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Cambodian Center for Human Rights

CCHR Briefing Note – October 2021

Cambodia’s Fulfillment of the Paris Peace Agreements, 30 Years Later

Executive Summary

Three decades ago, Cambodia ascended from decades long armed conflict and internal political turmoil when it signed and adopted the Paris Peace Agreements (“the Agreements”). The Agreements marked a significant milestone in Cambodian history as they established Cambodia as a liberal and pluralistic democracy and equipped the country with the tools to achieve long-standing peace and stability where human rights could flourish. However, the current democratic and human rights landscape in Cambodia could be seen as the antithesis to what the drafters to the Agreements envisioned thirty years ago, raising questions over their actual impacts.

To commemorate the thirty-year anniversary of the adoption of the Agreements, the Cambodian Center for Human Rights (“CCHR”), releases this Briefing Note to review Cambodia’s compliance with the Agreements and to discuss the significance of this thirty-year milestone. This Briefing Note will first provide an overview of the framework created by the Agreements, with the obligations imposed on Cambodia, the signatory states, and the United Nations (“UN”). It will then discuss Cambodia’s compliance or non-compliance with the Agreements along with the significance of the thirty-year anniversary and conclude with offering recommendations to various stakeholders.

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

What are the Paris Peace Agreements?

Cambodia has a grim history of decades long of conflict, war, occupation, and genocide. Following the Khmer Rouge regime and Vietnamese occupation, many were desperate to bring an end to the conflict which led to the adoption of the Agreements on 23 October 1991 in what was the first large multinational UN peace keeping mission following the Cold War era.¹ Formally titled the Comprehensive Cambodian Peace Agreements, it officially marked the end to the Cambodian conflict and was signed by 19 countries.²

¹ Laura McGrew and Scott Worden, ‘Lessons from Cambodia’s Paris Peace Accords for Political Unrest Today’ ([United States Institute of Peace](#), 16 May 2017).

² CCHR, Briefing Note: Democracy Under Threat 2016: Fulfilling the Promise of the Paris Agreements, 25 Years On’ ([CCHR](#), September 2016); States parties to the Agreements excluding Cambodia: Australia, Brunei Darussalam, Canada, China, France, India, Indonesia, Japan, Laos, Malaysia, Philippines, Singapore, Thailand, USSR, United Kingdom, USA, Vietnam and the former Yugoslavia.

Foundation of the agreements

The Agreements were significant for Cambodia because it sought to not only give Cambodia and Cambodians much needed independence after one hundred years of colonial rule followed by decades of conflict and occupation, but because it ensured that the right to self-determination for Cambodians was paramount. The Agreements form a comprehensive package, comprising four separate documents with differing legal statuses:³ the Final Act of the Paris Conference which details the steps taken to finalize the agreements and sign them; one non-binding Declaration on the Rehabilitation and Reconstruction of Cambodia which lays the foundation for the binding terms of the agreements; and, two legally binding international treaties, the Agreement on a Comprehensive Political Settlement for Cambodia (“ACPS”) and the Agreement on Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia (“ASIT”). Both the ACPS and ASIT provide that they shall enter into force upon signature. The treaties contain three broad categories of obligations: obligations undertaken by Cambodia;⁴ obligations undertaken by signatory states to the agreements; and obligations imposed on various organs of the UN. In addition, Article 28(1) of the ACPS imposes certain obligations on all signatories: a restatement of the general obligation under international law to “*comply in good faith with all obligations undertaken,*” and to “*extend full cooperation to the United Nations.*”

Although Part I of the ACPS specifically deals with arrangements for the Transitional Period – from 23 October 1991 to September 1993⁵ – all obligations related to human rights fall in Part II of the ACPS or in the ASIT, which contain no temporal limitation. Accordingly, the below obligations discussed remain binding on all signatories.

Parties to the agreement and their roles

The Agreements conferred numerous obligations onto its signatories as the central objective of these agreements is “*to ensure the exercise of the right to self-determination of the Cambodian people through free and fair elections.*”⁶ To manifest long-term self-determination for Cambodians, a series of checks and balances between the UN, Cambodia, and signatory countries was necessary to establish.

Obligations of Cambodia

The Agreements created a foundation for a new political settlement in Cambodia that is rooted in human rights and inextricably tied to the international human rights law framework already in existence in 1991. In the Agreements, Cambodia committed to a specific political system: one characterized by liberal democracy and pluralism. Such a system requires not just the minimum level of respect for the rights and freedoms of individuals in Cambodia, but the active promotion of an environment in which a multi-party democracy can flourish. Upon signing the Agreements, Cambodia committed to upholding all rights and freedoms enshrined in the Universal Declaration of Human Rights and other relevant human rights instruments.⁷

³ UN General Assembly and Security Council, The Paris Conference on Cambodia, A/46/608, S/23177 (30 October 1991).

⁴ The Agreements were signed on behalf of Cambodia by the newly-formed Supreme National Council of Cambodia, comprising representatives of the various factions in the Cambodian conflict, and deemed by the Agreements a legitimate source of authority Article 28(2) ACPS explicitly states the SNC’s signature committed “all Cambodian parties and armed forces.” It should therefore be considered that the SNC was competent to engage the responsibility of the state of Cambodia under international law.

⁵ ACPS, Article 1.

⁶ ACPS, Preamble, para. 2.

⁷ ACPS art. 15(1) & ASIT art. 3.

Specific Obligations
ACPS art. 12 + Annex 4. Annex 5 ACPS: the right to free and fair elections
ACPS art.15 (2): confers the following obligations onto the Cambodian government: <ul style="list-style-type: none"> - To ensure the respect for human rights and fundamental freedoms; - To support the right of all Cambodian citizens to undertake activities which would promote and protect human rights and fundamental freedoms; - To take effective measures to ensure that the policies and practices of the past shall never be allowed to return; and - To adhere to relevant international human rights instruments

Under Article 23 and Annex 5 “Principles for a new constitution for Cambodia”, Cambodia’s constitution must enshrine human rights, fundamental freedoms and incorporate Cambodia’s status of neutrality. While Cambodia’s constitution has enshrined many human rights and fundamental freedoms to protect its citizens and has solidified Cambodia’s status as a liberal democracy, the implementation of the Constitution deviates significantly from Cambodia’s obligations under the Agreements (discussed in the following sections). Below is a breakdown of the rights which Cambodia’s constitution must protect:

Specific Obligations
The right to life, personal liberty, security, and freedom of movement
Freedom of religion
Freedom of expression
Freedom of assembly
Freedom of association: including political parties and trade unions
Due process and equality before the law
Protection from arbitrary deprivation of property or deprivation of property without just compensation
Freedom from racial, ethnic, religious, or sexual discrimination
Cambodia to be a liberal democracy based on pluralism
Free and fair elections to be conducted along with the right to vote and universal suffrage
Independent judiciary

Obligations of signatory countries

Accompanying the human rights commitments undertaken by Cambodia, ACPS Article 15(2)(b) and ASIT Article 3(2)(b) provide that the signatory countries to the agreements must *promote and encourage respect for and observance of human rights and fundamental freedoms in Cambodia*” as enshrined in relevant international human rights treaties or UN resolutions. These obligations are bolstered by Article 5(4) of the ASIT, which requires signatory countries to “*call upon the competent organs of the United Nations*” or take other necessary lawful measures in the case of serious human rights violations to prevent and suppress such violations. Additionally, Article 29 of the ACPS further provides that in cases where the Agreements are violated or a threat of violation occurs, the Co-chairmen of the Paris Conference on Cambodia (France and Indonesia) must, upon request of the UN Secretary General, “*immediately undertake appropriate consultations*” with members of the Paris Conference to remedy the violation and ensure compliance with the Agreements.

Obligations of the UN

A large proportion of the Agreements are concerned with the mandate of the UN Transitional Authority in Cambodia (“UNTAC”), which was established by the UN Security Council in Resolution 745 in 1992. During the Transitional Period of the Agreements, UNTAC was responsible for fostering an environment in which respect for human rights shall be ensured in ACPS Article 16. However, Article 17 of the ACPS and Article 3(3) of the ASIT provide that, after the Transitional Period the United Nations Commission on Human Rights – now the Human Rights Council (“HRC”) – should continue to closely monitor the human rights situation in Cambodia and appoint a Special Rapporteur if necessary. The HRC continues to have an obligation to monitor human rights in Cambodia and does so through its Universal Periodic Review mechanism⁸ as well as through the appointment of a Special Rapporteur on the human rights situation in Cambodia.⁹

Importance of the Agreements

The adoption of the Agreements marked a significant milestone for the road to self-determination for Cambodia as well as its social, economic, and political development as a country. The Agreements provided a strong foundation for the rule of law through the drafting and adoption of a progressive constitution and created an environment for a robust liberal and pluralistic democracy. Most importantly, the Agreements brought much needed peace and stability to Cambodia to enable human rights to flourish.

Significance and relevance of the 30-year mark

Three decades since the signing of the Agreements, Cambodia has achieved significant milestones in its development as a country. It has risen from the confines of its brutal past and has maintained its liberation from armed conflict and internal strife. In the spirit of the Agreements, Cambodia has undoubtedly achieved “negative peace”: the absence of war and internalized armed conflict. However, achieving peace goes beyond just the mere absence of war and must include a society where social justice, equality, respect for human rights, and robust democratic institutions are respected and flourishing: “positive peace.”¹⁰ In the absence of the latter, true peace can never be realized in the country. Although Cambodia has achieved negative peace, positive peace for the country appears to be a distant goal as over the past several years, the respect for and protection of human rights has deteriorated sharply and shows no sign of abating. This degradation of human rights in Cambodia has not only called into question the future of democracy within the country but has many questioning whether the Agreements are adequately upheld or if they are a merely used as a veil to feign democracy.

Progress made in the spirit of the Agreements

Following the adoption of the Agreements, Cambodia lacked basic institutions and infrastructure which would aid in protecting human rights and fundamental freedoms.¹¹ Despite these setbacks, the Agreements brought several positive developments for Cambodia’s economic and social progress.

⁸ UN General Assembly, Resolution, A/RES/60/251 (3 April 2006).

⁹ UN Office of the High Commissioner of Human Rights, Situation on human rights in Cambodia, E/CN.4/RES/1933/6 (19 February 1993).

¹⁰ Chak Sopheap, “An all-time low’: Cambodia’s search for peace and democracy continues’ (*Southeast Asia Globe*, 15 September 2020)

¹¹ UNTAC, ‘Human Rights Component Final Report’ ([UNTAC](#), September 1993), p. 1.

The first few years after the adoption of the Agreements proved difficult as the Khmer Rouge¹² refused to participate in the disarmament process prompting immediate distrust by the other Cambodian parties to the Agreements who then resisted disarmament out of fear of impending armed conflict.¹³ As time progressed, disarmament and military demobilization continued to stall even after the first democratic election in 1993. Consequently, the Royal Government of Cambodia (“RGC”),¹⁴ passed the *Law on the Outlawing of the Democratic Kampuchea Group*, which promised amnesty to Khmer Rouge combatants who defected – specifically, they were offered security, preservation of property rights, and reintegration aid and counselling. This program effectively resulted in 7,000 Khmer Rouge members defecting during a six-month period.¹⁵ Additionally, the Cambodian Veterans’ Assistance Program was launched in 1999 and provided aid to former soldiers in an attempt to demobilize the military.¹⁶ In 1998, the Khmer Rouge officially surrendered¹⁷ and the RGC set up a small-arms disarmament program with the European Assistance on curbing Small Arms and light weapons in Cambodia which significantly reduce the number of small arms circulating within Cambodia.¹⁸ Through these tactics and coalition-led governance style, Cambodia was able to achieve remarkable success in bringing peace and stabilization to the country through ending the long-standing conflict which led to national reconciliation.¹⁹

The disarmament and achievement of negative peace in the country allowed for rapid economic development and prosperity. Cambodia is one of the fastest growing economies in the world with an average real economic growth rate of 7.7 percent from 1998 to 2019. As a result of this rapid economic growth, the World Bank declared Cambodia a lower middle-income country in 2015.²⁰ However, this vast economic prosperity for the country as a whole has raised questions over the sustainability and transparency of such growth as labor rights abuses are rife due to weak and ambiguous laws and land rights abuses, including forced evictions, to make way for large-scale privatized land development are commonplace.

Beyond achieving negative peace, stability, and economic development, Cambodia has also fulfilled some of its obligations under the Agreements to uphold human rights and fundamental freedoms, such as access to justice and equality. The RGC routinely engages with UN mechanisms including the Human Rights Committee’s review of Cambodia’s compliance with the International Covenant on Civil and Political Rights (“ICCPR”) as well as the HRC’s Universal Periodic Review (“UPR”) where the RGC commits to recommendations to improve Cambodia’s human rights situation.

¹² At the time named the Party of Democratic Kampuchea.

¹³ Jianwei Wang, et al, ‘Disarmament and Conflict Resolution Project: Managing Arms In Peace Processes: Cambodia’ ([United Nations Institute for Disarmament Research](#)) UNIDIR/96/17 (1996) p. 21.

¹⁴ At the time, the RGC comprised of a coalition government with Prince Ranariddh and Prime Minister Hun Sen.

¹⁵ Peter Bartu and Neil Wilford, ‘Research Brief: Transitional Justice and DDR’ The Case of Cambodia’ ([International Center for Transitional Justice](#), June 2009).

¹⁶ This program was initially conducted by the RGC with the help of the World Bank in 1995/1996 but was not initially successful. The program was revamped in 1999 with slightly more success.

¹⁷ Luke Hunt, ‘The Truth About War and Peace in Cambodia: Some reading of the country’s history can be deceiving’ ([The Diplomat](#), 5 January 2019).

¹⁸ Tiphaine Ferry, ‘How Disarmament, Demobilization and Reintegration Programs Could Have Facilitated the Establishment of Long-term Conflict Prevention in Post-Conflict Cambodia’ [The Cambodia Law and Policy Journal](#) Vol. 3. 129 – 155, 141.

¹⁹ Jianwei Wang, et al, ‘Disarmament and Conflict Resolution Project: Managing Arms In Peace Processes: Cambodia’ ([United Nations Institute for Disarmament Research](#)) UNIDIR/96/17 (1996) p. 21.

²⁰ The World Bank, ‘The World Bank in Cambodia’ (11 October 2021) <https://www.worldbank.org/en/country/cambodia/overview#1>.

Access to justice

Since the adoption of the Agreements, the only courts previously available to all Cambodian citizens were located in Phnom Penh, meaning that access to justice was either non-existent for those living outside of Phnom Penh, or inaccessible due to expensive travel and other administrative costs. However, in 2020, the RGC established three Regional Appeals Courts in Battambang, Tbong Khmum, and Preah Sihanouk allowing for greater access to justice to those in other parts of the country.²¹ Other achievements in the realm of access to justice include, increased provision of free legal aid and services to the underprivileged which has reportedly covered approximately 5,000 cases,²² the creation of a legal hotline by the Cambodian Human Rights Committee for low-income people,²³ and the creation of legal offices in all 25 municipal provincial prisons which will enable lawyers to have confidential client consultations.²⁴ In May 2020, the RGC launched a campaign to clear backlogged legal cases across Cambodia in an effort to reduce prison overcrowding. By 31 December 2020, the Ministry of Justice reported that they had resolved 95% of backlogged criminal cases and 73% of new criminal cases, totaling approximately 35,100 cases.²⁵ This campaign is currently set to continue until 17 May 2021. Additionally, in February 2021, the Bar Association of Cambodia outlined its commitment to expanding the scope of defense and legal aid to poor communities, highlighting the need for social justice.²⁶

Equality

Steps have also been taken by the RGC to reduce inequalities within Cambodian society. Notably, in 2020, the Ministry of Women's Affairs signed a new five-year gender strategic plan – the Neary Rattanak 5 to help promote gender equality in all sectors of Cambodian society – and the National Action Plan to Prevent Violence Against Women for 2019-2023.²⁷ On International Women's Day in March 2021, the Prime Minister urged relevant institutions to continue to protect and uphold women's rights, to encourage them to become leaders and more involved in decision making processes.²⁸

Steps have also been taken to promote lesbian, gay, bisexual, transgender, intersex, and queer (“LGBTIQ”) rights in Cambodia. Cambodian law currently fails to universally grant legal gender recognition for transgender Cambodians, marriage equality for LGBTIQ couples, or non-discrimination laws which specifically protect the LGBTIQ community.²⁹ Following Cambodia's UPR review in 2019, the RGC committed to nine recommendations to enact non-discrimination legislation and laws granting equal marriage rights and legal gender recognition.³⁰ Also in 2019, the RGC announced that LGBTIQ education

²¹ Vuon Dara, 'Regional appeal courts set in motion' ([Phnom Penh Post](#), 4 March 2020).

²² Vuon Dara, 'BAKC represents poor in nearly 5,000 cases' ([Phnom Penh Post](#), 11 November 2020).

²³ Soth Koemsoeun, 'Human rights committee's legal hotline receives praise' ([Phnom Penh Post](#), 4 December 2019).

²⁴ Kim Sarom, 'Bar association builds room for lawyer, client consultation' ([Phnom Penh Post](#), 21 May 2020).

²⁵ *RFI*, 'Ministry of Justice: More than 35,000 criminal cases resolved in 222 days' (*RFI*, 31 December 2020).

²⁶ Lay Saman, 'The Bar Association of Cambodia is committed to expanding the scope of defense for the poor for free' ([Post Khmer](#), 10 February 2021).

²⁷ RGC: Ministry of Women's Affairs, 'National Action Plan to Prevent Violence Against Women 2019-2023' ([MOWA](#), October 2020); Ministry of Women's Affairs, 'Neary Rattanak V: Five Year Strategic Plan for Strengthening Gender Mainstreaming and Women's Empowerment 2019-2023' ([MOWA](#), 24 June 2020).

²⁸ Nhum Sokhon, 'Government to continue to protect women's rights so that they can make decisions at all levels, including politics' ([VOD](#), 9 March 2021).

²⁹ CCHR, 'Cambodia's Rainbow Families' ([CCHR](#), November 2017) p. 3.

³⁰ UN General Assembly, 'Report of the Working Group on the Universal periodic Review Cambodia', UN Doc. A/HRC/41/17 (5 April 2019).

would be added to the school curriculum in 2020 to help eliminate stigma and discrimination against the community.³¹ However, it is unclear if this curriculum has been fully implemented.

Equality and protection of people with disabilities has progress over the last several years as well with the allocation of a benefits plan for people with disabilities.³² Notably, in 2020 the RGC issued an Inter-Ministerial Prakas, which allows disabled people the right to legally obtain a driver's license and operate specific types of vehicles enabling them to make a living.³³

Progressive Constitution which enshrines international human rights obligations

On 21 September 1993, the Constitution of the Kingdom of Cambodia ("the Constitution") was adopted by the Constituent Assembly formed through ACPS Article 12 of the Agreements and promulgated by the King on 24 September 1993.³⁴ The adoption of the Constitution led to the official formation of the RGC, established Cambodia as a constitutional monarchy, and set the stage for a liberal and pluralistic democracy in Cambodia. In the spirit of the Agreements, Cambodia adhered to its obligations and enshrined various human rights in the Constitution including the right to life, personal liberty, and security (Article 32), fundamental freedoms (Articles 37, 41, 42), freedom of religion (Article 43), and due process before the law (Article 38).³⁵ Crucially, Article 31 of the Constitution gives constitutional status to the international human rights obligations of Cambodia, including the ICCPR and various other international human rights treaties Cambodia has ratified.³⁶ This milestone provided new, collective hope for Cambodians for the future of human rights and fundamental freedoms.

Although the Constitution is a progressive body of work, several amendments have been added which call into question the RGC's commitment to the Agreements. In 2018, a "*lese majeste*" amendment was added to the Constitution which outlawed criticizing or insulting the King, impermissibly restricting the right to freedom of expression.³⁷ Recently, a constitutional amendment was introduced which would bar those with dual citizenship from holding top political positions such as prime minister, or president of the National Assembly, Senate, or Constitutional Council, impermissibly restricting the freedom of association.³⁸ Cambodia's obligations under the Agreements requires dedication on behalf of the RGC to uphold and protect constitutional rights. The embodiment of human rights within the Constitution signified the RGC's commitment to the Agreements which should continue to be upheld indefinitely.

Democracy and human rights regressing

Despite the achievements and positive development after the adoption of the Agreements, the past several years have been tumultuous for human rights and fundamental freedoms within Cambodia and some actions taken by the RGC have violated the Agreements.

³¹ Matt Blomberg, 'Cambodia to teach LGBT+ issues in schools to tackle discrimination' ([Reuters](#), 10 December 2019).

³² Long Kimmarita, 'Benefit plans in the cards for the disabled population' ([Phnom Penh Post](#), 15 June 2020).

³³ Nov, Sivutha, 'Ministries issue prakas allowing disabled to test for driver's licences' ([Phnom Penh Post](#), 10 December 2020).

³⁴ Michelle Brandt, Constitution Assistance in Post-Conflict Countries: The UN Experience: Cambodia, East Timor & Afghanistan' (United Nations Development Program, June 2005).

³⁵ The Constitution of the Kingdom of Cambodia: available at: https://www.constituteproject.org/constitution/Cambodia_2008?lang=en.

³⁶ Reaffirmed by the Constitutional Council of the Kingdom of Cambodia Decision No. 092/003/2007, 10 July 2007, p. 2

https://ccc.gov.kh/detail_info_en.php?txtID=453.

³⁷ Office of the High Commissioner of Human Rights, 'UN experts say constitutional changes in Cambodia impinge on democracy' ([OHCHR](#), 20 February 2018).

³⁸ Roseanna Gerin, 'Cambodia's Cabinet Approves Draft Law For Charter Change Aimed at Opposition Leader' ([RFA](#), 12 October 2021).

The former opposition and lack of free and fair elections

In 2017, Cambodia turned into a *de-facto* one party state following the dissolution of the strongest opposition party, the Cambodian National Rescue Party (“CNRP”), by the Supreme Court.³⁹ Many of the high ranking CNRP officials fled the country and currently live in exile abroad, while others were arrested and imprisoned. Following the dissolution, the seats it had won in the 2017 local elections were reallocated to the ruling Cambodian People’s Party, which raised serious concerns about the lack of political representation and disenfranchisement of a significant portion of Khmer citizens who voted for the CNRP.⁴⁰ With no real opposition, the RGC readily passed a series of problematic legislation which weakened political dissent, press freedom, and political opposition, including amendments to the Constitution which introduced the ability to strip the right to participate in elections, to restrict the right to vote, and to “take action” against political parties who do not place the “national interest” first.⁴¹

During the 2018 elections, widespread voter intimidation and harassment was reported, with complaints of opposition figures being obstructed or hampered during their campaigning and voters facing threats if they did not vote for the Prime Minister.⁴² This acute intimidation prompted many countries, including Australia, Canada, the United States, and European Union, to pull support for the elections, and international observers and NGOs across the globe criticized the elections as neither free, fair, nor representative of the will of the people.⁴³

Since 2018, former CNRP members or CNRP affiliates are frequently and relentlessly targeted merely because of their affiliation with the CNRP, remaining one of the most heavily targeted groups in Cambodia. They face threats, violent physical attacks by unknown assailants, and judicial harassment.⁴⁴ As an illustration, over 139 former CNRP members are standing a mass trial for unsubstantiated charges of plotting to overthrow the government for voicing their support of Sam Rainsy’s attempted return to Cambodia in 2019; some of whom have already been sentenced to 25 years in prison.⁴⁵

With national elections upcoming in 2022, many have questioned the integrity of the election process and whether the events of 2018 are doomed to repeat themselves. In September 2021, members of the newly formed political party, the Cambodian National Love Party, reported excessive monitoring by authorities when attempting to conduct party activities with authorities even forbidding and threatening them from hanging up party banners ahead of the election.⁴⁶ Such actions which continuously target the opposition, are not conducive to a democratic society and are contrary to the Agreements.

Targeting of activists for exercising fundamental freedoms

The ability to exercise fundamental freedoms has also weakened in recent years. Civic space is not free for those who wish to exercise their fundamental freedoms in ways that the RGC does not approve of or sees as critical of its approach to governance. From April 2019 – December 2020, CCHR’s Fundamental

³⁹ ‘Cambodia top court dissolved main opposition CNRP Party’ ([BBC](#), 16 November 2017).

⁴⁰ [ABC News](#), ‘Cambodian opposition rejects election results’ ([ABC AU](#), 30 July 2013).

⁴¹ CCHR, ‘Joint Statement: CSOs call for outright rejection of draft amendments to the Constitution and Criminal Code, amid legislative assault on Cambodian peoples’ rights and freedoms’ ([CCHR](#), 21 February 2018).

⁴² RFA, ‘UN Expert Decries Voter Intimidation in Lead-up to Cambodia Election’ ([RFA](#), 20 July 2018).

⁴³ Sok Khemara, ‘International community condemns Cambodia’s elections as a setback to democracy’ ([VOA](#), 30 July 2018).

⁴⁴ CCHR, ‘Cambodia Fundamental Freedoms Monitor: Fifth Annual Report, April – December 2020’ ([CCHR](#), April 2020).

⁴⁵ Seng Thai, ‘Updated CNRP Leaders Lose Right to Stand for Office, Get 20-25 Year Sentences’ ([VOD](#), 2 March 2021).

⁴⁶ Kohsuntepheap, ‘Senior Khmer Patriot Party official says authorities will not allow party signs to be erected’ ([Kohsuntepheap](#), 8 September 2021).

Freedoms Monitoring Project recorded 220 violations and 74 restrictions of fundamental freedoms in the country.⁴⁷ Countless individuals have suffered deprivations of their liberty due to arrests and imprisonment for engaging in necessary and critical activism. For example, Kong Raiya, a former CNRP youth activist, has been arrested, convicted, and imprisoned twice on politically motivated charges. In one instance he was targeted over a Facebook post calling for a “color revolution” in Cambodia, in another instance, he was targeted for advertising T-shirts on Facebook bearing the likeness and quotes of murdered political activist Kem Ley. Soon after his release from serving his second prison sentence, unknown assailants physically attacked him while riding his motorbike, causing him severe injuries. Several months later, he announced his retirement from activism over grave concerns for his safety.⁴⁸

Raiya is not the only activist to face such extreme targeting. Rong Chhun, President of the Cambodian Confederation of Unions, and a prominent political and human rights activist was arrested in July 2020 on charges of incitement and spreading ‘fake news’ for a Facebook post about border markings on the Cambodia-Vietnam border, in which he claimed that Cambodia had ceded land to Vietnam. He languished in pre-trial detention for nearly 13 months before he was ultimately convicted of the maximum prison sentence of 2 years.⁴⁹ Additionally, three activists from the environmental group Mother Nature Cambodia were arrested and convicted for planning a one-woman march protest, to bring awareness to environmental issues.⁵⁰ While serving their prison sentence they were surreptitiously slapped with additional charges of plotting and conspiracy and now face up to 10 years in prison.⁵¹

Prison conditions deprive inmates of their rights to life and liberty

Cambodia is notorious for its high rates of incarceration and deplorable prison conditions, with a reported 300% overcapacity rate.⁵² Overcrowding and overincarceration puts inmates through severe pain and suffering mentally and physically and risks of torture and abuse. Despite overcrowding, conditions within prisons remain deplorable with basic necessities such as access to food and clean water frequently denied to incarcerated individuals who cannot afford it.⁵³ Cambodian law also provides no guarantee of access to medical care for persons in custody.⁵⁴ As such, ill or pregnant incarcerated individuals are often not treated by medical professionals when necessary, resulting in countless preventable deaths, including those of babies or young children.⁵⁵

Forced evictions with inadequate compensation

Forced evictions have been commonplace in Cambodia for over a decade but the deterioration of the COVID-19 situation in the country has created the ripe opportunity for forcible evictions to be carried out at increasing rates and in blatant disregard for the human rights of evicted citizens. Thousands of Cambodians have been uprooted from their lands which provides a vital source of income, stability, and safety, to pave the way for lucrative private development projects. Evicted residents are rarely offered

⁴⁷ CCHR, ‘Cambodia Fundamental Freedoms Monitor: Fifth Annual Report, April – December 2020’ ([CCHR](#), April 2020) p. 15.

⁴⁸ Tran Techseng, ‘Twice Jailed, Thrice Shy: Kung Raiya Ends Activism Over Safety Fears’ ([VOD](#), 14 July 2021).

⁴⁹ Ouch Sony, ‘Updated: Rong Chhun Sentenced to Two Years in Jail for Vietnam Comments,’ ([VOD](#), August 18 21).

⁵⁰ Khan Leakena, ‘Phnom Penh authorities send 3 young mothers to court’ ([VOD](#), 4 September 2020).

⁵¹ Khy Sovuthy, ‘Three convicted Mother Nature activists handed an additional plotting charge’ ([Camboja](#), 21 July 2021).

⁵² UN Human Rights Council, ‘Situation of human rights in Cambodia: Report of the Special Rapporteur on the situation of human rights in Cambodia’, A/HRC/45/51, 24 August 2020 para 41.

⁵³ LICADHO, ‘Life in Prison: A Mother’s Story’ ([LICADHO](#), 2 December 2019).

⁵⁴ LICADHO, ‘Torture and Ill-Treatment: Testimony from inside Cambodia’s police stations and prisons’ ([LICADHO](#), June 2014), p. 18.

⁵⁵ Erin Handley, ‘Cambodia’s drug war has seen prisoner numbers skyrocket during coronavirus pandemic’ ([ABC AU](#), 30 May 2020); Lay Sopheavathy, ‘Land Dispute: Inmate Dies During Hospital Treatment’ ([Thmey Thmey](#), 7 September 2021).

compensation for their loss of their only source of income. In the cases where they are offered compensation, the meager amount offered is insufficient to buy land elsewhere thus thrusting hundreds of individuals into dire situations of poverty. While many of these villagers attempt to fight these injustices and demand adequate compensation, they are often ignored, threatened, arrested over their activism, or pressured by authorities into accepting the inadequate compensation.⁵⁶

Lack of independent institutions

The independence of Cambodian courts has long been questioned as human rights defenders, activists, and opposition politicians have suffered hefty criminal convictions with little evidence they committed the purported crimes. A case in point is in September 2021, when the National Defense Minister instructed local authorities to take legal action against a journalist, Youn Chhiv, after he made a Facebook post in which he criticized authorities over their handling of a land dispute and for evicting residents and destroying their crops. Chhiv was later taken into custody for questioning and within a single day was charged, convicted, and sentenced to one year imprisonment.⁵⁷

This weaponization of the judicial system is possible through the three fundamental laws which aim to ensure the independence of the judiciary,⁵⁸ but instead, have effectively given the executive direct control over the judiciary through discretionary powers with judicial budgets, appointments, promotions, tenure, and removal.⁵⁹

Conclusion and Recommendations

Although there have been great achievements since the signing of the Agreements, the deteriorating landscape of human rights within the country is cause for great concern. Thirty years ago, commendable progress for democracy and the promotion of human rights was solidified upon the signing of the Agreements, yet rights for Cambodians appear to be only assured on paper rather than in practice. The Agreements are a lasting and binding document which fostered one of the greatest achievements of the 20th century by creating an inspiring vision that any country can achieve peace and democracy with human rights and fundamental freedoms at the forefront. The Agreements require special care in upholding and protecting the rights and duties they enshrine. A collective effort is necessary from all involved parties to take urgent action and renewed commitment to respect the Agreements. Until such a collective effort is made, human rights and democracy will continue to remain fragile in Cambodia. Thus, it is recommended that the following stakeholders take the necessary actions to reconcile the lack of compliance with some portions of the Agreements:

⁵⁶ CCHR, 'Factsheet: Forced Evictions in Cambodia during COVID-19' (CCHR, October 2021).

⁵⁷ Khoun Narim, 'Digital news publisher convicted, sentenced to prison for Koh Kong dispute' (Cambodia, 30 September 2021).

⁵⁸ The *Law on the Organization of the Court* is available at: <https://www.arbitrationcouncil.org/download/law-on-the-organization-of-courts/>; The *Law on the Statute of Judges and Prosecutors* is available at: <https://www.arbitrationcouncil.org/download/law-on-the-status-of-judges-and-prosecutors/>; The *Law on the Organization and Function of the Supreme Council of Magistracy* is available at: <https://www.arbitrationcouncil.org/download/law-on-the-organization-and-functioning-of-supreme-council-of-magistracy/>.

⁵⁹ CCHR, Destination Justice and ADHOC, 'Joint Submission to the Human Rights Council of the United Nations Third Universal Periodic Review of the Kingdom of Cambodia, Access to Justice in Cambodia' (12 July 2018) Section 2 www.ohchr.org/EN/HRBodies/UPR/Pages/UPRKHStakeholdersInfoS32.aspx.

To the RGC

1. Adhere to its obligations under the Agreements and international human rights law, prioritizing the promotion and protection of fundamental freedoms and human rights;
2. Cease all harassment of opposition politicians, human rights defenders, independent journalists, and civil society actors; in particular, cease all politically motivated charges; and
3. Immediately release all prisoners of conscience – prisoners arbitrarily detained as a result of their peaceful and legitimate exercise of their fundamental freedoms.

To signatory states

1. In their capacity as members of intergovernmental organizations, in particular the UN, take opportunities to raise awareness of the human rights situation in Cambodia and urge the RGC to cease or address violations;
2. As provided for in Article 5(4) of the ASIT, in cases of violations of human rights in Cambodia, call upon competent UN bodies to take action; and
3. In the initiation of new investment, treaties, or development aid, account for the potential to leverage these relationships to promote human rights in Cambodia.

To the UN

1. To the UN Secretary- General, trigger its powers under ACPS Article 29 to undertake appropriate consultations with members of the Paris Conference on Cambodia to ensure the RGC is respecting its commitments under the Agreements; and
2. To the United Nations Special Rapporteur on the human rights situation in Cambodia, maintain a frank and open dialogue with the RGC; where appropriate make recommendations for the improvement of human rights protection in Cambodia; and, where necessary, offer technical support to address policies, legislation or actions that have a repressive effect on human rights.

To Cambodian civil society

1. Be resilient and continue to collectively act as watchdogs to publicize human rights violations in Cambodia and hold the RGC to account;
2. Engage frequently with UN mechanisms, particularly, the HRC and the UPR, through calls for input or monitoring reports to highlight human rights abuses; and
3. Support and empower communities to claim their rights.

Should you have any questions or require any further information, or if you would like to give any feedback, please email CCHR's Executive Director, Chak Sopheap at chaksopheap@cchrcambodia.org. Alternatively, please call us at +855 (0) 23 72 69 01 or contact us at #798, Street 99, Boeung Trabek, Khan Chamkarmon, Phnom Penh, Cambodia.