

## Human Development Report 2000 Background Paper

---

# HUMAN RIGHTS IN ACTION— DEVELOPING PARTNERSHIPS BETWEEN GOVERNMENT AND CIVIL SOCIETY— OUR UNIQUE NON-CONFRONTATIONAL APPROACH IN CAMBODIA

Kassie Neou

---

## Contents

- 1 [Introduction](#)
- 2 [Brief Overview](#)
- 3 [The Status of Human Rights Instruments and Institutions in Cambodia](#)
- 4 [Critique of principal actors](#)
  - (a) The State
  - (b) NGOs
  - (c) Trade Unions
  - (d) Community Associations
  - (e) National Media
  - (f) Private Sector
  - (g) Other groups
- 5 [Benchmarks](#)
- 6 [Economic and Social Rights](#)
- 7 [Vulnerable groups](#)
  - (a) Women
  - (b) Children
  - (c) Disabled people
  - (d) Older people
  - (e) Indigenous groups
- 8 [Recommendations](#)
- 9 [Acknowledgments](#)
- 10 [Conclusion](#)

## Appendices

- 1 [Conference Paper - Palestine](#)
- 2 [Milestones in Cambodian Human Rights and Development](#)
- 3 [Recent History](#)
- 3 [Biographical information - Mr. Kassie Neou](#)

## 1 Introduction

*"Long is the path and as tortuous is its passage as the labyrinth of the temple".*

This quotation could have been written to describe the situation on human rights in Cambodia. "Long and tortuous" it has certainly been, but now as we approach the end of the millennium there does appear to be a real 'window' of opportunity for Cambodia to put behind it the last 30 years of turmoil. That period saw war, violence, and human suffering on perhaps the greatest scale ever recorded in human history. It has left deep scars. Despite the scars, the essential goodness of ordinary Cambodians survives. Their hearts and minds never abandoned Buddhism. This religion, practiced by over 85% of the population, like many of the other great world religions, sets out tenets of moral behavior that are entirely compatible with the Universal Declaration of Human Rights.

This country study for the UNDP is showing the pre-eminence of this essential goodness now emerging at every level of society. We did not conduct a social scientific survey, but instead canvassed opinion in an informal way from a wide cross section. We talked to top people. They included HRH Prince Norodom Ranariddh, President of the National Assembly and Deputy Prime Minister and Co-Minister of the Interior, H.E. Mr. Sar Kheng. H.E. Om Yientieng, Advisor to the Prime Minister and Chairman of the Human Rights Commission, also participated. Equally we talked to ordinary people - fishermen and market traders. We talked to journalists, business people, and fellow Human Rights NGO workers. The idea was to obtain their innermost thoughts, the ones that they may not divulge in a formal way or 'on the record'.

Most people are now optimistic about the ways things are going. We are slowly establishing peace and with it the right conditions for development and better observation of human rights. However, it is by no means firmly established. Cambodia's society is still fractured. The basic underlying 'Culture of War' mentality is still there. We could so easily revert to it again, as we have done time and again in the past. "If you are not with me, you are against me" is still a phrase more apt than the philosophy one would expect from Cambodia's democratic, pluralistic constitution. It is inevitable therefore that some people did tell us: "Things are not getting better". This was more so with ordinary people. This view, we believe, can be explained, by two factors. First, the shortness of this period of relative peace. It has not lasted one year yet. Second, there is another emerging factor that poses a real threat to development as well as human rights. There is much more crime today.<sup>1</sup> Every day big crimes or small crimes occur. The police and judicial authorities seem powerless and are often involved. This lawlessness could get worse as current plans to demobilize the security services get underway and as serving personnel become less engaged in active service as the peace prevails.

Mostly, the views expressed were optimistic. The general climate is becoming more open. The old, authoritarian, closed and secretive ways of doing things seems to be in abeyance. Freedom of speech is being exercised. Ministers are prepared to talk in public. They recognize realities. More significantly they are prepared to listen. They are listening to each other, to members of other parties - they now pay attention to what is said by the opposition in the National Assembly<sup>2</sup> and outside. They are listening to our international partners and to local and foreign NGOs. They are

consulting on developments such as the arrangements for the commune elections and a proposed 'anti-corruption' law. We appear to have truly 'multi-actor' involvement for the first time, or to pick another phase in vogue, it seems all Cambodians are being recognized as stakeholders with legitimate, active rights in their own destiny. It may take time to get used to it, but the old passive ways may become history.

These signs are encouraging. They are creating stability and an atmosphere where people are willing to invest in their future. For some Cambodians, life is no longer just a matter of survival - they are entering private schools in ever-increasing numbers to learn new skills. They want to start businesses. Our farmers are even building barns for the first time in generations. They started doing this even before this year's bumper rice harvest, due to our exceptionally long rains. It means they are looking at the future and feel more secure in their homes.

Hopefully this will translate into Cambodia's rise in the world's ranking. The 1999 UNDP Human Development Index rates Cambodia at 137 out of 174 countries in the world.<sup>3</sup> Before the strife, back in the 1950s, it was regarded as on par with Thailand and other neighbors. Thailand is now rated at 67, Malaysia at 56, Myanmar at 128, Vietnam 110, with only Lao positioned worse at 140. This shows the clear link between human rights and development.

This is why the Cambodian Institute of Human Rights shares an approach that "combines a vision of what ought to be with an emphasis on choices for people and solutions in terms of the steps to be taken to achieve human rights and thereby development."<sup>4</sup>

We conclude therefore that the human rights situation in Cambodia and the conditions conducive to human development are improving. They are moving in the right direction. They are the best they have been for some time, but more improvement is needed, and a number of ominous factors could yet harm this progress.

## **2 Brief overview**

Cambodia has many 'burning issues' in human rights but there is one that is mentioned today by leaders and ordinary people alike - 'the climate of impunity'. It is this lawlessness that serves to fuel so many other human rights abuses and causes human development under-achievement. It also marks a change from past concerns with war, conflict, and political intimidation, but crime in every sense is encouraged, including those of a political nature. One crime that is very apparent today is the human trafficking in women and children, who are sold into prostitution and virtual slavery. Other crimes and human rights abuses are mentioned below and are fully detailed in various source documents to which reference has been made.

It is necessary to refer to two appendices for a full appreciation of Cambodia's recent history. One is called Milestones, listing a series of significant events for human rights and development in Cambodia. The other is a conference paper containing a brief history of Cambodian circumstances leading to today's fractured society. So much has happened in Cambodia that the list of milestones is long. For brevity, a summary is given here. We have said that for all intents and purposes,

Cambodia's human rights achievements only started as a result of the Paris Peace Accords of 1991.<sup>5</sup>

The cataclysmic point in history was of course the forced agrarian and social engineering experiment of the Pol Pot regime in the 1970s that led to the deaths of millions of Cambodians. This was followed by war in succeeding decades. (It is only with the demise of the Khmer Rouge in 1998/9, that fighting has ceased). The turmoil and the legacy of man's inhuman treatment of his fellow beings have left their mark deep in society. The collective shame, shared with the international community, led to the Paris Peace Accords and one of the most comprehensive attempts ever to steer a country towards civilization and democracy. The Paris Peace Accords had human rights considerations incorporated throughout in a deliberate way to try to ensure Cambodia would turn its back on its violent past.<sup>6</sup> Those hopes, however, were to be dashed, over and over again in succeeding years, yet in between the setbacks, great strides forward were made.

During the United Nations Transitional Authority in Cambodia (UNTAC) period culminating in the elections of 1993, the country's very first human rights education program began with a special education unit that led in turn to the creation of the Cambodian Institute of Human Rights and other Human Rights NGOs. They were amongst the first in a new phenomenon - NGOs emerging to lead the beginnings of a civil society. Seven major International Human Rights Laws were adopted by Cambodia in addition to an earlier fifteen conventions (please refer to Page 3 of Milestones). The Cambodia Office of the UN High Commissioner for Human Rights started its work as did other UN Agencies and international institutions. Elections were held and a new National Assembly started working.

One of the greatest achievements in Cambodia's human rights history has been the adoption of its own new Constitution. It was very much a Cambodian creation. Its authors may well prove to be as far-sighted as the writers of the original American constitution, for it has many provisions that protect and uphold the rights of citizens. The new coalition government began to create a more stable economic and social climate that led to growth and development, but the relationship between the two ruling parties was uneasy. There appeared to be mutual suspicion. There were reports of killings, threats, and intimidation. The Finance Minister, Sam Rainsy, was dismissed in mid-1994 and stripped of his National Assembly seat. Prince Sirivudh, the King's brother, was accused in November 1995 of plotting to kill second Prime Minister Hun Sen. The tension erupted in armed confrontations in July 1997, which led to the departure from Cambodia of first Prime Minister, Prince Ranariddh.

Strangely, despite these political problems, human rights work and important human development initiatives went on. For example, a major project was begun in 1996 by the UNDP in conjunction with the Royal Government that introduced decentralized planning in the four northern provinces most affected by armed conflict. For the first time, provincial, district and village development committees were formed. Women were given a minimum quota of 40% for membership of village development committees. Good governance, human rights, and participative concepts were taught to all participants, officials and other community leaders. This project paved the way for a national model promulgated in 1999.<sup>7</sup>

So there was progress, but there were other setbacks. Journalists felt at great risk. The editor of the Khmer Ideal local newspaper was the fifth to have been killed in the first two years of the new government. The American editor of an English publication was under investigation and charged with "disinformation, incitement, and creating insecurity and instability". Trade unionists, militant workers and political opponents felt they were targets. Fifteen were killed at a rally led by Sam Rainsy in 1997, but the perpetrators were never identified. Demonstrations that started off peacefully resulted in violent clashes with the authorities. If the Cambodian Constitution had carefully framed the rights of freedom of speech and for citizens to demonstrate peacefully, its contents appear not have been widely understood. Opponents believed the old communist authoritarian mentality applied - "if it has not been expressly approved, it is prohibited!"

An accurate summary of the period of the first government, as a coalition and de facto Cambodian People's Party (CPP)-led version from July 1997 would be this: rights existed on paper; more people became aware of them; but they made little difference to the day-to-day lives of ordinary Cambodians. There was little wonder that in November 1997, the Special Representative of the UN Secretary-General for Human Rights in Cambodia, Thomas Hammerberg, and Prime Ministers Ung Huot<sup>8</sup> and Hun Sen clashed over the state of human rights.

Then somehow from this low point, Cambodia once again clawed its way back to a semblance of normality. Attention was diverted to the one hope for reconciliation and salvation - the 1998 National Assembly elections. There was remarkable co-operation between the newly formed National Election Committee, government, the international community and NGOs active in voter education and election monitoring. It meant that the elections were organized in a period of five months and twenty-three days. Few independent observers would say they were entirely fair. The CPP had well-organized party machinery from the national to the village levels; they controlled most of the media; and there was a climate of intimidation against the opposition. The opposition had to start late and again from scratch.

In all, 39 parties stood but only the largest three succeeded. The CPP ended up with the most seats - a slender simple majority, but well short of the two-thirds constitutional requirement to form a government. The combined vote of the two opposition parties, the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC) and Sam Rainsy's party, exceeded the CPP vote - testimony to the ability and willingness of Cambodian people to withstand intimidation and vote according to conscience. If they had stood as one party, not two, they would have been the winners. Then as losers, they repeated the reaction of the CPP back in 1993, in not accepting the electorate's verdict, claiming widespread irregularity. Cambodia's careful constitutional checks and balances came into play and could have had their finest hour. The NEC and the constitutional council could have acted in a statesmanlike way - investigating the complaints properly - but instead they rejected them out of hand. Democracy at work, shown by the votes of over 90% of Cambodia's eligible electors, was replaced by demonstrations once again leading to violence, and people including Buddhist monks losing their lives in the process. The election had not been an exercise in democracy, and, some suggested, was just another part of the ongoing power struggle.<sup>9</sup>

Once again, another low point was reached, with no apparent solution in sight. There was an uneasy standoff. Eventually pressure from many sources led the CPP and FUNCINPEC to bury

their differences and form a second coalition government. Once again there was the promise of "virtue out of adversity". His Majesty King Sihanouk played a pivotal role. Samdech Hun Sen was to be the sole Prime Minister, and there were to be fewer joint ministers than in the last government - the source of many old tensions. Instead, ministries were shared out, but with balances between the parties at minister and secretary of state levels. Prince Ranariddh headed the National Assembly. Potentially democracy may well have been advanced by these moves and by the creation of a new second chamber, a Senate, to act as a revising chamber.

The months following the formation of the new government saw a rapid number of developments, with Cambodia's re-assimilation into the international community, the resumption of aid and investment, and new policies and commitments that augur well for human rights and development. Certainly there has been far more positive engagement in the affairs of government by international and local partners. Problem areas are openly addressed, such as the spread of HIV and AIDS. There has been genuine consultation on important new legislation such as the anti-corruption law, land laws, and judicial and administrative reform. The UNDP electoral consultant, Mr. Paddy Roome, has had unfettered access to ministers, donors, and civil society, in his attempts to help Cambodia produce good new laws for the elections and administration of new commune councils planned for the year 2000.

These signs are all good. It was also significant that the Special Representative of the UN Secretary-General for Human Rights in Cambodia, Thomas Hammarberg, was able to end his mission to Cambodia in a way that was a far cry from his earlier 1997 contretemps. He became the first foreign dignitary invited to address the National Assembly. Quite rightly, he detailed the areas of human rights that still gave rise to serious problems. He referred to: impunity, reform and independence of the judiciary, proper investigations into politically-related violence, the requirement for any trial of the Khmer Rouge to meet international standards, police reform, the rights of children to attend school, the rights of women, the rights of ethnic minorities, and the state of the prisons, etc.

We would agree that there is much to do, but a genuine partnership by all concerned is needed to achieve good results. In this sense, we very much hope that current plans to introduce legislation governing NGOs is subject to the same process of consultation as for other proposed laws. Civil society, through its vibrant NGO community, has contributed so much to Cambodia that the country cannot afford to deter such successful activities.

There is another prerequisite for human rights and development. The government must be able to raise more revenue and with it the salary levels of all public servants. Judges and policeman have to be priorities. UNDP's Human Development Report 1999 states that 36% of Cambodia's population live below the poverty line, on less than 50 cents a day.<sup>10</sup> Yet hardly any public servants make up this 36%! Logically this should not be the case. Most official salaries for junior staff are in the order of \$30 per month - a sum well short of the \$200 or so needed for a middle-class person to keep his or her family at a reasonable standard of living. The fact is most public servants have much higher unofficial incomes - from private work (often pursued during official hours) and of course from corruption.

We end this section by raising this as the most serious challenge for Cambodia. It affects everyday life for the ordinary citizen.

### 3 The status of Human Rights Instruments and Institutions in Cambodia.

Cambodia has adopted many international laws and there are others it may yet consider. The problem in Cambodia is not that it does not have laws that meet international standards, but that the laws are not enforced effectively. Many laws need improvement. This is so for all laws in all countries over time.

The key question is whether the government and leaders will be able to demonstrate the political will to make existing and new laws work. Our study is suggesting that this will is emerging, together with the recognition that they cannot do it alone. They need civil society and international support, and more than anything else, greater confidence among the general public.

Cambodia is a signatory to the following<sup>11</sup>:

The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the Convention on the Elimination of All Forms of Discrimination Against Women; and the Convention relating to the Status of Refugees and its 1969 Protocol.

Cambodia is party to fifteen major conventions relating to human rights. : The Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Suppression and Punishment of the Crime of Apartheid; the Convention on the Prevention of the Crime of Genocide; the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery; the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of Armed forces at Sea; the Convention relative to the Treatment of Prisoners of War; and the Convention relative to the Protection of Civilian Persons in Time of War. All were adhered to by Cambodia prior to the transitional period.

International human rights instruments are rarely used by local people, although government officials and leaders are beginning to be more aware and make greater use of them. The decimation of the education system and the purge of the intelligentsia in Pol Pot's time followed by subsequent decades of turmoil have left Cambodia bereft of good professional people in every walk of life. There is an enormous gap in skills and knowledge to make up. Many public servants have had poor education and little experience outside their immediate work circles. Many lack the capacity to understand and apply the more sophisticated and flexible ways of working in a pluralistic democratic society. Almost all offices lack resources, including basic reference documents. When CIHR conducts its good governance training, it is very often the first time that officers learn about such concepts. Some have not read about the constitution or the civil service laws. There is little wonder that international laws have had little impact when even domestic



practice is based more upon following local precedent than the government's own laws, rules, and regulations.

The Royal Government has been addressing the problem through various initiatives. It supports its own Royal School of Administration, and it has co-operated with the United Nations Center for Human Rights in providing training on human rights to key personnel in administration, the military, police and gendarmerie. It supports a mentoring scheme for judges. The government, the UN Center and other donors have supported CIHR efforts that have enabled 11,000 officials and community leaders to be introduced to good governance and human rights concepts (January 1998 to November 1999). They also support the training of teachers in how best to convey human rights to their students, and so far 27,000 of Cambodia's teachers have completed the course. Other local NGOs are also active in communities - LICADHO, ADHOC, VIGILANCE and OUTREACH, to name just a few.

Slowly but surely, the message is getting through, although 30 years of turmoil, ignorance, disbelief, and trauma cannot be reversed in days or weeks. It will take generations. International laws feature in the training. Most laws have been translated into Khmer, though with considerable difficulty as Western legalese does not readily translate into everyday, understandable Khmer. Nevertheless, the main provisions are provided in handouts. Experience has shown, however, that they are not the only way or the best way to talk about human rights in Cambodia. The objective with all education and training is to get across essential messages in a way that is familiar, understood, and most likely to be acted upon. For this, it is best to use the international concepts alongside Buddhist ones, or expressed in relation to Lord Buddha's teaching rather than presenting them as external, abstract, and perhaps alien concepts from the West. This way they are accepted.

Cambodia is today becoming more open to outside influence, because of the market economy, consumerism, computers and mass media. Young people are very keen to learn English. The United Nations Children's Fund (UNICEF) and CIHR co-operated on the production and distribution of posters called "Children have special rights - so have older people". They set out the rights of the child, and in view of 1999 being International Year of Older People, also included the UN Principles for Older People. Twenty thousand copies were produced in Khmer and English, and have been distributed to schools and public offices throughout the country. They serve to convey the international messages as well as to be used as a language learning tool.

The success of this advocacy campaign follows equally innovative and effective voter education advocacy techniques used for the 1998 National Assembly Elections. There is clearly scope for more modern advocacy and marketing approaches to be extended as and when resources are available to promote empowerment of citizens.

The presence of international institutions has been of more obvious benefit to Cambodia than international laws. The UN Center for Human Rights has played a key role, in its own activities, in terms of its influence over government, and its support and encouragement of local NGOs. The recent decision to enable it to continue for another two years is very important for everyone. Local NGOs need the more officially accepted and perceived greater neutrality and professionalism of UN Center staff to be fully effective themselves. Local Human Rights organizations conducting fieldwork face many problems, as evidenced by the Sihanoukville Toxic Waste case of early 1999.



(Please refer to Milestone No 39, Appendix 2) Workers from a local NGO, LICADHO, were reportedly arrested and charged for inciting civil disorder after observing public demonstrations against what was found to be a serious health hazard. The case was eventually dismissed for lack of evidence, but the media had garnered considerable and close international attention, thus furthering the interests of due process of law. It serves as a reminder of Cambodia's need yet for international institutions and help.

The combined efforts of all international institutions with civil society are beginning to bear fruit. As well as contributing to proposed new laws already mentioned, they have helped the government to identify where existing legislation falls short of internationally accepted standards. For example:

- Article 51 of the Co-Statutes on Civil Servants may need further amendment to prevent immunity and delay in cases brought against civil servants. A recent amendment, as yet untested, may have reduced earlier provisions that prevented legal action until the permission of superiors had been granted. However, it may still help to indemnify offenders and therefore poses a threat to the rights of citizens.
  - A Penal Code, Criminal Procedure Codes, Rules of Evidence, and Statutes governing Magistrates and Court Clerks are needed, combined with the Supreme Council of Magistracy being given the independence and authority to do its vital overseeing task.
  - The new laws should include proper protection for witnesses as well as increase penalties for interference in due process of law whether through threats, intimidation or bribes.
  - Proper legislation establishing the civilian police and gendarmerie services are needed, with independent regulatory and complaint mechanisms. Such mechanisms must be invoked in the event of torture or death in custody or during the process of arrest.
  - An independent Public Service Commission could help to restore confidence in procedures governing the appointment and conduct of senior public officials
  - A citizen's charter could be enacted providing for rights and safeguards when dealing with public servants, with prescriptions for regular public reports, access to meetings, and other measures that promote accountability and transparency.
  - Existing Labor Laws require supplementing and better enforcement to uphold workers' rights.
- All the UN Agencies, in their own way, have contributed to human rights and development in Cambodia. We will list just a few achievements here. The UNDP played a leading role in the arrangements for the National Assembly Elections in 1998. It continues this lead for commune elections, in civil service administrative reform, through the SEILA project, and its support in many areas. The UNHCR contributed to the peaceful repatriation of all Cambodian refugees this year and their re-integration into communities. UNESCO is the main organization that helps Cambodia maintain its proud cultural tradition including restoration of so many traditional values that are basic human rights. The UNFPA and WHO are active in the health field - one particular project, Safe Motherhood, is contributing to the rights of women. Women's lack of education and the ability to direct their own lives makes them vulnerable to HIV/AIDS infection, illegal abortion, and sexual abuse. Other UN programs provide relief and assistance to mitigate the effects of poverty.

Other international institutions worthy of note include the European Union, through various development programs. The EU, along with Japan, played a major role in the National Assembly Elections. Membership in ASEAN will present many more opportunities for economic and social development, and for human rights. It has created the opportunity to work with and learn from regional partners, following a visit by a delegation of leading human rights advocates within ASEAN

in early April headed by Philippines Senator Carlos Melina and former Thai Parliamentarian Mr. Praphan Hutasingh.

World Bank and IMF are re-engaging more fully. The resumption of funding will help the economy and contribute directly to government reforms. The World Bank has taken a leading role in supporting anti-corruption legislation. Pressure from all these organizations and the diplomatic community will maintain the momentum for peace and positive progress towards human rights and development.

This pressure from international institutions and the diplomatic community and that from civil society may well enable Cambodia's domestic human rights institutions to work more effectively than they have in the past. The Human Rights Commission, according to Chairman H.E. Om Yienteng, has resolved "numerous complaints and co-operates with the UN Center for Human rights in visiting prisons", but outsiders including NGOs see it as being too closely connected with government, lacking independence and neutrality. This weakness is recognized by the Government. There is a need for change, but views differ. A positive milestone occurred on 5 September 1999 - a top-level meeting of interested parties was held at the Senate. Some people favor an entirely neutral apparatus, whereas others favor a joint body with government or legislators. Either way the topic is under active discussion. We would prefer to see Human Rights removed from the political sphere, with no party political representation. Also, as stated, ASEAN may well help develop domestic and regional mechanisms with uniform international standards.

#### **4 Critique of principal actors**

##### **(a) The State**

Cambodia is not a totalitarian state. Ministers are learning to govern, just as legislators are learning to debate and legislate. Collective responsibility is emerging,<sup>12</sup> although there is still very heavy reliance on the Prime Minister for direction. Similarly, concepts of long-term planning and inter-ministerial collaboration are developing. These new methods of working are becoming more apparent with greater openness and as a result of the new external influences from the international community and civil society.

The Cambodian Government is faced with the same problem of all new incoming governments - how quickly can it deliver improvements? How much time is there for real change to occur?

Our summary earlier painted a contrasting picture. The Cambodian Government since 1993 has always been more open and tolerant of human rights initiatives than at times it has been given credit for, but there have always been lapses and setbacks. The new government appears to have greater self-confidence brought about by having one Prime Minister and enjoying wider national and international support. The extra confidence enables ministers to go about their job in a more determined way than was the case previously. This extra self-assurance is conducive to greater openness.

Ministers are raising many issues, not only in response to outside pressure, but because they share the vision of a better, more peaceful, prosperous Cambodia. The real problem they face is in delivery. They need to be making real changes and achieving measurable results. Public services must improve, especially health, education, roads and social services. Far more citizens must benefit directly, otherwise understandable cynicism will turn into disillusionment. The transfer of real money from defense into citizen-oriented nation-building services must proceed more quickly.<sup>13</sup> Revenue collected must be seen to go directly into services that the ordinary taxpayer, the consumer, or the rural peasant or forest-dweller can see. He or she is entitled to better services. Prices have gone up since the introduction of a new VAT tax, but real improvements in local services have not yet followed. So much revenue has been gained from logging in the rainforests, yet very little of it seems to have gone to the ethnic minorities whose ways of life have been harmed by it.

The greatest threat is the current rate of crime and the climate of impunity. Many of the reforms in the pipeline will take years, but the problem needs tackling now. The government's problem is to convince ordinary people that they are not involved in crime or are not the beneficiaries of crimes. So far they have failed to do this. The authorities must demonstrate their will to have 'rule of law' restored by swift and proper action in cases of crime where irrefutable evidence exists. There must be no protection for culprits because of their status as party members, public servants, or members of the security forces. Too many perpetrators evade justice even when the crimes are witnessed, reported and receive wide publicity.

This dilemma is illustrated by the debate over the arrangements for the trial of former Khmer Rouge leaders. Reports of several human rights organizations and observers refer to the lack of proper investigation into many politically-motivated crimes. One case involving the murder of a local celebrity came to the attention of the world.<sup>14</sup> There is a widely-held impression that powerful leaders have something to hide. Somehow the government must resolve this if they are to retain public and international credibility. If not, these issues will continue to dog them.

Next to crime, the Government's other main problem is the one of making a real shift in the style of administration towards putting people first. Individual decisions are made that do cut across human rights. They may be by sub-decree or simply administrative order and they may be well-intentioned. For example, the Phnom Penh Municipality is today involved in two 'clean-up' campaigns. They want to remove many of the brothels and are rounding up foreign prostitutes who may be illegal immigrants. They want to remove the 'unsightly' houseboats on the river where many people live. The majority of people affected in both campaigns are Vietnamese or Cambodian but of Vietnamese origin. They are amongst the poorest and least-educated and therefore at risk of not having their rights protected. Authorities must be careful to maintain the balance of interests of the vulnerable with commercial and other interests, including improvements in the urban environment.

H.E. Om Yientieng, Special Advisor to the Prime Minister and Chairman of the Government's Human Rights Commission,<sup>15</sup> said for this study that "The government is committed to four main reforms - of the military, the police, the judiciary, and the administration". He said they also recognize the need for improvements in penal institutions. One key element in the reforms will be the planned commune council elections. The aim is to decentralize government as much as

possible, save for national defense, judiciary, and foreign affairs. This concept is new to all Cambodians. Local democratic development marks a change from top-down administration towards grassroots and people-oriented administration. Finally, H.E. Om Yientieng made a special point that "The Royal Government is open to criticism, but urges for suggested solutions to problems". Given the public consultations on new laws, this point is valid and encouraging for the multi-partner involvement in development.

The state at local level is in the process of change. The government wisely re-allocated provincial governorships earlier this year, a suggestion first proposed by the NGO sector. More recently it has done the same with the police chiefs. This has created change in many localities where the same team of people had been in control for years. An excellent example of what can be achieved from such moves and human rights training occurred within weeks. Lt. Colonel Rath Srieng, Gendarmerie Chief in Banteay Meanchey, achieved two outstanding results.<sup>16</sup> He prevented young girls from being forced into prostitution and stopped priceless examples of Cambodia's heritage from being illegally exported.

Similar changes are taking place in administration at the district level. Just as in the case of the national and provincial posts, if the basis of appointments is party affiliation as opposed to professional skills and knowledge, then it poses a threat to the concept of a neutral civil service.

At the next level of administration, there are the communes where the first 'grass-roots' democratic elections have been under consideration in recent years. The government is actively working on proposals now and has been consulting widely. Ministers have accepted expert help from a UNDP election consultant. Commune leaders too have been in-post, often for many years. There are few women leaders. The current plans are likely to provide for councils of 5-11 members and could emulate the village development committees with a quota of 40% minimum female representation.

Our conclusion is that the State is 'on its way' to creating a better climate for human rights and development, but needs to give further attention to certain critical issues, and requires more time. The more business-like approach does help.

#### (b) NGOs

This study has revealed very positive features for civil society as expressed in the growth and development of NGOs since 1993. There are consistent patterns of achievement, despite the less than favorable environment that has often existed. There are so many activities in virtually every walk of life. NGOs as we know them did not exist before 1991. There were hardly any local NGOs. That year 25 formed the Co-operation Committee for Cambodia (CCC) and today there are 87 full members. The 1999 CCC listing shows 416 members of various status. Similar numbers have registered with another NGO umbrella organization, the NGO Forum. When the Coalition for Free and Fair Elections was formed in 1996, over 100 NGOs joined it. The actual number of NGOs is probably higher as some still find it expedient to be low-key and even covert.

The NGO community includes international and local NGOs. It is the local NGOs that are most important in the growth of civil society. NGOs that are exclusively or mainly human rights in nature number about 40, and 15 of these form a Human Rights Action Committee to present united stands

on key issues. <sup>17</sup> Women's groups are becoming more common and more pro-active, and the majority of NGOs have an interest in one or more feature of development. All are essentially non-profit. Most depend on international funding that brings external standards of accountability. All in all they are an exceedingly healthy aspect of civil society.<sup>18</sup> Their role in the National Assembly elections in voter education and poll/count monitoring may well have been the ultimate factor in influencing the political parties to accept the voters' verdict. They had fielded no less than 20,000 domestic observers. This was a great achievement, as well as marking great potential, for the growth of grassroots civil society.

NGOs recognize that more could be done with better co-ordination and targeting of activities. Most have to work hard to raise funds, and resource limitations do place constraints on time and activities, but there are various groups that meet in relation to sectors of interest, including a Human Rights Action Committee. NGOs recognize the need to develop their internal organizational arrangements and methods to promote sustainability, such as local fund-raising. As mentioned earlier, a proposed NGO regulation law could harm the positive impact of NGOs and have serious implications. The latest version with the Council of Ministers does give the government more powers. The interpretation of the proposal requiring disclosure of information could compromise donor and client confidentiality. It is hoped that the new law will be subject to the same process of consultation and amendment as other legislation.

A further indication of the desire of the government to see closer NGO and client group supervision was given during a recent National Assembly debate.<sup>19</sup> Finance Minister Keat Chhon said while there is support for non-profit NGOs, "If you want to turn yourself into a business, you have to pay taxes". Nobody would question that but once again a balance has to be struck between the state's legitimate rights and those of the private citizen. NGOs are in the business of helping private individuals and groups escape poverty by micro-enterprise schemes. Often they are the only source of start-up capital apart from private 'loansharks' who charge enormous sums in interest and escape tax payment themselves. If the government gets the balance wrong, then as with the main NGO legislation, the successful micro-enterprise sector may be harmed.<sup>20</sup>

It may be unfair to select a few of the many NGOs for special mention, but we were asked to provide examples of successful local NGO activity in promotion of Human Rights and Human Development.

i) Khmer Institute of Democracy (KID)<sup>21</sup>

KID is involved in advocacy, education, and training in democracy. In 1998, it mounted 140 seminars on democracy with 7,895 participants. It went to many very remote locations, developed an Ombudsman scheme for Cambodia, operates a library, conducts research, issues publications, and participates with other NGOs on joint activities.

ii) OUTREACH<sup>22</sup>

OUTREACH is a human rights and community outreach NGO that targets its work mainly towards women. In 1998, they trained 28,802 participants of whom 20,675 were women. They conducted human rights monitoring activities, as well as voter education and monitoring for the election

process. They have a community development component, helping women develop sewing skills, and are constructing a school.

iii) ADHOC<sup>23</sup>

ADHOC is one of two major local human rights monitoring organizations, and the lead player in the election-monitoring consortium of NGOs called the Committee for Free and Fair Elections (COMFREL). ADHOC conducted human rights education and training with 17,918 participants and 562 sessions from 1998 to 1999. In monitoring, they investigated 812 cases and were involved in other activities such as prison visits. They conducted research in topical problems such as impunity, and focussed special attention on domestic violence and human trafficking. They have a community development component with micro-enterprise credit schemes operating in 22 villages, with 'rice-banks' and construction of 7 schools. They are a major advocacy organization in their own right and through partner NGOs.

iv) Human Rights Vigilance of Cambodia (VIGILANCE)

VIGILANCE conducts monitoring and education activities. From October 1998 to September 1999, they monitored 597 cases, with major land disputes in Kampong Cham province ending with the land being returned to 300 families. Their education program targets police especially, but also includes local authorities, monks, and the general public in remote areas. They are members of COMFREL.

v) CIHR<sup>24</sup>

CIHR is mainly an education and training organization seeking to establish peaceful dialogue with all concerned in pursuit of its mission to promote human rights, democracy, free and fair elections, culture of peace and gender equality. The Institute has trained 27,000 teachers in how best to teach human rights to students (30% of the national teaching work force), plus 11,000 officials and community leaders in good governance. CIHR produces regular TV and radio shows, including Distant Learning for Rural Women, with 3 million frequent listeners. CIHR has published and distributed one million documents on human rights issues and organizes national and local rallies promoting the culture of peace and non-violent solutions to problems. There is an integrated community development project - a pilot project to show other NGOs with school, health, social services, and income-generating activities. CIHR started the Cambodian Girl Guide movement.

(c) Trade unions

Cambodia's trade union movement, like NGOs, is very new. It is best organized in the relatively new garment industry, where it is easier for workers to meet. There are virtually no trade unionists in rural areas and in the agricultural sector, where local and worker organization is still very much a CPP prerogative. Public sector workers have not developed independent trade unions. There is therefore much to do for workers to organize themselves into responsible groups that can further the interests of their members in a legitimate and constructive manner.

In the opinion of the author, the close association with the Sam Rainsy party in this regard has impaired their progress. This has over-politicized their profile and activities, bringing immediate opposition from the ruling parties. More significantly, it has limited their access to technical expertise and funding through NGOs that are invariably neutral in their political position.

The trade unions would benefit from greater professionalism. They can certainly learn from movements in other countries. They are on the one hand closely associated with the Sam Rainsy Party, yet on the other hand heavily dependent on the government to assist in dispute resolution. They have not acquired their own sophisticated negotiation and collective bargaining skills.

The prevailing more tolerant climate is beginning to benefit the trade unions. The research for the Milestones appendix showed that whereas worker and trade union demonstrations were quickly and forcibly put down in previous years, more recent ones have been allowed to continue. Of course it is still too early to conclude that the constitutional right to demonstrate peacefully is fully established, but here too, Cambodia does seem to be on the right track.

It has not been possible to obtain information on the numbers of trade unions and membership - here too there is understandable reluctance to release details.

#### (d) Community Associations

The return and resurgence of Buddhism has brought with it the resurrection of traditional, community-based committees to oversee pagodas. These have had remarkable success. The committees consist of spiritual leaders (head and senior monks and nuns and lay people who are prominent local citizens). Throughout the length and breadth of Cambodia they have rebuilt and restored thousands of pagodas destroyed in the Pol Pot era. These have been built with funding generated by the local population. Many pagoda (or wat, as they are known locally) committees have gone on to establish social services in their communities. They have built schools, and been in many cases a dynamic and responsible mechanism for development.<sup>25</sup> They could serve as role models or for lead roles in two other developments mentioned in this paper - the establishment of commune and local councils and the village development committees. They also contribute to peaceful resolution of conflict.

Other types of community association are not well advanced in Cambodia. Local and international NGOs using participatory techniques in community development have generated local committees. We have not been able to ascertain how many and how longstanding they have been, but this information would serve as a useful benchmark. Here too there is a reluctance to release information. A study that shed light on this problem was conducted earlier this year by a local think-tank NGO.<sup>26</sup> While generally optimistic, the authors stated that "Building bridges between authorities and civil society is absolutely crucial to heal Cambodian society, and thereby achieve a culture of mutual respect for a democratic future".

#### (e) National media

"We still have to practice self-censorship!" an editor told us. Cambodian journalists have had very dangerous jobs - "the messenger has been shot" literally and often, we were advised for this study.



Several were reported to have lost their lives, others killed in dubious circumstances, injured, and threatened. The self-censorship restraint applies equally to whether they work for Khmer or foreign language newspapers. Sometimes the worry is for their family members. Their fear, perceived as real and well-founded, cannot be ignored. One case cited in Milestones is still remembered. Thun Bun Ly, editor of Khmer Ideal, was reported to have been sentenced in August 1995 to two years in prison for accusing the government of being a dictatorship. He was released only to be assassinated on 18 May 1996 in broad daylight on a Phnom Penh street by two men on a motorcycle. The perpetrators were never apprehended.

Thus we have to conclude that freedom of the press is one area where substantial improvement is needed. A further example referred to earlier is the death of the famous local actress Piseth Peaklica on 6 July 1999. She was one of the nation's most renowned actresses and the tragedy produced an outpouring of anger and sadness at this murder. There were stories linking her death to very prominent personalities, but no newspaper in Cambodia risked printing the essential part of the story until after it had appeared in the foreign press.<sup>27</sup>

This censorship applies where journalists fear for their lives. The Ministry of Information occasionally practices official censorship. They have closed down newspapers and court cases have been brought. Since the formation of the current new government, however, the only official action has followed criticism of the King.

By and large, newspapers have been free to print stories and to criticize government. H.E. Sam Rainsy, the Leader of the Opposition, is often quoted in the papers.

Much more censorship or selective reporting takes place with the mass media, TV and radio. Some are government-owned. Others are owned by political parties and therefore heavily weighted. Others are actually owned by party leaders or prominent politicians. Independent organizations are emerging, but it will take some time for them to achieve the same geographical coverage and capture market share. The Women's Media Center now has its own radio broadcasting station and will seek to extend coverage beyond Phnom Penh. Few local stations will be able to develop their own news gathering service, so Cambodia will have to rely on international broadcasters like CNN, BBC, Voice of America, and Radio Free Asia for some time.

The latest electronic media, e-mail and internet, enjoys virtual freedom from censorship and there are no means of controlling it. This better communication has played a vital role in the development of civil society, as information is passed and shared far more quickly than ever before. Cambodia's telephone network by landline and satellite is ever increasing, and beginning to bring rural areas into the modern communication age.

#### (f) Private sector

Cambodia's private sector is beginning to expand as the government firmly accepts the free market economy and money comes into the country. Of course the agricultural sector has always been private but it is made up of many market traders with little or no mechanization. Officially private investment continues to be slow.<sup>28</sup>The true level of investment may be much higher for various reasons. It may well be that investors calculate it is better to forgo the privileges from officially

declared investment in favor of officials not being aware of their businesses and proceeds. This is an obvious symptom of corruption.

We found it more difficult to elicit views from business. That too is characteristic of businessmen and women everywhere. They are more concerned with their business. We know from reports in the press and our own talks that a similar pattern exists. The more peaceful, more liberal climate encourages business expansion, but increased crime, corruption, poor governance and weaknesses in the court system deter investment.<sup>29</sup>

One head of a woodwork company said his business was damaged by "corruption from the top to the bottom ranks in government". A former law student now embarking on her private business career with a market stall said, "I laugh because human rights and the law never seem to be good and implemented by the government". She also said to "Change or dismiss all court prosecutors, policemen, and gendarmes who lack competence and work for only one political party". A taxi-proprietor said, "We are worrying about our daily life because soldiers, policemen and gendarmes often threaten us."

A very vibrant business sector appears to be the 'black' economy. It is large, operating from 'seepage' and illegal earnings from crime and unofficial activities. It controls prostitution, human trafficking, illegal importation of goods evading customs charges, exporting of national historic artifacts, illegal logging, etc. It has flourished in Cambodia where rule of law and other regulatory mechanisms are weak. Press reports often allude to powerful people being involved. One recent writer to the Cambodia Daily wondered: Who are the owners of so many big, new, and unoccupied properties available for rent in Phnom Penh?

There have been several kidnappings of prominent businessmen released after payments of ransoms. The authorities have had very limited success in apprehending the culprits.

Clearly the Royal Government has much to do to achieve the aim denoted by its self-declared name of being the 'Economic Government'.

The private business sector itself through the Chamber of Commerce, and Trade and Employer Associations could take a lead in promoting ethical business standards as well as presenting united stands against corruption.

#### (g) Other groups

Almost all respondents to our study commented that the resurgence of Buddhism was the main local cultural factor that has benefited human rights and development. Buddhist religious leaders, as well as other religious leaders providing spiritual leadership are helping to restore morality in all walks of life.

Students unions, like trade unions, are at a formative stage of development in Cambodia. Students have been active in demonstrations on various educational, political, and social issues but have not so far emerged as major initiators of protest, as in other countries, where it has led to problems and change. The government recently has shown concern to listen to student leaders. The Prime

Minister has met leaders. Ministers and students agree on the need for more investment in education, stricter application of rules regarding the awarding of qualifications (so that they are awarded on merit), and greater career opportunities for graduates on completion of studies. These students are vital for Cambodia's development.

Within Cambodia there are a number of very important international organizations worthy of further comment. They are organizations that are themselves donors, or can access funding from wide sources. We are referring to organizations such as the Asia Foundation,<sup>30</sup> PACT, large NGOs like Save the Children<sup>31</sup> and Oxfam,<sup>32</sup> and religious organizations such as the Church World Service,<sup>33</sup> World Vision<sup>34</sup> and the Lutheran World Federation.<sup>35</sup> These bodies are responsible for much fine work in Cambodia through their own operational programs and with local partners. Fine contributions are made too by international volunteer sending agencies from the United Kingdom, Japan, Australia, New Zealand, Sweden and Ireland.

Equally importantly, however, because these agencies are all multinational, they do two things. First, they bring into Cambodia international and regional perspectives. Second, they provide Cambodia with more access and more say in the outside world. The world has many trouble spots. Fortunately Cambodia is no longer one of the top spots, but that means it is no longer receiving the attention that would enable it to attract development aid and other assistance. Kosovo and East Timor 'enjoy' the world's attention now. Their people have suffered badly. Their infrastructures have been damaged, but they have not experienced the scale of damage to their nation's human resources that Cambodia and Rwanda have experienced. Politicians are fickle. These multinational organizations are more consistent. They are more systematic in their assessment of needs in the world as a whole. They have remained in Cambodia throughout recent difficulties, and are committed to long-term sustainable development. They are true friends.

We commend their efforts and reinforce the point that any proposed NGO Law must not deter them or their local partners.

## 5 Benchmarks

This study has served a useful purpose in drawing attention to the need for measurable indicators of real progress in human rights and development. Further thought has to be given to this. The consideration currently given to the formation of a new human rights body and mechanisms for Cambodia should include the establishment of such criteria, together with the means to gather it.

At present individual organizations gather their own data for their own purposes. The government's lack of funding and technical expertise means, understandably, it does not have a sophisticated central statistics office to collate and report on data in relation to all aspects of life and public service. This expertise needs to be developed within all ministries as well as in the central coordinating ones. Hopefully it will bring in even more international support for capacity-building. A good start has been made by some organizations such as the UNDP, World Bank, and Government of France. This study supports the contention of the linkage between human rights and development, with the full range of rights encompassing economic, social, and cultural rights as well as civil and political rights. Benchmarks for human rights must therefore be integrated and

interpreted with other indices such as income, poverty, literacy, health, etc. We must also be sure of obtaining correct information for the rural population.

The Human Rights organizations undertaking investigative work gather data in the same way as police forces record crime. Necessarily they collect details of abuses. Ambassador Thomas Hammarberg, Special Representative of the UN Secretary-General for Human Rights in Cambodia has reached the end of his term in office. In his recent report on the human rights situation to the National Assembly, he listed the continuing shortcomings.<sup>36</sup> The format follows previous reports of this nature. The US State Department produced a more critical report of the situation in Cambodia in 1998.<sup>37</sup> It referred to 53 credible reports of politically motivated disappearances, including four monks and 24 unidentified bodies. A further Human Rights report also gives numbers of killings, attacks, incidences of torture, and more.<sup>38</sup>

If pure figures are to be taken as benchmarks, then things presumably will be better or worse in 1999, depending on increases or decreases. This can be misleading. Just as much crime is never reported, many human rights abuses are not reported. Domestic violence is probably much higher than is reported or acknowledged because families keep their problems private. People in communities find it safer and more expedient to stay quiet when abuses committed by more powerful people occur.<sup>39</sup>

If Cambodia becomes more open and less intimidating, people could feel more comfortable in reporting crime and human rights abuses. So the actual figures could deteriorate while the general climate 'improves'.

This scenario was played out in 1998 with the interpretation of the outcome of the National Assembly Elections. There are, for elections, clear benchmarks and recognized international standards - voter registration, voter turnout, numbers of parties, candidates, agents, independent observers, reported irregularities, etc. Most observers agreed that the election process was technically sound, and on election day, virtually all voters were able to cast their ballot without intimidation. However, the final 'analysis' by experts varied from praise: "the miracle on the Mekong" - to condemnation: "fundamentally flawed".<sup>40</sup> There is truth in both comments. The more critical comments looked at the entire election picture from the outset to the final formation of the government. Some things did go wrong, one party did have an overwhelming advantage, but in the end the question to be asked is: "Was democracy advanced in Cambodia or not"? CIHR and much of civil society in Cambodia conclude that it was advanced and is stronger. What would have happened if the elections had been canceled?

We would therefore advocate (a) the production of agreed benchmarks, (b) their correlation with other development criteria, (c) qualifying guidance for interpretation, and funding permitting, (d) the use of social marketing surveys to gauge the overall climate in the country.

## 6 Economic and Social Rights

When the date of July 26 was fixed for the National Assembly Elections, one main factor was taken into account. When would the annual heavy tropical rains commence? Heavy rains would make dirt

roads impassable, but more significantly, 84% of Cambodia's rural population would be working in their rice-fields. How many of them would sacrifice their food in order to vote? Not many!<sup>41</sup>

Human Rights encompass all rights and the circumstances that enable people to exercise those rights. Poverty, whether it occurs in rich or poor countries, denies people many basic rights that they may have on paper. Thirty-six percent of Cambodia's population of 11.43 million are reported as living below the poverty line.<sup>42</sup> How can they exercise their constitutional right to 'participate actively in the political, economic, social, and cultural life of the nation'?<sup>43</sup>

Poverty has to be eradicated. People must have the means to improve their lives and livelihoods. Two public services are most important for them to achieve this - education and health. Education creates better opportunities for employment and is the key to making full use of new techniques, resources, etc. in all aspects of life. Good health enables the person to have education and then grasp those opportunities. It has already been said that expenditure in these fields is much less than for defense. Let us put it in perspective for this 36%.

Only 19% of children attend secondary school. The male/female enrolment difference widens to 88% at upper secondary school level. Less than 0.5% (1 in 200!) of students go on to tertiary or vocational education.<sup>44</sup>

Cambodian households are paying far more than they can afford for health care (\$33.36 per head per year), and government-financed health spending is woefully inadequate. For a country as poor as Cambodia, it is astonishing that 82% of funding for health care is born by patients themselves, with only 4% by the government.<sup>45</sup> This is clear evidence to confirm that health professions and other public servants use their position to obtain income from patients.

## 7 Vulnerable groups

Conflict invariably harms certain groups of society more than others. Cambodia is no exception. Peace and stability now provide the opportunity to introduce measures to help these groups, whose needs have been neglected.

### (a) Women

Women have suffered in this process and from traditional cultural norms that give them an inferior place in the family, in the community, and in the life of the nation. So far the international and constitutional provisions that espouse equality have had little impact.<sup>46</sup> Again things are beginning to change. The NEC and NGO voter education campaigns encouraged more women than ever to vote, and to exercise their choice independently of husbands and fathers.

Women make up a large majority in rural areas, as men have been engaged in the forces and more have migrated to the urban areas. They are the main food-producers as they make up more of the agricultural workforce. They are also the main workers in the garment industry and other factories. They form a large majority of the market traders. Women are the main wealth-creators as well as family supporters, yet their contribution in national life is still under-recognized. Cambodia

had its first large national conference devoted to women's issues in September this year (Refer to Milestone 62). This has helped the beginning of change. Women's NGOs are particularly active. One of them, the Women's Media Center, operates its own radio station, monitors the image of women in the rest of the media, and seeks to portray them in a better more realistic manner. Some groups, led by 'Women for Prosperity', are encouraging more women to seek public office. CIHR, thanks to funding from the United Kingdom Embassy and with the support of the Ministry of Interior, has encouraged more women and girls into public service and to strive for promotion by providing women-only good governance seminars.

The Ministry of Women's Affairs is now a full-fledged ministry with a popular and articulate minister, H.E. Ms. Mu Soc Hua, but she does not have an operational program or budget. She relies on 'influencing' other ministries, but as stated above, the social sector ministries themselves struggle for priority for their own work. Government and donors should co-operate to enhance the status and resources of this ministry. The 40% minimum quota for village development committees is a good start to encouraging more women into public life. At present only two Government Ministers, four Secretaries of State, nine National Assembly members (out of 122) and four Senators (out of 61) are women.

Girls have less opportunity for education. Women make up the majority of Cambodia's estimated 36% illiterates. This imbalance has to be addressed by all concerned.

#### (b) Children

Cambodia's children, like many in poor countries, are extremely vulnerable. Although the Constitution and the Convention on the Rights of the Child in theory safeguard their rights, poverty and the breakdown in social order mean that these rights are often denied to them. Girls suffer more because society traditionally gives preferential treatment to boys. Absolute poverty leads to many young girls being sold for sexual exploitation - wealthy purchasers believe this protects them from HIV/AIDS infection. The climate of impunity is such that local and foreign perpetrators do not fear prosecution.

The International Labor Organization (ILO) in a survey in 1996 estimated that 10% of Cambodian children between the ages of 5 and 14 are working, although that figure is likely to be far exceeded during planting and harvest times in rural areas. ILO has been instrumental in promoting improvements in Cambodia, including hosting a two-day workshop in November 1999 with government officials, employers, unions, and NGOs. They hope that Cambodia will ratify the ILO minimum age convention and other child labor conventions.<sup>47</sup>

Fewer girls attend school and far fewer go on to secondary school (30.9% of the relevant age group). For every girl in further and higher education there are more than five boys.<sup>48</sup> The reasons vary although poverty is the main cause. Culturally, as well as the preference given to boys as future breadwinners, girls are at a disadvantage because many live far from secondary schools and colleges. Single girls are expected to stay at home under their parents' close guidance until they are married. This problem will not be overcome properly until education spending provides for all children to have access to such facilities on a day attendance basis.

The state's lack of resources for social services, the poor level of education and professional training at all levels of administration, and the inadequacies of the police services mean that Cambodia has a long way to go to provide properly for its children.

#### (c) Disabled People

The Ministry of Women's Affairs also has responsibility for 'veterans'. The country has vast numbers of disabled people. Nobody knows the real figures. Many suffered in the wars. Others are victims of the continuing problem of landmines. Many more are being added as the traffic laws are widely abused, so that accidents are common. Mental handicap has been concealed, but again there are large numbers of people suffering the same illnesses and disorders as in the outside world. To be added are those who are traumatized from their ordeals in recent years.

All of these are covered by Article 74 of the Cambodian Constitution: "The State shall assist the disabled and the families of combatants who sacrificed their lives for the nation". Again, lack of peace until now and shortage of resources has meant limited practical help. Several international and local NGOs are active and co-operating with various ministries.

#### (d) Older people

The same situation applies. Traditionally, Cambodian society revered older people for their wisdom. Older people often helped to solve disputes peacefully. Communities and extended families provided for them in old age. These traditional structures have broken down, marginalizing older people. Women again form the majority. The state has not so far been able to establish a social security system.<sup>49</sup> Various studies and commentators make the point that reverting to traditional cultural values combined with the reduction in authoritarianism, can be a positive driving force in Cambodia's recovery.<sup>50</sup>

#### (e) Indigenous groups

The Cambodian Constitution protects 'Khmer' people but it is not clear how this is to be defined. There is some evidence in Cambodia of the brand of extremism that portends that nationality and sovereignty are pure only to one race. Cambodia is very much multi-ethnic. It has several indigenous tribes who probably pre-date the Khmer.<sup>51</sup> They have maintained a traditional hunter-gatherer life-style in the remote mountainous regions. They have suffered more than any other groups. They were caught up in the same troubles. More recently vast tracts of the rainforests have been logged. This has prevented them maintaining their unique lifestyles, bringing them into much contact with an alien outside world. They are particularly vulnerable to diseases and have little means of adjusting to the different society.

In July 1999, the brutal murder by 'armed bandits' of 14 members of one of Cambodia's small ethnic minority groups took place in remote Rattanakiri province. Circumstances are suspicious and few details emerged.

International laws protecting the rights of ethnic minorities must be enforced and urgent priority needs to be given by the Cambodian Government and partners to these people.



A second large minority group is the Cham people who belong mainly to the Islamic faith. They are more integrated. Then there are various peoples of Vietnamese, Chinese, and mixed origin. They are particularly vulnerable to intimidation and corruption, as many do not have 'identity papers'. The definition of nationality and protection of all people living in Cambodia require strengthening.

## 8 Recommendations

1. The multi-partner co-operative approach to human rights and to development that is emerging between government, civil society, and international friends, must be nurtured. Groups with strong vested interests must be prepared to enter into consensus for the greater good of the population as a whole.

2. Progress must be founded on the principle that puts people first so that civil, political, economic, social, and cultural rights feature as identifiable and qualified characteristics in all policies and measures. This includes the government establishing its own internal mechanisms for resolving inter-ministerial conflicts.<sup>52</sup>

3. The vital checks and balances of a healthy democracy must be made to operate effectively. Most vital is the independence of the judiciary. Judges and lawyers must be empowered to operate independently and impartially.

4. Fixed terms of office should be prescribed for all senior public appointments, including Prime Minister. Cambodian public life does need an element of 'depoliticization' for leaders to plan for 'life after politics'. (It would be good for Cambodian leaders to enter honorable retirement and go on to make fine contributions to national and international life in the same way as former US President Jimmy Carter and Philippines President Fidel Ramos.)

5. Cambodia's current consideration towards new human rights mechanisms must be founded on the principle of guaranteeing genuine independence from party political control or from other vested interests. Without such a guarantee they will not command respect nationally, within ASEAN, and the wider world.

6. The National Election Committee (NEC) should either be fully independent, headed by neutral technical people, or at least be balanced politically.

7. The human rights education and training process needs to continue and to be reinforced at all levels of society. There should be special support for the new grass-roots democratic institutions such as village development committees and commune councils, so that they can succeed in the task of empowering citizens to take control of their own lives.

8. Re-allocation of the nation's resources into more productive nation-building programs such as education and health must be stepped up. At the same time measures must be adopted to limit damage through crime and corruption. Better domestic revenue collection and allocation by the government, combined with resources from the international community can contribute to reform and help overcome the serious impediment caused by the paucity of public service pay.

9. The international community, as part of its contribution to building local capacity, must support the development of professionalism at all levels of public service. One main aim will be to establish indicators of performance and subsequent reporting, so that judgments of human rights and development issues are based on agreed, objective and systematically compiled data.

## 9 Acknowledgements

CIHR is extremely grateful to a number of people who assisted in this study, including the many authors of publications that have been used. We are also indebted to the many people who gave freely of their views. We have respected the wishes of those contributors who requested anonymity. Special thanks are extended to the Assistant Representative of UNDP Cambodia, Kaarina Immonen and Programme Officer Paul Davenport; and to Mr. Surya P.S. Dhungal, Chief of the Legal Assistance Unit at the Cambodia Office of the UN Center for Human Rights. I wish to thank U.K. Ambassador H.E. Mr. George Edgar for his contribution.

The President of the National Assembly, HRH Prince Norodom Ranariddh, the Member of the Senate, H.E. Mr. Kem Sokha, and ministers of the Royal Government were also very kind to spare time and were very forthcoming. The ministers included:

H.E. Mr. Sar Kheng, Deputy Prime Minister and Co-Minister of Interior.  
H.E. Mr. Tol Lah, Deputy Prime Minister and Minister of Education.  
H.E. Mr. Chhim Seak Leng, Minister of Rural Development.  
H.E. Mr Pich Bunthin, Secretary of State, Public Functions, State Secretariat.  
H.E. Mr Pok Than, Secretary of State, Ministry of Education.

H.E. Mr. Om Yentieng, Special Advisor to the Prime Minister and Chairman of the Human Rights Commission and City of Phnom Penh Governor, H.E. Mr. Chea Sophara also provided personal thoughts.

## 10 Conclusion

We conclude therefore that the human rights situation in Cambodia and the conditions conducive to human development are improving. They are moving in the right direction. They are the best they have been for some time, but more improvement is needed. There are a number of ominous factors that could yet harm this progress. New measures must be adopted and others reinforced. Greater progress will be achieved if the build-up continues of the multi-sector partnership that is emerging. Changes need to be pursued with determination and consistency, and all parties must not use or allow the setbacks that will inevitably occur to mar progress.

I take this opportunity to congratulate all concerned on the recent progress and convey my very best wishes in the task we share of developing a peaceful, prosperous Cambodia.

Kassie Neou  
Director  
29 November 1999

---

## Appendix 1

### Conference Paper - Palestine Human Rights in action

#### 1 Summary

Palestine and Cambodia have a lot in common. Their peoples have endured long histories of conflict with lasting peace seemingly illusive. Both enjoy wonderfully rich cultures and have very strong morality based on religion, Islam and Buddhism, yet despite these, war, killing, violence, suppression, and suspicion are still endemic. If you will allow me to use the Christian calendar, you know that the world is talking about the next millennium. As we enter the next millennium, the world is becoming faster, smaller, more vulnerable and more interdependent. Conflicts in the Middle East, in South East Asia, in East Timor or in Cambodia, today have global repercussions. They affect all humankind. I salute the efforts of all leaders seeking to solve differences by peaceful means.

Peace belongs to everyone. I feel honored to be invited to tell you about the experiences of my organization and how we think we have contributed to recent peace in Cambodia. We believe we are building a firm foundation for peace to last. It has been a quiet campaign but yet it has been heard everywhere. It avoids controversy, yet it does not sacrifice principle. It is slow and incremental but has gone a long, long way. We have now taught Human Rights to 40,000 key community leaders in six years. It relies on simple home truths, concepts of what is right and wrong, that are familiar to all of us - drawn from traditional culture, from Buddhism, from Islam (one of our ethnic minority groups, the Cham people, are Muslims). These simple messages cannot be denied by anyone.

This approach has meant that we have succeeded in spreading Human Rights messages everywhere, from top levels of government to grassroots village communities. We have engaged everyone from Prime Ministers to the children of peasant farmers. We bring together former ideologically opposed enemies, bitter foes, to join in peace and reconciliation, and turn their backs on violence and killing. We have a long way to go, but we are heading in the right direction.

This is our story. I hope it will interest you and be useful to you. I will listen most carefully to all of you too, because there may be something in your experience that we can learn from, and that I can take home with me.

#### 2 Context and rationale of the philosophy

I need to explain the context of Cambodia's problems to promote understanding of what happened, what went wrong, and where the solutions may rest.

Cambodia's problems are not based on religious or ethnic differences. The underlying problem is the country's disturbed culture. Most of us have grown up in a climate of intense cruelty, hardship, violence, and war. We have found it hard to trust each other. We have not been able to establish a presumption of trust between humans that is the characteristic of peaceful and stable countries. There is little wonder our society is polarized and we divide people into friends or foes. The lack of trust is reflected in our political parties. Our leaders are only today beginning to see each other as friendly rivals, rather than enemies, competing in a democracy where they must either work together in coalition, or await their turn at the next election while engaging in constructive opposition in the meantime.

Cambodian institutions to protect individual rights and democracy are not yet advanced sufficiently, with enough trained and professional staff to act as fully effective essential checks and balances. Cambodia's political culture went from bad to worse over the last three decades or so, with things beginning to get

better only in the last 15 months. With the country constantly at war, people learned that the way to get what they want - or to keep what they have - is through threats or violence. This deeply ingrained 'culture of war' continues to plague Cambodia.

What is the answer, then? Should we give up on democracy and human rights in Cambodia and similar countries?

I do not think the answer is to abandon the promotion of human rights, democracy, or elections. But the approach needs to be different. The emphasis should be on long-term transformation of the political culture through education and other means.

My organization, the Cambodian Institute of Human Rights, is among other groups striving to transform this culture. We are engaged in a nation-wide effort to instill a culture of peace, democracy, and human rights in the hearts of all Cambodians. But we need to understand better how to change attitudes and behavior.

### **3 Elements of the Destruction of Cambodian Culture**

Let me describe the effects of war and Khmer Rouge genocide on Cambodian culture.

Traditional Cambodian culture promoted values, especially Buddhist ones, which did permit people to live together in peace and mutual respect. In the old Cambodia, the stability of institutions and personal relations was taken for granted. Life generally followed well-worn paths. Belief-structures followed tradition: people were devoted to their king, their religion, and their family. Since war started, however, life has become precarious and uncertain. People are looking for immediate personal satisfaction, since they do not know what the future will hold - or whether there will be a future. This has led to reckless, self-centered behavior: greed, corruption and disregard for other people. The terrible betrayal and torment of the Khmer Rouge period led Cambodians to be suspicious and distrustful of one another. We still find it difficult to believe that Cambodians could have done what they did to other Cambodians.

Second, moderating institutions have been greatly weakened. In the past, the Buddhist religion and community spirit reduced self-centered behavior.

Third, the psychological division of the world into friends and enemies is also a heritage of the war and Khmer Rouge genocide. This mentality took years to develop, so it will take a very long time to replace it with trust and co-operation in the hearts and souls of our people. When adversaries have been fighting for so long, it is bound to be hard to adjust from regarding previous foes as enemies and former allies who changed sides as traitors.

Fourth, perhaps the deadliest lesson the Cambodian people learned from the war years was reliance upon force and violence. In the old days, violence to solve problems was rare. Now, weapons are common and threats or force are used by people to get what they want. This ready resort to violence helps keep the society in a fractured state.

### **4 Why so far there is no lasting peace**

The peace process provided certain structures to facilitate the building of peace. Why then, have Cambodia's two main factions remained so far apart with a tendency to fight each other? The reason does not lie in the quality of the Peace Accords or the elections that were held in 1993 and 1998. Rather, fighting erupts, in part, because a Cambodian culture of peace had been replaced by a culture of war.

If life is confusing for the ordinary citizen living in a fractured society with a culture of war, then it is even more confusing for members of the national leadership. Some of them have had to make great mental adjustments to the new situation. Given the great power exercised by national leaders, their attitudes and behavior is of crucial importance. Our leaders were even more affected by the culture of war than the average citizen. The leaders learned the utility of force during long years of armed struggle. They also feel more threatened than the average person. They have a lot more to gain - or lose - than the common citizen. So the rest of us must make every effort to help our leaders make the adjustment needed and serve as good role models in our new peaceful society.

There is another danger we still face during the current fragile peace. Next year we are going to try another experiment in democracy with Cambodia's first planned commune elections. (The commune is the administrative level above village, but lower than districts and provinces). Commune leaders are faced with the loss of their power. How will they react? These elections will present the sternest test so far to democracy, human rights and rule of law, much more so than the national elections last year. They could be a recipe for peace - or war.

## **5 Civil Society's challenge to change ingrained attitudes**

If war and conflict is to be averted in Cambodia or in Palestine, Civil Society must perform at least six broad functions. It must act:

1 As a partner between government, opposing parties, and ordinary people - and at times as a conduit for the international community. (Some countries unable to allocate bi-lateral aid may fund NGO activities). As a partner, it is independent, trusted, and respected.

2 As a bridge or facilitator between government and the people, building on that trust, to influence government to be more caring while at the same time building confidence in the people that change can take place. There is room for two approaches - what I would call the 'carrot and the stick'. NGOs like mine, the carrot, non-confrontational, engaging in dialogue, in order to educate and raise awareness. And the others, the stick, monitoring/investigating wrongdoing, pressing for remedy through rule of law.

3 As an advocate calling for fundamental change. Cambodian society has evolved in a way such that uncivilized attitudes and behavior become the norm. There is a climate of impunity. We have to raise the consciousness of each individual to know real right from wrong.

4 As a catalyst for change - to depoliticize society. "There is more to life than politics". Politicians must be able to relinquish power, to go into opposition, or honorable retirement. Civic NGOs can encourage greater appreciation of the other things in life.

5 As moderators, we promote moderation or consensus, two vital elements in creating a culture of peace, so that disputes and differences are settled systematically without politics intervening (as happened in the old days).

6 As a participant in the task of rebuilding fractured communities - real grassroots projects that begin to make life better for everyone, not just the rich and powerful.

## **6 Managing the relationship between human rights organizations and government**

I was requested to concentrate on practical measures based on our experiences in Cambodia that have enabled us to develop a working partnership with government at all levels.

First of all, although my organization established a mission that is comparable with many other human rights organizations, we emphasized the principal means of delivery would be by education. Second, we said we would not be involved in investigative work that inevitably does create conflict. We leave that essential part of human rights work to others - the Cambodia Office of the UN Commissioner of Human Rights and other local NGOs. We keep in regular touch with them, we share information - for example, if they tell us about certain areas where there may be a pattern of failings by officials, we will shortly afterwards include those areas in our good governance training.

This is what I meant by the two approaches - 'the carrot and the stick'. Other NGOs doing investigatory work are the 'stick': they act as very important custodians of human rights, but they necessarily remain at some distance from government. My organization is the 'carrot': we offer authorities education and training. We do not single anyone out for criticism. The courses still uphold principles, but we do not openly make direct criticisms of individuals. We just tell them about the better way things should be done.

Second, we do not place over-reliance on the Universal Declaration of Human Rights and International Laws, which are sometimes considered to be Western and alien. We select more familiar and therefore acceptable tenets from Buddhism that uphold the same principles. These are not new: they mark a restoration of traditional Buddhist structures and values. Buddhism never vanished from the hearts of the Cambodian people during the dark years. There are parallels between modern ideas like democracy, human rights, and good governance and the ancient teachings of the Buddha - on treating other people with respect and kindness. The principle of non-violence (avahimsa),

means less harm is done to others. Besides the initial five Buddhist precepts, (do not kill, do not steal, do not lie, do not commit adultery, do not take intoxicants), four other Buddhist principles of inter-personal behavior are relevant: Brahmavihara: metta (loving-kindness), karuna (compassion), mudita (joy in the success of others), and upekka, or impartiality/equanimity. These ideas, or Buddhism at least, is familiar and acceptable to all Cambodians, including leaders.

Third, we reach out far beyond the leaders, to their wider families, and communities, to local leaders, spiritual leaders, prominent citizens, and above all, ordinary men and women, girls and boys, with the same messages. Cambodia's authoritarian leaders suppress demonstrations, they are still suspicious of public protests, yet they not only tolerate our Culture of Peace rallies, they revel in attending them. Last April, for example, we held a major rally attended by thousands of people in the heart of the former Khmer Rouge stronghold of Pailin. Our Deputy Prime Minister was guest of honor, and he along with the Chief Patriarch, Ambassadors from several countries, and heads of international and national organizations all joined with ordinary people in making up our Culture of Peace flower, the center of our rallies.

## **7 The need for patience - lessons learned**

Six years does not seem a long time, yet we have had to exercise caution, be patient, build trust gradually before being able to start initiatives. "We prepare the ground, we plant the seed, then we nurture it." We start small, and build on small successes, if need be we make adjustments. Here are some of the things we have learned:

1. To rebuild a fractured community takes enormous time and effort.
2. Adults are hard to reach by training alone - the message needs to come constantly and from many directions.
3. Use traditional cultural values.
4. A critical mass must be achieved - programs must be long-term, persistent and address everyone in the 'system'.
5. Top leaders cannot be ignored.
6. Opposing factions need to reconcile face-to-face, in informal settings.

## **8 We cannot do it alone - we need the help of our friends in the International Community.**

Whenever I meet political leaders from the outside world, their ambassadors, consultants, or their staff, I tell them:

- 1 Most importantly, rebuilding fractured communities must be regarded as a long-term effort by the international community in partnership with national governments and civic organizations. It is not something you achieve in a one-year ministerial budget, or even in one term of office.
- 2 Support efforts to rebuild the country psychologically - creation or re-creation of 'checks and balances' in a healthy society.
- 3 Support concrete reconciliation efforts and confidence building.
- 4 Engage the top leaders, also encourage intervention of senior foreign and international personalities.
- 5 Share practical information - it is surprising how little material on experience elsewhere is available in Cambodia. This is why I thank you for inviting me to Palestine. It is encouraging for me to know that I have friends working for the same human rights values I cherish. We need a more systematic way to communicate. We benefit from networking. The internet is one excellent means that should be developed much more, although not all organizations have the technical or financial means to use it.
- 6 Keep a watching brief, apply traditional diplomatic tools, preferably collectively, where appropriate. Do more than suspending aid - it hurts the poor, not the leaders. Developed nations should make human rights and democracy a factor in determining policy toward another country. The prospect of losing or getting aid money, and the risk of international censure, does grab the attention of governments. But these are often crude measures that do not produce lasting results. If you slap a child, it will not touch the hot oven again, but you have not created a well-behaved child, just one that knows how to avoid punishment.
- 7 We need a better science of human rights. Scholars should examine in greater depth why human rights violations occur, why democracy fails to take root, and work with activist organizations to apply that knowledge in practical ways. You may wish to think along the same lines when dealing with the international community.

## **9 Putting it into practice - our successful projects**

Once the scene is set, the parties are in agreement, and - most importantly - the funding secured, we embark on implementing the projects - putting human rights into action. At the Cambodian Institute of Human Rights, we have four main programs. We employ 60 of our own staff, but rely heavily on our 'master trainers' who are drawn from within public service. Many are teachers and officials seconded to the Institute. This invites co-operation and automatically builds in institutional capacity building and sustainability.

#### i Human Rights Teaching Methodology

Our Human Rights Teaching Methodology project (HRTM) has now trained 27,000 teachers in schools throughout Cambodia in how best to convey messages about human rights, peace, democracy, and non-violence. These teachers teach almost 3 million school children every school year. The training lasts five and a half-days, uses learner-centered methodology, and though targeted at teachers, the courses belong very much to the communities where they take place, and feature officials, community leaders, and the children themselves. We earnestly believe that this project gives the chance for the next generation not to repeat the mistakes of its parents, and so break the 'cycle of violence'.

#### ii Good governance

Some observers of Cambodia believe that the Royal Government is for the first time embracing 'good governance' in the current year. Some may say that this is due to pressure from international donors. Neither claim is true. My Institute has been co-operating with the Ministry of Interior since 1997 to provide a basic five-day course of training. Since then 13,000 government officials, police chiefs, senior military officers, and other community leaders have been trained. Our courses have enjoyed cross-party support from the outset. Both Samdech Hun Sen and HRH Prince Ranariddh have taken part as speakers and as presiding officers at opening and closing ceremonies. In December last year we held a high-level conference in Phnom Penh, and this was followed earlier this month by one organized by the Council of Ministers. This very high level of commitment to good governance serves as a positive example for our training now operating at local levels to prepare for the first democratically-elected councils for 2001.

#### iii Mass media, advocacy, and publications

CIHR produces daily and weekly TV and radio shows. We produce posters, leaflets, and books - so far almost one million copies have been distributed. We conduct various kinds of advocacy campaigns, of which the Culture of Peace rallies described earlier are most significant. We write articles in the press. Our Distant Learning by Radio for Rural Women project is very well received, reaching a very high proportion of Cambodia's 11 million population, 85% of whom live in the country.

If we are to have a civil society, if there is to be true democracy, then we must encourage more women into public life and civic affairs. Here too, Cambodia has a parallel with Palestine. Traditional culture means sheltered lives for women and especially unmarried girls. These girls are often denied education because it would mean leaving home to attend secondary school. Somehow we have to develop ways and means of providing equality of opportunity for women so that they can pursue careers and become well-educated mothers without suffering the fate of many of today's young girls. Girls have been forced or lured out of the safety of their homes. Poverty and ignorance have caused them to be trafficked into prostitution or exploited in other ways.

#### iv Law and public policy

Recently we embarked on another new venture, one that brings us into close co-operation with a fourth ministry - the Ministry of Justice, to add to our partners in the Ministries of Interior and Education. (We also have close links with the Ministry of Religion and Cults). Together we are embarking on an awareness-raising program to promote better understanding of laws, law-making processes, and due process of law. We want all citizens to understand that violations of laws are criminal acts, regardless of who commits such violations, and that perpetrators should be subject to due process of law. At present, ordinary Cambodians feel detached from the law - it is seen as only protecting the rich and powerful. We are studying the climate of impunity to understand why and how it has emerged, and what measures may prove to be effective to counter it in the circumstances of Cambodia.



The public policy aspect is as important as the law. Cambodians need encouragement to take part in public affairs. They are entitled to authoritative advice on key issues of the day. They have the right to comment on them, instead of remaining as passive by-standers. My Institute petitions authorities, writes press articles, and produces TV and radio shows that have led to changes in policy and improvements in the lives of ordinary citizens.

vi Taking the chance to mobilize mass citizenship in constructive ways.

You will have noted that I wear two hats, one at the ministerial level in the National Elections Committee, and the other as head of an NGO. Both roles come together in the pursuit of democracy, for free, fair, and credible elections. Elections can be joyous occasions. They should be a national celebration involving the entire population - civil society in its widest possible form. We almost succeeded in Cambodia in 1998. The results were challenged, allegations of irregularities were made, but they were not investigated fully and this led to demonstrations, violence and bloodshed. Before the unrest, over 90% of Cambodia's eligible voters registered, and over 90% exercised their vote.

The campaign had been largely peaceful. Election day itself went by virtually without incident. Some 70,000 staff were engaged by the NEC to service the polling stations. Many were teachers, with a large proportion of them my Institute's HRTM graduates. Civil society, through NGOs, fielded over 20,000 domestic observers and conducted innumerable voter education activities. The Institute led one organization, the Coalition for Free and Fair Elections, that recruited, trained, and deployed 7,000 volunteers. It was a truly remarkable achievement that so many people participated. We must rekindle that mass positive public spirit whenever we can.

Finally, at CIHR we know that we cannot do everything on our own, that we must work closely with other NGOs and organizations that share the same basic beliefs. For example, we have collaborated with the United Nations Development Programme/Cambodia Area Rehabilitation and Regeneration Project (UNDP/ CARERE), and with the Royal Government. We provided a modified version of our good governance training to them. They have introduced decentralized planning and administration in five of Cambodia's 24 provinces. The project led to the formation of village and district development committees. They and other International NGOs involved in community development like World Vision, OXFAM, CONCERN, and HelpAge International are pioneering Participatory Rural Appraisal techniques to identify, plan, and implement development projects. The equal partnership relationship with people, together with the right of all citizens to be involved or represented, are at the core of developing democratic practices at this simplest, lowest level of society.

## 10 Conclusion

CIHR through its various projects plants the idea of democracy, even in the most infertile territory. No one can be more ideologically opposed to our messages than former Khmer Rouge stalwarts. Yet because we engage them, they attend our training. Then they tell us that they can see the benefits of liberty from our training - some of them are amongst our best-ever Human Rights students! "I have been reborn", one told us, "during my long years with the Khmer Rouge, all we had learned was violence and repression - the opposite of your teaching!"

That is the living proof that this approach of engaging in non-confrontational dialogue can work. Human Rights messages can be conveyed to the people who should heed them. Only by doing so, by giving them the opportunity to change attitudes and behavior, will peace and full respect for human dignity emerge everywhere.

---

## Appendix 2

### Milestones in Cambodian Human Rights and Development Recent History

The milestones selected below are intended to mark significant events in the development of Human Rights in Cambodia, both good and bad. A summary appears in the text of the main report. It is of course a relative judgment as to what constitutes a significant event - so many things have happened and continue to happen. A consistent pattern of unexplained violence and killings has occurred throughout this period - so many that they could not possibly be listed.

All represent the worst abuses of human rights. Some of special significance in relation to the guidelines for this report are featured below.

A total of 73 events have been selected. Of these, 22 would be considered bad and 51 good. There has been a predominance of good things in the past year. However, the bad list does not include details of the many unexplained extra-judicial killings. Some milestones (such as 37, 51, 56 and 64) could be considered both good and bad - good in that freedom of expression is exercised, but bad in the content of what is being said. We have also categorized them by subject as is shown in the table below, with, as to be expected, many items appearing in more than one category (evidence in itself of the multi- partnership relationship emerging in human rights and development):

Category	Milestone reference numbers	Total
Good	1,2,3,4,5,8,10,11,14,18,20,25,26,27,28,29,30,31,32,34,35,36,38,40,41,42,43,45,46,47,48,49,52,53,54,55,57,58,61,62,63,64,65,66,67,68,69,70,71,72,73	51
Bad	6,7,9,12,13,15,16,17,19,21,22,23,24,33,37,39,44,50,51,56,59,60	22
Political	1,2,3,5,6,7,9,14,15,16,19,21,27,29,30,32,33,34,35,43,44,47,50,53,54,56,59,62,63,65,70,71,72,73	34
Legislative	1,2,3,4,18,25,28,35,49,52,53,54,55,61,64,69	16
NGO and civil society	1,8,9,11,20,23,26,27,30,31,32,36,37,41,42,43,45,47,48,51,57,61,62,73	24
UN and International Community	1,11,22,24,30,38,39,40,43,47,58,62,63,64,65,66,67,68,70	19
Media	12,13,17	3
Human Rights Mechanisms	10,46,61	3
Human Rights major events	1,17,40,59,60,63	6

### Background information - make-up of Cambodia's population

Over 90% of Cambodians are Khmer, but there are significant ethnic Chinese and ethnic Vietnamese populations of several generations. There are several ethnic minority groups, whose numbers are small. They suffered severely in the deprivations of the Pol Pot region. These include the Cham people who are mainly Muslim, and various hill-tribes living in the remote provinces. The logging of the rainforests poses the greatest threat to these hill-tribe minorities.<sup>53</sup>

### History to the signing of the Paris Peace Accords

The beginnings of Cambodia can be traced to the 6th century, with references to Kambujans (predecessors to Khmers) living along the banks of the Mekong River. The country was known as Funan and later Chenla, but did not rise to prominence until the Angkor period. This was Cambodia at its greatest, with a mighty empire and advanced culture, illustrated by the magnificent remains of Angkor Wat. Located in and around Siem Reap, this is the heart of a vast labyrinth of temples, for an estimated one million people. Construction started around 802. Prince Jayavarman VII inspired the move from Hinduism towards Hinayana Buddhism about 1200.

Cambodia's fate has always been intricately connected with its neighbours. Conflict with Siam (now Thailand) led to the eventual abandonment of the Angkor area. Vietnam too secured larger areas once belonging to Khmers. Peace with neighbours did come eventually - at a price - with the virtual colonization by France in 1863, and actual colonization in 1884. France appointed King Sihanouk in 1943. He strove for Cambodia's independence and formally proclaimed it on

9 November 1953. Communist China and North Vietnam were added to the ties - a counter perhaps to the power and influence of the United States.

The various ties proved to be a lethal mixture as Cambodia was drawn into the Vietnamese War. The fighting and anarchy led to the installation of the Khmer Rouge regime on 17 April 1975, and between then and 1978, millions of Cambodians died in Pol Pot's infamous agrarian experiment. The Vietnamese ousted Pol Pot on 7 January 1979, but the Khmer Rouge was not to cease as an effective fighting force against the Cambodian Government for another 20 years.

Finally in 1991, the first prospect to emerge for peace were the Paris Peace Accords that heralded in the United Nations Transitional Authority in Cambodia (UNTAC) period.

## **Milestones**

### **1991**

1. The Paris Peace Accords on Cambodia of 23 October 1991<sup>54</sup>, and the beginning of the UNTAC period.

For all intents and purposes, this was the first milestone in Cambodia's long journey towards peace, stability and observation of Human Rights.

The agreement was international and involved all the key players, with the UN in the driver's seat, assisting an administration charged with introducing democracy and free elections for a new National Assembly. The Khmer Rouge continued to fight but did not disrupt the elections.

The Paris Peace Accords were significant in that human rights issues were incorporated throughout, in a clear, well intentioned plan to move Cambodia away from its violent past. It was certainly one of the international community's most comprehensive efforts to bring about lasting peace in a war-torn country.

The UNTAC period saw the adherence by Cambodia (via the Supreme National Council) to seven major International Conventions, Covenants, or agreements relating to human rights. These are the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the Convention on the Elimination of All Forms of Discrimination Against Women; and the Convention relating to the Status of Refugees and its 1969 Protocol.

Cambodia is party to fifteen major conventions relating to human rights: The Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Suppression and Punishment of the Crime of Apartheid; the Convention on the Prevention of the Crime of Genocide; the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery; the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of Armed forces at Sea; the Convention relative to the Treatment of Prisoners of War; and the Convention relative to the Protection of Civilian Persons in Time of War. All were adhered to by Cambodia prior to the transitional period.

### **1992**

It was during the UNTAC period that human rights training and activities first commenced in Cambodia. A first-ever national symposium on human rights was held from 30 November to 2 December, and from this and the UNTAC human rights component were born local human rights NGOs, including OUTREACH, ADHOC, LICADHO, VIGILANCE, and CIHR.

### **1993**

2. Free and fair elections were held in May.

3. The opening of the new National Assembly and its functioning as a legislature.

4. The subsequent drafting and adoption of the Cambodian Constitution on 24 September. The Cambodian Constitution contains: a bill of rights; provisions for regular, free and fair elections to elect a government; the concept of pluralism; controls on the abuse of power, including checks and balances; an independent judiciary; and other features generally held to be important for ensuring human rights and democratic practices. This Constitution was a Cambodian creation, not a product of the international actors. Amendments in 1999 provided for the creation of a second legislative chamber, the Senate.

5. The formation of the first coalition government with agreement by the two main political parties, the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC) and the Cambodian People's Party (CPP).

#### **1994**

6. The alleged 'coup' attempt of 2 July by former Interior Ministry Chief Sin Song and Prince Norodom Chakrapong.

7. The reshuffle of the coalition government in October, resulting in the dismissal of Finance Minister Sam Rainsy and his removal from the National Assembly. This led to the formation of his new party, the Khmer Nation party.

#### **1995**

8. CIHR commences its Human Rights Teaching Methodology in February, aiming to train all 70,000 of Cambodia's teachers in how best to convey human rights and non-violence to their students. The project was planned in conjunction with the Ministry of Education.

Also in 1995, CIHR started mass media work with nationwide broadcasts on human rights. The broadcasts featured a very popular competition between teams of officials - the police, gendarmerie and the military - testing their knowledge of human rights, first in provincial, and later on nationally-televised events.

9. The arrest of Prince Norodom Sirivudh (brother of King Sihanouk) on 18 November for allegedly plotting to murder Second Prime Minister Hun Sen.

10. The National Assembly created a Commission on Human Rights and the Reception of Complaints.

11. In mid-1996 the Royal Government and UNDP's Cambodia Area Rehabilitation and Regeneration Project (CAREERE) commenced the SEILA program. This program introduced decentralized planning into four northern provinces based on the principles of dialogue, clarity, agreement, and accountability. It led to the formation of district and village development committees, with real and active participation of ordinary people including women, for whom quotas of 40% were set at village level. It is a role model for the rest of the country. The project had specific Human Rights and Good Governance training components incorporated for all participants at provincial, district and commune level.

12. The editor of the Phnom Penh Post, Michael Hayes, was charged in August with "disinformation, incitement, and creating insecurity and instability" after his newspaper reported that both Prime Ministers were out the country, and the subsequent security jitters it caused. The case was under investigation for six months but no action was taken.

13. Thun Bun Ly, the editor of Khmer Ideal, was sentenced in August to two years in prison for accusing the government of being a dictatorship. The newspaper was closed. He was released but assassinated on 18 May 1996 in broad daylight on a Phnom Penh street by two men on a motorcycle.

#### **1996**

14. Prominent Khmer Rouge leader Ieng Sary defected in August, and received subsequent amnesty. This event may have marked the beginning of the end for the Khmer Rouge.

15. Cambodian authorities in Phnom Penh stop a demonstration by opponents of the Burmese regime in October, with, according to press reports, harsh police methods.

### 1997

16. In January, one of the first reported demonstrations by striking garment workers was broken up by the authorities with water canon and violence, according to press and media coverage.

17. In February, the League of Cambodian Journalists and Khmer Journalists Association call for government action following killings and threats to editors and journalists. The death of Thun Bun Ly, the editor of Khmer Ideal in May was the fifth recorded killing since 1993. In July, the editor of the Voice of Youth was released after his sentence for "defaming the two prime ministers" was commuted by the King.

18. A new consolidated Labor Law was passed on 13 March, improving the rights of workers, defining obligations of employers, and the conferring ministerial powers to regulate and act.<sup>55</sup>

19. An attack at a Sam Rainsy rally on 30 March killed 15, seriously injured 12, and injured many more.

20. CIHR starts its good governance training program in March, mainly for government officials. Subjects include human rights, concepts of good governance, and principles of management.

21. The breakdown of the coalition government on 5-6 July, and the fighting between opposing forces loyal to Hun Sen and Prince Ranariddh, lead to the latter's exile from Cambodia. The UN Center reports on 41 cases of extra-judicial killings of senior FUNCINPEC leaders and 60 cremations in suspicious circumstances.

22. In September, the UN Credentials Committee decides Cambodia's seat should remain unfilled. The IMF suspends aid and over 20,000 refugees flee to Thailand.

23. Also in September, the bodies of dead and dying victims of a Vietnamese plane crash near Phnom Penh are looted by police and villagers.

24. In November, the UN Human Rights Envoy Thomas Hammerberg and Prime Ministers Ung Huot and Hun Sen clash over the state of human rights and the role of the gendarmerie.

25. In December, the National Assembly passes the Electoral Law and schedules elections for July 1998.

26. CIHR introduces "Culture of Peace" rallies as part of the celebration for International Human Rights Day on 10 December. The event was endorsed by the two prime ministers, and presented a first opportunity for many Cambodians to meet and demonstrate in public without incurring suspicion or the wrath of authorities.

### 1998

27. In January, Second Prime Minister Hun Sen attends CIHR's good governance training for senior government officials, delivering a lecture endorsing the philosophy and content. Courses are attended by managers, administrators, and leaders of the police and military leaders.

28. Appointments made to the Constitutional Council.

29. The national elections could only be considered fair with the full and active participation of FUNCINPEC and its leader, Prince Ranariddh. Leaders eventually agreed on a formula that allowed the Prince to return to Cambodia to contest the elections. This paved the way for FUNCINPEC to begin re-establishing their party machinery and for their supporters to emerge from obscurity.

30. Pre-election period shows remarkable partnership between the National Election Committee, the international community and local NGOs in an effort to promote free, fair, and credible elections by voter education activities. This

combined effort was largely co-ordinated and facilitated by UNDP. UNDP and the EU were also responsible for many of the international observers, and set up and administered a trust fund on behalf of international donors, disbursing funds to the NEC and NGOs.

31. A local NGO, the Center for Social Development (CSD) and CIHR organized a national symposium on 12 and 13 March to produce codes of conduct for political parties and election monitoring. Government officials, representatives of competing political parties, leaders of diplomatic and international missions, all participated along with NGOs, media and others in civil society.

32. Thirty-nine parties registered for the election and actively campaigned. Despite widely reported fears and intimidation, and some questioning of the reliability of figures, well over 90% of eligible voters registered to vote, and well over 90% of the population actually cast their ballots. The elections in 1998, as in 1993, demonstrated the electorate's overwhelming desire for democracy.

33. Sadly, as happened in 1993, the election results were not accepted by the losing parties. The NEC and Constitutional Councils failed to examine complaints fully. Public demonstrations in Phnom Penh culminated in violent clashes with the authorities. Eventually with pressure from the King and from many sources, the two main parties agreed to form a coalition that led to the present government at the end of 1998.

34. The Sam Rainsy Party, the third largest party, was accepted as an official opposition party in the National Assembly.

35. The agreement between the parties included the creation of a new second (appointed) chamber, the Senate. This acts as a check and as a revisionist body to the National Assembly. The members are appointed substantially along party lines, but the Senate is an important new constitutional body and one capable of independence.

36. In August, CSD issued its report: National Survey on Public Attitudes towards Corruption,<sup>56</sup> the first such study to have a significant impact on plans for an Anti-Corruption Law. Cambodia is increasingly recognizing that public opinion, as measured by social scientific surveys, is an important ingredient in framing social policy.

37. In November, the Center for Advanced Study (CAS) issues its research paper: Grassroots Civil Society in Cambodia. CAS, an independent research body established in Phnom Penh, provides an outlet for local anthropology and other University students and personnel to conduct research along internationally accepted standards. This study traces the history of traditional social structures, local committees of clerical and lay members of Buddhist Temples, from past ages through the present. It reveals how they are important factors in restoring and maintaining human rights, local democracy, community enterprise, and a means for peaceful resolution of problems. They are entirely compatible with modern concepts of village development committees.<sup>57</sup>

38. The United Nations in December allowed Cambodia to resume its seat and full place.

39. On 21 December two local Human Rights NGO workers from LICADHO were arrested in Sihanoukville. They had been consulted by local people over the dumping of highly toxic waste and were accused of conspiracy. It was feared that this would lead to a curtailing of Human Rights investigative work. The court case was eventually dismissed in July, but only after several months, considerable publicity, and close international and expert scrutiny of the court's handling of the case. Around this time the death of another Human Rights NGO (ADHOC) worker was also reported, although it was a matter of debate as to whether his work had any bearing. As with many instances, the case was never solved and the motive determined.

## 1999

40. An important feature of Cambodia's re-assimilation into the international community is the full engagement of international bodies such as the World Bank. The World Bank produced an authoritative paper title Cambodia Public Expenditure Review, Volume 2, on 8 January, that commented on structural adjustment policies, education, health and other important issues. One important finding for human rights was that Cambodian households are paying far more than they can afford for health care [at \$33.36 per head per year] and that government-financed health-spending is

woefully inadequate. For a country as poor as Cambodia, it is astonishing that 82% of funding for health-care is born by patients themselves, with only 4% by the government.<sup>58</sup>

41. Civil society, as represented by Cambodian NGOs and International NGOs working in Cambodia, made direct representations to the Royal Government and donor countries for their February Consultative Meeting in Japan. The paper was forwarded through an umbrella organization, NGO Forum, and covered issues related to Rule of Law and Impunity, with a recommendation to make aid conditional on improvement measures.

42. In March, CIHR begins its women-only good governance training in order to begin redressing gender imbalances.

43. Also in March Cambodia hosts its first-ever conference on HIV/AIDS, bringing major and official attention to the greatest problem facing the country. Cambodia has one of the highest rates of increase in reported cases in the world, and very deep-seated attitudes towards women and girls that allow infection to spread unhindered.<sup>59</sup>

44. Former Khmer Rouge leader Ta Mok was arrested on 6 March, detained in military custody, and reported to be put on trial. Government critics said this was in stark contrast to the treatment of fellow Khmer Rouge leaders Khieu Samphan and Nuon Chea. They had been "greeted warmly by the Prime Minister in December, treated to a VIP tour of the country, and allowed to return to the safety of their homes in the remote rural Pailin area." Ta Mok and another former colleague, Duch, are being retained under military jurisdiction, not the civil courts. The legality of this is being questioned in legal circles.

45. On 1 April, Cambodia joined regional countries in an anti-trafficking plan to try to stop the cross-border trafficking of women and children. Thailand, Laos, China, Vietnam and Myanmar participated.

46. A delegation of leading Human Rights advocates within ASEAN visited Cambodia in early April, headed by Philippines Senator Carlos Melina and former Thai Parliamentarian Mr. Praphan Hutasingh. They are exploring a regional initiative to strengthen HR structures within Cambodia and the region as a whole.

47. On 29 April, CIHR carries out a major Culture of Peace Rally in the former Khmer Rouge stronghold of Pailin. Deputy Prime Minister Sar Kheng, Governor Y Chhien, and representatives of the diplomatic and international community, as well as thousands of girls, boys, women and men led by Buddhist Monks and Nuns attended.<sup>60</sup>

48. In May, a local NGO, the Cambodian Institute for Co-operation and Peace, issues its report after a seminar on Grass-roots Democracy in Cambodia. It covers the strengths, weaknesses, opportunities and threats to grassroots democracy - a useful tool for decision-makers, civil society, and international partners.<sup>61</sup>

49. On 19 May, the Constitutional Council makes its first constitutional pronouncements, ruling that a proposal to specify that the holder of the post of Minister of Women's Affairs must be a woman, contravened the Cambodian Constitution's gender equality provision. The Senate also ratified and amended internal rules of the National Assembly.

50. In June, another trial took place under close international scrutiny. Former Khmer Rouge commander Nuon Paet was convicted for the slaying of many Cambodians and the kidnapping of Australian, British and French tourists during an attack on a train in 1994. Nuon Paet claimed he was acting under orders but is the only one so far to face trial.

51. A thorough report titled called "Impunity in Cambodia - how offenders escape justice"<sup>62</sup> by Human Rights Watch, LICADHO and ADHOC was issued in June. A similar, broader-based country study of the subject was published by CIHR in September as part of a regional study for the Human Rights Working Group of the Asia Foundation.<sup>63</sup>

52. The Royal Cambodian Government issues a circular for the establishment of Provincial, Commune and Local Rural Development Committees throughout the country based on the SEILA model. The circular sets out provisions to ensure fair representation, including the 40% quota for women, and participatory methods. The new bodies, as first experiments in local democracy, will act as important preludes to the commune elections scheduled for the Year 2000.<sup>64</sup>



53. By mid-1999, the Royal Government was consulting international agencies and civil society in the formulation of several draft laws including:

- The establishment, administration, and conduct of elections for the proposed communes (with UNDP consultant Mr. Paddy Roome).
- A proposed Anti-Corruption Law, and setting up new institutions.
- Land laws that lead to the proper registration of land and dispute / arbitration arrangements.

54. These measures were also assisted by the government's national redeployment of leading personnel, such as Provincial Governors and Police Chiefs, many of whom had been in their posts for years. The redeployment of Police Chiefs was a direct response to the reported increase in crime.<sup>65</sup>

55. The National Assembly begins to function as a genuine democratic institution with (a) government replying to questions, and (b) genuine debate that crossed party lines over whether Article 51 should be repealed or amended. This article inhibited legal action against civil servants until their superiors had been informed and approved such action. The law was amended - in the right direction, but may need to go further.

56. In April, the Phnom Penh Municipality, supported by the government, is involved in a number of initiatives to improve the living environment for its citizens. One initiative could pose a threat to public order and citizen's rights - or be a blessing. They are encouraging citizens to form self-help groups to monitor crime. Will these be western-style 'Good Neighborhood' schemes or vigilante groups taking the law into their own hands? There are already too many incidences of groups exacting summary punishments, including death, on petty criminals apparently caught red-handed.

57. In June, the number of participants having attended CIHR's human rights teaching methodology project exceeds 25,000, and the number attending good governance training exceeds 10,000. Amongst CIHR's most enthusiastic students were former Khmer Rouge teachers and teachers who had worked in refugee camps. (Around this time the last refugees were repatriated from Thailand.)

58. The UN Center for Human Rights issues a statement on "Recent Developments on the Rule of Law", for the 14 June Donor Consultative Group Meeting, setting out latest pronouncements and progress. Extracts of the Prime Minister's address were included along with comments relating to impunity, reform of the judiciary, police reform, freedom of assembly, land disputes, torture in custody, prison conditions, weapons control and reduction, and sexual exploitation of women and children.

59. July - The brutal murder by 'armed bandits' of 14 members of one of Cambodia's small ethnic minority groups took place in remote Rattanakiri province. Circumstances are suspicious and few details emerged.

60. 5 August - A foreign national teacher was released from custody after allegations of sexual offences against two 13-year-old girls. It was reported that the girl's family was prevailed upon 'by officials' to drop charges and accept compensation. The man admitted to living with the two girls. By contrast, another foreign national was convicted in his home country earlier in May on pedophile charges for offences committed in Cambodia. The evidence consisted of his own photographs with young children.

61. A 5 September meeting on future Human Rights bodies and mechanisms is held at the Senate, with government ministers, including Om Yenteng, the Chairman of the Human Rights Commission; members of the Senate and National Assembly; the Director of the Cambodia Office of the UN Commissioner for Human Rights; and heads of leading Human Rights NGOs.

62. A major national conference is held on the economic, political, and social status of Cambodian women on 7 September.

63. Prime Minister Hun Sen addresses the UN for the first time, confirming that the Cambodia Office of the High Commissioner for Human Rights is to continue another two years, but differs with the UN over the make-up of the courts to try former Khmer Rouge leaders.

64. October - Ambassador Thomas Hammerberg, special Representative of the UN Secretary-General for Human Rights in Cambodia addresses the Cambodian National Assembly. This was the first such address by a distinguished foreign guest. Ambassador Hammerberg gave an open unrestricted assessment of the situation.

65. On 27 October, the Royal Government and representatives of the international community meet to consider progress in reforms. Generally favorable comments were made with the recognition that more was needed. The German Ambassador and the EU representative, Harald Loeschner, said they were encouraged by the government's reform progress, but added Cambodia will have to tackle police reform, crime prevention, judicial accountability, demobilisation, etc". The United Kingdom Ambassador, George Edgar, gave an address on good governance and rule of law.<sup>66</sup> Prime Minister Samdech Hun Sen, closed the session telling donors "It is our desire and objective to assure that your assistance to Cambodia is well-placed and well spent. We realize fully that your generosity and support has to be matched by our performance and accountability".<sup>67</sup>

66. Also on 27 October, the UN Center for Human Rights arranges a three-day seminar on Rule of Law for judges and Ministry of Justice officials. The Center issues an update on its Recent Developments on the Rule of Law, first published for the 14 June Donor Consultative Group Meeting.

67. In November, the International Labor Organization hosted a two-day workshop in Phnom Penh with government officials, employers, unions, and NGOs. They hope that Cambodia will ratify the ILO minimum age convention and other child labor conventions, as well as co-operate on measures to enforce existing laws.

68. Also in November, the NGO community and government celebrated the 20-year anniversary of international NGOs, who began work in Cambodia in 1979. Prime Minister Samdech Hun Sen described them as "friends singled out during hardship". One of the first workers, Eva Myslivec, arrived in 1980 and has served with four NGOs. She replied that "the level of co-operation [between government and NGOs] was unprecedented compared to other war-ravaged regions - and continues to be. NGOs have participated with the government on issues ranging from land law to election law. They are often a bridge between central levels and what happens on the ground. Here NGOs are part of the process rather than merely standing outside criticizing it".<sup>68</sup>

#### **Other significant events for which dates are not certain (Milestones 69-73):**

\* The Government established the Appeals Court, which provides a potentially important additional layer of judicial review to legal proceedings, and added judge-trainees to some courts.

\* The UN supported a new judge-mentoring scheme starting in mid-1995 with the full approval of the judicial authorities. The idea is that experienced judges work alongside their Cambodian colleagues and help them develop their expertise 'on the job'. It is now operating successfully in six provinces. (Svey Rieng, Phnom Penh, Takeo, Kampong Chhnang, Kampong Cham, and Battambang.)

\* The Justice Ministry was made independent of the national security and interior ministry structures.

\* The Government created the Secretariat for Women's Affairs. It became a full Ministry later but does not have a full operational program.

Similarly, a National Committee for Children's Rights was formed and meets regularly.

#### **Final note**

Please accept my apologies if the chronology is incorrect or if certain events have not been included in the selection. This may be the first time such documentation has been put together, records are incomplete, and more time and resources would be needed for fuller accuracy. My NGO colleagues would also wish to indicate highlights in their history, as we have shown for CIHR. These details were not available for inclusion in this appendix, but some appear in the main report (Section 4 (b) NGOs).

---

### Appendix 3 Biographical Information

Kassie Neou  
1933 Great Falls Street  
McLean, Virginia 22101  
The United States

Cambodian Institute of Human Rights  
#30 Street 57  
Phnom Penh, Cambodia

Born at the old Cambodian capital of Oudong, Kassie Neou was educated in Phnom Penh, at Lycée Sisowath and the University of Phnom Penh Teacher Training College. Prior to Khmer Rouge rule, Kassie was a respected language teacher in Mondolkiri and later in Phnom Penh. In 1973, Kassie became Project Director of English Language Teaching (for radio and TV programming) in the Department of Education, Program of General Education.

Under Khmer Rouge rule, Kassie was forcibly evacuated to Battambang province. Suspected of speaking English, Kassie was arrested and repeatedly tortured at the Kach Roteh prison-execution center. One of the few survivors of that district-level extermination facility, his life was saved by his prison guards because he had become their storyteller - entertaining his teen-age and sub-teen-age prison guards with classical Khmer children's animal stories and also stories such as Aesop's fables, which he had previously translated for Khmer radio from the BBC broadcasts.

After the 1979 Vietnamese invasion, which ousted Pol Pot, Kassie joined the first wave of Cambodian refugees seeking asylum in Thailand. Kassie and his surviving family members were arrested by Thai authorities near a Thai border village and transported to Preah Vihear where they were forcibly repatriated to Cambodia at gunpoint over the cliffs. Kassie and his family later fled to Thailand a second time. They gained entrance to Khao-I-Dang, where he volunteered to do needed translation work for various relief agencies.

After resettling in the United States, Kassie became the co-recipient (with David Hawk) of a Social Science Research Project grant to continue to document oral histories from select categories of Cambodian refugees.

Devoting increasing time to human rights work, Kassie was one of the drafters and initiators of a series of petitions and appeals from Cambodian refugees. In 1988 and 1989, he testified at the UN Human Rights Commission in Geneva. He testified before the US Senate and House of Representatives in 1989.

Kassie has undertaken human rights investigations for the Cambodia Documentation Commission and Asia Watch. He has lectured widely on human rights and democracy in the US and Cambodia. He has appeared many times on US, British and Australian television and radio.

Kassie is a recipient of a 1989 award from Refugees International, and he was selected as one of the Human Rights World's Heroes for the 1989 Annual Dinner of the New York-based Lawyers Committee for Human Rights. He was a recipient of a 1991 Award from the United Nations Association of the United States for his advancement of Human Rights and Fundamental Freedoms. In 1993, along with former Assistant Secretary of State Dr. Richard Solomon and former Congressman Stephen Solarz, Kassie received an award from the Cambodian Network Council, a coalition of 59 Cambodian-American Non-governmental associations.

Kassie has been the Human Rights Education Director of the Cambodia Documentation Commission and a Human Rights consultant to the UN Center for Human Rights. Kassie served as Chairman of the Human Rights Committee of the Cambodian Network Council, a Consultant to Cambodian Human Rights NGOs, and a member of the nomination committee for the Robert F. Kennedy Memorial Award. He worked for the UN Transitional Authority in Cambodia as an

international translator specializing in law and human rights. He translated numerous important UN human rights documents into vernacular Khmer, including posters, human rights primers and the human rights teaching module for high schools. He also produced a handbook and audiocassette of 3,000 English/Khmer and French/Khmer phrases for the UN peacekeeping forces in Cambodia.

Since 1993, Kassie has been Executive Director of the Cambodian Institute of Human Rights, which mainly focuses on providing education, training, and information on human rights, democracy, and non-violence. Kassie is the author or co-author of various articles, including pieces for the Journal of Democracy (October 1997), Los Angeles Times, Phnom Penh Post, Bangkok Nation, and other publications.

In February 1998, Kassie was formally appointed Vice Chairman of the National Election Committee (NEC), charged with organizing the July 1998 Cambodian National Elections. He took leave from CIHR to take charge of the NEC's logistics, technical matters, and international relations. Despite having less than six months, the elections were held on time and were a great technical success. Kassie, however, was not satisfied. For him, the full election process was not 'free, fair and credible'. The pre-election climate was intimidatory and not fair to all sides. In the post-election period, protests against the results led to violence and killings - the very things Kassie had joined the NEC to avoid. A key factor was the NEC's refusal, against Kassie's advice, to carry out proper investigation of complaints. Kassie's full experiences were recounted in his article "Conducting Cambodia's Elections", published in the Journal of Democracy in April 1999.

Kassie still holds both positions of CIHR Director, where he is back full-time, and NEC Vice-Chairman, now a part-time commitment. In both roles - from 'the inside' or from the 'outside', he pursues his mission of promoting peace, human rights, democracy, and good governance. His unique experience of combining a senior ministerial position while remaining the head of a major civil society organization has aroused much interest and comment. It has enabled him to see and postulate the advantages of engaging in positive dialogue with all sectors of society, including perpetrators of past wrongdoing, in order to secure changes needed in attitudes and behavior. This non-confrontational approach that does not sacrifice principle has brought him invitations to address international conferences. They included Wilton Park, UK, 26-30 October 1998 "Implementing Human Rights into the 21st Century"; Seoul, Korea, 26-27 February 1999 "Democracy, Market Economy, and Development"; and Seoul, Korea, 13-14, July 1999 "Challenges for Asian Democracy in the 21st Century". In June 1999, Kassie was invited to Palestine to address a conference to share his experiences in promoting co-operation between government and civil society. The newly emerging state of Palestine was experiencing serious problems between the authorities and NGOs

---

## Notes

1 Deputy Prime Minister, Co-Minister of the Interior, H.E. Mr. Sar Kheng acknowledged an apparent 35% increase in reported crime, when commenting on the latest official figures (Cambodia Daily, 28 October 1999 - there was an increase but perhaps less than 35% as the time periods selected for comparison differed). Earlier in the same week, at a police workshop he also acknowledged that "The criminals involved in the police, military, and military police, have made victims and people feel reluctant to co-operate or provide information to competent authorities". He thus confirmed the serious problem described by the Cambodia Institute of Human Rights (CIHR) and other human rights organizations as 'Cambodia's Climate of Impunity'.

The increase in official crime figures is confirmed by two other sources. The bi-weekly Phnom Penh Post newspaper includes a regular "Police Blotter" where it lists crimes reported in local newspapers. The UN Security Officer maintains details of crimes on UN staff and other expatriates. Both confirm the Deputy Prime Minister's reports.

2 HRH Prince Ranariddh, President of the National Assembly, in his interview for this report commented that "More elected members from both governing and the opposition parties are speaking up in debates, and ministers are being subjected to questioning".

3 UNDP Human Development Report 1999

4 A Human Rights Approach to Development by Julia Häusermann, a discussion paper produced for the United Kingdom's Department for International Development.

5 Agreements on a Comprehensive Political Settlement of the Cambodia Conflict, Paris, 23 October 1991 (United Nations)

6 Human Rights, Democracy, and Democratization in Cambodia Five Years After the Paris Agreements (Presented at the October 21-22, 1996, National Symposium on the Paris Peace Accords, Phnom Penh, by Kassie Neou and Jeffrey C. Gallup, Cambodian Institute of Human Rights)

7 Royal Cambodian Government, Ministry of Rural Development, Circular of Guidance, Implementation of Decision No. 02 Sor Sor Ror on The establishment of Provincial Rural Development Committees.

8 H.E. Mr Ung Huot was appointed as First Prime Minister, replacing HRH Prince Ranariddh.

9 A fuller analysis can be read in the April 1999 edition of the Journal of Democracy, Conducting Cambodia's Elections.

10 See footnote 3.

11 Main source: UN International Instruments - Chart of Ratifications (ST/HR/5)

12 On 14 June, the Royal government announced the establishment of an inter-ministerial council on judicial reform. As of November 1999, the composition was still under consideration.

13 World Bank Public Expenditure Review, January 9, 1999, highlighted the relative priority given to defense and national security over social and economic services that "directly contribute to poverty alleviation and broad-based economic growth." (Page 17) Table 16 showed that spending on defense and security in 1997 totaled 440,477 million riel whereas that for the social sector (including education and social services) came to 204,237 million riel, with 133,584 million riel for the economic sector. Latest predictions for 1999 are suggesting still no significant shift in this balance - indeed only 23% of the 1999 health budget had been disbursed by 31 August, much less than defense and security. This has caused the Nobel Prize-winning NGO, Medecins Sans Frontieres, to seriously consider withdrawing from the health sector (Cambodia Daily, November 3, 1999)

The latest news is that the Council of Ministers on November 12, 1999, approved the 2000 budget with an overall increase of 57%, taking it to \$620 million. The budget reflects better revenue collection. It includes a doubling of the rural development and environment budgets, a 47% increase in education, 51% in health, and 'slight cuts' in defense. (Reported in Cambodia Daily, November 13, 1999)

14 "Even for Cambodia it was one killing too many" - Asiaweek, July 30, 1999

The actress Piseth Peaklica was shot by pair of gunmen on July 6, 1999. She was shopping in O'Russe Market in Phnom Penh with her 7-year-old niece, who was also shot. It was a failed assassination attempt - the actress was initially paralysed from the waist down and was reported to be in a stable condition in the hospital. She died later in the week under questionable circumstances. There were stories linking her death to the wife of a high-level official or senior policeman.

15 The government has a standing Human Rights Committee, as stated, operating under the chairmanship of a close advisor to the Prime Minister. This committee is active and has worked with the UN Center for Human Rights. There are also two other Human Rights Committees, one of National Assembly members and the other of the newly created Senate. See also Appendix 2, Milestone 62.

16 Lt. Colonel Rath Srieng attended a good governance, human rights, and management principles training session along with all other provincial chiefs and deputy chiefs conducted by CIHR in June 1999 at the request of the new Commander, General Sao Sokha.

17 The NGO members of the Human Rights Action Committee: Cambodian Human Rights and Development Association (ADHOC), Cambodia Defenders' Project (CDP), Cambodian Center for the Protection of Children's Rights (CCPCR), Cambodian Health and Human Rights Alliance (CHHRA), Cham Khmer Islam Minority Human Rights and Development Association (CKIMHDRA), Indradevi Association (IDA), Khmer Institute of Democracy (KID), Khmer Students' Association (KSA), Khmer Youth Association (KYA), Khmer Kampuchea Krom Human Rights Association (KKKHRA), Cambodian League for the Promotion and Defence of Human Rights (LICADHO), Legal Aid of Cambodia (LAC), and Human Rights Vigilance of Cambodia (VIGILENCE)

18 Lucy Ho for the World Bank in commenting on the resumption of IMF loans to Cambodia with an advance of \$81.6m, said "Cambodia has an extremely strong NGO sector. Their work is helping to bring about administrative and legal reform and is helping with military demobilization". NGO Forum news subscription service, October 22, 1999.

19 Cambodia Daily, October 29, 1999 - Page 13 "Firm tax laws on micro-finance, NGOs promised"

20 The most successful micro-enterprise group in Cambodia is generally regarded to be ACLEDA (Association of Cambodian Local Economic Development Agencies) that started in 1993 with loans from UNDP and ILO. Today it has 27 offices, 319 staff, and 55,000 clients. It currently loans \$13.3 with a default rate of 1.3%. It may convert to a commercial bank. (Reuters, 15 November, 1999.)

21 Khmer Institute of Democracy (KID) Annual Report 1998

22 OUTREACH Annual Report 1998

23 ADHOC Annual Report - 1 March 1998 to 28 February 1999

24 CIHR Annual Report 1998

25 For more details, refer to Grassroots Civil Society in Cambodia by William Collins PhD, Center for Advanced Study, Phnom Penh, November 1998.

26 Cambodian Institute for Cooperation and Peace: Grassroots democracy in Cambodia by Kao Kim Hourn and Samraing Kamsan.

27 See footnote 15

28 The Council for Development of Cambodia reported that pledged capital investment receipts in 1999 were actually well down from 1998, from \$796m to \$240m in corresponding periods. October 1999.

29 "I have to say Cambodia is not a good place any more to invest" Reuters, Sept 13, 1999, quoting National Assembly President, HRH Prince Norodom Ranariddh, in commenting on poor investment opportunities due to corruption, red tape, and high costs.

30 The Asia Foundation, for example, is helping Cambodia's severe shortage of legal and human rights specialists by sponsorships to the University of Hong Kong's MA course. They and their US friends at the Universities of San Francisco, Michigan, John Hopkins, and Columbia are committed to institutional-capacity-building. Together they organize training courses, exchanges, internships that benefit Cambodian students and local organizations. Similar partnerships are being developed with other countries.

31 Save the Children UK and associated international partners, Red Barnna, SCF Australia, is operating in Phnom Penh, Kampong Cham, and Kratie. (CCC Directory of NGOs, May 1999)

32 OXFAM UK and its associated international partners, OXFAM America, OXFAM Hong Kong, and OXFAM Quebec.

33 The Church World Service operates in four provinces, Battambang, Kampong Thom, Kandal, Svay Rieng.

34 World Vision operates on Phnom Penh and Battambang, Kandal, Oudong, Kampong Thom, Kampong Speu, Kampong Chhnang, and Bati.

35 LWF operates in Phnom Penh, Battambang, Kampomg Speu, Takeo, Kandal, and Kampong Chhnang,

36 October 1999 - address entitled To build a society ruled by law and respecting human rights by Ambassador Thomas Hammerberg, Special Representative of the UN Secretary-General for Human Rights in Cambodia to the Cambodian National Assembly. This was the first such address by a distinguished foreign guest

37 US Department of State Annual Report 1998, published in March 1999.

38 Impunity in Cambodia - A report by Human Rights Watch, ADHOC, and LICADHO, June 1999

39 A direct quotation from an anonymous interviewee for CIHR's Impunity Report "I want justice but we must keep quiet. We've lost 5 family members already. We must keep quiet so that the rest of my family stays alive"

40 US Senator Stephen Solarz's early reaction to the polls taking place and going off peacefully, and the later response of the International Republican Institute.

41 As for 7 above.

42 As for 3 above.

43 Article 35 of the Constitution of Cambodia

44 World Bank Public Expenditure Review, Jan 9, 1999 - Annex 4

45 Cambodia Public Expenditure Review, the World Bank, Volume 2, January 8, 1999 Page 71

46 The Cambodian Constitution Article 45 says simply "All forms of discrimination against women shall be abolished." Throughout it repeatedly uses the wording "Khmer citizens of either sex have rights to...". Several articles provide for specific women's rights e.g. Article 46 protects them from sexual exploitation, and provides maternity rights. It goes on to say "the State and society will provide opportunities to women, especially to those living in rural areas without adequate social support, so that they can get employment, medical care, and send their children to school, and to have decent living conditions". For most this is no more than a pious dream. The most desperate mothers or their daughters resort to prostitution to survive.

47 As reported in Cambodia Daily, November 12, 1999, Page 16.

48 UNDP Human Development Report 1999, page 231.

49 The constitution provides several areas where the State is expected to assist vulnerable people, but older people's rights need strengthening with the incorporation into law of the UN Principles for Older People. See also comment on CIHR, UNICEF, and HelpAge International co-operation posters "Children have special rights - so have older people!" in section on the status of international laws.

50 See 14 above.

51 The Minorities of Cambodia, published by the Cambodian Institute of Human Rights, February 1998.

52 An example of inter-ministerial conflict - at the time of writing several ministries are all involved in certain land use decisions. On the one hand economic and commercial ministries want development to take place in the "national interest". On the other hand, the tourism, environment, and rural development ministries want to see preservation and conservation of both resources and the ways of lives of local people.

- 53 The Minorities of Cambodia, published by the Cambodian Institute of Human Rights, February 1998.
- 54 Agreements on a Comprehensive Political Settlement of the Cambodia Conflict, Paris, 23 October 1991 (United Nations print)
- 55 New Labor Law, Royal Decree No CS/RKM/0397/01 - Ministry of Social Affairs, Labor, and Veterans
- 56 Center for Social Development (CSD) National Survey on Public Attitudes towards Corruption. August 1998.
- 57 Center for Advanced Study; Grassroots Civil Society in Cambodia, by William Collins Ph.D., November 1998.
- 58 Cambodia Public Expenditure Review, the World Bank, Volume 2, January 8, 1999
- 59 A research study conducted for the UNFPA/Marie Stopes International Safe Motherhood Project in mid-1996 in two very remote rural areas in Pursat and Prey Veng provinces reported that the rate of incidence of HIV, AIDS, and STDs was almost the same for men as for women. Women seldom leave their villages whereas men do - and when they are in the towns, they visit brothels, considered a normal recreational pastime. Ignorance is the main cause for the men, along with prostitutes not using condoms. It is clear that men are infecting their monogamous wives.
- 60 CIHR special report - Culture of Peace in Pailin, April 1999
- 61 Cambodian Institute for Co-operation and Peace, Grass-roots Democracy in Cambodia by Kao Kim Hourn and Samraing Kamsan, May 1999.
- 62 Impunity in Cambodia - A report by Human Rights Watch, ADHOC, and LICADHO, June 1999
- 63 Impunity - a research paper produced by CIHR's Law and Public Policy Unit for the Asia Foundation's S. E. Asian Regional Working Group, September 1999.
- 64 Royal Cambodian Government, Ministry of Rural Development, Circular of Guidance, Implementation of Decision No. 02 Sor Sor Ror on The Establishment of Provincial Rural Development Committees.
- 65 Deputy Prime Minister, Co-Minister of the Interior, H.E. Mr. Sar Kheng acknowledged the 35% increase in reported crime, when commenting on the latest official figures (Cambodia Daily, 28 October 1999). Earlier in the same week, at a police workshop he also acknowledged "The criminals involved in the police, military, and military police, have made victims and people feel reluctant to co-operate or provide information to competent authorities". He thus confirmed the serious problem described by CIHR and other human rights organizations as "Cambodia's Climate of Impunity".
- 66 Cambodia Daily, 29 October 1999, Pages 1 and 2.
- 67 Royal Government release of statement made by Samdech Hun Sen to Second Donor Monitoring Meeting 27 October 1999.
- 68 Cambodia Daily, 26 November 1999, Page 2.