



**Joint NGO Submission to
the United Nations Human Rights Committee
on the List of Issues Prior to Reporting for the
Second Periodic Report of Cambodia
on the International Covenant on Civil and Political Rights**

Compiled by: CHRAC Secretariat

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វេទិកាផ្សារសង្គមមិនមែនរដ្ឋាភិបាល ស្តីពីកម្ពុជា
The NGO Forum on Cambodia

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Contributing Organizations

The submissions contained within this *Joint NGO Submission to the United Nations Human Rights Committee on the List of Issues Prior to Reporting for the Second Periodic Report of Cambodia on the International Covenant on Civil and Political Rights* are the sole work of the NGO or NGO coalition as identified under each submission.

Cambodian Human Rights Action Committee

The Cambodian Human Rights Action Committee (CHRAC), created on 2 August 1994, is a coalition of 21 NGOs working in the field of the promotion Human Rights, Democracy, and the Rule of Law in the Kingdom of Cambodia.

Youth for Peace and The Peace Institute of Cambodia

The submissions made by Youth for Peace and the The Peace Institute of Cambodia are in consultation and collaboration with the following organisations:

- Cambodia Disabled People's Organisation
- Khmer Kampuchea Krom for Human Rights and Development Association
- SILAKA
- Women Peace Makers
- Khmer Kampuchea Krom Buddhist Association

Access to Information Working Group

The Access to Information Working Group consists of the following endorsing organisations:

- **Advocacy and Policy Institute**
Main facilitator of the Access to Information Working Group, responsible organisation drafting the submission
- Cambodian Human Rights and Development Association
- Advocacy Team of Association NGO
- Conservation and Development on Cambodia
- Community Legal Education Center
- Cambodia Economic Development Organization
- The Cambodian Human Rights Action Committee
- The Committee for Free and Fair Elections in Cambodia
- Center for Social Development
- Equal Access
- Khmer Women's Voice Center
- KID
- Khmer Youth Association
- Housing Rights Task Force
- MlobBaitong
- Neutral and Impartial Committee for Free and Fair Election In Cambodia
- Open Forum of Cambodia

- Open Institute
- Rural Aid Organization
- Democracy and Human Rights Organization in Action
- Pact Cambodia
- People Center for Development and Peace
- Star Kampuchea
- Voice of Democracy Cambodian Center for Independent Media
- Women's Media Center
- Community Peace-Building Network
- Khmer Buddhist Society in Cambodia
- Fishery Action Coalition Team
- NGO Forum on Cambodia
- Transparency International Cambodia

NGO Forum on Cambodia

NGO Forum on Cambodia works to improve life for poor and vulnerable people in Cambodia. It is a membership organisation that builds NGO cooperation and capacity, supporting NGO networks and other civil society organizations to engage in policy dialogue, debate and advocacy.

Housing Rights Task Force

Housing Rights Task Force (HRTF) was established in early 2003. HRTF brought together a diverse group of international and national NGOs united in their efforts to defend the housing rights of the urban poor in Phnom Penh.

Proposed Questions for List of Issues Prior to Reporting

Article 3 Equal Rights for Men and Women

Youth for Peace and The Peace Institute of Cambodia

The HR committee should ask the Royal Government of Cambodia what steps or methods it is taking to increase the quota of women representative, including the women with disability, in the political affair and to increase the promotion of women from different background to have chance to break out their voice in different sectors. HR committee should ask the RGC to set more vocational training for women with disability and propose to all the political parties to insert the quota of women in their party in order to promote their role in politics.

Article 14 Rights to a Fair Trial

Pre trial Detention: Cambodian Human Rights Action Committee

What are the steps taken by the Royal Government of Cambodia to ensure that the judiciary and law enforcement agencies follow their obligation under both national and international legal framework:

- 1. ensure that granting of bail are normalized in judicial process and pre-trial detentions are used as last resort;*
- 2. and adequate reasons under article 205 of the Code of Criminal Procedure are clearly outlined; and*
- 3. accused persons in pre-trial detention are released on bail when they reached the statutory limits on detention.*

Rights to Legal Representation: Cambodian Human Rights Action Committee

What are the steps taken by the Royal Government of Cambodia to ensure that the right to legal representation is realized by all the people of Cambodia in line with the ICCPR.

Specifically, what measures are the government undertaking to:

- encourage more lawyers to work on legal aid cases?*
- ensure the police and judiciary uphold their responsibility to inform detainees of their right to legal representation and effective legal aid?*
- Will the RGC establish a national legal aid system that is in line with the UN Principles and guidelines on Access to Legal Aid?*

Fair Trial Rights in the Extraordinary Chambers in the Court of Cambodia: Cambodian Human Rights Action Committee

What are the steps taken by the Royal Government of Cambodia to ensure that the proceeding of Cases 003 and 004 in the ECCC can go forward in an impartial and independent manner?

- 1. Will the National Co-Investigating Judge and his staff cooperate with Judge Harmon without any interference from the Cambodian Government and produce a Closing Order that is impartial and independent?*

2. *Will the Cambodian Government guarantee that investigation activities carried out by Judge Harmon are not unduly interfered with or impeded materially or implicitly? and*
3. *Should the OCIJ recommend prosecuting the suspects as listed in Cases 003 and 004, will the Cambodian Government uphold their obligation under the UN-Cambodia Agreement and ensure adequate funding is provided for to support the Cambodian side of the ECCC?*

Judicial Deficiency and Impunity: Housing Rights Task Force

The HR Committee should ask the RGC how the cases outlined in the submission can be independently investigated and adjudicated. The HR Committee should also question the RGC on implementing effective mechanisms to ensure crimes committed by individuals do not go unpunished.

Article 18 – Freedom of Thought, Conscience or Religion

Youth for Peace and The Peace Institute of Cambodia

The HR committee should ask the RGC what steps or methods it is taking to protect the freedom to belief and religion, including the promotion of monk's involvement in political affair. The RGC should commence criminal proceedings against its own members who break the law, or abuse monks, concerning human rights and pay more attention to political affairs. The RGC should also promote a democratic monks' structure, including the election of the national monk leaders instead of appointing, because the elected monks will protect the benefit of all monks, without bias of political tendency.

Article 19 – Freedom of Opinion and Expression

Access to Information Working Group

The Human Right Committee should ask the RGC of the timeframe to which the government would commit for the Access to Information Law to be completed and implemented and how much space will be opened for non-government actors' engagement to ensure that the law would be of good quality and would meet international standard

Article 21 – Freedom of Assembly

NGO Forum on Cambodia

How can Cambodian citizens enjoy their rights to peacefully assembly as stipulated by ICCPR? What actions shall be taken by the human rights committee with regard to RGC?

Article 27 – Rights of Minorities

Youth for Peace and The Peace Institute of Cambodia

Rights of Indigenous People

The HR Committee should ask RGC to increase Law implementation for the protection of Indigenous people, to support every demand of Indigenous communities, including the indigenous group with disability, and to stop all forms of discrimination towards them such as: elimination of their religious belief, tradition, and customs.

Rights of Khmer Krom People

Recommendations

- *Some local residents and local authorities of Cambodian Government should learn more about the identity of the Khmer Krom people, and should stop all speculation painted and discrimination on Khmer Krom.*
- *Local authorities should facilitate and provide the identification cards, family book and other legal regulations to legally Khmer Krom people in the country do not need to change a place of birth and the proposed state budget beyond setting.*
- *Cambodian Government, a close ally should cooperate and coordinate with Vietnamese Government to stop longer Khmer Krom abuse.*
- *The Cambodian Government should urge its Embassy in Vietnam help take action to protect the rights and safety Khmer Krom people.*
- *The Government should provide warmth and attention to Khmer Krom people on daily living and is located in Cambodia and social concessions for Khmer Krom people who are living in the temporary areas.*
- *The Government must stop at all the restrictions to the Khmer Krom people when they use the right to freedom of gathering and expression.*

1. Article 3 – Equal Rights for Men and Women

1.1 Participation of women in politics

Youth for Peace and The Peace Institute of Cambodia

The Constitution of Kingdom of Cambodia ensures the equality between men and women to enjoy full rights to involve actively in the social life as stated in article 31 to 46 of constitution on 24 September 1993. This is the principle to eliminate all forms of discrimination against the women which enable women to access equal rights as men in term of economics, social, and political participation. The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) also guarantees the women rights in promotion of women in political affair. RGC has also ratified to this convention to be the state party and the RGC has obligation to respect and implement it.

But, in the measure of implementation of RGC, the women representative in political sector has not been increased in National level. For instance, the number of women representative in top level state institutions, as stated in the RGC's report, has around 10% such as, in the Parliament, Ministry, Secretary of State, under-secretary of state, and in judiciary institution. Moreover, in the Sub-national level, the number of women representative is also limited such as in the commune council, district governor, provincial governor, and municipal governor, and there are not enough women representatives. Through the RGC report submitted in 2012 to the CEDAW Committee, after the national election, there are not still number of women representatives in political affair or promotion of women in politics increased in the fifth parliamentary mandate.

Meanwhile, the numbers of women representative in garment factories and women with disability have not enough voice to protect their rights and there is no promotion for them in political rights. When they start to claim for their rights and needs to be implemented, the RGC have ignored them and deprived their liberty from them in contrary to the ICCPR and national law and arrest them if they use the rights of assembly in public. For example, on 8th March 2014, all the women regrouped and celebrated their rights in public, but the RGC used arm forces to crack down on them and prohibited them not to do it. Look back to the event on 3th and 4th January 2014, the garment workers tried to claim for increasing salary which most of them are women and they used their rights stated in the ICCPR and Constitution, but they were shot to death and got cracked down illegally like animals. The RGC never implements what they have agreed in the Convention and always ignore what the law says and exaggerate in the RGC report.

There are not enough measure of protection to women; especially, the modern form slavery now in Cambodia. There are a lot of cases happened to women such as: Labor immigrant to other foreign countries such as Malaysia for example. The women are hit, raped, and some of them became disabled after returning from those countries or some lost their consciousness while working there because of threats, torture, and overloaded work. The RGC do not have enough action to protect them; and mostly, the NGOs who take actively action on these cases to help women and the RGC themselves know only ratify the agreement to send the workers to those countries without having proper monitoring or study the bad effect to women.

Recently, RGC has set the quota of 2% for people with disability in state work and 1% for private sector, but as a matter of fact, the RCG does not push enough speed to reach this determination and the amount of women with disability is not remarkable, as stated in the

RGC's report in 2012, the amount of women has less participation and the women with disability has not been addressed in the RGC's report.

Proposed Questions for List of Issues

The HR committee should ask RGC what steps or methods it is taking to increase the quota of women representative, including the women with disability, in the political affair and to increase the promotion of women from different background to have chance to break out their voice in different sectors. HR committee should ask the RGC to set more vocational training, to women with disability and propose to all the political parties to insert the quota of women in their party in order to promote their role in politics and to protect more on women rights.

2. Article 14 – Right to a Fair Trial

2.1 Pre-trial Detention

Cambodian Human Rights Action Committee

Background:

Article 14(3)(c) of the International Covenant of Civil and Political Rights (ICCPR) states that ‘in the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: To be tried without undue delay. In its general comments, the Human Rights Council have clarified that this is especially important when the accused is being held in detention during the period leading up to trial, ‘to ensure that such deprivation of liberty does not last longer than necessary in the circumstances of the specific case, but also to serve the interests of justice.’¹ In addition, where ‘the accused are denied bail by the court, they must be tried as expeditiously as possible’.² Further, under article 9(3) of the ICCPR, pre-trial detention should be an exception and kept as short as possible.³

The Cambodian legal framework contains several provisions that protect an accused’s rights to liberty and to be tried without undue delay. In principle, the charged person shall remain at liberty and should only be detained in exceptional circumstances.⁴ the Code of Criminal Procedure provide specific reasons as to justify detention of those accused awaiting trial,⁵ and the time limit for such detention.⁶

Despite these express protections under international and national legal framework, many NGO working in the Cambodian legal system note that pre-trial detention and/or detention in police custody occurs in many, if not most criminal cases. One NGO monitoring the trial process reported recently that in 2012, 71, % of defendants in trials they observed were detained prior to their trial hearings.⁷ While according to another NGO report, up to 60% of the Cambodian prison population are occupied by prisoners currently awaiting trial.⁸

In a recent report by Cambodia Center for Human Rights (CCHR), 16 cases were identified between January and June 2012 to involve accused being subjected to excessive pre-trial detention that could not be explained by the need to gather evidence or further investigation as most of these accused persons have confessed to commit the alleged crimes. Some accused were detained up to 7 months and 24 days past the maximum lawful period of pretrial detention based on the category of their charge.⁹

¹ United Nations Human Rights Committee, General Comments No. 32 Article 14: Right to Equality Before Courts and Tribunals and to a Fair Trial CCPR/C/GC/32, 23 August 2007 [35].

² United Nations Human Rights Committee *Sextus v Trinidad and Tobago* CCPR/C/72/D/818/1998 [7.2].

³ United Nations Human Rights Committee, *General Comments No 8, Article 9 (Rights to Liberty and Security of Person)* HRI/GEN/1/Rev.9 (Vol. I), 30 June 1982 [3].

⁴ Cambodia Code of Criminal Procedure (2009), article 203.

⁵ Cambodia Code of Criminal Procedure (2009), article 205.

⁶ Cambodia Code of Criminal Procedure (2009), articles 208 and 209

⁷ Cambodia Center for Human Rights, *Sixth Bi-Annual Report, Fair Trial Rights in Cambodia*, December 2013, p 18 < <http://bit.ly/QHbXKu>> accessed 23 April 2014

⁸ LICADHO, *Human Rights 2013: The Year in Review*, February 2014, p 20. < <http://bit.ly/1nqI3Yx>> access 23 April 2014. Also personal consultation during the *2014 National Conference on Pre-Trial Detention and Alternatives to Detention*, 25 and 26 March 2014 <<http://bit.ly/1nqIout>> Accessed 24 April 2014.

⁹ Cambodia Center for Human Rights, *Sixth Bi-Annual Report, Fair Trial Rights in Cambodia*, December 2013 p 21. < <http://bit.ly/QHbXKu>> accessed 23 April 2014

It has also been common practice where judges simply do not give adequate reasons to justify pre-trial detention in most cases. Under article 205 Code of Criminal Procedure, judges can only order pre-trial detention where one or more of the conditions outlined have been met. Often judges do give reasons such as the ‘case is complicated’ or that the accused was ‘charged with a felony crime’ to justify imposition of pre-trial detention, when neither of these reasons are listed under article 205. In recent years, with the assistance of the United Nations Office of the High Commissioner for Human Rights (UNOHCHR) in Cambodia, a system of written form was implemented to provincial court of first instances to encourage judges to give reasoned justification of imposing pre-trial detention against accused persons.¹⁰ However, NGO groups continue to observe judges arbitrarily ‘ticking boxes’ on these forms and imposing pre-trial detention without giving the accused persons a reasoned decision.¹¹

Finally, despite the Code of Criminal Procedure imposing strict statutory limit on the duration of pre-trial detention,¹² NGO observers continues to report accused persons being held in pre-trial detention for period longer than those permitted by the law.¹³ this is a particular problem in the rural areas where investigating judges are on a rotation, and are not able to clear the backlog of cases in each of the provinces he/she is rotating through.¹⁴

Proposed Questions for List of Issues

What are the steps taken by the Royal Government of Cambodia to ensure that the judiciary and law enforcement agencies follow their obligation under both national and international legal framework:

- 1. ensure that granting of bail are normalized in judicial process and pre-trial detentions are used as last resort;*
- 2. and adequate reasons under article 205 of the Code of Criminal Procedure are clearly outlined; and*
- 3. accused persons in pre-trial detention are released on bail when they have been reached the statutory limits on detention.*

¹⁰ OHCHR, *2014 National Conference on Pre-Trial Detention and Alternatives to Detention*, Phnom Penh, 25 and 26 March 2014 < <http://bit.ly/1nqIout>> accessed 24 April 2014.

¹¹ Ibid, comments made during presentation by OHCHR office.

¹² Cambodia Code of Criminal Procedure (2009), articles 208-214.

¹³ Cambodia Center for Human Rights, *Sixth Bi-Annual Report, Fair Trial Rights in Cambodia*, December 2013 < <http://bit.ly/QHbXKu>> accessed 23 April 2014

¹⁴ OHCHR, *2014 National Conference on Pre-Trial Detention and Alternatives to Detention*, Phnom Penh, 25 and 26 March 2014 < <http://bit.ly/1nqIout>> accessed 24 April 2014.

2.2 Right to Legal Representation

Cambodian Human Rights Action Committee

Background:

Article 14(3)(d) of the International Covenant of Civil and Political Rights (ICCPR) states that ‘in the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: To be tried in his presence, and to defend himself in person through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of his right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it.’

According to The United Nations Office of the High Commissioner for Human Rights (OHCHR) the right to legal representation is in itself a fundamental human right, and is also essential to ensuring the enjoyment of other human rights including the right to a fair trial.¹⁵ To have prompt access to a lawyer at an early stage of police investigations may be essential in order to avoid lasting prejudice with regard to the rights of the defense and could also prevent ill-treatment in police stations, reduce prison overcrowding and reduce wrongful convictions.¹⁶

Within the Cambodian legal framework there is a range of provisions to ensure that citizens’ right to legal representation is protected. Firstly, the right to legal representation is constitutionally guaranteed in Cambodia¹⁷. The Cambodian Code of Criminal Procedure (CCPC) further stipulates that a detainee may request to speak to legal counsel after 24 hours of being in police custody¹⁸ and in cases where the detainee is a minor or the accused has been charged with a felony, the assistance of a lawyer is mandatory.¹⁹ Providing legal aid was also listed as a priority in the Royal Government of Cambodia’s (RGC) National Strategic Development Plan (NSDP) to be implemented from 2009-2013.²⁰ The RGC have renewed their commitment to provide ‘legal assistance to the poor in the legal system’ by cooperating with the Bar Association of the Kingdom of Cambodia (BAKC).²¹

Despite these protections in both domestic and international law, and its prioritization by the government the legal aid situation in Cambodia is in critical need of improvement.

Lack of funding and Accessibility of Legal Aid

15 United Nations Office of Office of the High Commissioner for Human Rights, *Legal Aid in Cambodia*, 2013 < <http://bit.ly/1i8ciRb>> accessed 22 April 2014.

16 Ibid.

17 *The Constitution of the Kingdom of Cambodia*, art 38

18 *The Code of Criminal Procedure for the Kingdom of Cambodia* art 98, also see art 300.

19 Ibid, article 301.

20 Cambodian Human Rights Action Committee (ed), *Compilation of the Reports Submitted by Civil Society Organisations (CSOs) to the United Nations Human Rights Council During the 19th Session of Universal Periodic Review (UPR) of the Kingdom of Cambodia*, July 2013, p 27 < <http://bit.ly/1mRbvIX>> accessed 22 April 2014.

21 Royal Cambodian Government, *National Strategic Development Plan 2014-2018 (Draft)*, Chapter IV: Key Policy Priorities and Actions 2014-2018. Draft copy received via anonymous source December 2013. For state of legal aid services provided in Cambodia, see Cambodian Human Rights Action Committee, *Legal Aid Services in Cambodia, Report of Survey Among Legal Aid Providers* November 2010 < <http://bit.ly/PsF4QL>> accessed 22 April 2014

Legal aid is currently mainly provided by NGOs with funding from international donors. The Legal Aid Department (LAD) of the BAKC works to provide legal aid to the poor. However, the budget that the Government provides (USD50,000 per year) for this purpose is insufficient to meet the needs of the poor. Further, despite its prioritisation in the NSDP the government has made no changes in legal aid policy that enables the right to counsel to be realised.²²

The small and decreasing number of legal aid lawyers is also one major challenge. An ongoing monitoring process by NGO groups and the UNOHCHR office has shown that in seven of the 24 provinces surveyed in 2013, there isn't a single legal aid lawyer working in the province.²³ CHRAC's own research found that of the 857 lawyers in Cambodia, 60% of which work in private firms and government institutions and are not required to work on legal aid cases.²⁴

Awareness of Rights

In Cambodia generally a detainee can obtain legal representation prior to their hearing, and if not the court will assign a lawyer to them. However, an accused's awareness of their right to representation seems to vary depending on geographical and educational factors. While most accused in urban centres, such as Phnom Penh, are aware that they have a right to the assistance of a lawyer, those who live in rural areas or who have otherwise not had the opportunity to pursue education often are not aware of this right. Further, even where an accused is aware of their right to legal representation, they may be unaware that legal aid is available unless the court appoints a lawyer on its own initiative, as they believe legal services will be too expensive.²⁵

Proposed Questions for List of Issues

What steps are the Royal Government of Cambodia taking to ensure that the right to legal representation is realized by all the people of Cambodia in line with the ICCPR. Specifically, what measures is the government undertaking to:

- 1. encourage more lawyers to work on legal aid cases?*
- 2. ensure the police and judiciary uphold their responsibility to inform detainees of their right to legal representation and effective legal aid?*
- 3. Will the RGC establish a national legal aid system that is in line with the UN Principles and guidelines on Access to Legal Aid?*

22 BUN Honn, President of the Bar Association of the Kingdom of Cambodia, Presentation given at the *2013 National Conference on Legal Aid*, 29 November 2013. Conference jointly organized by UNOHCHR, Ministry of Justice, the Bar Association of the Kingdom of Cambodia and UNICEF.

23 UN OHCHR Cambodia, *Number and Location of Legal Aid Lawyers*. Updated survey conducted November 2013 and presented at the *2013 National Conference on legal Aid*, 29 November 2013 < <http://bit.ly/1mCQUX0>> accessed 22 April 2014.

24 Cambodian Human Rights Action Committee (ed), above n 20, p 27 < <http://bit.ly/1mRbvlX>> accessed 22 April 2014.

25 Ibid, p 28.

2.3 Fair Trial Rights at the Extraordinary Chambers in the Courts of Cambodia

Cambodian Human Rights Action Committee

Background:

Article 14(1) of the ICCPR states that ‘All persons... shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law’. The Cambodian Constitution reflects the independence of the Judiciary in article 128, where it states that Judicial power is an ‘independent power’. A similar provision has been interpreted by the European Court of Human Rights as a State obligation to ensure all ‘judicial decisions at the investigative stage must be independent and impartial’.²⁶ Article 14(3)(b) of the ICCPR further states that everyone shall be entitled to have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing’.

The Extraordinary Chambers in the Courts of Cambodia (ECCC) have been plagued with controversy over perceived political interference and concerns over the impartiality of the judicial members of the court. In particular, Cases 003 and 004 have been hindered by continuous disputes between the national and international co-investigating judges over investigative proceedings and whether the cases should proceed to trial or not.

Political Interference

Contrary to the requirement of the ICCPR, the Cambodian Prime Minister and other senior ministers have, from the beginning, made public statements stating that Cases beyond 002 should not proceed.²⁷ International NGOs monitoring the ECCC made similar observations, with Human Rights Watch reported that ‘Prime Minister Hum Sen has never been committed to prosecute more than a few Khmer Rouge leaders, apparently to protect members of his party and government who were also in the Khmer Rouge’.²⁸ This has lead David Scheffer, UN Special Expert to Advise on the United Nations Assistance to the Khmer Rouge Trials, to express his frustration and stated that this kind government interference could result in ‘crippling the investigation of four or five additional suspects’.²⁹

In the ECCC, this instability has lead to a series of conflict between the national and international sides.³⁰ Judge Blunk, along with his national counterpart Judge You Bunleng issued a statement in September 2011 and stated that the OCIJ had ‘concluded’ the investigation of case 003.³¹ This was criticized heavily by international observers for their ‘failure to conduct genuine, impartial and effective investigations into ECCC cases 003 and

26 *Pantea v Romania*, European Court of Human Rights 3 June 2003 [238], interpreting article 6(1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

27 Peter Maguire, ‘Cambodia’s Troubled Tribunal’, *New York Times*, 28 July 2010 <<http://nyti.ms/1gOE6pe>> accessed 22 April 2014. See also, Neth Pheaktra and Georgia Wilkins, ‘Judges Should Focus on Current KR Suspects: Govt’, *The Phnom Penh Post*, 12 March 2009 <<http://bit.ly/1i58wYU>> accessed 22 April 2014

28 Human Rights Watch, ‘Cambodia: Government Obstructs Khmer Rouge Court’, Human Rights Watch News, 5 September 2013, <<http://bit.ly/RHHNrn>> accessed 22 April 2014.

29 Mary Kozlovski and Vong Sokheng, “Differing Views” on Judges’ *The Phnom Penh Post*, 25 January 2012, <<http://bit.ly/1jB3uRz>> accessed 22 April 2014.

30 Mary Kozlovski ‘Bringing the Khmer Rouge to justice’, *International Bar Association*, 1 June 2012 <<http://bit.ly/QxgQ98>> accessed 23 April 2014.

31 ECCC, Case Files No 003//07-09-2009-ECCC-OCIJ, *Notice of Conclusion of Judicial Investigation*, Document No D13, 29 April 2011 <<http://bit.ly/1hhpiTG>> accessed 23 April 2014.

004',³² including the United Nation Secretary General.³³ Subsequent appointment of International Co-Investigating Judge Kasper-Ansermet was not even recognized by the Cambodian Supreme Council of Magistracy as he attempted to resume investigation into Case 003 and continue investigation into Case 004. This was then followed by a six months long disagreement, at times publicly acrimonious, between Judge Kasper-Ansermet and Judge You Bunleng,³⁴ leading to Judge Kasper-Ansermet's resignation in May 2012.

Upon being appointed as the current International Co-Investigating Judge, Judge Mark Harmon continued to build on Kasper-Ansermet's investigating work. Although Judge Harmon has been left unimpeded by his national counterpart and the Cambodian Government to carry out investigation in Cases 003 and 004,³⁵ it appears clear to observers that Judge Harmon does not receive any material support by the National Co-Investigating Judge You Bunleng. Instead, Judge You Bunleng continues to assert the validity of the 'concluded investigation' statement he issued with Judge Blunk on 29 April 2011, and is unlikely to accept the new investigation conducted by Judge Harmon.³⁶

Proposed Questions for List of Issues

Does the Cambodian Government intend to continue to disrupt the proceeding of Cases 003 and 004 in the ECCC?

1. *Will the National Co-Investigating Judge and his staff cooperates with Judge Harmon without any interference from the Cambodian Government and produce a Closing Order that is impartial and independent?*
2. *Will the Cambodian Government guarantee that investigation activities carried out by Judge Harmon are not unduly interfered with or impeded materially or implicitly?*
3. *Should the OCIJ recommend prosecuting the suspects as listed in Cases 003 and 004, will the Cambodian Government uphold their obligation under the UN-Cambodia Agreement and ensure adequate funding is provided for to support the Cambodian side of the ECCC?*

32 Human Rights Watch, 'Cambodia: Judges Investigating Khmer Rouge Crimes Should Resign', *Human Rights Watch News*, 3 October 2011 < <http://bit.ly/1ibN4MM>> accessed 22 April 2014.

33 United Nations, 'International Co-Investigating Judge of the Extraordinary Chambers in the Courts of Cambodia', *Statement Attributable to the Spokesperson for the Secretary-General on Cambodia*, 20 January 2012 <<http://bit.ly/1f4Spe4>> accessed 23 April 2014.

34 See examples ECCC, Case Files No 003/07-09-2009-ECCC-OCIJ and 004/07-09-2009-ECCC-OCIJ, *Note of the International Reserve Co-Investigating Judge to the Parties on the Egregious Dysfunctions within the ECCC Impeding the Proper Conduct of Investigations in Cases 003 and 004*, Document No: D38. Also see, ECCC, *Press Statement by National Co-Investigating Judge* issued 26 March 2012, <<http://bit.ly/1twIP9d>> accessed 22 April 2014.

35 See Open Society Justice Initiative, *Recent Developments at the Extraordinary Chambers in the Courts of Cambodia*, March 2013, <<http://osf.to/1gOIISZ>> accessed 22 April 2014.

36 Christopher Dearing 'As ECCC Resumes, Cases 003 and 004 remain inconclusive', *The Cambodia Daily*, 18 July 2012, < <http://bit.ly/1eZa1Z2>> accessed 22 April 2014.

2.4 Judicial Deficiency and Impunity from Rule of Law

Housing Rights Task Force

Since the year 2002, we have seen that impunity cases continued to happen in Cambodia.

On 1993, Cambodia was conducted the first general election, ran by the UN mission at the time called UNTAC, through a free and fair processed. Then, a Constitutional Law was adopted as well as many laws, based on a democratic system. Despite these legislation, several prominent crime cases are still being untreated and ignored by the authorities. The perpetrators are not researched and investigations are not done according to the Cambodian and international law. The different example of killing, arrests, detention, intimidation against human rights activists, politicians, trade union, journalists, dancers and innocent people are as following:

1. Grenade attack against peaceful demonstrators on March 30th 1997
2. Murder of a Senior Army Generals of a political party during coup d'état July 5-6, 1997.
3. Murder of Mr. Chea Vichea (Trade Union Leader) in 2004
4. Murder of Mr. Uom Rotsady (Politician)
5. Murder of Mr. Khim Sambo and his son (Journalist)
6. Arrest and detention of Mr. Mam Sonando (Journalist)
7. Murder of Ms. Piseth Pilika (Movie Star)
8. Murder of Mr. Chut Vuthy (Environment activist) in 2012
9. Murder of a girl related to land disputes at Broma Village, Chhounng District, Kratie Province in 2012.
10. Violent crack down against a peaceful vigil of the Boeung Kak Lake's activists at Wat Phnom on September 2013
11. Murders of several citizens at Kbal Thnal and Stung Mean Chey Bridges in 2014.
12. Murder and torture of garment workers and HR activists during violent crack down of a demonstration on Veng Sreng Street, in January 2014. As a result 23 people were arbitrary arrested and detained. 21 are still detained in a high security prison far from the capital city.
13. Two violent crack down on peaceful demonstrations led by Mr. Mam Sonando in 2014.

As stated above, the mentioned cases violated the Articles 32, 38, 37, and 41 of the Cambodian Constitution as well as Article 14 of ICCPR.

Proposed Questions for List of Issues

The HR Committee should request the Government of Cambodia about executing a legal procedure related to the above cases. Moreover, the committee should question about any efficient mechanism made by the Government to find an appropriate solution.

3. Article 18 - Freedom of Thought, Conscience or Religion

3.1 Monks and Political Participation

Youth for Peace and The Peace Institute of Cambodia

The Constitution of Kingdom of Cambodia in 1993 ensures freedom of belief to all citizens as stated in the constitution that “Khmer citizens of both sexes shall have full right of belief. Freedom of belief and religious practice shall be guaranteed by the State, provided that such freedom and religious practice do not impinge on other beliefs or religions, on public order and security. Buddhism is the State’s religion.” In the same time, the RGC also inserted this principle to be the motto of Cambodia “Kingdom of Cambodia, Nation Religion, and King”.

In Criminal code, in article 508 to 516, specified the offences affecting Buddhism and degradation to the monks or nun shall be punished stated in this Criminal code.

Recently, RGC took action strongly against the monks who joined the demonstration with opposition party and the garment workers demonstration to claim for increasing salary. As the matter of fact, the RGC used arm forces to crack down the monks, threatened them, and arrested them to put in the prison. All these images created by the RGC violated to the Human Rights principles and International and National law which the RGC have ratified and adopted to protect the religion and their own people. The RGC did not take any effective action against whom who violated the law, convention, and degraded the monks (Kampuchea Krom and Khmer monks) in the excuse of public order or anti-political party’s group, or accused of disguised monks.

The RGC do not respect the religion as stated in the Constitution and the Moto of Cambodia, and always ignore them without any protection.

The RGC has also ratified to the ICCPR which ensures the political rights, freedom of expression, freedom of conscience, and other human rights principle to be respected. The RGC is the State party to this convention which stated in the article 18 of ICCPR: freedom of expression, of thought, conscience and religion. The Covenant on Citizens and optical rights issue on 23 December 1976 in the article 18 say that, everyone has freedom of consideration of conscience in the belief and religion. In those articles, they recognize the monks also have the same rights as all Cambodian citizens.

According to the RGC’s report, Minister of Cult and Religion in 2014 number of pagoda were 4688 and nun’s home 270 total 54,193 monks. Reference with RGC’s report in 2012 reported that Royal Government of Cambodia submitted to Human Rights Committee at the UN’s office. Buddhism in Mahayana sect: 4,340 pagodas, and number of 55,345 monks, Thamayut 174 pagodas, number of 1,475 monks. Beside Buddhism, It is noticed that two big religions such as Christianity 40 churches and Muslim 392 mosques.

Exactly, recently Buddhist get on well in Cambodia; otherwise, the RGC has less respected the political rights to the monks and they always got threatened, hit, and got discrimination against them because of political tendency and participation, such as monks and Khmer Kampuchea Krom. Moreover, most of Khmer Kapuchea Krom is not recognized, including the monks from there, by the RGC. This is contrary to the Cambodian constitution which ensures all rights to Khmer citizens wherever they stay, they shall be protected by the RGC.

Since 2010, venerable LUON Savath, attended in demonstration on land’s case of land grabbing in Boeng Kak, and in Borei Key La community that was arrested by local

authorities. The RGC's threatened and declared not to let any pagoda to greet the monk's accommodation. In the late 2013, the municipality of Phnom Penh sued the Samaki Raingsey pagoda's 12 monks to the primary court issued warrant to appeal for the Samki Raingsey Pagoda's 12 monks accused of attentive violence case.

On January 02, 2014, the Parachute Police military in Unit 911 arrested the Samiki Raingsey Pagoda's 5 monks by torturing, and cursed Buddhism and monks just only participated in demonstration with YANG YIN garment factory's Labor in compliance with rights provided by the National and International laws to all citizens in Cambodia, in those including the monks as well.

All performing is not alternative from blocked privileges freedom Khmer relative by Vietnamese and Khmer Kampuchea Krom monks are terrorist landlord by just only greeting outdoor Buddhism to monitor many people but often threaten inside and pressured too hard into Buddhism, Khmer relatives and Khmer Kampuchea Krom monks otherwise Vietnamese never granted freedom enough Khmer relative and Khmer Kampuchea Krom monks. Since 2013 the Vietnamese government arrested venerable LIV Ny, THACH Thoeun, preceptor of rights side recite of tasks monastery and venerable LY Chanda, interim abbot of Prey Choap monastery (Kampuchea Krom), the monks asked for open Khmer Literature school, Vietnamese not allowed but also alleged to arrested 3 monks and RGC ignored or attention to Khmer relatives.

The RGC's should be recognized of monk's freedom in political affairs, moreover RGC stop abuse or discriminate on freedom of national election such as direct and indirection election, stop putting pressure to monks, affiliation or division to any kind of differences; meanwhile the religion of the Cambodia state, RGC should Stop interfere involved religion tasks.

Proposed Questions for List of Issues

The HR committee should call for to RGC what steps or methods to increase the belief and religion, including the promotion monk's political affair and to increase the promotion of freedom to belief of religion. The RGC should take legal action to members of RGC that break the law, or abusing monks, concerning human rights and pay more attention to political affairs. And the RGC should manage the proper monks' structure, like to vote the national monk leaders better than appointing, because the elected monks will protect the benefit of all monks, without bias of political tendency.

4. Article 19 - Freedom of Opinion and Expression

4.1 Access to Information Legislation

Access to Information Working Group

Access to Information (A2I) is as critical as Freedom of Expression, Transparency, Accountability and Good Governance

The International Covenant on Civil and Political Rights (ICCPR) strongly endorses freedom of expression and access to information, as stated in its Article 19: Everyone has the right to freedom of opinion and expression; this right includes the right to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.

While the Constitution of the Kingdom of Cambodia does not explicitly mention access to information by words, its endorsement of A2I can be clearly seen in Article 31 that states: “The Kingdom of Cambodia recognizes and respects human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights and covenants and conventions related to human rights, women’s rights and children’s rights...”

With regard to freedom of expression, Article 35 of the Constitution reads: “Cambodian citizens shall enjoy their rights to freedom of expression, freedom of the press, freedom of publication and freedom of assembly...”

However, as of the present, there has not been any specific law addressing access to information, while some legislative provisions either support the principles of information disclosure, public participation, and expression directly or indirectly and at a varying degree between one sector and others.

In 2010, civil society organizations reviewed 310 Cambodian laws and 188 sub-decrees trying to identify articles or provisions related to access to information based on the nine principles of access to information international context. Of these, there are only 184 Cambodian laws and 133 sub-decrees that have references to access to information.³⁷ Researchers studied legislations on many different areas namely education, health and medicine, public administration, de-centralization and de-concentration, economy, investment, labour, and natural resource management and the environment. The most relevant laws include the Press Law, the Archive Law, the Anti-Corruption Law, and the Civil Code, but some of these either apply mostly to the media, or are riddled with exemptions, and discourage the whistle blowers to report or/and to provide information on corruption cases or any wrongdoing that may occur within an organization.

Also, while some of the Cambodian laws and sub-decrees that the research team has studied are seen as trying, to certain extent, to address access to information, they are still fragmented, not concentrated and not responsive to effective implementation. It is, therefore, difficult for the public to access information. The public cannot even request for information about laws that have already been promulgated or the national policies that have been adopted.³⁸

37 Advocacy and Policy Institute. *Review of Legislation Relating to Access to Information*. Undated.

38 Advocacy and Policy Institute, *Review of Legislation Relating to Access to Information*. Undated, pp. 32-33.

The general consensus among experts is that government disclosure practices are weak. Today, “[g]aining access to even basic information such as draft laws, regulations, national budgets, and policy papers is exceptionally difficult.”³⁹ According to an opposition Sam Rainsy Party lawmaker, “all types of information – from government payrolls to licenses for exploitation of natural resources – are kept secret from the public, and even from parliamentarians”.⁴⁰ A journalist has attested that “many journalists are only able to get access to the government-held records only at the mercy of officials who are willing to release partial information to the media while keeping secret other important information”.⁴¹ So, all these problems are the main obstacles to citizens to fulfill their obligation.

On 08 November 2013, the Prime Minister officially assigned the Ministry of Information to take lead of the A2I Law drafting process that would include consultations with the media, civil society organizations, and relevant stakeholders. The Minister of information publicly announced later last year and again early this year that the development of the Access to Information Law would take around three years to complete. Despite the encouraging development, civil society organizations (CSOs) remain extremely concerned about the government’s commitment to the timeframe (since it has already been the fourth month of the year now, but still not much progress has been reportedly made); the quality of draft Access to Information Law and how much space will be opened by the government to the engagement of other stakeholders, especially CSOs, and how far they are prepared to consider and accept inputs from the non-state actors.

Proposed Questions for List of Issues

The Human Right Committee therefore would like to get confirmed of the timeframe to which the government would have to be committed for the Access to Information Law to be completed and how much space will be open for non-government actors’ engagement to ensure that the law would be of good quality and would meet international standard

39 Advocacy and Policy Institute, *Review of Legislation Relating to Access to Information*. Undated. Pg. 1.

40 Paul Vrieze and Phorn Bopha. “Group Backs Freedom of Information Draft”, *Cambodia Daily*. September 27 2011.

41 Moeun Chhean Nariddh. “All Parties Stand to Gain from Freedom of Information Law”. Letter to the Editor, *The Cambodia Daily*. September 29, 2011.

5. Article 21 - Freedom of Assembly

5.1 Ban on Assemblies

NGO Forum on Cambodia

The right to Freedom of Assembly is guaranteed by the Cambodian domestic legal framework as well as international covenants. Article 41 of the Constitution of the Kingdom of Cambodia states that “citizens of Cambodia shall have freedom of expression, freedom of the press, freedom of publication and freedom of assembly”. Furthermore, Article 35 of the Constitution states that all Khmer citizens shall have the right to participate actively in the political life of the nation. Article 31 of the Cambodian Constitution states that Cambodia shall recognize and respect the Universal Declaration of Human Rights (“UDHR”) and the covenants and conventions related to human rights, thereby incorporating the UDHR and the International Covenant on Civil and Political Rights (the “ICCPR”) into domestic law. In addition, Cambodia ratified the ICCPR on 26 August 1992. The right to freedom of assembly is enshrined in both the UDHR and the ICCPR. Article 20 of the UDHR states that “everyone has the right to freedom of peaceful assembly and association.” According to Art 21 of the ICCPR, restrictions of this right must be in “conformity with the law and which are necessary”, thus putting any restriction such as a ban under restriction of commensurability, only to ensure “national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.”

Article 37 of the Cambodian Constitution states that “The right to strike and to non-violent demonstration shall be implemented in the framework of a law”. In this regard, the Law on Peaceful Demonstrations 2009 establishes a notification procedure for conducting an assembly for demonstrations in article 3.

After the national elections on 28 July 2013, Cambodian citizens were able to enjoy the freedom of assembly; they called for the establishment of an independent election investigation committee since irregularities before, during, and after election have been reported by the Electoral Reform Alliance (ERA) and others monitoring the election.⁴² Citizens were able to assemble and demonstrate in Freedom Park as well as demonstrating along the streets in Phnom Penh and even more in the provinces.

On 02-03 Jan 2014, paratroopers of the 911-Royal Government of Cambodia Special Forces-violently cracked down on protests of factory workers striking for higher wages along Veng Sreng Street, leaving 4 death and more than 20 injured as well as 23 arrested and at least one disappeared. Following that event, the Ministry of Interior issued a Press Statement on 04 Jan 2014 and informed about a ban on assemblies, demonstrations and marches in Phnom Penh, especially in the Freedom Park to “Disperse the gathering and tenting inside freedom park zone citing that the assembly led to violence, blocking road, destroy public and private property which seriously affected social security and order”; therefore, they did so to uphold public order and security. The statement is used to justify a general ban of assemblies, demonstrations and marches.

The RGC has not demonstrated that the ban on assembly implemented and enforced since January 2014 is justified and commensurable. Instead, the current restriction bans all demonstrations in any form and in any place whatsoever. In line with the requirements of the

⁴² See The Electoral Reform Alliance, *Joint-Report on the Conduct of 2013 Cambodian Elections*, November 2013, < <http://bit.ly/1jT0joh> > accessed 24 April 2014.

Law on Peaceful Demonstrations 2009, authorities are required to check whether the denial to assemble is justified on a case by case basis. The law does not provide for a general ban.

RGC is not only absent to respect, protect, and fulfill this rights and they did not have legal background to disperse the CNRP supporters who stayed in Freedom Park by using Phnom Penh Security Guards which were not authorized by any law in Cambodia. However, the ban seemed to be lifted by PM Hun Sen on 25 February, but in reality the Phnom Penh city hall has strictly upheld the ban and also recently closed Freedom Park for Veng Sreng investigation. RGC is not only failing to respect, protect, and fulfill the freedom of assembly but attracts for international and national concerns from many state actors, donors, NGOs, and other key stakeholders.

Proposed Questions for List of Issues

How can Cambodian citizens implement their rights abide by ICCPR? What actions shall be taken by the human rights committee with regard to RGC?

See also Submission under Article 18 made by Youth for Peace and The Peace Institute of Cambodia on *Monks and Political Participation*

6. Article 27 - Rights of Minorities

6.1 Rights of Indigenous Peoples

Youth for Peace and The Peace Institute of Cambodia

The Cambodian constitution in 1993, article 31, guarantees all Cambodians the same rights regardless of race, color, language, religious belief, and indigenous people are considered to have the same rights as all citizens. Cambodia is a state party to international instruments that protect the rights of indigenous people. Cambodia is also a state party to the Convention on Biological Diversity (1992) that recognizes the role of indigenous people in the protection of biodiversity. The Cambodia is also state party of International Convention on Economics, Social, and Cultural rights (ICESCR), International Convention on Civil and Political Rights (ICCPR) in the article 27, and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD).

In National law (Land Law 2001) article 23 to 28, it recognizes the collective land rights of indigenous communities by the state and indigenous communities shall be granted Collective ownership rights to their land. The Land Law also recognizes the Practice of shifting cultivation as part of the traditional land management system of indigenous community.

According to the State report in 2012, The RGC ensured all the rights of indigenous group, cultures, traditions, customs, beliefs, and language for whom who are present in the territory of Kingdom of Cambodia in compliance with the spirit of International covenant. The RGC also adopted the sub-decree No. 83 dated 09 June 2009 on the Registration of Community Land of indigenous Group in order to recognize the collective ownership and 43 indigenous communities were formed. Again, in this report, the RGC have set up many policies to develop and help indigenous group in Cambodia, such as: Education, Health affaire, vocational training, other development, and protection for indigenous groups.

Reflecting to the real implementation of RGC to the indigenous group, RGC always violated the International conventions and National law (Land Law 2001) which guarantees the rights of indigenous communities. The lack of right implementation and enforcement left indigenous peoples vulnerable to commercial and state interest. They have not got the fruit of RGC's policy yet, but they are treated as different groups out of Cambodian society, no protection and full of threat. In reality, their lands, houses, spirit and burial forest, and community forest are grabbed and destroyed. The flow of trade and land alienation encouraged indigenous people to lose their tradition and they lost hope in the social and legal system. Through the sub-decree of RGC relating to Economic land concession in 2005, RGC has full rights to grant a lot of land concession to companies at least 99 years without having pre-dialogue with Indigenous group about all these concessions. By this land concession, indigenous communities have been affected and very often, they lost their homes, farms, community forest, and their living. Sometimes, the violence always happens among Indigenous group and companies almost throughout the provinces which the indigenous communities stay. The Indigenous people's rights are not well respected in compliance to the International Covenant and the National Law. The Indigenous people always become the victims of their lands and houses in case they protest to demand their rights against the RGC and the RGC always deny to the existence of over land grabbing in Cambodia.

Proposed Questions for List of Issues

The HR Committee should ask RGC to increase Law implementation for the protection of Indigenous people, to support every demand of Indigenous communities, including the indigenous group with disability, and to stop all forms of discrimination towards them such as: elimination of their religious belief, tradition, and customs.

6.2 *The Rights of Khmer Krom People*

Youth for Peace and The Peace Institute of Cambodia

Royal statement of Monarch King Norodom Sihanouk, former King of the Kingdom of Cambodia held in Beijing on 22 December 1992 in Section 2, paragraph 1, stated, "For Khmer both men and women who live abroad, Cambodia must recognize a Khmer thyroid completeness law on the territory of Cambodia, although they took the nationality of where they are located. The nationality of two or three of the Khmer, and these things are also recognized".

The Constitution of the Kingdom of Cambodia, 1993, Article 31 states that "Khmer citizens equally before the law has the right to liberty and duties same all free racist, color, sex, language, religious beliefs aligned native national social status, resources, or other yet." Based on the Constitution, paragraph 2 of Article 33 states that "Khmer citizens living abroad are protected by Cambodian Government" so Krom living everywhere be benefit from this Article 33.

Cambodian Nationality Law adopted in 1996, Article 3 states, "Khmer citizens living abroad are state protection by diplomatic means". While Article 4 states that "being Nationality Khmer although born in anywhere wedlock born from the father or mother nationality Khmer." Khmer Krom people which originates as everyday life and can get a Cambodian citizenship quite legal in Cambodia still living their germs, he is currently at the territory of Kampuchea Krom (South Vietnam) is almost never guaranteed and protected by the government, Cambodia when they (Khmer Krom) subjected to human rights abuses by the Vietnamese Authority whatever even at Hanoi, there has Cambodia Embassy and at the Ho Chi Minh city has a General Consulate of the Kingdom of Cambodia. Ambassador or its officers never visit Khmer Krom despite requesting the intervention from the Khmer Krom organizations.

In a letter dated 2 August 2005, number 1419, signed by H.E Hor Nam Hong U.S. officials Minister of Foreign Affairs and Cooperation of Cambodia has sent to the UN High Commissioner for Refugees in Cambodia letter confirmed that Krom living on the territory of the Kingdom of Cambodia is a citizen Khmer legal such as Cambodians.

In a February 2007 meeting with Ellen Sauerbrey, US Assistant Secretary of State for Refugees and Migration, Cambodian Minister of Foreign Affairs Hor Nam Hong stated once again that "Khmer Krom who are living in the Cambodian territory, are treated and can enjoy equal rights as the Cambodian citizen.

Cambodia is a State that became a member of the United Nations on 14 December 1955 and has since ratified a number of human rights and recognition device which has been approved by the United Nations, thus creating the rules and practices of the government must comply with those devices.

The Universal Declaration of Human Rights 1948, Article 18 and 19 of the Declaration states related to the right obedience and religion, freedom of expression and get information learning culture and literature of its . Using these rights without interference and freedom to seek, receive and disseminate information and ideas through any media and regardless of the border .

Convention on the elimination of all forms of discrimination, racist 1965 Cambodian government acknowledged on 9 June 1982, lies on Article 5 of the convention, states that"

States parties are banned and elimination of prejudice in all its forms, and is guaranteed to individuals of equal rights before the law, free allocation between sex, color, nationality or ethnic identities, especially in obtaining the rights set out in point d. Rights to acquire the right to travel and stay within the boundaries of a state; and the right to leave any country, including his own country and return to their country, and the right of conscience and religion".

Covenant on Civil and Political Rights entered into force in 1976 and ratified by Cambodia in 1992. Those rights provided in the device:

- The right to survival, freedom and personal security Article; 6.
- The right to freedom from torture and any penalties or treatment harsh humanitarian or human cause; Article 7.
- Banned, slavery bonded; Article 8.
- The right not to be arbitrarily arrested or detained; Article 9.
- The right to free expression; Article 19.
- Right to respect for religion; Article 18.
- Right to attend meetings; Article 21.
- Right to Organize; Article 22, including the right to form or join the membership of the union.
- The right to travel and the right to choose a place to build their homes in the land of; Article 12.
- The right to vote through universal elections; Article 25.
- The right to a fair trial; Article 14.

However, Krom in Cambodia, some local authorities still harass and did not provide the relevant documents include; family book, accommodation certificate, ID card, birth registration card and land ownership title... although those Khmer Krom people they have sufficient documents and witnesses who can attest that they were Khmer.

Related to the above case, Khmer Krom people also be a sign local authorities some allow making identification or title holder land, but those files when ready to be officers superiors did not give the impossibility to wait received from local authorities and they embed abandoned lasts until two to three years now file them were not awarded people under yet.

On 10 December 2011, the Khmer Kampuchea Krom for Human Rights and Development Association to organize International Human Rights Day celebration at Popeal Khe village, Kandal province, but there has not been authorized by local authorities. The local authorities ordered people who own the site of the Khmer Krom Association to hold to make contracts responsible if the event causing the problem occurred.

Still many areas in Phnom Penh and in the provinces rural areas almost every time, every event all the Khmer Krom group created at that time always some agencies using clothes civil uniform surveillance and threat-style shows a behavior which is the bottom line a make people feel worried and also reduced to interact with the organization of Khmer Kampuchea Krom.

At the hotel and restaurant on rental location/sites for celebrating various rituals they dare not rent to the organization of Khmer Kampuchea Krom even offer a higher price. These acts past due after employing various celebrations of the Khmer Krom Association already owns those locations must always be called to and restricted by local authorities.

Proposed Questions for List of Issues

Recommendations

- *Some local residents and local authorities of Cambodian Government should learn more about the identity of the Khmer Krom people, and should stop all speculation painted and discrimination on Khmer Krom.*
- *Local authorities should facilitate and provide the identification cards, family book and other legal regulations to legally Khmer Krom people in the country do not need to change a place of birth and the proposed state budget beyond setting.*
- *Cambodian Government, a close ally should cooperate and coordinate with Vietnamese Government to stop longer Khmer Krom abuse.*
- *The Cambodian Government should urge its Embassy in Vietnam help take action to protect the rights and safety Khmer Krom people.*
- *The Government should provide warmth and attention to Khmer Krom people on daily living and is located in Cambodia and social concessions for Khmer Krom people who are living in the temporary areas.*
- *The Government must stop at all the restrictions to the Khmer Krom people when they use the right to freedom of gathering and expression*