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**Cambodian Center for Human Rights**

## **Cambodian Center for Human Rights Submissions to the Human Rights Committee**

**April 2014**

The [Cambodian Center for Human Rights](http://www.sithi.org) (“CCHR”), founded in November 2002, is a leading non-aligned, independent, non-governmental organization that works to promote and protect democracy and respect for human rights – primarily civil and political rights – in the Kingdom of Cambodia (“Cambodia”). We empower civil society to claim its rights and drive change; and through detailed research and analysis we develop innovative policy, and advocate for its implementation.

CCHR is a member of International Freedom of Expression Exchanges (IFEX), the global network for freedom of expression. CCHR is also a member of the World Organization Against Torture (OMCT) SOS-Torture Network.

The Cambodian Human Rights Portal [www.sithi.org](http://www.sithi.org) is the 2011 winner of the Information Society Innovation Fund Award in the category of Rights and Freedoms and the 2013 winner of the Communication for Social Change Award, awarded by the Centre of Communication and Social Change at the University of Queensland in Brisbane, Australia.

CCHR is making the following submissions to the Human Rights Committee on the following articles of the ICCPR: Article 2, Article 3, Article 6, Article 9, Article 14, Article 19, Article 21, Article 22, Article 25 and Article 26.

## Group 1: Fundamental Freedoms/Political Rights

### Article 19: Freedom of Expression

#### Taming the cyber frontier: future cybercrime legislation in Cambodia

The situation of freedom of expression in Cambodia is dire. Restrictive legislation, media censorship and judicial harassment of those who speak out, lead to a culture of silence. Most media in Cambodia are controlled by the government and the ruling party and few have access to unbiased news. In this context, the relative absence of restrictions of online content thus far has led to a rapid increase in online activism and information sharing.<sup>1</sup> Connectivity and the use of social media sites are on the rise in Cambodia, with the most recent data from the Ministry of Posts and Telecommunications (“MPTC”), released in March 2014, asserting that internet users – which include both landline and mobile users – increased from 2.7 million internet users in 2012 to 3.8 million in 2014 – a 42.7% increase.

However, cyber censorship is becoming increasingly commonplace.<sup>2</sup> In February 2013, schoolteacher Phel Phearun was summoned by the local authorities and threatened with defamation charges. He was charged for his criticism of police procedures on his Facebook page, after two policemen seized his motorbike, and refused to return it immediately after he provided the proper documents.<sup>3</sup>

In May 2012, the Royal Government of Cambodia (“RGC”) announced the drafting of a cyber law, to “prevent any ill-willed people [...] from spreading false information.” In April 2014, a leaked draft version of the new Cybercrime Law was acquired by CCHR while the government refused to publicly release an official draft.<sup>4</sup> The draft Law contains a number of dangerous provisions for freedom of expression in Cambodia, especially in Article 28, which prohibits publications on a number of vaguely-defined grounds and provides for heavy prison sentences and fines. Some of the most problematic provisions seek to prohibit content deemed to “generate insecurity, instability and political cohesiveness” (Article 28(3)), content deemed to “be non-factual which slanders or undermined the integrity of any governmental agencies,” (Article 28(4)), content “deemed damaging to the moral and cultural values of the society,” including “manipulation, defamation, and slanders” (Article 28(5)(c)).

In July 2012, the United Nations Human Rights Council adopted a resolution affirming the application of rights online, especially freedom of expression,<sup>5</sup> reasserting that Article 19 applies both online and offline and that attempts by governments to illegitimately censor internet content or block websites are not compatible with the ICCPR.

*The HRCCommittee might want to inquire the RGC about the new Cybercrime Law and recommend the RGC to publically and widely publish the draft of the Cyberlaw to allow for genuine consultation; and to ensure the law complies with Article 19 of the ICCPR.*

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<sup>1</sup> CCHR, “Media regulation and freedom of expression in Cambodia” (Briefing Note) (February 2014) <http://bit.ly/Pf5W6R>

<sup>2</sup> CCHR, “Cyber Laws: Tools for Protecting or Restricting Freedom of Expression?” (Briefing Note) (February 2014) <http://bit.ly/1sySeeH>

<sup>3</sup> CCHR, “Case Study: Phel Phearun” (Factsheet) (March 2013) <http://bit.ly/1amOOAq>

<sup>4</sup> Available at <http://bit.ly/1syRKVW>

<sup>5</sup> UN Human Rights Council, “The Promotion, Protection and Enjoyment of Human Rights on the Internet,” A/HRC/20/L.13.

## **Article 21: Freedom of Assembly**

### **The suppression of the fundamental right to strike<sup>6</sup>**

In early January 2014, at least 50 workers were fired from several factories in the Manhattan Special Economic Zone in Svay Rieng province, allegedly for participating in strikes that occurred in December 2013. Several garment factories have decided to pursue legal action against workers seeking compensation for damage to property during the recent strikes and for incitement of criminal acts. Moreover, the RGC has threatened unions that, if they participate in further strikes, they will have their licenses suspended or cancelled, while union leaders could face potential lawsuits. Members of the Cambodian Confederation of Unions (“CCU”) were summoned for questioning by the Ministry of Interior in late January 2014, accused of inciting the workers for striking, causing unrest and destruction. In addition, after the garment workers’ protests in January, Rong Chhun, head of the Cambodian Independent Teachers’ Association and chair of CCU, was summoned by the Phnom Penh Municipal Court for questioning about incitement of criminal acts and social disturbance. Moreover, on 8 April 2014, the Phnom Penh Municipal Court charged union leader Ath Thorn with incitement of violence during the December 2013 SL Garment Factory strikes.

On 6 April 2014 a union activist in Svay Rieng province was also arrested for delivering fliers promoting a stay-at-home strike to protest against the RGC’s refusal to renegotiate the minimum wage and charges against the 23 people arrested during the demonstrations in early January.

Alarming, businesses in Cambodia have made attempts to end the right to strike. Following a business forum held in March 2014, Nang Sothy, vice chairman of the RGC’s Labor Advisory Committee, requested that Prime Minister Hun Sen reconsider Cambodia’s status as a signatory to the ILO’s Freedom of Association and Protection of the Right to Organize Convention. Additionally, the Garment Manufacturers Association in Cambodia (“GMAC”) issued a paid advertisement on 29 January 2014 and over subsequent days claiming that the right to strike as a fundamental right is not provided for in the ILO’s Convention 87 on freedom of association. The notice went on to state: *“Is the right to strike therefore a fundamental right? NO. The right to strike is NOT a fundamental right.”*

The right to strike and engage in non-violent demonstrations is guaranteed under Article 37 of the Constitution of the Kingdom of Cambodia. United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association, Maina Kiai, on a visit to Phnom Penh in February 2014, reiterated the right to strike as fundamental, and protected by the right to assembly under international law.

*The HRCCommittee may want to remind the RGC of the fundamental right to strike and recommend the RGC to restore the right to freedom of assembly; stop targeting people exercising their right to assembly and ensure the right to strike is fully respected in Cambodia in accordance with Article 21 of the ICCPR.*

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<sup>6</sup> See CCHR, “Freedom of Association and Union Rights in Cambodia” (Briefing Note) (April 2014) (forthcoming); CCHR, “Workers Rights are Human Rights: The Garment Industry in Cambodia” (Policy Brief) (January 2014) <http://bit.ly/1isy127>.

## **Article 22: Freedom of Association**

### **The draft Law on Associations and Non-Governmental Organizations**

The RGC last released a draft of the Law on Associations and Non-Governmental Organizations (the “LANGO”) in December 2011. After widespread objections from civil society, the RGC made a commitment to postpone the LANGO until further consultation. However in recent months officials of the RGC have made a series of announcements indicating that the law may be adopted in the impending future.

In January 2014, RGC officials announced the LANGO had already been approved by the Council of Ministers and would be adopted within the first half of this year. On 5 March 2014, Meas Sarim, deputy director-general of the General Department of Local Administration at the Ministry of Interior (“MOI”), announced that although the RGC was pushing the law to be approved he could not confirm whether it would be adopted this year. He also declared the RGC would not be consulting civil society groups on the latest version of the draft LANGO. As a consequence, CCHR requested the latest version of the draft LANGO on 7 March 2014 from the MOI; the copy CCHR subsequently received on 21 March 2014 was the same version released in December 2011,<sup>7</sup> indicating that the RGC will most likely adopt the draft LANGO of 2011 without further consultations with civil society.

However, certain provisions in the draft LANGO from December 2011 have the potential to severely curtail the right to freedom of association such as excessive restrictions on foreign NGOs, the mandatory registration for NGOs and associations if they wish to gain legal status, and more generally the vague terminology used throughout the law, which will enable the RGC to target critics by delaying indefinitely or denying their registration. Additionally, there are no clear provisions to justify the denial of registration. Of great concern are the excessive powers granted to RGC officials in the executive branch. For instance, under the current version of the LANGO, the RGC can deregister associations and NGOs as a sanction for certain violations with no recourse to appeal.<sup>8</sup>

The current draft LANGO violates Cambodian citizens’ right to freedom of association, which is guaranteed in the Constitution of the Kingdom of Cambodia in Article 42.

*The HRCommittee may want to inquire as to when and whether the RGC will consult on the LANGO with civil society and recommend the RGC that the LANGO complies with Article 22 and ensures peoples’ right to freedom of association.*

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<sup>7</sup> Available at: <http://bit.ly/1oLiLWS>

<sup>8</sup> CCHR, “CCHR LANGO 4<sup>th</sup> Draft Analysis” (Analysis) (18 December 2011) <http://bit.ly/1mWHdm7>

## **Article 25: Right to Vote and to Take Part in the Conduct of Public Affairs**

### **Reports of election irregularities plague Cambodia's democratic process**

Although the months preceding the National Assembly ("NA") elections in July 2013 were characterized by an unequal capacity to campaign between the opposition and the ruling Cambodia's People Party ("CPP"), allegations of voting irregularities were rife after the elections. According to the National Election Committee ("NEC"), the CPP won 68 out of 123 seats in the NA. However, these results have been disputed by election monitors and the international community, leading the Cambodian National Rescue Party ("CNRP") parliamentarians to boycott their seats in the NA (as of the time of writing, members of the CNRP had yet to take their seats). For example, a report by the National Democratic Institute claims that up to 30% of eligible voters were unable to vote, thwarted by polling officials, incomplete voting lists, and illegal repeated voting.<sup>9</sup>

Despite the many allegations of election irregularities, no proper investigation has been conducted. Although the NEC organized a rechecking of the election results from 22 provinces, beginning on 3 August 2013, the NEC failed to provide the original results forms from each polling station and instead re-counted secondary figures that were collected in a printed excel sheet.<sup>10</sup> During subsequent recounts on 15 and 16 August 2013 in Kratie, Kandal, Battambang and Siem Reap provinces, NEC officials refused to disclose the original forms contained in the so-called "Safety Package A," which are sealed packages for each polling station containing the original 1102 forms.<sup>11</sup> Moreover, on 19 August 2013, CCHR received worrying reports from villagers at Sangkat Teuk Laak I in Phnom Penh that the local authorities were pressuring villagers into signing a petition that stated that they agreed with the election results released by the NEC.<sup>12</sup>

Article 35 of the Constitution of the Kingdom of Cambodia provides that all Khmer citizens shall have the right to participate actively in the political life of the nation. However, CPP dominance over government institutions has seriously undermined this provision, resulting in a NEC which is far from independent.<sup>13</sup>

*The HRCommittee might consider recommending to the RGC to reform the NEC and ensure its independence, and to fully address concerns over the validity of the most recent elections through conducting an investigation into allegations of election irregularities in order to uphold Article 25 of the ICCPR.*

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<sup>9</sup> Transparency International Cambodia and The Coalition for Integrity and Social Accountability, "Final Election Observation Report on Cambodia's 2013 National Election," (Report) (September 2013) <http://bit.ly/1oLjGxc>

<sup>10</sup> CCHR, "CCHR expresses concern regarding the NEC's method of verifying election results" (Press Release) (7 August 2013) <http://bit.ly/1e9ftrl>

<sup>11</sup> CCHR, "CCHR expressions concerns regarding the NEC's unwillingness to disclose original forms during the rechecking of election results" (Press Release) (17 August 2013) <http://bit.ly/1hfnVVU>

<sup>12</sup> CCHR, "More election related concerns: Local authorities coerce villagers to sign petition verifying election results" (Press Release) (19 August 2013) <http://bit.ly/1klNc9U>

<sup>13</sup> CCHR, "Institutions Series: National Election Committee" (Factsheet) (May 2012) <http://bit.ly/Q2IIBw>; CCHR, "Political and Electoral Reform in Cambodia" (Briefing Note) (February 2013) <http://bit.ly/1isAYj2>

## Group 2: Fair Trial Rights and the Right to Remedy

### Article 2 (a) Right to an Effective Remedy

#### Lack of truth, justice and remedy for victims of state security forces' violence

Following the contested National Assembly elections, which took place on 28 July 2013, Cambodian security forces have repeatedly disproportionately used excessive force to crack down on protesters, leading to the death of at least six persons, the disappearance of at least one individual and to dozens of injuries.<sup>14</sup> The excessive use of force by security forces was clearly illegitimate and amounted to disproportionate and excessive force. As such, the state security forces have committed arbitrary executions, most likely forcibly disappeared a protester and are responsible for serious violations of the right to freedom of peaceful assembly. However, since, no thorough, public and independent investigations into the serious human rights violations committed by state security forces have taken place.

Following a clash on 12 November 2013 between SL Garment Factory workers and state security forces that led to the death of one individual,<sup>15</sup> the National Police spokesman said that an investigative committee had been set up to identify the policeman who had used guns. As of the time of writing, no results have been released. On 7 January 2014, Brigadier General Tito said that any investigation into the 3 January 2014<sup>16</sup> killings would not be into the role of military police, but into the role of the "inciters" who led the protest, and on 10 January 2014, the Royal Government of Cambodia ("RGC") announced the creation of two commissions headed by the Interior Minister to investigate the damage caused by "anarchic demonstrators," and the second to investigate how incidents occurred. Three weeks later, it was announced that the investigations had been completed, but no official results have been released. In late January 2014, five officers, whose names are unknown, were questioned by the prosecutor at the Phnom Penh Court of First Instance regarding their involvement with the clash, but according to Brigadier General Kheng Tito, none will face charges as they were acting in self-defense. In addition, during the last UPR the Cambodian delegation deferred the recommendation made by the Czech Republic to "investigate impartially cases of use of excessive force against protesters and cases of killings during recent demonstrations."

The right to remedy for victims of human rights violations includes: access to justice, reparations for the harm they have suffered, and access to the details surrounding the violations they experienced and the reparation mechanisms. The RGC is failing to uphold the victims'<sup>17</sup> right to truth, justice and remedies by refusing to carry out independent and transparent investigations into the excessive use of force by state security forces that lead to arbitrary executions, disappearance and injuries.

*The HRCommittee might want to inquire as to the steps taken by the RGC to investigate, prosecute and uphold victims of state security forces' violence right to remedy, and recommend the RGC to guarantee victims of human rights' violations the right to an effective remedy in accordance with Article 2 of the ICCPR.*

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<sup>14</sup> CCHR, "Where is My Justice," Briefing Note, (24 March 2014), <http://bit.ly/PKnacY>

<sup>15</sup> CCHR, "Excessive Use of Force at Workers' Protest," Case Study, (November 2013), <http://bit.ly/PKshtM>

<sup>16</sup> CCHR, "CCHR condemns the RGC's violent clampdown on human rights and the resulting deterioration of the state of democracy in Cambodia," Press Release, (4 January 2014), <http://bit.ly/1csqRy5>

<sup>17</sup> CCHR, "Where is My Justice," Video, (24 March 2014), <http://bit.ly/PXQgW9>

## **Article 6 Right to Life**

### **Arbitrary executions of protesters by Cambodian State security forces**

Cambodian security forces repeated and disproportionate use of excessive force to crack down on protesters, has led to the death of at least six persons, the disappearance of at least one individual and to dozens of injuries since September 2013.

On 15 September 2013, during clashes with Cambodian opposition party demonstrators, security forces discharged live ammunition, severely wounding at least nine and killing Mr. Mao Sok Chan, a 29-year-old bystander. On 12 November 2013, security forces also used live ammunition during a protest by SL Garment Processing factory workers, killing a 49-year-old bystander street vendor, Ms. Eng Sokhom, and injuring nine protestors, one of whom is now paralyzed for life. Demonstrations intensified towards the end of 2013, when garment workers went on a national strike asking for an increase in the minimum wage. On 2 January 2014, military command special unit 911 cracked down on a garment workers' protest, violently arresting and beating ten union activists and garment workers, and five monks. After a night of facing off with garment workers, security forces in the morning of 3 January 2014 indiscriminately fired live ammunition into the crowd, killing at least four and injuring dozens.<sup>18</sup>

The use of force by security forces in Cambodia was clearly illegitimate and amounted to disproportionate and excessive force. As such, the state security forces have committed arbitrary executions, most likely forcibly disappeared a protester and are responsible for serious violations of the right to freedom of peaceful assembly.

In addition, of serious concern is the systematic use of private, untrained security personnel hired by Phnom Penh Municipal Hall to forcibly break up demonstrations and make arrests in Phnom Penh. The untrained forces are often armed with batons and metal bars to forcibly crackdown on protestors. Moreover, as the untrained security forces are privately hired, once they employ violence, as is often the case, there is no way of knowing whom they are accountable to, which reinforces the culture of impunity.

Article 32 of the Constitution of the Kingdom of Cambodia states "everybody shall have the rights to life, freedom and personal security."

*The HRCCommittee may want to inquire with the RGC as to steps taken to train Cambodian security forces to manage crowds, use non-violence and respect the United Nations Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and to recommend the RGC to immediately put an end to the violent dispersal of opposition and workers protests to ensure all Cambodians enjoy the right to life and security of person as stated in Article 2 of the ICCPR.*

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<sup>18</sup> CCHR, "Where is My Justice," Briefing Note, (24 March 2014), <http://bit.ly/PKnacY>

## **Article 14: The Right to Fair Trial**

### **Refusal to release three drafts laws on the judiciary**

The functioning of the judiciary has been among the major human rights concerns in Cambodia for some time. Although there has been steady improvement in the adherence to some of the procedures that underpin fair trial rights within the Cambodian judiciary, many areas of concern remain. One of the major issues that impacts upon fair trial rights in Cambodia is the lack of separation of powers and the continued influence that the executive exerts on the judiciary.

Besides the overall concerns related to the lack of independence of the judiciary, issues related to the rights to a public hearing, to legal representation and to be present at trial, and the presumption of innocence, are at risk in Cambodia. In addition, the quality of evidence presented in hearings is often poor.<sup>19</sup>

The RGC committed to legal and judicial reforms by establishing the Council for Legal and Judicial Reform in 2002 and by adopting a legal and judicial reform strategy in 2003. Over a decade passed without concrete action on the part of RGC. However, recently on 28 January 2014, at the UPR, and on 4 March 2014 during a dialogue forum between the RGC and the private sector, the RGC stated that the National Assembly is expected to adopt the three fundamental laws on the judiciary – the Law on Organization and Functioning of the Courts and Prosecutions, the Law on Amendment of the Supreme Council of Magistracy and the Law on Statute of Judges and Prosecutors – during the first semester of 2014. While CCHR welcome's the RGC's commitment to promptly adopt these three fundamental laws, CCHR is seriously concerned by the opacity surrounding the draft legislations.

Draft versions of the three reforming laws have not been released to the legal profession or for wider public comment or scrutiny, in compliance with Article 35 of the Constitution of Cambodia, despite repeated requests by stakeholders.<sup>20</sup> Releasing the draft laws will benefit the quality of the legislation and better ensure that these three laws advance the separation of powers and the rule of law.

Data from trial monitoring and the continued political influence on the judiciary show that much improvement is needed to guarantee the ICCPR Article 14 right to a fair and public hearing by an independent and impartial tribunal, which is also guaranteed in Article 38 of the Constitution. In light of continued serious concerns about the independence of the judiciary and the adherence to fair trial rights in Cambodia, CCHR is concerned about the lack of transparency surrounding the three draft laws.

*As such, the HRCCommittee might want to make enquiries with the RGC about the three draft laws and recommend that the RGC publicly and widely publishes the drafts to allow for genuine consultation and to ensure that these laws effect genuine reforms in compliance with Article 14 of the ICCPR.*

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<sup>19</sup> CCHR, "Sixth Bi-Annual Report on Fair Trial Rights in Cambodia," (Report) (December 2013), <http://bit.ly/1oLyTaO>

<sup>20</sup> CCHR –CHRAC, "Joint Open Letter from CCHR and CHRAC Regarding the Publication of Draft Legislations on the Judiciary," (Open Letter) (07 March 2014), <http://bit.ly/1nwg9eS>

### Group 3: Torture and Deprivations of Liberty

#### Article 9: Right to Liberty and Security of Person

##### Disappearance of Khem Sophath

Khem Sophath, 16 year olds, has been missing since the violent crackdown by Cambodian security forces against striking garment workers on 3 January 2014 near the Canadia Industrial area on Veng Sreng road, Phnom Penh.<sup>21</sup> Khem Sophath was last seen on the morning of 3 January 2014 lying on the ground on Veng Sreng road with blood pouring from what appeared to be a gunshot wound to his chest. As bystanders tried to aid him, Khem Sophath was heard urging them not to help but to save themselves, saying he “would not survive.” At the time, shots were still being fired at civilians. Those who tried to help him went into hiding, including the main eyewitness, who had himself been shot and did not receive medical treatment until later that day. As the time of writing, his whereabouts remain unknown.

Considering the witness’s report and Khem Sophath’s unknown whereabouts in the context of the arbitrary killings and arrests carried out by Cambodian security forces that day, there are reasonable grounds to believe that Khem Sophath might have been subject to an enforced disappearance. However, to date, the authorities have denied any knowledge of his fate or whereabouts and neglected to conduct any investigation.

In addition to acceding to the ICCPR, the RGC has also acceded to the International Convention for the Protection of All Persons from Enforced Disappearance (“ICCPED”) on 27 June 2013. The disappearance of Khem Sophath violates the RGC’s obligations under Article 9 of the ICCPR and the ICCPED.

*The HRCCommittee might want to inquire with the RGC about the whereabouts of Khem Sophath and recommend the RGC to take all appropriate measures to immediately, thoroughly and impartially investigate Khem Sophath’s disappearance and inform his family of his fate or whereabouts.*

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<sup>21</sup> CCHR, “CCHR condemns the RGC’s violent clampdown on human rights and the resulting deterioration of the state of democracy in Cambodia,” Press Release, (4 January 2014), <http://bit.ly/1csqRy5>

## Group 4: Non-discrimination

### Article 3: Gender Equality

#### Gender equality in politics still far from a reality

Despite some improvements in recent years, discrimination against women in Cambodia remains a significant problem, including in education, the formal business sector, and politics. Although the RGC has ratified and is bound by the ICCPR and the Convention on the Elimination of All Forms of Discrimination against Women (“CEDAW”), and domestic law expressly provides protection, gender-based discrimination remains pervasive. Both the Cambodian Millennium Development Goals (“CMDGs”) and the Neary Rattanak III national policy documents have identified specific targets to be achieved by 2015 with regards to female political representation. However the most current statistics indicate that most of these targets will be missed, including some by a wide margin.

Underrepresentation of women in politics is due to several factors, including entrenched cultural norms that assign certain statuses and behavioral expectations to each gender, which in turn have negative impacts of the socio-economic status of women. Institutional discrimination – enabled by a lack of comprehensive legislation addressing gender-based discrimination – serves to keep women in positions of limited responsibility and decision-making authority. Finally, Cambodia’s political culture, which places emphasis on personalities and fosters animosity between parties, further deters women from running successfully for office by hindering network-building between women politicians.<sup>22</sup>

At the local level, female representation in commune/sangkat councils increased from 14.64% in the 2007 elections to 17.79% in the 2012 elections.<sup>23</sup> Although the increase is positive, it is still far from Cambodia’s target of 25% by 2015. Most worryingly, however, is the fact that female representation in the National Assembly has dropped from 22% to 20.33% with the most recent elections in July 2013.<sup>24</sup> In all direct elections, there continues to be a higher percentage of female candidates on alternate candidate lists than on titular candidate lists, and women continue to be concentrated at the bottom of the lists, indicating that political parties continue to see women as second choice to men when it comes to political leadership. At the national level, women are typically relegated to positions that carry little budgetary and decision-making power. Gender inequality in politics has become institutionalized and until mechanisms are implemented that combat the cultural norms and challenge these stereotypes, gender initiatives will remain superficial and largely ineffectual.

*The HRCommittee may want to recommend to the RGC that it takes proactive steps to increase gender equality at all levels of politics, including through implementing gender candidate quotas for electoral lists, introducing comprehensive, stand-alone legislation to address gender-based discrimination, and implementing programs aimed at encouraging a change in public attitudes towards women in politics, gender roles and stereotypes in order to comply with Article 3 of the ICCPR.*

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<sup>22</sup> CCHR, “Politics in the Kingdom: Increasing Female Representation” (Report) (March 2013) <http://bit.ly/1vgOWW>

<sup>23</sup> Ibid.

<sup>24</sup> CCHR, “Politics in the Kingdom: Increasing Female Representation 2013 National Assembly Elections” (Report Supplement) (October 2013) <http://bit.ly/1dMs6Sy>

## **Article 26: Equality Before the Law and Non-discrimination**

### **Ethnic minorities and LGBT Cambodians continue to suffer from widespread discrimination**

Although Article 31 of the Constitution states that “Khmer citizens shall be equal before the law, enjoying the same rights and freedom and obligations regardless of race, color, sex, language, religious belief, political tendency, national origin, social status, wealth or other status,” ethnic minorities are frequently subject to discrimination. Due to being displaced in the past and a lack of paperwork, it is difficult for minorities to demonstrate their ancestry. It has been reported that under the current citizenship law, minorities are unable to successfully prove that they are Cambodian citizens,<sup>25</sup> and so have to resort to paying large bribes. The end result is that Cambodian domestic law purports to legitimately deny ethnic minorities many of their basic human rights.

Names of minority groups are still used frequently as insults, including by senior members of the government and politicians. In November 2012, CPP lawmaker Chheang Vun called Human Rights Party (“HRP”) President Kem Sokha a “Bunong” – the name of an ethnic minority from northeastern Cambodia – to describe him as “uncivilized” on the floor of the NA. Similarly, racist sentiment continues against Vietnamese nationals living in Cambodia. It has been reported that expressions of Vietnamese identity are sometimes responded to with animosity and that politicians occasionally employ anti-Vietnamese minority slogans.<sup>26</sup> On 10 December 2013, International Human Rights Day, during an opposition rally, Sam Rainsy leader of the CNRP made a speech during which he allegedly discriminated against Vietnamese people, stating that they are taking Khmer jobs and land.<sup>27</sup>

Finally, lesbian, gay, bisexual and transgender (“LGBT”) Cambodians continue to suffer from discrimination and abuse, including violence and hate crimes, discrimination in the education sector, the workplace and the health sector, and social and familial exclusion.<sup>28</sup> While homosexuality is not criminalized in Cambodia, the lack of anti-discrimination and anti-hate crime legislation and of policies and strategies to address discrimination against LGBT people means that those subjected to discrimination and violence have little legal recourse.

*The HRCCommittee might consider recommending to the RGC to ensure that provisions in the Constitution prohibiting discrimination on the grounds of race and ethnicity are upheld and to amend domestic law to incorporate sexual orientation and gender identity as prohibited grounds for discrimination in order to comply with Article 26 of the ICCPR.*

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<sup>25</sup> Minority Rights Group International, “The World Directory of Minorities and Indigenous Peoples” <http://bit.ly/19ZqTa9>

<sup>26</sup> Ibid.

<sup>27</sup> CCHR, “CCHR issues clarification on its open letter to CNRP leadership on the subject of discrimination,” (Press Release) (18 December 2013) <http://bit.ly/1f7LQr0>

<sup>28</sup> CCHR, “Coming Out in the Kingdom” (Report) (2010) <http://bit.ly/1K4eUI>