Introduction

In 2008, the United Nations endorsed the “Protect, Respect, and Remedy Framework” for business and human rights.

This framework unequivocally recognizes that States have the duty under international human rights law to protect everyone within their territory and/or jurisdiction from human rights abuses committed by business enterprises.

The UN Framework also addresses the human rights (HR) responsibilities of businesses.

Business enterprises have the responsibility to respect human rights wherever they operate and whatever their size or industry. In other words, companies must know — and show — that they respect human rights in all their operations.

The UN Framework also recognizes the fundamental right of individuals and communities to access effective remedy when their rights have been adversely impacted by business activities.

When a business enterprise abuses human rights, States must ensure that the people affected can access an effective remedy through the court system or other legitimate non-judicial process.

Companies, for their part, are expected to establish or participate in effective grievance mechanisms for any individuals or communities adversely impacted by their operations.
On 16 June 2011, the United Nations Human Rights Council unanimously endorsed the UN Guiding Principles on Business and Human Rights (UNGPs), a set of guidelines that operationalize the UN Framework and further define the key duties and responsibilities of States and business enterprises with regard to business-related human rights abuses.

Henceforth, the Working Group on Business and Human Rights (UNWG) was mandated by the United Nations Human Rights Council (UNHRC) to promote the effective and comprehensive implementation of the UNGPs.

The UNWG likewise noted in its 2016 Guidance on Business and Human Rights that National Action Plans (NAPs) can be an important means to promote the implementation of the UNGPs (DIHR, n.d.).

**Background of this Report**

The UNGPs provide a roadmap for States and businesses, as well as civil society, donors and development partners, to better manage this new wave of development (CCHR, 2016) for sustainability in line with SDG.

However, Cambodia is suffering with the growing tension between agribusiness activities and communities for the last decade.

The Royal Government of Cambodia (RGC), through the Economic Land Concession (ELC) policy, has given million hectares of land to large-scale agribusiness investments. This has led to a festering land conflict between peasants, indigenous peoples and companies as well as authorities.

Land expropriation, land grabbing, resettlement and forced eviction remain a problem.

While Cambodia is party to many international human rights instruments, the country is still struggling with many inconsistencies and violations.

The RGC initiates the establishment of independent human rights commission aimed at ensuring the HR standard and democratic space in the country. Regarding business and human rights, the RGC has not yet enforced it. But local NGOs, even with their limited space, have been taking several initial steps to introduce the framework to the country (ANGOC, 2019).
The BHR framework demands that corporations demonstrate universal respect for human rights in all operations. The UNGPs outline how States and business can protect and promote human rights through three central pillars: 1) the State duty to protect against human rights abuses; 2) the corporate responsibility to respect human rights; and, 3) access to remedy, which requires States and businesses to provide access for victims of business-related human rights abuses to effective judicial and non-judicial remedies (Sek Sophorn, 2018).

During the reporting period, the undecided issues about the HR situation in Cambodia in 2019 and 2020 become the case in particular between the RGC and the UNSR in charge of HR as well as the EU.¹

The RGC claimed that all actions so far taken against the former opposition were above board, while the EU and UM Special Rapporteur (UNSR) claimed that the action of the RGC violated the HR of Cambodian people who supported the former opposition party.

How are HR violations defined under the UN?

**Definition and types of human rights violations²**

States largely violate human rights either by its own action - involving State actors such as police, judges, prosecutors and government officials - or through its inaction or when it looks away when conflicts arise between individuals or groups within a society.

In other words, if the State knowingly stands aside and does nothing to protect the inherent rights of vulnerable people or groups, then it also becomes a party to the violations, such as when corporate interests collide with those of indigenous peoples or farmers (Soken-Huberty, n.d.).

Civil rights, which include the right to life, safety, and equality before the law are considered by many to be “first-generation” rights. Political rights, which include the right to a fair trial and the right to vote, also fall under this category. These are protected under the Universal Declaration of Human Rights and the International Covenants of Human Rights.

¹ The EU decided in August 2020 to cut its EBA policy for Cambodia by 20 percent due to alleged human rights violations.
Also forming part of the bases for human rights protection is the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) which came into effect in 2007. This declaration recognized, among others, indigenous peoples’ rights to communal land and culture.

The UNGPs likewise stems from the Universal Declaration of Human Rights which is recognized by Cambodia.

This report summarizes the status of BHR development in Cambodia and the ways that the country, through its institutions, is moving forward to enhancing UNGPs considering that Cambodia still does not have a National Human Rights Institution.

The lack of such a dedicated institution has been a barrier to the recognition and implementation of BHR, and consequently the formulation of the critical NAP.

**Report Writing Methodology**

This report drew on the previous study with additional data coming from discussions among key players on the how the principles of UNGPs are being implemented in Cambodia.

The report referred to primary data such as laws and policy as well as secondary data from various reports of government, UN agencies, international organizations (IOs), NGOs and other sources.

While this report takes the viewpoint of civil society, the interview with key persons, consultation meetings with civil society workers and focus group discussion provided various insights on BHR.

The final version incorporated the inputs from the validation consultation workshop held on 20 October 2020, in Phnom Penh. There were 17 participants (5 women, 12 men) from the Councils of Ministers, the Cambodia Human Right Committee (CHRC), UN Office of the High Commission for Human Rights (UNOHCHR), NGOs, and communities from the urban and rural areas.

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3 BHR principle baseline study by SK in collaboration with attorney Sek Sophorn, November 2018
Objectives of Report Writing

This report was prepared to provide an overview of the state of BHR in Cambodia, specifically the protection of the land rights of those concerned with development projects, as well as the status of the establishment of a National Human Rights Institution (NHRI) that complies with Paris Principles. This also explores opportunities for key actors to play significant roles in enhancing the implementation of UNGPs as well as the establishment of an NHRI in Cambodia.

Status of UNGPs in Cambodia

Cambodia Development Overview

Cambodia with a population⁴ of 15,288,489 is one of the 10 ASEAN country members. It recognizes all human rights and fundamental freedoms in the Universal Declaration of Human Rights (UDHR) and UN Charter in its current Constitution.

Cambodia states in its Constitution that:

- “The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, the covenants and conventions related to human rights, women's and children's rights.”
- “Every Khmer citizen shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, color, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status.”
- “The exercise of personal rights and freedom by any individual shall not adversely affect the rights and freedom of others. The exercise of such rights and freedom shall be in accordance with law.”

How are individuals’ rights protected according to these provisions in the Constitution? And what institution/body is responsible for making sure that these standards are indeed met?

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⁴ Provisional population census 03 March 2019
Cambodia is still struggling to answer these questions. In the specific context of the UNGPs, issues on respect and protection of human rights and remedies in case of violations remain unresolved.

To tackle thorny human rights issues, the RGC established a State-run national organization to address human rights (HR) issues from the government’s perspective while various non-governmental organizations (NGOs), associations have been monitoring HR issues.

In 2018, a number of NGOs and State actors met and assessed where Cambodia was in terms of upholding the provisions of the UNGPs.

On 17 May 2019, Simon Walker, Representative of the Office of the High Commissioner for Human Rights in Cambodia, said during a peer learning session on BHR that in recent years:

- a Cambodian Corporate Social Responsibility Platform was established;
- more and more companies adopted due diligence policies;
- leading international brands advocated, together with their workers, for higher minimum wages; and,
- multi-stakeholder networks such as the Ethical Trading Initiative (ETI) together with the International Labour Organization (ILO), with its Better Factories Cambodia local partners, organized collective actions and high-level meetings with the government to discuss concerns and potential solutions regarding Cambodia’s trade benefits.

**Status of UNGPs**

As said earlier, Cambodia has incorporated international human rights covenants in its Constitution. However, it is still uncertain how the UNGPs can be applied in Cambodia.

In November 2018, in the consultation workshop attended by government representatives and concerned key actors in Cambodia, it was confirmed that issues concerning UNGPs were new to Cambodia, thus the urgent need to raise awareness of the principles among stakeholders.

In particular, it remains unclear how businesses in Cambodia can be compelled to respect human rights and to recognize potential violations related to their
operations, considering the larger issue of the further tightening of the political and civic space in Cambodia as noted in the 45th session of the HR council on 5 October 2020.

The UN noted the use of legal and administrative measures against political activists, human rights defenders and critics of the Cambodian government, a finding that was challenged by the RGC. It countered the conclusions, saying that the report was discriminatory and that Cambodia was committed to human rights protection.

The OHCHR, meanwhile, took note of Cambodia’s efforts to address challenges to land and housing rights, specifically forced evictions, resettlement and land titling processes.

Overall, there has not been any significant progress in Cambodia on implementing the UNGPs in relation to land rights. There has been no formal or explicit action on behalf of the RGC to do so.

**Investments and land in Cambodia**

Since the enactment of the Land Law in 2001, Cambodia has developed significantly the executive instruments for land governance in Cambodia, including State and private land.

Existing laws provide that potential investors must secure an economic land concession (ELC) from the RGC.

Some 301 companies\(^5\) in Cambodia have ELCs that cover 2.189 million hectares. The Ministry of Land Management, Urban Planning and Construction (MLMUPC) has issued 5.789 million land titles, accounting for 82.7 percent of the total seven million land plots in Cambodia.\(^6\)

There are some companies that do implement provisions of the UNGPs, including a number of those embroiled in land disputes.

For example, one of the companies that have been locked in a land dispute with the Bunong indigenous community in Busra Commune, Pech Chreada

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\(^6\) MLMUPC progress report July 2020 and next planning
District, Mondulkiri Province for over a decade has taken a number of steps to implement the UNGPs.

These include participating in dispute resolution processes, providing continual training staff on business and human rights, establishing a grievance procedure, adopting relevant policies and working with the community to map and protect sacred lands.7

However, while the company has taken steps to respond to the land dispute, they have not adequately addressed their human rights impact as the dispute has not yet been resolved. It also needs to do more before it can fully implement UNGPs.

In Cambodia, companies usually address their human rights impact only after violations are exposed. There are unfortunately many companies in Cambodia that do not have any regard for their human rights impact. As such, they do not have processes or policies in place to comply with the UNGPs.

Even on an informal or indirect level, there has been minimal action to implement the UNGPs in Cambodia. There are not enough protections against business-related human rights abuses, particularly when the government grants large tracts of land through ELCs or Special Economic Zones (SEZs) to corporations. Land conflicts have erupted and there are not enough remedies in place when peoples’ rights are violated.

The government, however, in 2020 issued a list of lawyers offering legal services to women and the poor. This is on top of the department of the Bar Association dedicated to defending poor’s rights.

**Land rights as human rights**

In 1992, the RGC passed the country’s first Land Law that recognized the citizens’ right to own land. Land ownership rights have since been protected under the Cambodian Constitution.

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In August 2001, the Land Law became the only piece of legislation that specifically provides for citizens’ right to own land. It also spells out the mechanisms for possession, titling, protection of the possessor and remedies through alternative dispute resolution (ADR) set by the RGC. It also set the framework for the granting of economic and social land concessions (ELCs and SLCs).

The Cambodian Constitution recognizes and protects the rights to private and collective land ownership. The current Land Law determines the terms and conditions for the rights to possess, claim, and transfer ownership rights.

Governance of land rights in Cambodia has become one of the major issues confronting the country. Among the issues concern titling. Under the law, both private and public lands have to be titled. State land needs to be titled as government property under the name of a State agency, for example, before the land can be leased or managed.

Legitimate rights to land\(^8\) are not being effectively enforced even if these rights are expressly recognized under Cambodian law. Possession rights are not systematically governed.

Unless the land is titled, the law of Cambodia generally treats all land as belonging to the State,\(^9\) which then has the power to have it leased or managed by a private company under an ELC.

The lack of transparency and effective governance of land rights have long been a pressing issue in Cambodia, with land grabbing among the most urgent concerns. Local NGOs working on human rights issues have documented reports on land rights and issues related to land. The UNSR also made report on this issue.

Similar to privately-owned lands, indigenous peoples’ rights to land are recognized and protected under the Land Law of Cambodia. Issues relating to governance of their rights are also not generally resolved. Under current procedures, the MLMUPC has registered 30 indigenous communities as collective land owners.

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\(^8\) Voluntary Guidelines on Governance Tenure on Land, Fisheries and Forests in the Context of National Food Security

\(^9\) Article 58 of Constitution and article 161 of 2007 Civil Code
Legal registration procedures are unfortunately often at odds with customary practices. For example, these 30 communities received 819 certificates for different pieces of land that cover 31,605 hectares for 3,033 families.\(^\text{10}\)

The RGC through MLMUPC has assumed that titling land will address land disputes, but issues related to land rights go far beyond just titling.

**Remedies and procedure in place**

In 2019 and 2020, the RGC established three more Courts of Appeals to resolve cases. Also, the RGC institutionalized a land dispute committee at the district, provincial and national levels.

Cambodia has an established ADR system, but the challenge is in having enough qualified and trained staff to settle disputes. Often, ADR staff do not have the right skills or are not legally mandated to dispense justice through this alternative legal means.

For example, a village chief, who is the nearest person of authority in the area, is sometimes approached to settle disputes, including land-related cases, before the dispute is elevated to the regular courts. The village chief, however, is not mandated to settle such disputes but has been constrained by circumstances to play that role. The village chief is the assistant to Commune Chief\(^\text{11}\) in administration.

The Commune Council was established as a government organization under the Councils of Ministers (CoM) to take on HR issues. However, there is no available detailed information on what the body is doing and its achievements so far.

In 2013, the Prime Minister issued Directive No.1 to address disputes relating to ELCs across the country. Then on 3 June 2016, the MLMUC issued a decision to form 27 dispute resolution committees with three duties. These are to work together with the Cadastral Office and select cases for research and investigation; mediate the case or recommend it to the MLMUPC; and finally, prepare reports to MLMUPC for resolution.

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\(^{10}\) Page 10, MLMUPC Progress Report July 2020  
\(^{11}\) Law on Commune Council administration and management
On 3 July 2020, the RGC has passed the draft law that aims to legalize legitimate rights over State property. It is now being heard by Cambodia's legislature.

The Do-No-Harm principle usually applied to health can be extended to also cover human rights and business and development, in that the possible harm posed by projects or land use must be carefully weighed against the benefits to the greater number of people.

In Cambodia, ELCs have affected traditional land occupation and development. Stakeholders have so far said that they have not seen any significant progress in the implementation of UNGPs principles in Cambodia. Evidence is that tenure insecurity has persisted, primarily due to lack of governance of legitimate rights over land.\(^{12}\)

For example, many low-income households who live on land that is not recorded in the administration system often face disputes with development projects. Legitimate land rights are supposed to be protected under the law, but the implementation or enforcement is hindered by inadequate governance.

**CSO Interventions towards the promotion of BHR related to land rights**

The Cambodian government has placed a premium on the type of economic development that prioritizes physical infrastructure, regardless of the negative impact on the rights of affected citizens or communities, including indigenous peoples and farmers.

Civil society organizations in Cambodia have been playing a key and active role in advancing the rights of these affected communities. There is space for the CSOs to operate but there are constraints such as new legislations that add to the burden of CSOs. There have also been reports of harassment by government agencies. Among these new laws that affect CSOs is the Law on Association and Non-Governmental Organization (LANGO). The said law seeks to regulate CSOs was passed in 2015. Under LANGO, the government is authorized to monitor CSOs, their activities and finances. For CSOs, LANGO imposes an unnecessary burden and those working in human rights and governance feel harassed because of greater government control.\(^{13}\)

\(^{12}\) Legitimate rights to land is described in VGGT as State duty to protect and remedies, if affected.

\(^{13}\) The Ministry of Interior and CSOs have met and discussed the concerns and proposed amendment to the draft law.
In 2019 and 2020, even with COVID-19 pandemic, the RGC, represented by the Ministry of Interior (MoI), has discussed with NGOs/IOs their concerns over LANGO and proposed amendments. No timeframe has been set to complete the amendments. This is another illustration of how spaces for CSOs to operate have remained, albeit narrowing.

**CSO interventions towards the promotion of BHR related to land rights (January to September 2020)**

Fewer CSOs are implementing projects that promote BHR. Of the 12 CSOs contacted for the report, only two not-for-profit organizations have ongoing projects related to the UNGPs.

Even before the passage of the current Land Law, CSOs have already been working on land disputes and land rights in Cambodia. There are some CSOs not working on land that nevertheless took part in discussions. One of these CSOs provide legal and psycho-social support to land human rights defenders through its Protecting Fundamental Freedoms Project.

The BHR Project focuses on the overall impact of business and investment on the human rights landscape in Cambodia and advocates for the implementation of the UNGPs.

The lack of governance through formal land titles, corruption and lack of legitimate land rights governance in Cambodia have become opportunities for corporate actors to commit significant human rights violations such as land grabbing or forcible evictions with impunity.

Even with this reality, there are efforts to ensure adherence to human rights by corporate actors granted land under Economic Land Concession or Social Land Concession by the government.

Projects focus on encouraging corporate social responsibility among corporations, facilitating dialogues between the government, corporate actors and affected communities, and works to empower local communities, CSOs and land human rights defenders. There is also a project that looks at the impact of development projects on community fisheries in coastal regions.
Outputs and Emerging Outcomes of key activities implemented by CSOs

These interventions have resulted in the following:

- capacity building activities with affected communities pressing their land rights;
- advocacy workshops and trainings with communities to empower and educate them on their legal rights;
- field and desk research on business and human rights, particularly land rights, abuses in Cambodia; and,
- support for legal services and advice to selected people who need them to fight for their land rights.

CSO recommendations on NHRI and UNGPs

To Government on NHRI

- In general, CSOs recommend that the NHRI be operational with sufficient financial and human resources. It should be independent from the executive branch of the RGC. The NHRI has to meet international standards, including the Paris Principles, to ensure its independence. It should be noted that the Constitution of Cambodia under Article 8 provides for the protection of human rights.
- A specific recommendation is to organize a Working Group composed of representatives from CHRC, UNOHCHR, and concerned CSOs to begin discussions on the establishment of the NHRI in Cambodia. An NGO can kick-start the dialogue.

To Government on BHR and the UNGPs

- Prioritize activities that will raise awareness on UNGPs among government officials, businesses and investors, CSO staff as well as local people;
- Work with UNSR on how to implement the UNGPs. For example, the government can require compliance with the UNGPs before private companies can implement projects that involve an ELC from the government;
- CHRC should nominate a facilitator to discuss with CSOs the possible formation of a Working Group on BHR. The Terms of
Reference (ToR) should be initiated by the Working Group (WG). The Working Group should be represented by at least three sectors: government, CSOs and business. One of the key elements of the ToR is the drafting of a National Action Plan for UNGPs;

- Streamline the communal land titling process for indigenous peoples and adopt national guidelines to ensure any necessary evictions and relocations are conducted in line with international human rights standards;
- CHRC should investigate all forms harassment and hold people accountable for human rights violations in relation to land disputes; and release land rights activists who are currently imprisoned for exercising their freedom of expression and assembly; and,
- Review the environmental and social impact assessments (ESIAs) of infrastructure projects or SEZ, including ELCs, and ensure that they are made available to affected communities and the public in a timely manner.

**To private sector**

- Increase awareness of field staff on BHR and their responsibility to local people around and inside their project area;
- Establish effective, accessible and transparent operational-level grievance mechanisms for those who may be adversely affected by their business activities, in line with the principles of the UNGPs;
- Companies involved in land disputes should take responsibility for disputes and seek to work with CSOs and affected communities in reaching a solution, rather than take legal action against them;
- Exercise due diligence prior to starting any operation in Cambodia;
- Effectively remedy all human rights violations, and ensure that any remedy meets the effectiveness requirements of the UNGPs; and,
- Engage with affected communities. Ensure meaningful consultations and respect the principle of Free Prior and Informed Consent (FPIC), and constantly engage with affected communities and CSOs involved in the land dispute resolution process.

**To CSOs**

- Prioritize activities that will raise awareness on BHR among relevant stakeholders including the RGC, corporate actors, communities and CSOs;
Nominate a facilitator to discuss with the RGC/CHRC the proposal to form a WG and the need to establish an independent NHRI in line with the Paris Principles and UNGPs;

Support communities seeking redress for land rights violations, such as by providing legal support and capacity building to focal persons/youth from communities concerned on legal land rights and entitlements, what constitutes an effective remedy under international human rights law and national instruments; and,

Encourage and facilitate dialogue between affected communities, corporate actors and public authorities to discuss the resolution of land disputes in accordance with the UNGPs.

State of Establishing an NHRI to further protect human rights in Cambodia

This section provides an overview of the process for establishing an NHRI in Cambodia, the actors involved, the direction being taken and the ways forward. It also looks at how UN and CSO can be a part of the process in pursuit of the common goal of genuine independence and trust.

The primary concern of CSOs with the proposed NHRI is its independence. It has to be neutral and free from political interference if it is to effectively fulfill its mandate. However, given the current political situation in Cambodia, that needed independence cannot be guaranteed.

The establishment of an NHRI is long overdue, however, and CSOs have long been advocating for the formation of such an independent body. CSOs note that unfortunately, their participation in the process has not been well received and not very meaningful.

**UN Paris Principles**

To fulfill its human rights obligations under the current Constitution, Cambodia must adhere to the ‘Paris Principles’ in forming the NHRI.

The Paris Principles set out the main criteria that NHRIIs are required to meet:

14 http://ennhri.org/about-nhris/un-paris-principles-and-accreditation/
Establishment under primary law or the Constitution;
● A broad mandate to promote and protect human rights;
● Formal and functional independence;
● Pluralism, representing all aspects of society;
● Adequate resources and financial autonomy;
● Freedom to address any human rights issue arising;
● Annual reporting on the national human rights situation; and,
● Cooperation with national and international actors, including civil society.

Cambodia Human Rights Committee

The Cambodian Human Rights Committee (CHRC) is a government organization mandated to address human rights concerns. Established in January 2000, it has been playing an important role in dealing with HR affairs including documenting cases, reporting to the UNHR and interacting with CSOs in Cambodia.

However, after 20 years, there is a lack of detailed information available on its website, including pertinent background and official documents on the establishment of the CHRC. It has an official Facebook page (https://facebook.com.chrc.gov.kh) with pictures of the organization’s activities, but not much more than that.

The CHRC led discussions in July 2020 on the establishment of an NHRI. It gathered inputs from various stakeholders such as the UNOHCHR and selected embassies in Phnom Penh that will go into the drafting of the law on NHRI.

There is still no clear timeframe nor specific steps to be taken to ensure the passage of the law.

But on 19 June 2020, His Excellency Chin Malin, CHRC Vice President and Spokesperson of the CHRC, was quoted in news reports as saying that the RGC intends to establish an NHRI in accordance with international principles precisely to protect human rights.

He also said that the draft law had already been completed by the CHRC and that the RGC was committed to having the NHRI in place within this sixth legislative term or until July 2023.
What is crucial is for the NHRI to be an independent body considering that human rights organizations and defenders have been facing increased intimidation and harassment.

Threats of physical violence, surveillance, arrest and arbitrary criminal and civil lawsuits, compounded by a culture of impunity, have dogged human rights workers attempting to carry out basic human rights activities.

All of these forms of intimidation hamper efforts to reduce and prevent human rights abuses.\(^\text{15}\) The participation of CSOs in the process of establishing the NHRI will be severely limited if there is no transparent and clear roadmap.

There are concerns that even if the NHRI will be independent on paper, it will not be provided adequate financial or human resources to be able to do its job effectively or that it will ultimately be silenced.

These concerns stem from perceptions that human rights bodies previously set up by the RGC such as the CHRC are ineffective and politically aligned with the government, thus cannot represent all sectors and do not conform with the standards of the Paris Principles.

**Efforts of CSOs in Cambodia advocating for the establishment of NHRI**

There used to be discussions on human rights issues and the planned establishment of an NHRI among independent consultants and staff of NGOs that are working on human rights concerns. But these had stopped and have not yet been revived.

It is yet unclear what the appropriate platform will be to open conversations between the CHRC and NGOs, although the CHRC had said in June 2020 that there were efforts to establish an NHRI that will be in charge of human rights affairs in Cambodia.

Such talks are crucial at this time given the prevailing political, economic and social situation influenced by COVID-19 and tensions between the Cambodian government and the international community.

\(^{15}\) UNSR also noted on 16 November 2020 [https://cambodia.ohchr.org/sites/default/files/UN%20experts%20alarmed%20by%20civil%20society%20crackdown%20attacks%20on%20defenders_Final_EN.pdf](https://cambodia.ohchr.org/sites/default/files/UN%20experts%20alarmed%20by%20civil%20society%20crackdown%20attacks%20on%20defenders_Final_EN.pdf)
A number of CSOs believe that efforts to push human rights issue will not bear much because of the current human rights and political environment with a de-facto one-party State.  

They are also concerned that an NHRI to be established at this time will not be independent, as required by international human rights standards. CSOs believe that if an NHRI is to be established, it must be composed of individuals clearly independent from the RGC and from different sectors to ensure diverse representation.

Possible members include independent experts and former members of Cambodia’s civil society. The selection of the representatives to the NHRI has not yet been discussed.

CSOs in Cambodia have long been advocating for the establishment of an independent NHRI. A number had participated in a regional working group, a national conference and a joint working group composed of both CSOs and government representatives. They have consistently pushed for the creation of an NHRI that will conform with the Paris Principles in many of their projects and reports.

They have also taken their advocacy overseas, going for instance to the United Nations - particularly the UN Human Rights Committee - to pressure the Cambodian government to establish an NHRI. Recently, however, CSOs have become highly concerned that the independence of the planned NHRI would not be guaranteed given the country’s current human rights and political environment.

**Outcomes of the efforts of CSOs in Cambodia advocating for the establishment of NHRI**

There had been discussions among CSOs and UN agencies as well as CHRC on the draft law that will pave the way for the establishment of an NHRI. However, there is no mechanism to ensure the engagement or participation of CSOs involved in human rights in the finalization of the draft law.

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16 The Ruling Party, CPP, won all 125 seats in National Assembly in July 2018 General Election after dissolution, by the Supreme Court, of CNRP the only opposition party in the National Assembly on 16 November 2017, and all Commune Council seats which was won by the CNRP in June 2017 election for a term of five years.


The draft law as of April 2015 in the Khmer language is composed of nine chapters with 41 articles. The draft law has been circulated among key CSOs but there has not been any detailed discussion nor study on it. There is no outstanding project nor resources allocated for this task of going over the draft law.

In summary, moves to establish an NHRI are underway but without a specific timeframe, resources and platform for discussions with stakeholders and key players in the human rights sector.

Outputs and emerging outcomes of key activities implemented by CSOs

- Few dialogues between the RGC, businesses and affected communities;
- Dialogues with business enterprises to raise awareness on and increase respect for human rights;
- Dialogue and advocacy to the RGC to enhance respect for land rights;
- Group discussion among NGOs on how the NHRI will be established as an independent entity with a broad mandate; one that is accessible, accountable and has adequate resources; and,
- Despite efforts, there is still no NAP in place to operationalize the UNGPs.

Plan of CSOs towards the continuation of engagement related to BHR and the establishment on NHRI (January to December 2021)

- Awareness raising among CSOs and government on UNGPs;
- Engaging with HR and legal experts and together analyze the draft law on the establishment of NHRI to determine if it will comply with the BHR and Paris Principles. CSOs want to make sure that the NHRI will have adequate powers of investigation, adequate resources and facilities, including funding, so that it can operate independently of the RGC, and that the NHRI will be composed of staff independent from the RGC with diverse representation of stakeholders, including independent experts;
- Discussion with the Australian Embassy on how the consultation process can be made more inclusive; and,
- Participation in the series of consultations called by the CHRC with CSOs and the public on the draft law on NHRI. The objective is to receive inputs from various sectors to improve the draft law prior to submission to the Council of Ministers for further deliberation.
**Acknowledgment**

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<tr>
<th>List of acronyms</th>
<th>Description</th>
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<tr>
<td>ADR</td>
<td>Alternative Dispute Resolution</td>
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<td>ANGOC</td>
<td>Asian NGO Coalition for Agrarian Reform and Rural Development</td>
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<td>ASEAN</td>
<td>Association of Southeast Asian Nations</td>
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<td>BHR</td>
<td>Business and Human Rights</td>
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<td>CLT</td>
<td>Collective Land Title</td>
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<td>CCHR</td>
<td>Cambodia Center for Human Rights</td>
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<td>CESCR</td>
<td>Committee of Economic, Social and Cultural Rights</td>
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<td>CHRC</td>
<td>Cambodia Human Right Committee</td>
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<td>CoM</td>
<td>Council of Ministers</td>
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**List of acronyms**

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<tr>
<th>ADR</th>
<th>Alternative Dispute Resolution</th>
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<tr>
<td>ANGOC</td>
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<td>BHR</td>
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<td>CLT</td>
<td>Collective Land Title</td>
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More importantly, we express gratitude to ANGOC that has initiated and provided the resource for the development of the report for common interest of human rights review as mirror for improvement, not only for Cambodia but also for ASEAN that has a vision to have one common goal together to be “a one-community” in ASEAN.

Finally, we thank the King and Governments of Cambodia for maintaining the enabling environment for development and participation of key actors in this report. We wish to see Cambodia in the near future with full respect of HR and fundamental freedom of every person in the Kingdom of Cambodia.

Sincerely yours,

Chet Charya, Executive Director, STAR Kampuchea
Nhek Sarin, Deputy Executive Director, STAR Kampuchea

Disclaimer

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Citation


References


