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Cambodian Center for Human Rights

December 2015

Briefing Note

Women on the Frontline

The Situation of Woman Human Rights Defenders in Cambodia in 2015



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Supported by



United Nations Entity for Gender Equality
and the Empowerment of Women

Cambodian Center for Human Rights

The Cambodian Center for Human Rights (“CCHR”) is a leading, non-aligned, independent, non-governmental organization (“NGO”) that works to promote and protect democracy and respect for human rights – primarily civil and political rights - throughout the Kingdom of Cambodia (“Cambodia”). CCHR’s vision is of a non-violent Cambodia in which people can enjoy their fundamental human rights, are empowered to participate in democracy, and share equally the benefits of Cambodia’s development. CCHR promotes the rule of law over impunity; strong institutions over strong men; and a pluralistic society in which variety is harnessed and celebrated rather than ignored or punished. CCHR’s logo – a dove flying in a circle of blue sky – represents the twin principles of peace and freedom.

This Briefing Note – *“Women on the Frontline: The Situation of Woman Human Rights Defenders in Cambodia in 2015”* (the “Briefing Note”) - is an output of the Woman Human Rights Defenders Project (the “Project”) carried out by CCHR.

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Queries and Feedback

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Contents

Cambodian Center for Human Rights	i
Acknowledgments	i
Queries and Feedback	ii
Acronyms	iv
Executive Summary.....	1
1. Legal Framework.....	7
1.1 The International Legal Framework.....	7
1.2 The Regional Legal Framework.....	11
1.3 The National Legal Framework	12
2. The Status of Women in Cambodia	15
3. Experiences of WHRDs Assisted under the Project	18
3.1 Case Studies	18
3.2 Songs.....	27
4. Conclusion and Recommendations.....	28

Acronyms

ASEAN	Association of Southeast Asian Nations
Briefing Note	This Briefing Note, <i>“Women on the Frontline: The Situation of Women Human Rights Defenders in Cambodia in 2015”</i>
Cambodia	Kingdom of Cambodia
CCHR	Cambodian Center for Human Rights
Committee	Protecting Fundamental Freedoms Committee
Constitution	Constitution of the Kingdom of Cambodia, 1993 (as amended)
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CSO	Civil society organization
EU	European Union
HRD	Human Rights Defender
ICCPR	International Covenant on Civil and Political Rights
NGO	Non-governmental organization
RGC	Royal Government of Cambodia
Special Rapporteur	Special Rapporteur on the situation of HRDs
TPO	Transcultural Psychosocial Organization
UDHR	Universal Declaration of Human Rights
UN	United Nations
UN Women	UN Entity for Gender Equality and the Empowerment of Women
UPR	Universal Periodical Review
WHRD	Woman Human Rights Defender

Executive Summary

“Being a Woman Human Rights Defender means being exposed to threats both because of the status of women and because of their struggle to defend and promote human rights”.

- Michel Forst, Special Rapporteur on the Situation of Human Rights Defenders, July 2015¹

As the upcoming national elections - in 2017 and 2018 respectively – draw closer, widespread violations of human rights, a rapidly shrinking democratic space, and a systematic clampdown on dissent by the Royal Government of Cambodia (“RGC”) are characterizing the current political climate in the Kingdom of Cambodia (“Cambodia”).² In this context, the activists and community leaders standing up for the rights of their fellow citizens are especially at risk of judicial harassment, including arbitrary arrest, detention and unfair convictions, as well as physical violence, or even death. Moreover, based on the Cambodian Center for Human Rights (“CCHR”)’s extensive experience working with Human Rights Defenders (“HRDs”), it is apparent that a very large proportion of Cambodia’s HRDs are women, yet the gender perspective on their HRD work is often forgotten. In Cambodia – a country in which gender-based violence, inequality and discrimination remain widespread – holding the status of a Woman Human Rights Defender (“WHRD”) carries with it a host of unique challenges.

As community leaders and civil society activists, Cambodian WHRDs play a vital role in the promotion, strengthening, and protection of human rights. However, they frequently face threats, harassment and insecurity while carrying out their

1 UN General Assembly, Situation of human rights defenders: note by the Secretary-General, 30 July 2015, A/70/217, available at:

<http://www.refworld.org/docid/55f288724.html> [accessed 7 December 2015]

2 For a detailed review of current threats to democracy, see: ‘Cambodia: Democracy Under Threat’, CCHR, September 2015, available at <

http://cchrcambodia.org/index_old.php?url=media/media.php&p=analysis_detail.php&ani d=70&id=5 >

work. Human rights abuses against WHRDs come in many forms, including judicial harassment, arbitrary arrests, unlawful detention, unreasonably harsh sentences for minor offences, and gender-based discrimination and violence rooted in discriminatory practices and social norms. Violence against women, resulting from traditional gender values defining women as inferior and subservient to men, remains widespread in Cambodia. Despite legal protections existing in domestic and international law, domestic violence, rape, sexual violence, sexual harassment, and exploitation remain common. Such abuses are often met with impunity. In addition, WHRDs are often pressured into signing documents stating that they agree not to engage in further protests, a worrying and unfortunately widespread practice in Cambodia, as detailed by CCHR in a previous briefing note entitled *“Conditional Release of Human Rights Defenders Violates Fundamental Right to Freedom of Expression and Assembly”*.³ Several WHRDs report that because of the violence, threats and harassment they have encountered, they have experienced high levels of stress and anxiety.

Despite WHRDs being notionally protected under the Constitution of the Kingdom of Cambodia and international human rights instruments, such as the International Covenant on Civil and Political Rights (“ICCPR”), many HRDs in Cambodia remain at high risk of a plethora of dangers. The reluctance of the RGC to protect HRDs, and its sometimes active role in restricting their rights, represents a breach of the State’s obligations to respect, protect and fulfill human rights and dangerously restricts the environment in which HRDs can operate.

This Briefing Note aims to provide an overview of the situation of Cambodian WHRDs in 2015, based on the experiences of CCHR’s WHRD Project (the “Project”) in the latter half of 2015. The WHRD Project is a gender-oriented extension of CCHR’s former HRDs Project,⁴ and is the first gender-oriented HRD program of its

3 Conditional Release of Human Rights Defenders Violates Fundamental Right to Freedom of Expression and Assembly,
http://www.cchrcambodia.org/admin/media/analysis/analysis/english/Conditional_Release_of_Human_Rights_Defenders_Violates_Fundamental_Rights_to_Freedoms_of_Expression_and_Assembly_en.pdf

⁴ For the purpose of this briefing note, WHRDs are women of all ages who engage in the defense of human rights.

kind in Cambodia. The information presented in the Briefing Note is based on data collected by CCHR in the implementation of the WHRD Project, a sub-project of CCHR's Protecting Fundamental Freedom Project,⁵ which provides support to individual HRDs under threat and promotes the rights of HRDs, seeking positive change in government policies and the observance and implementation of international human rights standards. The Project, as explained further below, aims to provide protection - both legal and psychological - to at-risk women affected by threats and harassment by reason of their activism as WHRDs.

The first section of this Briefing Note outlines the legal framework for the protection of WHRDs, at the international, regional and national levels, and highlights the obligations on the RGC to protect WHRDs. The status of women in Cambodia is analyzed in the second section. In the third section, the profiles of selected WHRDs who have received support from the Project are outlined. Finally, the last section offers conclusions and recommendations to the RGC and the judiciary for improving the situation of WHRDs in Cambodia.

In April 2015, CCHR released a comprehensive briefing note,⁶ assessing the situation of HRDs in Cambodia, including restrictions on fundamental freedoms and all forms of harassment. On that occasion, CCHR called upon the RGC and the judiciary to implement a series of recommendations. These included:

- *Ensure prompt, thorough, and effective investigations and prosecutions of alleged perpetrators by independent and impartial bodies, into all reports of excessive use of force by law enforcement officials and private security guards hired by local authorities and make the results public;*

⁵ The Protecting Fundamental Freedoms Project ("the Project") seek to address the ongoing limitations of fundamental freedoms – freedom of association, freedom of assembly, and freedom of expression - experienced in the Kingdom of Cambodia ("Cambodia"), especially by human rights defenders ("HRDs"), union leaders and workers, community/online/political activists, journalists and peaceful protestors.

⁶ *The situation of Human Rights Defenders in Cambodia in 2014*, Available at: [http://cchrcambodia.org/admin/media/analysis/analysis/english/2015_04_01_CCHR_BN_The_Situation_of_HRDs_in_Cambodia_in_2014_\(ENG\).pdf](http://cchrcambodia.org/admin/media/analysis/analysis/english/2015_04_01_CCHR_BN_The_Situation_of_HRDs_in_Cambodia_in_2014_(ENG).pdf)

- *Guarantee effective remedy to victims, and ensure that cases of abuses and violations against journalists, political activists, opposition politicians, NGO workers, union members and other human rights defenders are duly investigated and all perpetrators are brought to justice irrespective of their status;*
- *Ensure respect for the right to freedom of assembly, and put a formal end to arbitrary or sweeping bans on the holding of public gatherings;*
- *Put an end to the practice of forcing human rights defenders to sign statements that restrict their rights in order to be released or avoid charges, and to annul such letters previously signed;*
- *Take immediate steps to establish a National Human Rights Institution (“NHRI”) for Cambodia in line with the Paris Principles;⁷*
- *Stop the judicial harassment of human rights defenders, political activists and opposition politicians, and immediately and unconditionally release of those currently detained for politically-motivated charges or convictions;*
- *Respond positively to the request of the Special Rapporteur on the situation of human rights defenders to visit the country (in 2012 the Special Rapporteur wrote to the RGC to request that an invitation be extended for a country visit to Cambodia⁸).*

CCHR would like to recall those recommendations, and to make additional recommendations to the RGC, specifically related to WHRDs:

- *Recognize the specific protection needs that certain groups of HRDs, such as WHRDs, have in relation to matters concerning their private life;*
- *Enact specific programs that counter the sexism faced by WHRDs;*
- *Grant legal and political recognition to the work carried out by WHRDs;*

⁷ The Paris Principles are a set of international standards which frame and guide the work of National Human Rights Institutions. They were adopted by the UN General Assembly on 20 December 1993, with resolution 48/134.

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx>

⁸ United Nations Human Rights, Office of the High Commissioner for Human Rights, ‘Country visits’, <http://goo.gl/Z1SD0r>

- *Public officials must refrain from making derogatory or discriminatory remarks about WHRDs and women in general, and should take the lead in promoting the rights and dignity of WHRDs;*
- *Develop national protection mechanisms and programs for WHRDs at risk;*
- *Put in place educational programs that focus on eliminating the structural causes of violence and discrimination against women and gender-based socioeconomic inequality.*

Furthermore, CCHR wishes to make the following recommendations to civil society organizations (“CSOs”) and international institutions working with women and HRDs in Cambodia:

- Promote organizational gender mainstreaming by introducing gender equality policies which apply to all programs as well as internal procedures;
- Conduct gender-sensitivity training for all staff in order to improve understanding of the unique issues faced by WHRDs and Cambodian women in general;
- Provide specific gender-sensitivity training for any lawyers who are provided to WHRDs;
- Introduce a gender perspective to any advocacy work undertaken on behalf of HRDs.

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

CCHR’s WHRDs Project aims to empower and protect WHRDs in Cambodia. In close collaboration with the Transcultural Psychosocial Organization (“TPO”) and the UN Women, the Project provides appropriate legal, humanitarian and psychosocial support to WHRDs who have faced violence, harassment and threats as a result of their work.

The Project undertakes a diverse range of activities which aim to strengthen the status of WHRDs and to provide them with protection, enabling them to continue the crucial work they undertake on behalf of their communities. Individual supports including legal assistance, humanitarian and/or emergency support, such as safe houses, food and goods supplies, and medical care, have been provided to WHRDs who have experienced, or are at risk of, reprisals as a result of their activities. The purpose of the support is to enable WHRDs to challenge and defend violations of their human rights. In addition, psychosocial support has been provided in selected cases in order to mitigate the impact of traumatic incidents. The cases are illustrated in detail later in this briefing note.⁹

In order to ensure the effective and gender-sensitive legal protection of WHRDs, in September CCHR held a two-day training for its contracted lawyers. Through collaboration with TPO, the capacity of CCHR's pool of lawyers to understand the needs and specific rights of WHRDs and the psychosocial impact of violence, harassment and trauma, was increased. From 17 to 19 November 2015, the Project organized a training with TPO and UN Women: *"Training on Advocacy and Mental Health for WHRDs"*, with the aim of training WHRDs on advocacy tools and on how to react to and manage mental health problems which can originate from their activity as WHRDs.

"I am already braver and more determined when dealing with my issues [since seeking support from the WHRD Project]; in addition, I am looking after myself even when external issues happen to me."

- Anonymous WHRD (Mental Health Training)

"As a lawyer, I have to know and understand my clients' mental situation and their minds regarding the defense, rather than just legal issues. This enables me to give them legal advice more effectively and to avoid confusion during the discussion and defense stage as well."

- CCHR contracted lawyer (after receiving WHRDs training)

⁹ Individual cases of psychosocial support are not detailed, in the interests of privacy.

1. Legal Framework

1.1 The International Legal Framework

The right of women to participate in the public life of their country, which includes the promotion and the protection of human rights, is enshrined in several international human rights treaties and declarations. Article 2 of The Universal Declaration of Human Rights (“UDHR”)¹⁰ provides that every human being is entitled to the enjoyment of the rights set forth therein, including the rights to freedom of expression, assembly and participation in public life. Similarly, the International Covenant on Civil and Political Rights (“ICCPR”),¹¹ contains an obligation upon States to *“ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant”*.

The Convention on the Elimination of all Forms of Discrimination against Women (“CEDAW”),¹² is a binding instrument under Cambodian law, and has the declared intent to promote women’s rights and gender equality. One hundred and eighty-nine countries, including Cambodia, have ratified it. It condemns all forms of discrimination against women and calls on the States Parties to take all appropriate measure to eliminate gender-based discrimination in their constitutions and national legislation. Article 7 of CEDAW requires the States Parties to *“take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, [...] ensure to women, on equal terms with men, the right [...] to participate in non-Governmental organizations and associations concerned with the public and political life of the country”*.

¹⁰ UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: <http://www.refworld.org/docid/3ae6b3712c.html>

¹¹ UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <http://www.refworld.org/docid/3ae6b3aa0.html>

¹² UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13, available at: <http://www.refworld.org/docid/3ae6b3970.html>

Furthermore, in 2010 Cambodia ratified the first Optional Protocol to the CEDAW,¹³ which allows the Committee on the Elimination of Discrimination against Women to hear complaints from individuals or inquire into “grave or systematic violations” of the Convention.

In addition, there are also specialized mechanisms that are designed with the key purpose of providing and protecting the rights of those individuals and organizations who are working to defend human rights. The United Nations’ Declaration on Human Rights Defenders (the “HRD Declaration”)¹⁴, was the first international instrument aimed solely at HRDs. Despite not being a legally binding instrument, the HRD Declaration was adopted by consensus by the UN General Assembly in 1998 on the occasion of the 50th anniversary of the Universal Declaration of Human Rights. The unanimous adoption represented a significant step forward in the international recognition of HRDs’ work, and underscored the necessity of protecting HRDs. The HRD Declaration does not create new rights *per se*, but reaffirms the right to promote and strive for the protection and realization of human rights and fundamental freedoms,¹⁵ the right to freedom of expression¹⁶ and peaceful assembly,¹⁷ and the right to form, join and participate in non-governmental organizations, associations or groups.¹⁸ In addition, the HRD Declaration also restates some specific duties of both HRDs and States. Later resolutions adopted by the UN General Assembly¹⁹ and the UN Human Rights Council²⁰ reiterate the importance of the rights enshrined in the HRD Declaration,

¹³ *Optional Protocol to the Convention on the Elimination of Discrimination against Women*, 6 October 1999, Available at: <http://www2.ohchr.org/english/law/pdf/cedaw-one.pdf>

¹⁴ United Nations General Assembly Resolution, “*Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*” (8 March 1999) UN Doc A/RES/53/144, <http://bit.ly/19w8LEm>

¹⁵ *Ibid*, [Art.1]

¹⁶ *Ibid*, [Art.6]

¹⁷ *Ibid*, [Art.5 (a)]

¹⁸ *Ibid*, [Art.5 (b) and (c)]

¹⁹ United Nations General Assembly Resolution, “*Promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*” (19 December 2011) UN Doc A/RES/66/164, <http://bit.ly/1qiUlfU>

²⁰ United Nations Human Rights Council, “*Protection of Human Rights Defenders*” (19 March 2010) UN Doc A/HRC/13/L.24, <http://bit.ly/1tXQJlo>; United Nations Human Rights Council Resolution, “*Promoting Human Rights and Fundamental Freedoms Through a Better Understanding of Traditional*

and urge States to take concrete protection measures to ensure the safety of HRDs.

The HRD Declaration defines HRDs as all people who, individually or within groups and associations act to eliminate violations of human rights and fundamental freedoms of peoples and individuals. These rights may be civil, political, economic, social and/or cultural and may cover issues ranging from apartheid to forced evictions. HRDs are often human rights professionals, journalists, lawyers or community representatives; however many others qualify as HRDs²¹. In order to be categorized as a HRD, individuals must be non-violent and must accept the universality of human rights. HRDs may be undertaking a range of different activities, such as documenting human rights violations, providing education or training about human rights, protesting for the respect of the environment, awareness raising, etc. Regarding WHRDs, the Declaration applies equally to men and women.

In addition to outlining the rights of HRDs, the HRD Declaration also emphasizes the duty of governments to ensure their protection. According to Article 12(2), the relevant authorities must protect HRDs from arrest, violence, threats, retaliation and any discrimination arising from their HRD activities and it emphasizes that HRDs ought to be protected under national law. The Declaration also highlights that HRDs are entitled to oppose actions, including those committed by omission, committed by States that result in violations of human rights and fundamental freedoms.

Additional mechanisms contribute to HRDs protection at the international level. In 2000, the then UN Commissioner on Human Rights established a Special Rapporteur on the situation of HRDs (the “Special Rapporteur”) as part of its mandate to assist in the implementation of the HRD Declaration. Among other

Values of Humankind” (24 March 2011) UN Doc A/HRC/RES/16/3, <http://goo.gl/kfaf8Z>; United Nations Human Rights Council, “*Protecting Human Rights Defenders*” (15 March 2013) UN Doc A/HRC/22/L.13, <http://bit.ly/YXSF7Y>

²¹ United Nations Office of the High Commissioner for Human Rights (OHCHR), “*Fact Sheet No. 29: Human Rights Defenders: Protecting the Right to Defend Human Rights*” (April 2004), <http://goo.gl/EnVkvY>

things, the Special Rapporteur can receive information and individual complaints about the violation of HRD's rights and can communicate with the relevant member states regarding these cases. The Special Rapporteur also undertakes country visits to investigate the situation of HRDs in a particular country and presents annual reports to the UN Human Rights Council.²²

In 1995, the Fourth UN World Conference on Women produced the 'Beijing Platform for Action', article 228 of which stated, "*Women engaged in the defence of human rights must be protected.*"²³ In December 2010, the Special Rapporteur on the situation of human rights defenders, Ms. Margaret Sekaggya, focused her third annual report on WHRDs²⁴ and the risks and challenges that they face. This has been a critical step in the recognition of the gender perspective of HRD work.

A major milestone in the protection of WHRDs was the Resolution 68/181 adopted on 18 December 2013 by the UN General Assembly,²⁵ "*Promotion of the Declaration on the Rights and Responsibilities of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: protecting women human rights defenders*". It calls upon States to take appropriate, robust and practical steps to protect WHRDs, and stresses that the respect of the activities of WHRDs is essential to the overall enjoyment of human rights. Furthermore, it expresses particular concern about systemic and structural discrimination and violence faced by WHRDs. It then urges States to legitimize the important role of WHRDs in the promotion and protection of human rights, calling upon them to ensure that WHRDs have the right to the lawful exercise of their occupation or profession with dignity.

²² Ms. Margaret Sekaggya held this post from 2008- 2014, and was succeeded by Michel Forst who was appointed in June 2014. See, United Nations Human Rights, Office of the High Commissioner for Human Rights, 'Special Rapporteur on the situation of human rights defenders', <http://bit.ly/1q1Hfc6>

²³ United Nations World Conference on Women, 1995, 'Beijing Platform for Action', Art 228. Available at < <http://www.un.org/womenwatch/daw/beijing/platform/human.htm> >

²⁴ *Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya*, (A/HRC/16/44, 20 December 2010). Available at: <http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-44.pdf>

²⁵ *Promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: protecting women human rights defenders*, (30 January 2014), A/RES/68/181, Available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/181

1.2 The Regional Legal Framework

At the regional level, several regional intergovernmental organizations have established *ad hoc* mechanisms to complement the international protection framework, evidencing the growing recognition of the importance of the work of HRDs, both male and female.

Moreover, all regional intergovernmental organizations have demonstrated active engagement specifically in the protection of HRDs. Both the Inter-American Commission on Human Rights and the African Commission on Human and People's Rights have created a Special Rapporteur on Human Rights Defenders. The role of this figure is to prepare studies, conduct country visits, seek and receive information on the situation of the human rights defenders in their continents. Moreover, the Inter-American Court on Human Rights can consider cases of alleged human rights violations including those perpetrated against human rights defenders.

In Europe, the European Union (the "EU") has released the EU Guidelines on Human Rights Defenders, which set out the EU's policy in defending these people outside the EU. For member states of the European Convention on Human Rights, judicial remedies are available to those who suffer from violations of human rights, via the European Court of Human Rights. Similarly, the Organization for Security and Cooperation in Europe ("OSCE") guidelines on the protection of human rights defenders²⁶ also call on OSCE participating states to form human rights defenders' protection mechanisms, both internally in their own territory, and externally in third countries through their diplomatic relations.

The Association of Southeast Asian Nations ("ASEAN") lags behind other regional intergovernmental organizations in the field of human rights, and does not provide sufficient protection to HRDs in the region. Indeed, ASEAN was late to incorporate human rights related bodies in its structure: the intergovernmental commission on human rights (the "AICHR") was only launched in 2009, and its

²⁶ *Guidelines on the Protection of Human Rights Defenders*, Available at: <http://www.osce.org/odihr/119633?download=true>

mandate does not contain explicit provisions for receiving and investigating complaints of human rights violations. In addition, the ASEAN Human Rights Declaration, adopted on 18 November 2012 in Phnom Penh, contains no provision related to HRDs. However, the ASEAN Human Rights Declaration does declare the right to gender equality, as well as the rights to freedom of opinion, expression and freedom of assembly, and *“the right to participate in the government of his or her own country”*. However, the ASEAN Human Rights declaration has been criticized²⁷ due to provisions which allow the limitation of all rights *“to meet the just requirements of national security, public order, public health, public safety, public morality, as well as the general welfare of the peoples in a democratic society”* (Article 8), and which allow states to *“take into account national and regional contexts”* (Articles 6 & 7). The ASEAN Human Rights Declaration followed and expanded upon the 1988 ‘Declaration of the Advancement of Women in the ASEAN Region’ and the 2004 ‘Declaration on the Elimination of Violence Against Women in the ASEAN Region’.

1.3 The National Legal Framework

Cambodian domestic law does not provide any specific protection to HRDs, although the Constitution of the Kingdom of Cambodia (the “Constitution”)²⁸ does protect fundamental freedoms and Article 31 recognizes the human rights stipulated in international human rights treaties. Article 41 of the Constitution states that *“Khmer citizens shall have freedom of expression, press, publication and assembly”*. Article 35 provides citizens *“the right to participate actively in the political, economic, social and cultural life of the nation”*, and Article 37 recognizes *“the right to strike and to non-violent demonstration”*. Cambodia’s obligations under international law are not only set out in Article 31 of the Constitution, but their direct applicability was also clarified in a 2007 decision by the Cambodian Constitutional Council,²⁹ which stated that international treaties are directly applicable before the courts, and that no law should be applied in a manner

²⁷ American Bar Association Rule of Law Initiative, ‘The ASEAN Human Rights Declaration: A Legal Analysis’, available at <http://bit.ly/1NFk577>

²⁸ The Constitution of the Kingdom of Cambodia, 2014, available at <http://bit.ly/1Nfmxm7>

²⁹ Cambodian Constitutional Council, Decision No. 092/003/2007 (10 July 2007)

which violates the Constitution or the human rights treaties to which Cambodia is a party. Despite these provisions, there is no human rights mechanism that can adequately protect HRDs from violations and abuses, or guarantee remedy and redress.

During Cambodia's last Universal Periodical Review ("UPR") on 28 January 2014, nine states³⁰ recommended that the RGC improve protection of HRDs, for instance by engaging in a meaningful national dialogue with HRDs, complying with international freedom of expression standards and halting any actions of intimidation or harassment. The RGC accepted the majority of the recommendations, including seven relating directly to human rights defenders, such as the Czech Republic's suggestion to revise the penal code as well as other laws so that they comply with international freedom of expression standards and prevent the harassment of HRDs, journalists and NGOs; and Austria's recommendation to respect and protect the rights of human rights defenders and journalists to conduct their work without hindrance, intimidation or harassment. Nonetheless, they did not support Tunisia's suggestion to ensure a favorable climate for the activities of HRDs, nor Portugal's recommendations to protect HRDs from harassment and arbitrary arrest, and lift all restrictions to peaceful demonstrations. The RGC has not yet developed any policy or taken any meaningful step to protect HRDs.

Cambodia has three committees with human rights mandates: the Senate Commission on Human Rights, the National Assembly Commission on Human Rights and the governmental Cambodian Human Rights Committee. However, none of the three committees are independent or autonomous, leaving them susceptible to political influence and impeding their ability to carry out their roles effectively.³¹ Following a conference on the establishment of the National Human Rights Institutions ("NHRIs") in 2006, the RGC committed to creating a NHRI

³⁰ Ireland, Czech Republic, Austria, Chile, New Zealand, Belgium, France, Germany, Portugal and Tunisia made recommendations on the topic. See, United Nations Human Rights Council, 'Report of the Working Group on the Universal Periodic Review on Cambodia' (27 March 2014) UN Doc A/HRC/26/16, <http://goo.gl/XzZk9M>

³¹ CCHR, Factsheet: 'Institutions Series: National Human Rights Bodies in Cambodia' (March 2012), <http://goo.gl/VNq21u>

based on the Paris Principles of pluralism and independence, and created a Joint Working Group between the RGC and CSOs.³² During Cambodia's 2014 UPR, 10 countries³³ recommended that the RGC accelerate its formation. Despite this, the law is still being drafted. Furthermore, the RGC has not yet ratified the First Optional Protocol to the ICCPR, which recognizes the competence of the UN Human Rights Committee to receive communications from individuals who claim to be victims of human rights violations.

Table 1.1: Most Relevant Rights Protected under Cambodian and International Law

	Constitution	ICCPR	CEDAW	ASEAN HRD	UDHR
Freedom of Assembly	✓	✓		✓	✓
Freedom of Expression	✓	✓		✓	✓
Freedom of Association	✓	✓		✓	✓
Gender Equality	✓	✓	✓	✓	✓
Participation in public life	✓	✓	✓	✓	✓
Fair trial rights	✓	✓		✓	✓

³² Asia Pacific Forum, 'Conference on the Establishment of a National Human Rights Institution in Cambodia' (27 September 2006), <http://bit.do/YFMn>

³³ Chile, Myanmar, Serbia, Egypt, India, Thailand, Malaysia, Morocco, Pakistan and Australia., UN HRC, 'UPR on Cambodia', (n 32)

2. The Status of Women in Cambodia

In Cambodia, 51.23% of the population is female.³⁴ However, this figure does not reflect the gender division of participation in the public life of the country. As outlined in a previous CCHR policy brief,³⁵ the level of women's political representation is disappointing. Indeed, only 22% of the lawmakers in the National Assembly are women; while at the commune/sangkat level, the percentage is even lower, at 17.79%. This does not meet the goal of 30% participation by 2015 (25% for sangkat/commune), as set by both the National Strategic Development Plan and the Cambodian Millennium Development Goals. This inequality in participation stems from deeply rooted social misperceptions; as represented by the well-known Khmer saying, which states, *"a man is gold, a woman is cloth"*. Women are widely viewed as inferior, less intelligent and less productive than men, mainly responsible for domestic tasks and the well being of their families. Domestic duties are a social expectation, which hinders women from embarking on studies and from pursuing a career.

These harmful gender stereotypes are rooted deeply in Cambodian traditional culture. This is exemplified by the *Chbap Srey* (women's law), a piece of Khmer literature that dates back to before the 14th century, and which retains influence to this day. The *Chbap Srey* explains that a woman *"should serve her husband and follow his advice, always speak politely, never talk about internal problems to others, accept bad words from the husband without complaint and never consider herself equal to him. In line with the code, women traditionally take care of the household and raising children."*³⁶

To this extent it is very useful to refer to the 2014 Global Gender Gap Report,³⁷ which ranks Cambodia 108 out of 142 countries for gender equality, with a score of 0.652. This report is an index that has been published since 2006 by the World

³⁴ World Bank, 2014.

³⁵ *Policy Brief: Women's political representation in Cambodia*, Available at: <http://bit.ly/1Sft7Lm>

³⁶ Sina Brod, *Gender in Cambodia*, Atlas of Cambodia, January 2014, available at <http://bit.ly/1PnXj6f>

³⁷ *2014 Global Gender Gap Report, Cambodia*, Available at: <http://reports.weforum.org/global-gender-gap-report-2014/economies/#economy=KHM>

Economic Forum, and ranks countries according to their gender gaps. The report examines four critical areas of inequality: “Economic participation and opportunity”; the “Educational attainment”; “Political empowerment”; and “Health and survival”. The report clearly identifies enormous gaps between the status and treatment of women and men. Indeed, while 82% of women are employed (versus 88% of men), the average income of women is \$1,000 less per annum. This means that women are employed in lower paid jobs, which is confirmed by the fact that only 35% of women are employed in professional and technical jobs, versus 65% of men. As for educational attainment, the literacy rate is 66% for women and 83% for men, highlighting an enormous discrepancy, while only 12% of the women in Cambodia attain University-level education.

Domestic violence remains a significant problem in Cambodia. A 2015 research report by the World Health Organization³⁸ found that 21% of the survey’s respondents had experienced sexual or physical violence at the hands of their partner. Worryingly, this situation does not seem to be improving, with 22% having responded affirmatively to the same question in 2005. Equally concerning is the number of victims who feel the authorities can or will assist them; only 2% of abused victims sought legal advice or complained to the courts, showcasing an endemic lack of faith in the system. Highlighting the deeply ingrained inequality faced by Cambodian women is the fact that half of the respondents – all of whom were women – believed that a man beating his wife could be justified.

Additionally, Cambodia has one of the worst records for sexual exploitation in the world, and it remains a country where human trafficking and the sex trade flourish. Despite a steady reduction in the number of women and children trafficked,³⁹ according to the 2015 Trafficking in Persons Report⁴⁰ issued by the United States Department of State, Cambodia is still “a source, transit and

³⁸ WHO, National Survey on Women’s Health and Life Experiences in Cambodia, November 2015, available at <http://bit.ly/1OOHUqV>

³⁹ *Factsheet Cambodia*, International Justice Mission, Available at: https://www.ijm.org/sites/default/files/download/factsheets/IJM_Factsheet-Cambodia.pdf?v=1.0

⁴⁰ *2015 Trafficking in Persons report*, Available at: <http://www.state.gov/documents/organization/245365.pdf>

destination country for men, women, and children subjected to forced labor and sex trafficking”.

This reality was reflected in the recommendations submitted to Cambodia in the last session of the UPR. Spain, for example, noted that women working in the sex industry encountered serious problems when seeking access to justice and that they were frequently subjected to slave-like conditions. Uruguay called on Cambodia to amend or eliminate patriarchal attitudes and stereotypes discriminating against women. Many States, including Slovenia and Brazil, called on Cambodia to scrap the didactic code, also known as Chhap Srey, an outdated and obsolete code of conduct for women, which in practice is already being defied by women, but in theory still exists.

Despite this very worrying data, according to UN Women,⁴¹ there have been some commendable developments on the part of the RGC in the field of women’s rights; namely, the strengthening of governmental institutions dedicated to women, such as the Ministry of Women’s Affairs and the CNCW, and the government’s commitment to the removal of discrimination against women in the areas of education, legislation and health.

The 2009 Cambodian Criminal Code provides for punishment for crimes committed against pregnant women, and many other laws, such as the Marriage and Family Law, and the Law on the Prevention of Domestic Violence and Protection of Victims, offer legal protection to women from domestic violence and allow divorce on grounds of “*cruelty and beatings*”. The problem lies, as is often the case in Cambodia, in the implementation and enforcement of these rules; indeed, many laws that are very strong on paper are improperly enforced in practice. Inadequate knowledge of relevant legislation, lack of literacy, discrimination in the access to justice, exclusion from the decision-making process, are only some of the causes that hinder women’s rights.

⁴¹ Cambodia, UN WOMEN, Available at: <http://bit.ly/1OgKIQN>

3. Experiences of WHRDs Assisted under the Project

WHRDs suffer from severe and multi-layered discrimination; hence, it is to be expected that besides the existence of widespread judicial harassment and threats, WHRDs may face stress, anxiety and other types of mental health problems.

“Leading my community in this land dispute has been so difficult. In certain moments I am made to feel hopeless, useless, sad, forgetful, and sometimes even suicidal.”

- Anonymous WHRD (Mental Health Training)

In this section of the Briefing Note, the profiles, struggles, and stories of the activists who have been assisted under the Project are provided, along with details of the kind of support that was provided to them. The decision whether an activist is a WHRD is made by the Protecting Fundamental Freedoms Committee (the “Committee”), after receiving a request with a short summary from an applicant. The Project then decides what kind of support to provide the WHRDs. The Committee is primarily made up of non-CCHR staff, along with one non-project CCHR staff member. The Committee is bound by a set of guidelines which define the scenarios in which support can be provided and the types of victims who can be supported. This structure ensures maximum impartiality and fairness in the decision-making process.

3.1 Case Studies

Case Study 1: Ms. Hang Chenda; Ms. Hang Sophea; and Ms. Pen Sinath

This case concerns 24 families from Village I, Sangkat III, Preah Sihanouk City, Preah Sihanouk Province and it is related to land rights. CCHR provided legal assistance to three women community representatives, who have been leading a struggle on behalf of their community. The WHRDs are Ms. Hang Chenda, Ms. Hang Sophea and Ms. Pen Sinath, who are advocating for the protection of their 42,710 meter squared land parcel, which they have been occupying since the fall of the Khmer Rouge in 1979.



During the 1990s, Preah Sihanouk Province underwent a period of rapid development and soaring property prices. In 1996, the disputed land was seized by the former first deputy governor of Preah Sihanouk province, Mr. Khim Bo, who allegedly colluded with relevant authorities to claim ownership of the land and sold it to the Thai Bun Rong Company. The company then divided the land into plots and sold it to wealthy individuals, neutralizing villagers' claims. The seizure caused protests and turmoil, and in 1996, Mr. Khim Bo and a variety of armed forces including policemen and soldiers, arrived at the site of the disputed land with weapons. They surrounded the land and violently shot in the air to threaten and scare the families. The military allegedly cleared villagers' crops and houses. The people were forced to move from the village and had to resort to living in tents. In 1997, a similar event occurred, with military police forces demolishing the villagers' tents. However, in this case, one of the community representatives, WHRD Ms. Hang Chenda, received serious injuries, while Mrs. Meas Sambath, 77, was arrested and detained in jail for nine days. "Visits" from the police, other disturbances, and clashes continued throughout the following years.

On 04 June 2002, nine of the villagers were arrested and jailed for 24 days. They were told to make thumbprint confessions that they had illegally occupied the land of the company. They eventually agreed after being threatened to be sent to Phnom Penh's Prey Sar prison if they did not. Moreover, in order to be released, the villagers had to request their families to demolish their houses – a request which the desperate families complied with. The judicial harassment continued, as the families did not manage to gain any results from the complaint filed to the court.

As a result of their complaints being ignored by the authorities, on 22 February 2015 the families decided to pitch tents on the disputed land. On 05 June 2015, the judge of Preah Sihanouk Provincial Court of First Instance issued an injunction against the affected families, effectively evicting them from the land. Immediately

afterwards, Preah Sihanouk deputy governor H.E. Srun Sron led a mixture of army and police forces to the site of the disputed land and demolished their tents. The affected families continue to oppose the injunction through the judicial system.

The Project provided assistance to those WHRD victims of the eviction and their families: on 06 and 07 September 2015, a contracted lawyer of CCHR consulted and interviewed the representatives of the families. The next day, the court summoned the parties to appear in the oral argument hearing, resulting from the co-plaintiffs' suit against the injunction issued in April 2015. With the assistance of a professional lawyer, CCHR hopes that the demands of the community, represented by WHRDs, will be met and their rights recognized.

Case Study 2: Bin Phoeurk Company – Mondulkiri

In the second case, CCHR provided legal and financial support to a community from Chork Cha village, Sre Chhouk commune, Keo Seima district, Mondulkiri province. Most of the victims in this case are Bunong indigenous people. Local villagers told CCHR that they have occupied the disputed land since the 1940's. Families in Chork Cha depend on agriculture for their livelihoods, growing rice, as well as practicing traditional slash and burn farming and collecting valuable tree resin and other non-timber forest products, as they have done for generations. As well as providing the source of the community's material existence, the area's land and forests also carry major spiritual significance as a link to their ancestors and natural spirits, relationships which form a key part of the community's cultural identity and sense of wellbeing.

In 2013, the Bin Phoeurk I company, which had been provided with an economic land concession, cleared approximately 1,000 hectares of the villagers' land in Chork Cha village, despite attempts by local people to prevent it and without any consultation. Since then, the villagers have been seeking for intervention from various government authorities and non-governmental organizations. However, the dispute has not been resolved and the company continues to clear the land and the forest. In February 2014, the Commission on Human Rights received a complaint from the activists, along with the National Assembly and the Senate. The community also wrote a letter to petition the provincial governor, requesting

his intervention in the case. This approach proved fruitless, so the villagers have sometimes tried to protect the land by themselves.

While the company was clearing the land in early December 2014, the villagers gathered to stop the clearance. A few days later, the village representatives collected villagers' documents and thumbprints and asked for intervention from NGOs and government institutions. While traveling from the village to the capital, five unidentified men wearing masks came to the village with guns, looking for those community representatives. Soon thereafter, on 16 January 2015, six activists were summoned for questioning, but they requested the prosecution to postpone the questioning as they were not legally represented. There are six co-defendants (Mr. Brob Chib, Mr. Yan Mao, Ms. Sruoch Thav, Ms. Brob Sokha, Mr. Noun Rim, and Ms. Kheau Chantha - three of them being women). They were summoned again on 02 February 2015. CCHR intervened at this point, giving legal assistance to the representative of the activists, Mr. Yan Mao, through its contracted lawyer. The assistance was provided by the Protecting Fundamental Freedoms Fund.

In February 2015, the prosecutor summoned the six activists to interrogate them in relation to charges of "violence against immoveable property", but did not detain them. The attorney submitted a motion requesting the prosecutor not to prosecute the case, stressing that it was more properly a civil matter. On 22-24 March 2015 the attorney accompanied the HRDs to a confrontation before the investigating judge. Later, on 29 April 2015, the attorney interviewed the clients outside the prison.

On 30 April 2015, the attorney accompanied the clients to the hearing before the investigating judge, and on that day, the investigating judge ordered that the six activists be held in detention in Mondulkiri provincial prison. In May 2015, CCHR's contracted lawyer conducted client interviews with Mr. Yan Mao in Mondulkiri provincial prison and interviewed eight other witnesses. On 06 July 2015, the attorney filed a second bail motion to the Appeal Court after the lower court denied the bail request. Thereafter, the attorney met with CCHR's senior lawyer to establish defense strategies. On 30 July, the attorney called on the Court to temporarily release his client, Mr. Yan Mao. On 06 August 2015, the defense

lawyer, Chea Sophy, went to Mondulakiri province to visit Mr. Yan Mao and on 07 August, Mr. Yan Mao was finally released on bail.

On 11 November 2015, the Project decided to provide legal assistance to four additional HRDs who are also involved in this particular land dispute. They are also indigenous Bunong residents of Chork Cha Village, Keo Sima District, Mondulakiri province.

Case Study 3: Ms. Phav Nhieng – Koh Kong Province

Phav Nhieng is a land community representative in Preaek Chik village, Chi Khor Kraom commune, Srae Ambel district, Koh Kong province. In Preaek Chik village there are some 75 families who occupy an area of land which is being claimed by a private company. 31 of these families are locked in a bitter land dispute with wealthy developers.



In October 2004, Ms. Phav Nhieng and her family decided to buy a plot of land measuring 40 x 300 meters for \$400 from a man named Nork Heang, who had occupied the land since 1995. After acquiring the land, her family constructed a house and started to grow mangoes. On 02 July 2007, a man named Mr. Sok Hong arrived at the land, accompanied by 30 workers and approximately 30 mixed armed forces, including police and military police. They attempted to demolish houses and clear farmland covering approximately 90 hectares, affecting 31 families and including six houses. However, they succeeded in destroying only three of the six houses due to a successful protest by the affected villages, led by Ms. Phav Nhieng. The house demolition was conducted pursuant to an order by Koh Kong Provincial court, which issued a verdict in favor of Mr. Sok Hong to evict the 31 families and demolish the houses. In the court verdict, the residents were accused of illegally occupying the land of a person who had title; however, the decision was never shown to the affected villagers. Following the attempted

eviction, Ms. Phav Nhieng was asked by the affected families to represent them and lead the effort to protect their land.

Another party, Mr. Heng Huy (owner of Heng Huy Agriculture Group Co. Ltd.), brought a written record of a Supreme Court verdict to the affected villagers in late August 2009, showing that he won a lawsuit against Mr. Sok Hong which proved his ownership of the land. However, CCHR has seen and verified the verdict of the Supreme Court, which shows that the land acquired by Mr. Heng Huy did not in fact include Praek Chik village. In September and October 2009, Mr. Heng Huy returned to the disputed land to evict the villagers, accompanied by armed police and gendarmeries officers. The villagers filed complaints to the National Assembly, Senate, Ministry of Interior, and the courts, but their efforts were fruitless. The resulting agreement involved the families giving up the vast majority of their land, yet they felt they had no other choice but to accept. In fact, they were told that all of their land would be taken if they did not consent. The verbal agreement was not respected by Mr. Heng Huy, who continued to have the disputed land bulldozed and made no effort to assist the villagers' in acquiring title to their remaining parcels. As a result, 24 of the 31 families are rejecting the agreement with the company, because they say it was made under duress. Following a criminal complaint filed by Mr. Heng Huy, Ms. Phav Nhieng was summoned for interrogation by the Koh Kong Provincial Court Prosecutor on 01 May 2010. She was charged with committing violence against immovable property owner, but three months later, the charges were dropped when she agreed to relinquish some land to Mr. Heng Huy.

On 27 February 2013 nine of the affected villagers, including Phav Nhieng, expressed in a letter to the Koh Kong Provincial Governor their intention to commit suicide in front of the Supreme Court if a case involving their land was decided against them. The nine thumb printed the document, which stated that due to the complicity of the authorities (including the chief of Chi Khor Kraom commune, the chief of Chi Khor Leu commune, the Srae Ambel district Cadastral Officer and members of the Court), the villagers were in a hopeless position. They stated that *"the pen of the court is the weapon to kill the people."*

On the same day, four of the group, including Ms. Phav Nhieng, filed a complaint to the Koh Kong Provincial Court requesting that the contract they made with Mr. Heng Huy be nullified on the basis they were intimidated and coerced into entering into the contract. The four complainants were summoned to appear at the court on 24 April 2013 and again on 10 March 2015 to present oral arguments. Since then, the four were summoned to appear at a hearing on 02 September 2015, and they are awaiting the court's verdict.

As a land activist who actively battled for her community's rights in this bitter land dispute, Phav Nieng and her family have been repeatedly threatened by local authorities and police, and have faced judicial harassment. On 02 May 2014, just a few days after Ms. Nhieng filed the lawsuit requesting the nullity of land agreement, the Heng Huy Agriculture Group Co Ltd. filed a complaint with the Koh Kong Provincial Court accusing Ms. Phav Nhieng of killing two of its cows. Ms. Nhieng was summoned for interrogation at the Koh Kong Provincial Court of First Instance on 03 June 2014 and released on the same day under court supervision. She was again summoned on 10 June 2015, but later acquitted on 30 June 2015. In this last trial, CCHR managed to provide legal assistance through a contracted lawyer. In November 2015, the Project provided legal assistance to six other WHRDs involved in this land dispute.

Case Study 4: Ms. Um Sophy – Kampong Chhnang Province



Ms. Um Sophy is a land activist in Lor Peang village, Kampong Chhnang Province. She moved there in 2004 to join her husband, who had been living there since 1993. For several years, she has been at the forefront of the local community's efforts to stop the acquisition of their land by the KDC company, which is owned by Mrs. Chea Kheng, wife of the Minister of Mines and Energy, Mr. Suy Sem. She has suffered harsh consequences as a result. Because of her role leading the community to protest against

land grabbing, Sophy has experienced many forms of threats from local authorities and police, along with judicial harassment.

Tensions began in 1996, when local villagers were first pressured to sell land. At that time, the village chief told them that if they were willing to sell, they would receive money, but if they were not, they would simply lose the land without compensation. Some families agreed to sell, while others refused. In 2007, KDC filed a complaint against the occupiers of 14 houses for illegally occupying land belonging to the company, and on 09 January 2008, KDC workers destroyed the houses and surrounding farmland with bulldozers, without any prior warning or notification. One of the houses and some of the farmland that was destroyed belonged to Um Sophy. She was living there at the time and grew mango, rice, jackfruit and coconuts, to supplement her income as a teacher.

Because of her role in leading members of her community to protest against the land grabs, Um Sophy was interrogated at the provincial court under accusations of incitement. Her case was transferred to a court in Phnom Penh, and fearing arrest, she fled to Thailand, not returning to Cambodia until December 2011. When she came back, she received unofficial warnings from her relatives not to engage in protests, or she would be arrested. Subsequently, an anonymous letter threatening her and her husband was posted on the wall of their house, saying that if she protested, she would be arrested or killed. A picture of a gun had been drawn on the letter. Despite the risk, she continued to do just that, taking the letter to Kampong Chhnang Provincial Court and filing a complaint. No perpetrators have been identified, but the District Inspector of Police called Sophy for questioning to investigate.

Deciding to take their complaint to the national level, the villagers began a march to Phnom Penh on 12 August 2014, but they were blocked and violently dispersed by police officers. Several villagers were injured, and Um Sophy's husband, Sngoun Nhoen, was arrested along with two other villagers. Sngoun Nhoen states that he was beaten during his arrest. Despite the obstacles, Um Sophy continued to lead the march to Phnom Penh, demanding a resolution of the dispute and the release of her husband and his fellow villagers; they were released on 29 September 2014. Despite reported assurances from the National

Assembly's Human Rights Commission that it would work to bring a quick resolution to the dispute, and a visit to the area by Commission member Chea Poch in January 2015, it remains unresolved.

Lately, Um Sophy has been extremely worried and feels very nervous regarding her own and her family's safety, especially whenever she is advocating for her community.

Case Study 5: Ms. Chray Nim—SOS Community, Phnom Penh



Ms. Chhray Nim, a representative of Thmor Kol community, has always played an important role in leading the Phnom Penh International Airport community ("SOS Community"), located near Phnom Penh International Airport. Since the government has developed the site around the airport area, Ms. Nim and other villagers have

faced many problems, originating from them being told that their home would be demolished to make the way for an airport buffer zone in 2012. On a number of occasions, Ms. Nim and other villagers have attempted to seek intervention from all relevant institutions, including the cabinet of Prime Minister Hun Sen. In November 2012, the community used a novel method to draw public attention to their cause. They painted "S.O.S." on their roofs to welcome President Barack Obama to Cambodia during the ASEAN Summit. However, a few hours later, a police officer arrived and stopped them from painting. That day, Ms. Nim and seven other villagers were arrested.

In 2014, as Prime Minister Hun Sen departed for the ASEAN summit in Myanmar, they attempted again to paint "S.O.S." on their roofs, accompanying the writing with images of the Prime Minister and his wife, asking for their intervention. Several hours later, a group of district security guards came and removed the "S.O.S." words by painting over the sign. Being a representative who advocates against forced eviction and unjust compensation, Ms. Nim receives many kinds of threats from the authorities on a regular basis. For these reasons, Ms. Nim faces intense stress and many emotional challenges.

3.2 Songs

During training provided by the Project, many of the WHRDs supported under the Project independently sang two songs of protest, which reflect the experiences of their communities. The lyrics can be seen below.

Where Are My Rights?

- I. *We got rid of pain in 1979,*
*and happily everywhere**living without worries*
with our families just like others.
- II. *We faced problems in 1996*
*with dismantling force**because of a judicial warrant to move*
forced us to move and be brought to jail
- III. *My house and my land are truly owned*
*and cheat the land title**why do you accuse*
then announce you are the owner?
- IV. *You grabbed my land and sold it to the company*
*namely Thai Bunrong**to a private and well-known firm*
Indeed it is so cruel
- V. *Judges, please carefully listen*
*and not fake or cheaters**we are the real owners*
so please decide independently.
- VI. *Judges please, clearly examine, do*
*We are owners, not fakers**not use documents to cheat*
this is a reality.

My Court

- I. *We, communities, gathered to protest,*
Which did contrast to government policy,
*Using the government's role to accuse us.**against an unjust court*
and issued the warrant that imprisoned us,
- II. *You accused us of lying,*
Abusing other's real estate,
*Then we must be punished.**of deceiving others*
and ruining other's properties
- III. *Indeed, we protect our rights,*
Don't depend on the power because of dollars;
*The court has to be just.**why do you handcuff us without mercy?*
the court has to be just
- IV. *We, communities, do not need anything,*
And we don't want to move to anywhere else, we are all Khmer and you should have mercy
*For Khmer, living in happiness.**besides our rights to land and house*

4. Conclusion and Recommendations

WHRDs face a multitude of unique threats and challenges in Cambodia. An increasingly repressive environment for peaceful demonstration and dissent is worsening the conditions faced by HRDs generally, and these threats are exacerbated for women by a gender discriminatory and unequal cultural context. The intimidation, judicial harassment, imprisonment and threats faced by WHRDs have an impact beyond the immediately obvious – these events can also impact severely on the mental health of the affected WHRDs. The tireless work and sacrifices made by WHRDs for their communities must be recognized, both by the RGC, CSOS, and society at large. For all institutions – governmental and non-governmental – in contact with HRDs, it is essential that a gender perspective becomes mainstreamed through all activities. The activities undertaken by CCHR's WHRD Project have shown that this process crucial to the proper understanding of the pressures faced by WHRDs.

Through this Briefing Note CCHR has offered a brief assessment of the situation of WHRDs in Cambodia in 2015. Acknowledging the difficulties and prevalent gender discrimination present in Cambodia, and the unique risks and challenges of the work of WHRDs, which can lead to stress, anxiety and mental illness, CCHR would like to reiterate the recommendations filed in the HRD briefing note, and add further recommendations to the RGC, specific to WHRDs:

- *Recognize the specific protection needs that certain groups of HRDs, such as WHRDs, have in relation to matters concerning their private life;*
- *Enact specific programmes that fight sexism against WHRDs;*
- *Grant legal and political recognition to the work carried out by WHRDs;*
- *Develop national protection mechanisms and programmes for WHRDs at risk;*
- *Put in place educational programmes that focus on eliminating the structural causes of violence and discrimination against women, and gender-based socioeconomic inequality;*
- *Refrain from making derogatory or discriminatory remarks about WHRDs and women in general;*
- *Ensure respect for the right to freedom of assembly, and put a formal end to arbitrary or sweeping bans on the holding of public gatherings;*

- *Put an end to the practice of forcing human rights defenders and citizens exercising their fundamental rights to freedom of expression and assembly from signing statements that restrict their rights in order to be released or avoid charges, and to annul such letters previously signed;*
- *Take immediate steps to establish a National Human Rights Institution (“NHRI”) in line with the Paris Principles;*
- *Stop the judicial harassment of human rights defenders, political activists and opposition politicians, and immediately and unconditionally release of those currently detained for politically-motivated charges or convictions;*
- *Respond positively to the request of the Special Rapporteur on the situation of human rights defenders to visit the country (In 2012 the Special Rapporteur wrote to the RGC to request that an invitation be extended for a country visit to Cambodia⁴²).*

Furthermore, CCHR wishes to make the following recommendations to CSOs and international institutions working with women and HRDs in Cambodia:

- *Promote organizational gender mainstreaming by introducing gender equality policies which apply to all programs as well as internal procedures;*
- *Conduct gender-sensitivity training for all staff in order to improve understanding of the unique issues faced by WHRDs and Cambodian women in general;*
- *Provide specific gender-sensitivity training for any lawyers who are provided to WHRDs;*
- *Introduce a gender perspective to any advocacy work undertaken on behalf of HRDs.*

⁴² United Nations Human Rights, Office of the High Commissioner for Human Rights, ‘Country visits’, <http://goo.gl/Z1SD0r>