitoring, promoting and acting on human rights issues**

### **Obligations of States Parties excluding Cambodia**

Accompanying the human rights commitments undertaken by Cambodia, Article 15(2)(b) of the ACPS and Article 3(2)(b) of the ASIT (without the bracketed text) provide that:

*“the other Signatories to this Agreement undertake to promote and encourage respect for and observance of human rights and fundamental freedoms in Cambodia as embodied in the relevant international instruments [and the relevant resolutions of the United Nations General Assembly,] in order, in particular, to prevent the recurrence of human rights abuses.”*

These obligations are bolstered by Article 5(4) of the ASIT, which makes provision for cases of non-compliance [emphasis added]:

*“In the event of serious violations of human rights in Cambodia, [the Parties to this Agreement] **will call upon the competent organs of the United Nations** to take such other steps as are appropriate for the prevention and suppression of such violations in accordance with the relevant international instruments.”*

By contrast with the more vague “*undertaking*” above to promote and encourage respect for human rights, which suggests an obligation to make best efforts to achieve the desired outcome, use of the word “*will*” in Article 5(4) of the ASIT appears to create a clear obligation for Parties to act in cases of serious human rights violations in Cambodia, and call upon the competent UN organs.

A further mechanism to address violations or potential violations of the ACPS, not limited to its provisions on human rights, is created by Article 29 of the ACPS, which provides [emphasis added]:

*“Without prejudice to the prerogatives of the Security Council of the United Nations, and upon the request of the Secretary-General, the two Co-chairmen of the Paris Conference on Cambodia [France and Indonesia], in the event of a violation or threat of violation of this Agreement, will **immediately undertake appropriate consultations**, including with members of the Paris Conference on Cambodia, with a view to taking appropriate steps to ensure respect for these commitments.”*

As for Article 5(4) of the ASIT, use of the words “*will immediately*” would appear to create a clear obligation on the co-chairmen to act to undertake consultations and, implicitly, on the UN Secretary-General to make the request triggering the consultations, in certain cases.

### **Obligations of the UN**

A large proportion of the Paris Agreements, in particular the ACPS and its annexes, are concerned with the mandate of the UN Transitional Authority in Cambodia (“UNTAC”), which was established by the UN Security Council in Resolution 745 (1992). During the Transitional Period, UNTAC was responsible for fostering an environment in which respect for human rights shall be ensured (Article 16 ACPS). However, Article 17 of the ACPS and Article 3(3) of the ASIT provide that, after the Transitional Period:

*“The United Nations Commission on Human Rights should continue to monitor closely the human rights situation in Cambodia, including, if necessary, by the appointment of a Special Rapporteur who would report his findings annually to the Commission and to the General Assembly.”*

This was subsequently endorsed by the Security Council through Resolution 718 (1991), in which it “*expresse[d] its full support for the [Paris] agreements.*” Accordingly, the UN Commission on Human Rights (which has since been replaced by the UN Human Rights Council) continues to have an obligation to monitor human rights in Cambodia, in addition to the duties already contained in its general mandate to “*address situations of violations of human rights*” in all member states and conduct monitoring through the Universal Periodic Review mechanism.<sup>8</sup>

### **B. Action by Parties to fulfill their obligations: limited progress**

#### **i) Action by Cambodia: rights respected on paper but often violated in practice**

The undertakings and principles set out in section I.A.i) above were largely reflected in the Constitution of Cambodia<sup>9</sup> adopted by the Constitutional Assembly on 21 September 1993. The Constitution contains explicit protections for the rights of Cambodian citizens, as well as references incorporating internationally recognized human rights instruments. In relation to the fundamental freedoms that form the focus of this Briefing Note, Article 41 of the Constitution guarantees Cambodian citizens the rights to freedom of expression and assembly, and Article 42 guarantees the right to freedom of association; although the rights explicitly enshrined in the Constitution are narrower than required by IHRL, being limited to Cambodian citizens only. IHRL stipulates that its protections apply to all people within a State’s jurisdiction.<sup>10</sup>

---

<sup>8</sup> United Nations General Assembly Resolution 60/251 (2006)

<sup>9</sup> Available at: <http://bit.ly/2b18ocg>

<sup>10</sup> United Nations Human Rights Committee, General Comment 31 (29 March 2004), at para. 10

However, this overly narrow drafting is mitigated by the fact that Article 31 of the Constitution gives constitutional status to the human rights contained in the Universal Declaration on Human Rights (the “UDHR”), the International Covenant on Civil and Political Rights (the “ICCPR”), the International Covenant on Economic, Social and Cultural Rights (the “ICESCR”), the Convention on the Elimination of all Forms of Discrimination Against Women (the “CEDAW”), and the Convention on the Rights of the Child (the “CRC”), providing:

*“The Kingdom of Cambodia recognizes and respects human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights and the covenants and conventions related to human rights, women’s rights and children’s rights.”*

The position of IHRL within the Cambodian legal system has been further strengthened by the Constitutional Council’s decision of 10 July 2007, recognizing that international treaties ratified by Cambodia are directly applicable in domestic law.<sup>11</sup> Accordingly, the guarantees of the rights to freedom of association, expression and assembly contained in those international legal instruments (as well as the other rights they contain), and which apply to all persons subject to Cambodia’s jurisdiction, have constitutional status and are directly applicable in Cambodian domestic law.

In addition to those instruments mentioned explicitly in the Constitution, Cambodia has ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of Persons with Disabilities, as well as all eight fundamental conventions of the International Labour Organization. All these treaties are directly applicable within the Cambodian domestic legal system, by virtue of the decision of the Constitutional Council mentioned above.

With regard to liberal democracy and pluralism, a commitment to these principles is included in the first article of the Constitution, and entrenched through Article 153, which provides that *“any revision or amendment affecting the system of liberal and pluralistic democracy and the regime of Constitutional Monarchy shall be prohibited.”* Periodic elections are provided for in Chapters VII (National Assembly) and VIII (Senate), as well as universal suffrage (Article 34) and a secret ballot for National Assembly elections (Article 76).

Explicit, formal recognition of human rights protections and democratic principles is welcome and goes some way towards complying with the Paris Agreements. Further, the RGC has made creditable progress in respect of certain human rights, such as non-discrimination and religious freedom. However, the rights which can be more directly challenging to power structures – the freedoms of expression, association and assembly - continue to be unduly restricted. As the 2015 note and the analysis below show, the reality of the situation in Cambodia, 25 years after the Agreements’ signature, falls considerably short of fulfilling Cambodia’s obligations.

## **ii) Action by other signatories: commendable engagement, but firmer approach required**

The human rights-related obligations of other signatories<sup>12</sup> to the Agreements are vaguely worded: an undertaking *“to promote and encourage respect for and observance of human rights and*

---

<sup>11</sup> Constitutional Council of the Kingdom of Cambodia, Decision No. 092/003/2007, (10 July 2007)

<sup>12</sup> States parties to the Paris Agreements excluding Cambodia are: Australia, Brunei Darussalam, Canada, China, France, India, Indonesia, Japan, Laos, Malaysia, Philippines, Singapore, Thailand, USSR, United Kingdom, USA, Vietnam and Yugoslavia.

*fundamental freedoms in Cambodia.*” It is clear that many signatories have provided substantial support for human rights in Cambodia since 1991, whether in the form of funding for the prosecutions of former Khmer Rouge leaders in the Extraordinary Chambers in the Courts of Cambodia, overseas development aid or through bilateral diplomatic engagement.

Over the past year, as the government crackdown on fundamental freedoms has intensified, the international community has spoken out. On 7 June 2016 the European Parliament adopted a resolution which, *inter alia*, and in a clear echo of the Paris Agreements’ provisions, “*encourage[d] the government to work towards strengthening democracy and the rule of law and to respect human rights and fundamental freedoms, which includes fully complying with the constitutional provisions concerning pluralism and freedom of association and expression.*”<sup>13</sup> On 14 July 2016, the Foreign Affairs Committee of the United States’ (the “US”) House of Representatives passed a resolution which, *inter alia*, “*reaffirms the commitment of the United States to promoting democracy, human rights, and the rule of law in Cambodia*” and “*urges Prime Minister Hun Sen and the Cambodian People’s Party to [...] foster an environment where democracy can thrive and flourish.*”<sup>14</sup> In addition to these statements condemning the recent crackdown, the ambassadors of the European Union (the “EU”), the US, Canada and France have all visited acting opposition leader Kem Sokha in the opposition Cambodia National Rescue Party (the “CNRP”) offices since the beginning of his self-imposed house arrest on 26 May 2016 (see below section V.A). Following the death of political commentator Kem Ley on 10 July 2016 (see below section V.B.i)), the US State Department issued a statement to “*urge that authorities ensure [the investigation] process be thorough and impartial,*” and the EU Ambassador to Cambodia publicly paid his respects at Kem Ley’s funeral.

Nevertheless, there remains considerable scope for more robust action by signatories to live up to their obligations under the Paris Agreements, particularly through their participation in international bodies, or where they enjoy additional leverage as bilateral aid donors and/or sources of foreign investment for Cambodia. The United Kingdom (“UK”) is the second largest foreign investor in Cambodia, while the US is Cambodia’s biggest trading partner and export destination, receiving a third of Cambodian exports, worth almost \$3 billion a year.<sup>15</sup> Signatories should make clear that the continuation of aid and trade relationships with Cambodia is contingent on satisfactory progress in the field of human rights, and undertake clear benchmarking and regular assessment to monitor developments. As the elections draw nearer, Paris signatories should not hesitate to exert whatever influence they possess on the RGC if they feel its obligations to respect human rights and democratic values are not being fulfilled, whether through diplomatic contacts or in their decisions as donors, exporters and investors.

Bearing in mind the more concrete obligation in Article 5(4) of the ASIT for signatories to “*call upon the competent organs of the United Nations*” in case of serious rights violations in Cambodia, these States should make the most of their membership of various UN bodies, such as the General Assembly and Human Rights Council, and where relevant the Security Council, to publicly exert pressure on the RGC in the international arena.

---

<sup>13</sup> European Parliament resolution on Cambodia (7 June 2016) [2016/2753\(RSP\)](#). Two signatories to the Paris Agreements, the UK and France, are currently European Union Members.

<sup>14</sup> Resolution supporting human rights, democracy, and the rule of law in Cambodia, H.Res. 728 (14 July 2016)

<sup>15</sup> Global Witness, “Hostile Takeover” (7 July 2016) <http://bit.ly/29Ja6BG>

Consistent pressure from States with strong commitments to human rights and democracy will be increasingly important as a counterweight to China's rising influence in Cambodia. China has become Cambodia's largest source of external assistance,<sup>16</sup> and reportedly invested an estimated \$10 billion in the Kingdom between 1994 and 2013.<sup>17</sup> Despite its obligations as a signatory to the Paris Agreements, China offers development aid with few if any conditions relating to domestic affairs, such as democratic reform and human rights, thereby providing the RGC with a means to evade pressure from other donors or investors on these issues. The reliable injections of cash provided by China through its aid and investment programs are also essential for the continued sustainability of the system of patronage that underpins the ruling Cambodian People's Party (the "CPP")'s electoral successes.<sup>18</sup> With this increased influence comes a further risk that China, which has enjoyed strong economic growth while resisting political liberalization, could be perceived by the RGC as an alternative model for Cambodia's development; one that would be directly contrary to the democratic principles enshrined in the Paris Agreements. This new geopolitical reality should remind the other signatories of the Paris Agreements that soft-touch diplomacy and infrequent statements may no longer be enough to influence the RGC.

### iii) Action by the UN: missed opportunities

UN human rights organs continue to monitor the situation of human rights in Cambodia. The Office of the High Commissioner for Human Rights ("OHCHR") maintains a physical presence, releasing regular statements on current events<sup>19</sup> and more detailed analyses, for example of draft laws.<sup>20</sup> At the 32<sup>nd</sup> Session of the UN Human Rights Council, held in late June/early July 2016, Japan, France, the US, and the UK – all signatories to the Paris Agreements – as well as the EU, spoke out to express concern about the human rights situation in Cambodia. In his opening statement to the Council on 13 June, the UN High Commissioner for Human Rights said that the recent arrests of opposition and civil society members indicate a "*drastic and deplorable narrowing of the democratic space*" that is not conducive to credible elections in 2017 and 2018. The Council holds an annual debate on the human rights situation in Cambodia, which will next take place at the Council's 33<sup>rd</sup> session in September 2016.<sup>21</sup>

A Special Representative for Cambodia was appointed following the conclusion of the Paris Agreements and transformed into a Special Rapporteur on the situation of human rights in Cambodia in 2008.<sup>22</sup> The mandate remains that which was set out in rather vague terms by the Commission on Human Rights in Resolution 1993/6, and was last renewed on 02 October 2015 for two years:<sup>23</sup>

*“(a) To maintain contact with the Government and people of Cambodia;*

<sup>16</sup> Parikh, 'Cambodia Faces Turning Point on Foreign Aid,' *The Cambodia Daily*, (13 November 2015) <http://bit.ly/1SMKnWW>

<sup>17</sup> Var, 'China's Influence in Cambodia,' *Khmer Times*, (29 June 2016), <http://bit.ly/2beenwS>

<sup>18</sup> Morgenbesser and Pepinsky, 'States, Neopatrimonialism, and Elections: Democratization in Southeast Asia,' *Contemporary Politics* (forthcoming), available at <http://bit.ly/2ba4EpQ>; see also Willemyns, 'Patronage Still Protects CPP, Scholars Say,' *The Cambodia Daily*, (12 August 2016) <http://bit.ly/2bmngnl>

<sup>19</sup> See, for example, OHCHR Cambodia, Statement on the killing of Dr. Kem Ley (11 July 2016) <http://bit.ly/2bm3n3M>

<sup>20</sup> See, for example, OHCHR Cambodia, 'A Human Rights Analysis of the draft Law on Trade Unions' (30 March 2016) <http://bit.ly/2bbWNfA>

<sup>21</sup> OMCT, 'UN Human Rights Council puts Cambodia on notice,' (4 July 2016) <http://bit.ly/29IsTS8>

<sup>22</sup> See Subedi, "The UN human rights mandate in Cambodia: the challenge of a country in transition and the experience of the special rapporteur for the country," *International Journal of Human Rights* (February 2011) Vol. 15 No. 2 p.249

<sup>23</sup> Human Rights Council Resolution 30/23 "Advisory services and technical assistance for Cambodia" A/HRC/30/L.22/Rev.1 (02 October 2015)

*(b) To guide and coordinate the United Nations human rights presence in Cambodia;*

*(c) To assist the Government in the promotion and protection of human rights;*

*(d) To report to the General Assembly [...] and the Commission on Human Rights [...]"<sup>24</sup>*

The current Special Rapporteur, Ms. Rhona Smith, was appointed in March 2015. Ms. Smith made her first report to the Human Rights Council in August 2015<sup>25</sup> and her most recent ten-day visit to Cambodia took place in March 2016.<sup>26</sup> However, since her appointment Ms. Smith has been subject to criticism for what some see as her insufficiently robust criticism of the RGC, particularly in the face of the most recent crackdown.<sup>27</sup> Since her appointment, Ms. Smith has only issued two statements on Cambodia (excluding statements summarizing her country visits), both of which were made jointly with other thematic Special Rapporteurs.<sup>28</sup> By contrast, the RGC has publicly praised Ms. Smith for the manner in which she has performed her functions.<sup>29</sup> On 8 June 2016, UN Secretary-General Ban Ki Moon spoke by telephone with Cambodia's Minister of Foreign Affairs, when he "expressed his concerns about reports of widespread intimidation, harassment and arrests of civil society actors, the media, staff and members of the National Election Commission, and members of the opposition." However, it does not appear that a UN Secretary-General has ever used his ability under Article 29 of the ACPS to trigger consultations among the Paris conference participants in the case of violations or the threat of violations of that agreement. The implementation of this provision, by obliging all parties including Cambodia to come together and discuss the status of compliance with the agreements, could play a valuable role in exerting pressure on the RGC and in compelling the other signatories to engage more meaningfully with their obligations.

Given their on going human rights monitoring role specifically set out and consented to by Cambodia in the Paris Agreements, the relevant UN bodies could be more forceful in speaking out about violations of human rights and of Cambodia's obligations under the Paris Agreements. In particular, the continued existence of a country-specific Special Rapporteur (one of only fourteen such country-specific Rapporteurs) highlights the special concern of UN member states in relation to human rights in Cambodia. The Special Rapporteur should make the most of the legitimacy and opportunity this creates to maintain a dialogue with the RGC and, where appropriate, exert pressure on the RGC to comply with its obligations.

## **II. LEGISLATIVE RESTRICTIONS ON DEMOCRACY AND FUNDAMENTAL FREEDOMS**

As noted in section I, the Paris Agreements contain an obligation for Cambodia to "support the right of all Cambodian citizens to undertake activities that would promote and protect human rights and fundamental freedoms", thus providing explicit recognition to the crucial role played by human rights defenders. However, recent legislative developments have contributed to an environment

---

<sup>24</sup> Commission on Human Rights resolution 1993/6, 'Situation of human rights in Cambodia,' (29 February 1993)

<sup>25</sup> Report of the Special Rapporteur on the situation of human rights in Cambodia, Rhona Smith, A/HRC/30/58

<sup>26</sup> End of Mission Statement by the United Nations Special Rapporteur on the situation of human rights in Cambodia, Professor Rhona Smith, Phnom Penh, 31 March 2016 <http://bit.ly/1RPFKPo>

<sup>27</sup> Davies, 'UN rapporteur not 'fulfilling mandate', say rights veterans,' *The Phnom Penh Post*, (15 July 2016) <http://bit.ly/29zjZ68>

<sup>28</sup> 'UN rights experts urge Cambodia to stop attacks against civil society and human rights defenders' (12 May 2016) <http://bit.ly/2aL6z9J>; 'UN rights experts condemn killing of Cambodian political analyst and activist Kem Ley' (13 July 2016) <http://bit.ly/2bfdMxS>

<sup>29</sup> Davies, "Justice Ministry praises UN rapporteur," *The Phnom Penh Post* (18 July 2016) <http://bit.ly/2bIDB5q>

that is increasingly hostile to the exercise of fundamental freedoms and the activities of human rights defenders, such as civil society activists and trade unionists.

Two recently passed laws, the Law on Associations and Non-Governmental Organizations (the “LANGO”) and the Trade Union Law (the “TUL”), significantly and unjustifiably curtail the legitimate activities of human rights defenders. Even at this early stage of implementation, the LANGO, promulgated in August 2015, has already been used to threaten and attempt to restrict the work of NGOs engaged in legitimate human rights activism, as previously feared (see section V.B.ii) below). The impact of many provisions of the law that depend on the issuing of *prakas* to flesh out details of procedures will need to be assessed in future; for now, the failure to issue the necessary regulations further contributes to the uncertainty about the requirements of the law. Similarly, despite some welcome protections for freedom of association, the TUL, promulgated in May 2016, contains a number of disproportionate restrictions on the rights of unions to conduct their activities freely, and is not consistent with Cambodia’s domestic or IHRL obligations.<sup>30</sup> Both laws severely restrict the ability of unions and associations to organize and to carry out their work protecting and promoting fundamental freedoms, through the imposition of mandatory registration requirements; burdensome annual and financial reporting requirements; excessively vague and broad grounds for dissolution; and broadly defined new offenses that are open to abuse.

This creation of vague new offenses that can be applied to restrict and punish the activities and speech of those critical of the RGC forms part of a broader trend. The last year also saw the adoption of the Telecommunications Law, which contains numerous provisions that violate the right to privacy and which threaten to severely restrict freedom of expression.<sup>31</sup> The free exchange of information and ideas is crucial for the proper functioning of a democratic society, and the creation of broadly worded penalties for certain forms of expression expressed via telecommunications devices, combined with sweeping new surveillance powers for the RGC, risks having a severely chilling effect on freedom of expression. This is a particularly acute risk in Cambodia, where social media is increasingly important as a forum for political discussion and as a source of information about current events. In a similar vein, the latest version of the draft Cybercrime Law contains vaguely worded offences and penalties that are ripe for abuse.<sup>32</sup>

The one bright spot on the legislative horizon in respect of fundamental freedoms – the government’s creation of a new access to information website with the latest draft of the access to information law available for comment<sup>33</sup> – is undermined by the rumored parallel development of a new law on state secrets, which appears to run directly contrary to values of transparency and accountability.<sup>34</sup>

---

<sup>30</sup> For more detailed analysis see CCHR, Factsheet: Trade Union Law 2016 (August 2016) <http://bit.ly/2bhcVai>

<sup>31</sup> For more detailed analysis see LICADHO Briefing Paper, ‘Cambodia’s Law on Telecommunications: A Legal Analysis’ (March 2016) <http://bit.ly/2aOdWZB>. See also CCHR Briefing Note, “Digital Wrongs? An Overview of the Situation of Digital Rights in Cambodia” (February 2016) <http://bit.ly/1SBxi3e>

<sup>32</sup> The latest information provided by the Ministry of Interior in August 2016 stated that the draft Cybercrime Law is to be finalized by the end of the year, and the US has been providing technical assistance to the Cambodian authorities to support its drafting. See Bun Sengkong, “US offers tips for cybercrime team,” *The Phnom Penh Post* (18 August 2016) <http://bit.ly/2bf14NK>

<sup>33</sup> <http://www.a2i.info.gov.kh>

<sup>34</sup> Crane and Sengkong, ‘Access to information law site goes online,’ *The Phnom Penh Post*, (28 January 2016) <http://bit.ly/1TvcBrb>

### III. INSTITUTIONAL CHALLENGES

For a young democracy to flourish, strong institutions are essential, and the past 25 years have seen some progress as Cambodia has created bodies specifically tasked to deal with anti-corruption, labor relations and land disputes. However, the instrumentalization of Cambodia's institutions by the ruling CPP remains one of the most stubborn obstacles to the fulfillment of the vision set out in the Paris Agreements and arguably the most severe threat to democracy in Cambodia. The separation of powers is a fundamental principle of liberal democracies, ensuring that constitutional roles are respected and that no one branch can hold total power. Yet, in addition to making up the government and dominating the legislature, Cambodia's ruling party continues to exercise near-total influence over the judiciary and court system, as well as the military. As reported in the 2015 note, dozens of the 500-member-plus central committee of the CPP also serve as top-ranking military officials. Notably, following his final visit as Special Rapporteur on the situation of human rights in Cambodia, Professor Surya Subedi pointed to institutional independence as the single greatest obstacle to achieving respect for human rights in Cambodia, saying: *"If I am to choose one recommendation as the sum of all others, it would be that the Government should reconsider its aversion to independent institutions."*<sup>35</sup>

#### A. The judiciary and courts

An independent court system and judiciary is an essential element of any democracy, ensuring laws are enforced effectively and impartially, and that the rights of individuals are protected against overreach by other branches of government. In accordance with Annex V to the ACPS, which provided that *"An independent judiciary will be established, empowered to enforce the rights provided under the constitution,"* Article 128 of the Constitution provides explicitly for the independence of the judiciary, which shall *"guarantee and uphold impartiality and protect the rights and freedoms of the citizens."* However, as with many of the model provisions included in the 1993 Constitution, originating in the Paris Agreements, reality is far removed from the letter of the law.

In May 2014, three laws on the judiciary were adopted by the National Assembly following a rushed legislative process, lacking in transparency and consultation: the Law on Organization and Functioning of the Courts, the Statute of Judges and Prosecutors, and the Law on the Organization and Functioning of the Supreme Council of Magistracy. These laws were widely criticized by civil society<sup>36</sup> and the UN Special Rapporteur on the independence of judges and lawyers<sup>37</sup> for undermining the independence of the courts and the impartiality of judges and prosecutors and failing to guarantee the separation of powers. Two years later, the concerns expressed at the time of their adoption have proved to be legitimate. The framework established by the three laws has created an environment in which the court system has been shown on repeated occasions to be lacking in independence, especially in cases involving opposition figures or human rights defenders. Basic procedures are not followed, and trials are often rushed or delayed to the point of violating

---

<sup>35</sup> Statement by the United Nations Special Rapporteur on the situation of human rights in Cambodia, Professor Surya P. Subedi (23 January 2015) <http://bit.ly/1tcunF3>

<sup>36</sup> For more detailed analysis of the laws' provisions, see CCHR, Legal Analysis: Three Draft Laws Relating to the Judiciary (May 2014) <http://bit.ly/2bzmGmR>; CSO Press Statement Demanding the Constitutional Council to Declare the Three Newly Passed Laws on the Judiciary Unconstitutional (26 June 2014) <http://bit.ly/2bgboV3>

<sup>37</sup> Hul Reaksmey and Lauren Crothers, 'UN Expert Calls on King to Block Judicial Laws', The Cambodia Daily (16 July 2014) <http://bit.ly/2cgS9uA>

fair trial rights. Verdicts are often hastily delivered, suggesting that decisions are lacking deliberation, if not entirely foregone conclusions.

## **B. The Military**

In the context of the upcoming elections, one of the most troubling manifestations of the CPP's influence over other state institutions is its close relationship with the military. While the Paris Agreements made no particular provision as to the organization of Cambodia's military following the Transitional Period, in a liberal democracy the military owes its allegiance to the constitutionally elected civilian government, whatever its political composition. However, the Royal Cambodian Armed Forces (the "RCAF") has shown an increasingly obvious loyalty to the CPP, based on overlapping personnel, the economic links of a growing corporate-military complex, and statements by military and political leaders.<sup>38</sup>

Recent statements and actions by the RCAF appear designed to create an environment of fear, and constitute the greatest threat to peace in Cambodia – itself the most fundamental purpose of the Paris Agreements. Marking an event to celebrate the 26-year anniversary of the Prime Minister's Bodyguard Unit in September 2016, RCAF commander-in-chief Pol Saroeun stated that the RCAF would protect the rule of Prime Minister Hun Sen for the upcoming "*sixth mandate* [of the National Assembly] *and all mandates forever*", apparently disregarding the military's constitutional role to protect the elected government. Also in September 2016, gun boats, military helicopters and specialized armed units of the RCAF surrounded the CNRP headquarters,<sup>39</sup> with Four Star General Kun Kim stating that the military is ready to arrest opposition leaders if necessary to "*enforce the law*"<sup>40</sup>. This statement follows comments by another general in 2015 that the military "*belongs to the Cambodian People's Party*".<sup>41</sup>

The interval since publication of the 2015 note has seen a further militarization of the rhetoric of the ruling party, catalyzed by increasingly frequent references to the supposed threat of "color revolutions." The rhetoric described in the 2015 note has continued, with the spokesman for the Prime Minister's Bodyguard Unit recently stating, "*We will absolutely not allow people who want to trigger color revolution, and some ill-intentioned people who want to destroy this peace.*"<sup>42</sup> The phrase "color revolution" refers to the wave of popular protests that swept through the Middle East and North Africa and Eastern Europe in the early 2000's. In Ukraine, for example, the "orange revolution" that followed the 2004 presidential election results (which were widely believed to be rigged) led to a rerun of the vote and election of the opposition candidate.

The RGC has dealt harshly and swiftly with any behavior that could – however tenuously – be construed to resemble a "color revolution."<sup>43</sup> On Monday 8 May 2016, civil society groups organized a peaceful gathering to protest the detention of five human rights activists (see section V.B.ii)

---

<sup>38</sup> See the 2015 note, at pp.11-12

<sup>39</sup> Mech Dara and Shaun Turton, "'Exercises' bring military helicopters and vessels to CNRP's doorstep", *The Phnom Penh Post* (01 September 2016) <http://bit.ly/2clXsHX>

<sup>40</sup> Meas Sokchea, "General stands ready to arrest CNRP leadership," *The Phnom Penh Post* (31 August 2016) <http://bit.ly/2bAPGvm>

<sup>41</sup> Joshua Lipes, "Cambodia's Armed Forces 'Belong' to The Ruling Party: Four-Star General," *Radio Free Asia* (29 July 2015) <http://bit.ly/1tTRDn>

<sup>42</sup> Mech Dara, 'Bodyguard Unit ready for 'colour revolution,' *The Phnom Penh Post* (3 August 2016) <http://bit.ly/2bmWteD>

<sup>43</sup> See Aun Pheap, 'Student Jailed Over Facebook Post on 'Color Revolution,' *The Cambodia Daily*, (24 August 2015) <http://bit.ly/1NuPbQG>

below), wearing black clothes and calling the campaign ‘Black Monday.’ This resulted in eight human rights activists being detained, supposedly for the unauthorized wearing of black clothing. At the time of writing, CCHR has documented 33 arrests made in relation to the Black Monday campaign (see section V.B.ii) below).<sup>44</sup> Following statements by opposition lawmakers that they intended to join or support the peaceful protest movement, on 12 August 2016 the CNRP received a letter from Phnom Penh City Hall, warning them that Black Monday was an “*illegal movement*” and they would have to “*face the law.*”<sup>45</sup>

The most striking example of “color revolution” rhetoric was presented by a video released by the governmental Cambodian Human Rights Committee on 29 May 2016. In the [video](#), entitled “*Using The Rights In An Anarchic Way,*” narration warns of the consequences of “*excessive use of rights,*” which “*will bring about destruction, broken families and loss of hundreds of thousands of lives, loss of habitat, bloodshed,*” and juxtaposes images supposedly of Syria and Libya before and during their respective civil wars.<sup>46</sup> Images of the Khmer Rouge era are accompanied by a speech by Defense Minister Tea Banh, in which he warns, “*We’ve already encountered this kind of issue... color revolution comes in several forms. We want to make it clear that we will not allow it to take place in the Kingdom of Cambodia.*”

Besides representing a cynical attempt to manipulate individuals’ traumatic memories of Cambodia’s past, the video’s suggestion that human rights can be used in an “excessive” or abusive manner seeks to delegitimize peaceful protest and discourage citizens from exercising their legally guaranteed rights of assembly and expression; presumably in an attempt to pre-empt protests such as those that followed the 2013 election. By equating peaceful protest to violent revolutions, the video also appears to be an attempt to pre-emptively legitimize harsh crackdowns on protesters. On 29 June, the Cambodian Human Rights Committee released a second video, entitled “*Civil Rights: Violation of Other People’s Rights.*” The video contained images of police forcefully suppressing protests in France, Italy and the US, and noted, “*Cambodia also has the same obligation.*”<sup>47</sup>

The increasing use of “color revolution” rhetoric is troubling as it seeks to justify both disproportionate suppression of acts of protest, and an increasing militarization of the government’s response. An isolated act of legitimate protest can be cast as part of a broader conspiracy, supposedly justifying not just its repression, but its repression on a scale wildly disproportionate to the act itself, including through use of the military rather than civilian police. In the days preceding the funeral procession of murdered analyst Kem Ley (see section V.B.i) below), reports of tank movements in and around Phnom Penh appeared on social media, and further redeployments of troops near the capital have been reported since,<sup>48</sup> as well as a strengthening of the Ministry of Defense’s counter-terrorism unit.<sup>49</sup> Although government spokespersons denied any link either to the planned procession or to an on going investigation of an alleged conspiracy against the

---

<sup>44</sup> To clarify, 33 is the number of arrests made, not the number of people arrested (many of the arrests have involved the same people)

<sup>45</sup> Lay Samean, “Official distances CNRP from protests after letter,” *The Phnom Penh Post* (15 August 2016) <http://bit.ly/2brtHpN>

<sup>46</sup> Images said to be of Libya before 2011 were later shown to be images of present-day Singapore. See Handley, “CHRC’s propaganda gaffes draw ridicule,” *The Phnom Penh Post* (31 May 2016) <http://bit.ly/2aMJJz>

<sup>47</sup> Handley, “Gov’t rights body issues new propaganda video,” *The Phnom Penh Post* (30 June 2016) <http://bit.ly/2b9PWPw>

<sup>48</sup> Mech Dara and Davies, “‘All’ Preah Vihear tanks recalled to Phnom Penh area,” *The Phnom Penh Post* (26 July 2016) <http://bit.ly/2a7QAwa>

<sup>49</sup> Mech Dara, “New counter-terror troops on way,” *The Phnom Penh Post* (9 August 2016) <http://bit.ly/2biAwc1>

government,<sup>50</sup> the pointed timing of such a display of military force clearly risks having a chilling effect on freedom of assembly.<sup>51</sup>

#### **IV. AN ENVIRONMENT CONDUCIVE TO FREE AND FAIR ELECTIONS**

Article 1 of Cambodia's Constitution provides that Cambodia shall be ruled by "*principles of liberal democracy and pluralism*," with the ACPS requiring constitutional guarantees that "*electoral procedures provide a full and fair opportunity to organize and participate in the electoral process*." However, during the 2012 commune elections, more than 3,000 irregularities were reported by the election monitoring NGO, COMFREL,<sup>52</sup> and the 2013 elections were marred by serious flaws. Two of the most significant irregularities concerned voter registration: exclusion of eligible voters from voter lists and the presence of invalid names and illegal voting.<sup>53</sup> Accordingly, an independent and impartial election administrator and credible registration and voting procedures will be crucial if voters are to have confidence in the process and outcomes of the 2017 and 2018 elections, and if Cambodia is to fulfill its obligations under the Paris Agreements.

##### ***Independence of the NEC***

The National Election Commission ("NEC") is the main electoral administrator in Cambodia, and is responsible for planning, organizing and administering all elections – including the upcoming commune elections on 4 June 2017 and the National Assembly elections on 29 July 2018. At the time of the 2013 election, the NEC's nine members were all effectively chosen by the RGC.<sup>54</sup> This lack of independence was exacerbated by a lack of protections for its members, such as term limits and guarantees against removal or legal action. Reform of election laws was a key element of the July 2014 agreement between the CPP and CNRP, and on 19 March 2015 the Law on the Organization and Function of the National Election Committee ("LOFNEC") and the Law on Election of Members of the National Assembly ("LEMNA") were adopted following a rushed and opaque process. While making some improvements, the LOFNEC failed to establish a genuinely independent NEC. Of its nine members, four are now recruited by the ruling party, with four recruited by opposition parties in the National Assembly, and the ninth supposedly neutral member agreed by consensus.<sup>55</sup> Nevertheless, in reality these reforms have not translated to a sufficient increase in independence, as illustrated by the continuation of Tep Nytha in the role of Secretary-General. Mr. Nytha previously worked for the RGC in this role, overseeing elections in 2003, 2008 and 2013 which all featured allegations of irregularities.<sup>56</sup> In addition, two opposition-appointed NEC members have become targets of legal proceedings, preventing them from performing their duties: union leader Rong

---

<sup>50</sup> Touch Sokha, "'Coup' call renewed from Canada," *The Phnom Penh Post* (18 August 2016) <http://bit.ly/2bpyRnN>

<sup>51</sup> Khy Sovuthy and Willemyns, "Military Investigating 'Coup' Plot, Moving Tanks," *The Cambodia Daily* (20 July 2016) <http://bit.ly/2b9Sddz>

<sup>52</sup> COMFREL, 'Press Statement on Final Assessment and Findings of 2012 Commune Council Elections' (2012).

<sup>53</sup> Electoral Reform Alliance, "Joint-Report on the Conduct of the 2013 Cambodian Elections" (November 2013) <http://bit.ly/1vwKVnT>

<sup>54</sup> For more detailed analysis of the pre-reform NEC see CCHR, Factsheet: The National Election Committee (May 2012) <http://bit.ly/2bjbB1p> and CCHR, Briefing Note: Political and Electoral Reform in Cambodia (February 2013) <http://bit.ly/2bugnkg>

<sup>55</sup> LOFNEC, Article 6.

<sup>56</sup> Willemyns and Kuch Naren, "For Key Post, the New NEC Mulls an Old Face," *The Cambodia Daily* (14 January 2016) <http://bit.ly/2aWSZvg>; Kuch Naren, "Tep Nytha Reappointed To NEC Post," *The Cambodia Daily* (16 January 2016) <http://bit.ly/1Px571j>

Chhun is facing trial on charges dating back to the 2014 garment worker protests,<sup>57</sup> and former ADHOC staff member Ny Chakrya is currently in detention on charges of bribing a witness (see section V.B.ii) below).

### ***Voter registration***

In order to be eligible to vote, all Cambodian must re-register under a new voter registration system in advance of the coming elections. The voter registration drive, which started on 1 September 2016 and is scheduled to last 90 days, uses a specially developed computer program, which is hoped to reduce the kind of irregularities that marred previous polls.<sup>58</sup> However, the new system remains unproven, and doubt remains as to whether the NEC and its staff will be able to cope with the logistical demands of registering all voters within the time allowed. In particular, concerns have emerged that large numbers of voters may be disenfranchised as a result of restrictions on registration of Cambodians living abroad. Hundreds of thousands of Cambodians work as migrants in Thailand, Vietnam and Malaysia, and will only be able to vote if they return to Cambodia register during the 90-day window. Aside from denying individuals their ability to participate in the democratic process, this would be likely to disadvantage the opposition, which enjoys significant support abroad. Encouragingly, early reports of the voter registration drive appear positive, with the NEC registering half a million voters in the first four days of the registration drive.<sup>59</sup> However, the success of registration can only be measured once the registration period has ended. For example, reports of a CNRP-led voter registration drive in Siem Reap being obstructed and banned by local authorities provide cause for concern.<sup>60</sup>

Separately, the CNRP have announced that they will deploy party activists to monitor the voter registration process, to ensure that registrants can speak Khmer.<sup>61</sup> Appealing to anti-Vietnamese sentiment among its supporters, such a move risks further damaging race relations and sparking a return to the racially motivated attacks which marred the previous electoral period.

### ***Conduct of elections***

The media plays an essential role in the dissemination of information, which is pivotal in determining public opinion, and ultimately, election outcomes. The ruling CPP has extensive influence over all forms of traditional media, especially of TV stations, all of which are controlled by CPP affiliates. However, this is increasingly countered by the influence of social media as a source of news and political comment. The ruling party's influence over civil servants, local administrations, and security services also creates a challenging environment for impartial polls, and the CPP has not hesitated to use its incumbent's advantage to leverage support at the ballot box.<sup>62</sup> The division of six traditionally

---

<sup>57</sup> Kuch Naren and Willemyns, "If Rong Chhun Goes, CPP Can Veto Any New NEC Member," *The Cambodia Daily* (20 May 2016) <http://bit.ly/2bMsiti>

<sup>58</sup> San Bunsim, "Computer System to Register Voters," *Khmer Times* (15 August 2016) <http://bit.ly/2aN8jxi>

<sup>59</sup> Bun Senkong and Erin Hadley, "NEC registers 500k voters in first four days," *The Phnom Penh Post* (05 September 2016) <http://bit.ly/2c8ng5z>

<sup>60</sup> Kang Sothear, "CNRP Activists Blocked While Attempting to Register Voters," *The Cambodia Daily* (12 September 2016) <http://bit.ly/2cPTPif>

<sup>61</sup> Meas Sokchea and Ananth Baliga, "CNRP to monitor voter registration stations for non-Khmer speakers," *The Phnom Penh Post* (19 August 2016) <http://bit.ly/2csDu1h>

<sup>62</sup> Vong Sokheng and Turton, "Despite law against propaganda, PM urges students to vote for CPP," *The Phnom Penh Post* (17 August 2016) <http://bit.ly/2bWloBT>; Lay Samean, "Kampong Chhnang vendors latest to win from PM visit," *The Phnom Penh Post* (10 August 2016) <http://bit.ly/2bJaUoc>

pro-CNRP communes in Phnom Penh has also raised concerns about possible gerrymandering.<sup>63</sup> In a further potentially troubling development, military forces and “national security agents” will be stationed at voting sites.<sup>64</sup> Given the RCAF’s demonstrated loyalty to the ruling party (as discussed in section III.C above), the presence of the military at polling stations may have the effect of intimidating voters and election officials.

## V. PILLARS OF DEMOCRACY TARGETED

In November 2015, the UN Special Rapporteur for Cambodia warned, “*any intensification of current events could bring Cambodia to a dangerous tipping point.*” Sadly, this prediction has proved accurate. In addition to the structural issues described in the preceding sections, the last year has seen an alarming escalation of the RGC’s crackdown on fundamental freedoms. The environment for civil society in particular has become increasingly challenging: activists have continued to face arrest or prosecution on trumped up charges, while the shocking and tragic murder of political analyst Kem Ley has undoubtedly impinged upon the ability of dissenting voices to conduct their work without fear.

It is clear that, by engaging in the repression outlined below, the RGC is acting directly contrary to its legal obligations under the Paris Agreements. Far from ensuring respect for and observance of human rights and fundamental freedoms, the government itself is responsible for repeatedly violating the rights of individuals and groups; far from promoting an environment in which democracy can flourish, the RGC appears to be engaged in a cynical campaign to weaken any opposing or critical voices, in order to strengthen its own position in the upcoming elections.

### A. The political opposition

An essential element of a functioning democracy is an effective political opposition, which will hold the government to account, scrutinize proposed legislation, and present voters with a viable alternative choice. However, the CNRP had until recently failed to develop many of the structures and practices that characterize a mature and effective parliamentary opposition, such as a detailed manifesto of alternative policy proposals, and at times has lapsed into populist and discriminatory rhetoric that targets ethnic Vietnamese persons and migrants in Cambodia.<sup>65</sup> The past year has seen a series of opposition boycotts of the National Assembly,<sup>66</sup> when CNRP lawmakers were unable to submit, amend or debate legislation, participate in discussions<sup>67</sup> or crucial votes to suspend the immunity of parliamentarians, ask questions to ministers,<sup>68</sup> or fulfill their roles as chairman of five out of ten parliamentary commissions. It is debatable whether this tactic of parliamentary boycotts

---

<sup>63</sup> Kang Sothear, “New Communes in Phnom Penh Draw Concern,” *The Cambodia Daily* (22 August 2016) <http://bit.ly/2bdRU6L>

<sup>64</sup> May Titthara, “Army to Guard Voting Stations,” *Khmer Times* (19 July 2016) <http://bit.ly/2bh8lwV>; Mech Dara, “Police force to provide ‘security’ during upcoming elections,” *The Phnom Penh Post* (24 August 2016) <http://bit.ly/2c504OS>

<sup>65</sup> Most recently, see Vong Sokheng and Meas Sokchea, “Voter Language Issue Raised,” *The Phnom Penh Post* (16 August 2016) <http://bit.ly/2bvO1bL>

<sup>66</sup> Lay Samean, Ananth Baliga and Meas Sokchea, “CNRP may face salary freeze for parliamentary boycott,” *The Phnom Penh Post* (28 June 2016) <http://bit.ly/2bhjFdT>; Meas Sokchea, “Opposition to attend committee meeting despite boycott,” *The Phnom Penh Post* (28 July 2016) <http://bit.ly/2bhk0f6>; Meas Sokchea and Ponniah, “One year in the making,” *The Phnom Penh Post* (23 July 2014) <http://bit.ly/1Cg3LGy>

<sup>67</sup> Vong Sokheng and Charles Rollet, “Assembly passes budget as CNRP boycotts vote,” *The Phnom Penh Post* (1 December 2015) <http://bit.ly/2aWOoNX>

<sup>68</sup> Meas Sokchea and Ananth Baliga, “CNRP sits out Assembly’s questioning of justice minister,” *The Phnom Penh Post* (10 June 2016) <http://bit.ly/2bhn232>

represents either the most effective means for the CNRP to advance its own political agenda, or an adequate fulfillment of its duty to Cambodian citizens to hold the government to account. However, the CNRP has recently submitted some legislative proposals to amend the 2014 laws on the judiciary,<sup>69</sup> and announced plans to start holding regular public policy forums<sup>70</sup> and establish ten new internal committees, mirroring the commissions of the National Assembly.<sup>71</sup> If implemented effectively, such initiatives have considerable potential to strengthen Cambodian democracy in the run up to the elections. Besides the CNRP, smaller opposition parties will also have a role to play in scrutinizing and holding both the ruling party and its largest rival to account.

The 2015 note had questioned the viability of the “culture of dialogue” that had followed the August 2014 agreement between the government and the CNRP. Within little more than a month of the 2015 note’s publication, it became clear that the shaky political truce had ended, and over the past 12 months, legal assaults on opposition lawmakers and leaders have become increasingly frequent and severe.<sup>72</sup> In October 2015, two opposition lawmakers were savagely beaten outside the National Assembly.<sup>73</sup> The attack was widely reported to have been orchestrated by the ruling party,<sup>74</sup> with the conviction of three members of the Prime Minister’s Bodyguard Unit in May 2016 failing to expose those who may have ordered the attack.<sup>75</sup> This was followed in November 2015 by the reactivation of a seven-year-old defamation case against CNRP leader Sam Rainsy, leading him to return to self-imposed exile in France.<sup>76</sup>

Indeed, official minutes of a CPP central committee meeting in July 2016 appeared to reveal a deliberate policy of attacking the opposition leadership.<sup>77</sup> With Sam Rainsy effectively excluded from the domestic political landscape, acting CNRP leader Kem Sokha has been subject to increasingly severe harassment,<sup>78</sup> beginning on 30 October 2015 when all 68 ruling party MPs voted to remove Sokha as National Assembly Vice-President (CNRP MPs boycotted the session),<sup>79</sup> and culminating with his effective confinement inside CNRP offices since 26 May 2016. On 15 July he was placed under judicial supervision by Phnom Penh Municipal Court, and on 6 August charged with refusal to appear in court. He was convicted of this charge *in absentia* on 9 September, sentenced to five months imprisonment and fined 800,000 Riel (about \$200). At the time of publication, Sokha has not

---

<sup>69</sup> Meas Sokchea, “CNRP’s proposed changes to judicial laws ‘invalid,’ *The Phnom Penh Post* (24 August 2016) <http://bit.ly/2buC2tY>

<sup>70</sup> Bun Sengkong and Cristina Maza, “CNRP to hold regular discussions of policy,” *The Phnom Penh Post* (16 August 2016) <http://bit.ly/2bvPqPp>

<sup>71</sup> Meas Sokchea and Shaun Turton, “CNRP sets up ‘shadow government’ to prepare for possible election win,” *The Phnom Penh Post* (10 August 2016) <http://bit.ly/2bhnOys>

<sup>72</sup> For a useful chronology, see LICADHO, “Cambodia: Timeline of harassment of opposition MPs, members, and supporters” (April 2016) <http://bit.ly/2bu342X>

<sup>73</sup> Khouth Sophak Chakrea, Parkinson and Turton, “Lawmakers beaten at National Assembly,” *The Phnom Penh Post* (27 October 2015) <http://bit.ly/1OTPZQ7>

<sup>74</sup> Ramzy, “Cambodian Leader’s Bodyguards Convicted of Assaulting Opposition Figures,” *The New York Times* (27 May 2016) <http://nyti.ms/2aW62LM>

<sup>75</sup> See Human Rights Watch, “Dragged and Beaten: The Cambodian Government’s Role in the October 2015 Attack on Opposition Politicians” (26 May 2016) <http://bit.ly/2aVFASf>

<sup>76</sup> Phak Seangly and Turton, “Sam Rainsy faces arrest warrant,” *The Phnom Penh Post* (14 November 2015) <http://bit.ly/1XaL6GT>

<sup>77</sup> Mech Dara, Turton, and Lay Samean, “CPP gameplan? ‘Attack’” *The Phnom Penh Post* (21 July 2016) <http://bit.ly/2bTddAf>

<sup>78</sup> For more detailed analysis and description of the facts, see Joint Civil Society Submission to the UN Human Rights Committee in relation to its follow-up procedure on Cambodia (June 2014) <http://bit.ly/1Ux4W8E>

<sup>79</sup> Chhay Channyda and Turton, “CPP ousts Sokha from Assembly post,” *The Phnom Penh Post* (31 October 2015) <http://bit.ly/2aVGJt3>

yet been arrested, and remains inside the CNRP headquarters.<sup>80</sup> The Anti-Corruption Unit (“ACU”)’s zealous pursuit of Sokha has been met with significant criticism, including, for example, from the European Parliament,<sup>81</sup> and four UN Special Rapporteurs, who noted that elements of the case “suggest that this entire episode is nothing more than a politically-motivated persecution of civil society.”<sup>82</sup>

In addition to harassing the opposition and obstructing their activities, the prosecutions risk having a more immediate effect on the elections as a result of Article 24 of the LEMNA, which provides that persons sentenced to prison for a felony or misdemeanor, or who have lost their right to vote (an additional penalty that may be imposed under Article 55 of the Penal Code), are not eligible to stand as candidates for the National Assembly.

### ***Abuse of parliamentary immunity***

Disregard for the immunities of parliamentarians has been a repeated feature of cases against opposition figures. The parliamentary immunity of deputies is established by Article 80 of the Constitution; deputies may only be subject to accusation, arrest or detention with the permission of two thirds of the National Assembly,<sup>83</sup> with one narrow exception: cases of *in flagrante delicto*, that is, when an individual is apprehended in the act of committing a crime. However, even in such cases, any authority taking action against a deputy must subsequently report to the National Assembly or its Standing Committee for decision. Article 104 makes identical provision for senators. Through an interpretation of the *in flagrante delicto* exception so broad as to render the immunity virtually meaningless, the RGC has continued to pursue arrests, investigations and prosecutions of parliamentarians, circumventing a common constitutional protection designed to protect lawmakers from illegitimate influence, threats, or restrictions of their freedom of expression. In August 2015, in the absence of opposition members who were boycotting the session, the Senate endorsed the continuation of the prosecution of Senator Hong Sok Hour; in April 2016 opposition lawmaker Um Sam An was arrested on the basis of the *in flagrante delicto* exception and, following a vote by ruling party deputies in the National Assembly to continue the proceedings, was charged with incitement.

On 13 November 2015, following a request by former Foreign Minister Hor Namhong, the Phnom Penh Municipal Court issued an arrest warrant for Sam Rainsy, with the aim of enforcing a 2011 verdict finding him guilty of defamation, for which he had received a royal pardon in 2013. Further legal actions against Mr. Rainsy have followed<sup>84</sup> and in the last month, he has faced new defamation

---

<sup>80</sup> Khy Sovuthy and Kuch Naren, “Kem Sokha sentenced to five months; no arrest,” *The Cambodia Daily* (10 September 2016) <http://bit.ly/2cG0PcP>

<sup>81</sup> European Parliament resolution of 9 June 2016 on Cambodia ([2016/2753\(RSP\)](http://bit.ly/29PbReq)) <http://bit.ly/29PbReq>

<sup>82</sup> Statement of 12 May 2016 by Mr. Michel Forst, Special Rapporteur on the situation of human rights defenders, Mr. David Kaye, Special Rapporteur on freedom of opinion and expression, Mr. Maina Kiai, Special Rapporteur on the rights to freedom of peaceful assembly and of association, and Ms. Rhona Smith, Special Rapporteur on Cambodia <http://bit.ly/1XmYpmj>

<sup>83</sup> When the National Assembly is not in session its Standing Committee may grant permission in the interim, but this must be duly approved by the National Assembly at its next session.

<sup>84</sup> A summons was issued on 20 November for Mr. Rainsy to appear for questioning in relation to the charges against Hong Sok Hour; on 1 December, in relation to accusations he defamed National Assembly President Heng Samrin in a 17 November 2015 Facebook post, resulting in Mr. Rainsy being charged on 31 March 2016. On 29 July Mr. Rainsy was found guilty *in absentia* following a 40-minute hearing featuring only Mr. Samrin’s lawyer and prosecutors, and sentenced to pay a ten million Riel fine and 150 million Riel damages. On 10 March 2016, Minister Som Soeun sued Rainsy for defamation over a message posted on Facebook the previous day in which, Rainsy accused him of instructing ruling party members to boost PM Hun Sen’s “like” count using fake accounts.

charges as a result of comments made following the death of political analyst Kem Ley (see section V.B.i) below).<sup>85</sup> Opposition Senator Thak Lany also faces complaints of defamation and incitement, which swiftly followed reports that she had made remarks in which she accused the Prime Minister of involvement in Dr. Ley's death.<sup>86</sup> Investigations and prosecutions for defamation continue to be used regularly to deter and punish free expression, particularly political speech. Although defamation convictions under Article 305 of the Penal Code cannot lead to imprisonment, the blanket criminalization of all forms of defamation is not consistent with IHRL best practices, and the existence of such a broadly drafted criminal offense must be considered to be a disproportionate restriction on the right to freedom of expression.<sup>87</sup>

## **B. Civil society**

The RGC's crackdown on civil society has also escalated sharply in 2016, with attacks on political commentators, NGOs, associations and the labor movement increasing.

### **i) Political commentators**

Despite the many forces acting to restrict freedom of expression, Cambodia has recently developed a relatively vibrant political discourse, conducted largely via social media and radio broadcasts. For a period, these media largely evaded RGC interference, and successfully reached audiences outside Phnom Penh and other urban centers. As a result, it is perhaps unsurprising to see pushback occurring, with political commentators becoming a recent target of harassment.

Dr. Kem Ley was shot dead on the morning of 10 July 2016 at a service station café in central Phnom Penh, which he regularly frequented. The alleged perpetrator was immediately arrested and confessed in a leaked video, to have killed Kem Ley over an unpaid debt. However, suspicions of underlying political motives behind Kem Ley's death remain. Kem Ley was a frequent critic of both the RGC and the opposition, and shortly before he was killed he had commented on a report on the business interests of Hun Sen's family, and published a series of highly popular parables online, understood by many to be implicit criticisms of the Prime Minister's 30-year rule, with more planned to be published before the end of the year. He was widely respected as a popular figure that could explain political issues in a way that was readily understandable to a broad audience of Cambodians. On 13 July, the suspect was questioned by the investigating judge at Phnom Penh Municipal Court and preliminarily charged with premeditated murder and illegal possession of a weapon. Since then, the progress in the investigation has been highly limited; the judicial investigation phase has not yet been completed, with officials blaming a lack of cooperation by the suspect.<sup>88</sup>

Following Kem Ley's death, civil society, UN bodies, and others have expressed concern that this attack should not become another example of the impunity that marked the 1990's and early 2000's in Cambodia, which saw high levels of political violence, with perpetrators rarely, if ever, brought to justice. For example, just outcomes are yet to materialize following the murder of trade union activist Chea Vichea in 2004, or that of environmental activist Chut Wutty in 2012. A thorough,

---

<sup>85</sup> BBC News, "Cambodia PM sues Sam Rainsy over Kem Ley killing comments" (2 August 2016) <http://bbc.in/2bmpO4h>

<sup>86</sup> Khuon Narim, "Senator Sued by Hun Sen for Defamation Skips Court," *The Cambodia Daily* (9 August 2016) <http://bit.ly/2bBpvr6>

<sup>87</sup> United Nations Human Rights Committee, General Comment 34, CCPR/C/GC/34 (12 September 2011)

<sup>88</sup> Mech Dara, "Mol says Kem Ley murder probe slowed by 'stubborn suspect'" *The Phnom Penh Post* (12 August 2016) <http://bit.ly/2aWONKz> ; Taing Vida, "Ministry Wants Public Ley Hearing," *Khmer Times* (12 August 2016) <http://bit.ly/2bhckxb>

impartial, and credible investigation into Kem Ley's death, which identifies not just the immediate perpetrator but also any persons who may have ordered or participated in the planning of the attack, is essential if Cambodia is to fulfill its domestic and IHRL obligations to guarantee the right to life.

## **ii) NGOs and associations**

Recent months have seen a troubling escalation of the crackdown on civil society, as the harassment and punishment of activists has reached new levels of severity, and individual activists have faced arrest, prosecution, and harassment as a result of their work. Prominent land activist Ms. Yorm Bopha and indigenous and community leader Mr. Ven Vorn have both been convicted on unjustified charges, with the suspended sentences imposed constituting a continued threat to their liberty.<sup>89</sup> On 1 July 2016, following an unfair and flawed trial process in which the trial judge altered the charges mid-trial, three activists from the environmental NGO Mother Nature were convicted of "*instigating threats to destroy property following an order*" in relation to protests against sand dredging, and handed suspended sentences of 18 months, given fines of two million Riel (USD \$500) and ordered to pay unwarranted compensation of 100 million Riel (USD \$25,000).<sup>90</sup>

In May 2016, following the launch of a new website documenting political prisoners in Cambodia,<sup>91</sup> local human rights group LICADHO was threatened with sanctions – which include dissolution – under the LANGO.<sup>92</sup> It appears that the new law is also already being misapplied by provincial authorities. In July 2016, 15 NGOs in Oddar Meanchay province reported that provincial police were requesting them to file weekly "activity reports" about their work,<sup>93</sup> even though such reporting is not required under the LANGO. In addition to the burden imposed on NGOs' resources, the request constitutes excessively intrusive monitoring of NGOs in the province, which could be used to restrict, or at least have a chilling effect on, their activities, in violation of the right to freedom of association. It is unclear whether this incident represents a mere misunderstanding of the LANGO or a deliberate attempt to use the new law as a pretext to restrict the activities of NGOs.

### ***Prosecution of ADHOC staff and Ny Chakrya***

As of the time of writing, four senior staff members from the Cambodian Human Rights and Development Association ("ADHOC"), Mr. Ny Sokha, Mr. Yi Soksan, Mr. Nay Vanda and Ms. Lim Mony, and the deputy secretary-general of the NEC (and former ADHOC staff member), Mr. Ny Chakrya, have been detained for 140 days. They are accused of bribing a witness, based on their provision of advice and support to Ms. Khom Chandaraty, in connection with the ACU investigation of Kem Sokha in relation to his alleged extra-marital affair with Ms. Chandaraty. Following detention in custody in excess of the 48 hours permitted by the Cambodian Code of Criminal Procedure, on 2 May the four ADHOC staff were charged with bribing a witness, and Ny Chakrya was charged as an

---

<sup>89</sup> See Joint Statement, "CSOs welcome the release of Ven Vorn, but condemn his conviction" (4 March 2016) <http://bit.ly/2aTsEkO> ; Joint Press Release, "CSOs condemn decision to find Boeng Kak land activist Yorm Bopha guilty following retrial" (29 June 2016) <http://bit.ly/2bbi5s8>

<sup>90</sup> For detailed analysis of the charges and evidence against the activists, see CCHR, "Legal Analysis of the Prosecution of Four Mother Nature Activists" (June 2016) <http://bit.ly/28OIXMA>; see also Joint Press Release, "CSOs condemn the unfair conviction of Mother Nature activists San Mala, Try Sovikea and Sim Somnang" (1 July 2016) <http://bit.ly/2bcF59g>

<sup>91</sup> [http://www.licadho-cambodia.org/political\\_prisoners/](http://www.licadho-cambodia.org/political_prisoners/); see Khuon Narim and Wright, "Rights Group Warned Over 'Political Prisoners' Page," *The Cambodia Daily* (20 May 2016) <http://bit.ly/2bpr1e9>

<sup>92</sup> For more detailed analysis see CCHR, 'LANGO 5<sup>th</sup> Draft Analysis,' (March 2015) <http://bit.ly/2aFEIGi>

<sup>93</sup> Seangly, 'Weekly check-in rejected by NGOs in Oddar Meanchey,' *The Phnom Penh Post*, (27 July 2016) <http://bit.ly/2aLbX6g>

accomplice to the same crime. Mr. Soen Sally, a staff member from the Cambodia Office of OHCHR, was also charged as an accomplice; however, he remains free due to his immunity as a UN official.<sup>94</sup> The Appeal Court denied the detainees bail on 13 June 2016, without providing adequate legal justification, in apparent violation of Cambodian law and the detainees' rights to a fair trial and to liberty. Detention must only ever be a last resort based on necessity, where the grounds for pre-trial imprisonment provided in Article 205 of the Code of Criminal Procedure have been satisfied. A final appeal against the bail decisions is currently pending before the Supreme Court. Meanwhile, the ACU investigation has continued, with Ms. Chhorn Sokunthea, head of the Women's and Children Rights Unit at ADHOC and Mr. Pa Nguon Teang, Executive Director of the Cambodian Center for Independent Media, both summonsed to appear for questioning as witnesses in connection with the case. The involvement of the ACU and the fact that the case concerns a leading opposition figure suggest that the detention and prosecution of the activists may be a politically motivated attempt to punish civil society actors who engage in politically sensitive human rights work. A joint civil society campaign, *#Freethe5KH*,<sup>95</sup> was launched in August 2016 to highlight the injustice related to the continued detention of the five, and call for their release.

### ***Repression of 'Black Monday' activists***

Following the initial detention and charging of the four ADHOC staff and election official, grassroots activists organized a series of "Black Monday" protests to call for their release. The initial gathering on 8 May resulted in the arrest of eight human rights activists, and more arrests took place on the following Monday 16 May 2016, when police apprehended five land rights activists in Phnom Penh who were only released after thumb-printing an agreement not to gather in public or dress in black on Mondays, in clear violation of their rights to freedom of assembly and expression. As noted above, as of the time of writing, 33 arrests have been made in relation to the Black Monday campaign. Following a Black Monday protest on 16 August, prominent members of the Boeung Kak community and land activists, Tep Vanny and Bov Sophea were detained and convicted, and a Spanish researcher, Marga Bujosa Segado, was deported.<sup>96</sup>

### **iii) Trade unions and workers**

The 2015 note detailed the government crackdown on workers and trade unions in early 2014. Harassment linked to the 2014 protests has continued, with activists, including prominent union leader Vorn Pao, facing a new appeal related to their conviction in May 2014, when they were given suspended sentences ranging from four to four and a half years of imprisonment.<sup>97</sup> On 26 January 2016, the appeal was postponed to an unknown date, leaving the activists under the continuing threat of re-imprisonment.

Unfortunately, in addition to the repressive legal environment created by adoption of the new TUL, described in section II above, the year since publication of the 2015 note has been marked by an escalating crackdown on trade unions, with incidents demonstrating the authorities' tolerance, or

---

<sup>94</sup> For more detailed analysis and description of the facts, see Joint Civil Society Submission to the UN Human Rights Committee in relation to its follow-up procedure on Cambodia (June 2014) <http://bit.ly/1Ux4W8E>

<sup>95</sup> For further information, see <https://freethe5kh.net/>

<sup>96</sup> Sek Odom, Wright and Sokhean, "Spanish Academic Deported; Activists Jailed for Incitement," *The Cambodia Daily* (18 August 2016) <http://bit.ly/2b0xM1F>

<sup>97</sup> See CCHR, "Amicus Brief regarding Mr. Vorn Pao and Seven Others - Criminal Case #936 Submission to the Court of Appeal" (5 January 2016) <http://bit.ly/2bm8Yp3>

even tacit support for, the use of violence against legitimate demonstrators and the suppression of independent trade unions.<sup>98</sup> One particularly egregious incident was the attack on employees of Capitol Tours, when protesting workers were violently attacked by a mob of tuk-tuk drivers. Police present failed to take action to stop the violence, and there is continuing impunity for those who carried out and ordered the attack, despite the existence of damning video footage captured by human rights monitors. Similar violent attacks on groups of workers exercising their right to protest also took place on 1 February 2016 at the Star Light Apparel factory in Kandal province, and on 12 January 2016 at the Agile Sweater Factory in Kampong Speu. Given the powerful organizing capacity of the labor movement and the prominent role played by workers in the protests that followed the 2013 election results, this crackdown appears to be an attempt to pre-emptively weaken and deter trade unionists from exercising their fundamental freedoms of assembly, expression, and association, as well as the right to strike, ahead of the upcoming elections.

## **VI. CONCLUSION AND RECOMMENDATIONS**

Twenty-five years later, and despite some limited progress, the promise of the Paris Agreements remains far from realized. As a result, there is reason to fear that if the current trajectory is maintained, the elections in 2017 and 2018 will not be free, fair or credible. Parts II to IV of this Briefing Note identified structural issues impeding the creation of the liberal, pluralist democracy foreseen in the Paris Agreements. Meanwhile, the incidents of harassment, violence and repression detailed in Part V showed that the RGC is indeed exploiting these factors in practice to crack down on those who criticize the government, express dissenting views, or appear as a political threat ahead of the upcoming elections. The escalation of such incidents since 2015 clearly shows that the RGC is already positioning itself to ensure its desired outcome, with nine months remaining before the commune elections in June 2017.

If the elections in 2017 and 2018 are to be fully legitimate, there are a number of actions that must be taken as soon as possible to improve the conditions in which the campaign and voting will take place. CCHR recognizes that the primary responsibility for ensuring respect for human rights and free and fair elections lies with the state of Cambodia and the RGC, who to date has shown little inclination to reverse the deteriorating situation. Nonetheless, in addition to the recommendations to the RGC set out below, CCHR calls on Paris signatories, the UN, and all political parties to fulfill their respective responsibilities to promote and defend democracy and human rights in Cambodia, as follows:

### **Key recommendations to the Cambodian Authorities**

Recalling its obligations under IHRL and in the Paris Agreements, CCHR calls on Cambodian authorities to:

- *Amend both the LANGO and the TUL to bring them into line with the Constitution and IHRL, in particular, by removing mandatory registration requirements for unions and NGOs to function lawfully; reducing complex reporting requirements; clarifying any excessively broad, vague, or ambiguous terms; and removing excessive restrictions on the right to strike;*

---

<sup>98</sup> For more detailed discussion see CCHR, Factsheet: Escalation of Violent Repression of Trade Union Activities (March 2016) <http://bit.ly/2bm7bAj>

- *Review the Telecommunications Law and repeal provisions inconsistent with domestic and IHRL standards of privacy and freedom of expression;*
- *Clarify the relationship between the Arbitration Council and the new Labor Courts; ensure that recourse to the Arbitration Council remains an option for disputes under the TUL;*
- *Ensure all ACU staff are appointed through open, merit-based recruitment processes, and its leadership enjoy fixed terms and protections against dismissal or legal actions;*
- *Ensure the NEC and its members are able to carry out their functions independently;*
- *Cease all harassment of opposition politicians and civil society actors; in particular, cease all politically motivated prosecutions, including abuse of defamation law;*
- *Immediately release all persons detained as a result of the peaceful and legitimate exercise of their fundamental freedoms; and*
- *Ensure that a thorough, impartial and transparent investigation, consistent with international standards, is carried out into the death of Kem Ley, and request external expert assistance for this purpose.*

#### **Recommendations to signatories to the Paris Agreements**

Recalling their obligations under international law, in particular those set out in the ACPC and ASIT, CCHR calls on signatories to the Paris Agreements to take the following actions:

- *In their capacity as members of intergovernmental organizations, in particular the UN, take opportunities to raise awareness of the human rights situation in Cambodia and exert pressure on the RGC to cease or address violations;*
- *As provided for in Article 5(4) of the ASIT, in cases of violations of human rights in Cambodia, call upon competent UN bodies to take action;*
- *Re-evaluate and keep under review existing investment and aid relationships with Cambodian governmental and private actors, taking into account their obligations under IHRL and the best practices contained in relevant international instruments such as the UN Guiding Principles for Business and Human Rights and the OECD Guidelines on Multinational Enterprises;*
- *In the initiation of new investment, investment treaties, development aid, and export credit financing, take into account the potential to leverage these relationships to promote human rights in Cambodia;*
- *Seek to send election monitors and observers (unilaterally or via regional organizations) to report on the conduct of both the 2017 and 2018 elections; and*
- *Refrain from engaging in any new work, funding or agreements with the ACU so long as its independence remains in doubt.*

#### **Recommendations to the UN Special Rapporteur on the situation of human rights in Cambodia:**

- *Maintain a frank and open dialogue with the RGC; where appropriate make recommendations for the improvement of human rights protection in Cambodia; and, where*

*necessary, make robust criticisms of policies, legislation or actions that have a repressive effect on human rights; and*

- *Consider timing future country visits to coincide with both the 2017 and 2018 elections, and/or during the respective election campaigns.*

**Recommendations to all political parties:**

- *Participate fully in the parliamentary process through submitting proposed legislation, proposals to amend existing legislation, participating in debates, and asking questions to ministers; and*
- *Make full use of their right to require answers from the ACU President regarding the ACU's activities;*
- *Refrain from all forms of discrimination against ethnic minority groups.*

**For more information, please contact CCHR Advocacy Director Duch Piseth via telephone at +855 (0) 12 712 371 or e-mail [duchpiseth@cchrcambodia.org](mailto:duchpiseth@cchrcambodia.org) or CCHR Legal Consultant Pat de Brún via telephone at +855 (0) 89 536 215 or e-mail at [pat.debrun@cchrcambodia.org](mailto:pat.debrun@cchrcambodia.org).**

