



Statement of the International Conference on the 25th Anniversary of the 1991 Paris Peace Accords on Cambodia

19 October 2016, Phnom Penh

We, the participants in the International Conference on the 25th Anniversary of the 1991 Paris Peace Accords on Cambodia (“the Paris Peace Agreements”), recall the importance of the obligations contained in the 1991 Paris Peace Agreements, which brought an end to decades of conflict and civil war in Cambodia, and laid the framework for a prosperous and peaceful future, based on human rights, participatory democracy, and the rule of law. Based on recommendations resulting from this international conference to mark the 25th anniversary of the signing of the Paris Peace Agreements, we call on the Royal Government of Cambodia (the “RGC”); the 18 other state signatories to the agreements; and the international community, to take action to fulfill their respective obligations, and to ensure that the upcoming commune and national elections in 2017 and 2018 will take place in an environment which allows them to be free and fair.

Since the end of the civil war in Cambodia as a result of the Paris Peace Agreements, over the last 25 years Cambodia has experienced rapid economic development, which has lifted many people out of poverty and enabled them to benefit from an increase in living standards. The Paris Peace Agreements also ensured that Cambodia’s Constitution contains guarantees for the human rights of citizens, explicitly enshrining the rights to freedom of expression, peaceful assembly, and association. As a result of the principles agreed at the Paris Conference, Cambodia’s domestic laws are inextricably tied to the international human rights law framework, with the Constitution making key international human rights instruments ratified by Cambodia directly applicable in the Cambodian legal system.

However, on this milestone anniversary, we recall that many elements of the Paris Peace Agreements remain unfulfilled. Economic development has too often come at the expense of the human rights of individuals and communities concerned, while widening economic inequality gives increasing cause for concern. Well-connected people and companies seize and benefit from the lucrative exploitation of Cambodia’s natural resources, and as a result, the fruits rarely benefit the majority of the population. Unregulated land grabs and deforestation violate the land rights, labor rights, and human rights of individuals who often lose their homes and their livelihoods, with indigenous peoples particularly acutely affected, and those who seek to defend their rights and their environment face threats, legal action, and even imprisonment.

Despite the obligations undertaken by Cambodia in the Paris Peace Agreements, and the protection for human rights enshrined in the Constitution, many individuals, in particular marginalized groups, such as the urban poor, indigenous people, sex workers, children, women, and LGBTQ individuals,

and migrant workers, still do not yet enjoy respect for and observance of human rights and fundamental freedoms. As members of civil society, we are deeply concerned at the shrinking democratic space in Cambodia, and we reflect that the situation may worsen further as the upcoming commune and national elections, scheduled for 2017 and 2018, draw closer. New, repressive pieces of legislation, such as the widely-criticized Law on Associations and Non-Governmental Organizations (the “LANGO”); the Trade Union Law; and the Telecommunications Law, provide the government with the authority to severely restrict the exercise of the fundamental freedoms of association, expression, and peaceful assembly. A new, draft Cybercrimes Law also threatens to severely restrict expression on-line.

Those who work to promote and protect human rights in Cambodia have also come under increasingly severe pressure, in violation of Cambodia’s obligation under the Paris Agreements to *“support the right of all Cambodian citizens to undertake activities which would promote and protect human rights and fundamental freedoms.”* The RGC continues to unacceptably delay the renewal of the Memorandum of Understanding of UN Office of the High Commissioner for Human Rights in Cambodia, whose mandate originates from the Paris Peace Agreements.

Members of civil society have been subject to judicial harassment, threats, and even violence. 27 political prisoners - including human rights defenders, environmental campaigners, monks, students, opposition party activists, and members of the national assembly and senate - are currently in detention due to the RGC’s escalating crackdown on critical voices. This includes four senior staff members of the Cambodian Human Rights and Development Association (ADHOC), Ny Sokha, Yi Soksan, Nay Vanda, and Lim Mony, and Deputy Secretary-General of the National Election Committee (and former ADHOC staff member) Mr. Ny Chakrya, who are being detained on charges that bear all the hallmarks of being politically motivated, and Boeung Kak Lake community activist Tep Vanny, who remains in pre-trial detention on charges dating back to 2013. Continued impunity for those who threaten or attack activists and human rights defenders, such as the stalled investigation into the killing of Dr. Kem Ley in July this year, also risks having a chilling effect on their ability to carry out their work freely.

The Paris Peace Agreements provided for the establishment of an independent judiciary in Cambodia, yet the Cambodian judicial system continues to abuse criminal law to target critical voices, demonstrating that the judiciary is far from independent, and is regularly subject to control by the executive. The judiciary’s lack of technical capacity exacerbates the judicial system’s failure to deliver either rule of law or justice. We are also deeply concerned about a lack of institutional independence on the part of the military and police. Despite the military’s constitutional responsibility to defend the democratically-elected government, its senior commanders have regularly engaged in partisan and threatening rhetoric, which clearly has a chilling effect on the exercise of fundamental freedoms and undermining the principles of participatory democracy and the rule of law on which the Paris Peace Agreements are based.

The Paris Peace Agreements provided that Cambodia would follow a system of participatory democracy and pluralism, yet democratic space in Cambodia is rapidly shrinking. Functioning parliamentary democracy has been undermined by a partisan judiciary, politically motivated prosecutions of opposition politicians, and even physical attacks and intimidation of opposition lawmakers, with frequent disregard for the parliamentary immunity enjoyed by members of the

National Assembly under the Constitution. Peace is not merely the absence of war and, as the drafters of the Paris Peace Agreements recognized, free and fair elections cannot take place in a vacuum, but require an environment in which human rights and fundamental freedoms are respected and guaranteed in practice, and individuals feel free to participate in political life.

While we recognize that the primary responsibility for ensuring respect for human rights and democracy in Cambodia lies with the RGC, the international community must also take action to live up to its obligations to promote and monitor peace, human rights and democracy in Cambodia. Therefore, we call on the RGC, other states signatory to the Paris Peace Agreements, and the United Nations, to urgently take action to address the shortcomings in the implementation of their obligations under the Paris Peace Agreements, in particular:

Recommendations addressed to the executive, legislative and judicial branches of the Cambodian government

- a) *Amend restrictive legislation, notably the LANGO, Trade Union Law, and Telecommunications Law and other laws, in order to bring them into line with the Cambodian Constitution, and international human rights instruments ratified by Cambodia;*
- b) *Ensure that the legislative process allows for meaningful and transparent consultation with civil society and other stakeholders;*
- c) *Cease immediately all harassment of opposition politicians, human rights defenders, and civil society actors; in particular, cease all politically motivated prosecutions;*
- d) *Immediately release all persons detained as a result of the peaceful exercise of their fundamental freedoms;*
- e) *Cease interference in court investigations, procedures and decisions, and ensure the full independence and impartiality of the judicial system through genuine judicial reform;*
- f) *End impunity for attacks on civil society, by ensuring that thorough, impartial and transparent investigations, consistent with international standards, are carried out into all attacks on journalists, unionists and other activists, including into the deaths of Dr. Kem Ley, Chea Vichea and Chut Wutty, and request external expert assistance for this purpose;*
- g) *Promptly conclude a renewed Memorandum of Understanding with the Office of the High Commissioner for Human Rights in Cambodia, which guarantees continuation of a full rights protection, promotion and technical assistance mandate, and allows the office and its staff to carry out their work freely and without impediment;*
- h) *Ensure that the National Election Committee (NEC) and all its members, including its Deputy Secretary-General Mr. Ny Chakrya, who remains in unjustified detention, are able to carry out their work without interference, to ensure a level playing field for the election campaign and to guarantee transparency in voting and counting. We call for the immediate release of Mr. Ny Chakrya;*
- i) *Ensure a legal framework for free and fair elections, which allows all persons to exercise their democratic right to vote, including marginalized groups such as migrant workers;*
- j) *Recognize the legitimate role of the opposition parties and civil society in a democratic political system and create an environment conducive to dialogue between the ruling party and opposition parties, and facilitate a constructive dialogue with civil society, that would allow for a peaceful political resolution to the current political crisis;*
- k) *Review its development policies to ensure a more equitable distribution of wealth; sustainable development, including recognition of land rights of the communities, protection of environment, eradication of poverty and a bridging of the gap between rich and poor;*

- l) *Continue to support educational initiatives promoting peace building, prevention of genocide, rule of law and human rights, especially among the police, the military, teachers and the youth;*
- m) *Seek resolution to any border disputes with neighbouring states through dialogue and other peaceful means.*

Recommendations addressed to the 18 state signatories, United Nations and international community

- a) *Call on the UN Secretary-General and chairs of the 1991 Paris Conference, namely France and Indonesia to immediately convene a meeting of all signatories, with a view to taking appropriate steps to ensure respect for the obligations contained in the Paris Agreements, as foreseen in Article 29 of the Agreement on a Comprehensive Political Settlement for Cambodia;*
- b) *Call on the 18 state signatories and other states, in their capacity as members of inter-governmental organizations, in particular the UN, take opportunities to raise awareness of the human rights situations in Cambodia and demand the RGC to address violations;*
- c) *Call on the 18 state signatories and other states, in their bilateral and trade relations with Cambodia, and in their capacity as aid donors and investors, exert pressure on the RGC to respect for human rights and fundamental freedoms;*
- d) *Call on the 18 state signatories and other states, as foreign investment and trade partners of Cambodia, ensure that their nationals and enterprises follow the UN Guiding Principles on Business and Human Rights, and make a positive contribution to the fulfillment of the Paris Peace Agreements;*
- e) *Call on the 18 state signatories and other states to send election monitors and observers, unilaterally or via regional organizations, to monitor and report on the political environment prior to the elections, technical preparation of the elections, the conduct of polling operations, and the vote count for both the 2017 commune election and 2018 national election.*
- f) *Call on the Special Rapporteur for the Situation of Human Rights in Cambodia to maintain a frank and open dialogue with the RGC, focusing on implementation of recommendations for the improvement of human rights protection by the RGC; and, where necessary, make robust criticisms of policies, legislation, or actions that have a repressive effect on human rights; and work with civil society to develop a series of concrete human rights benchmarks for use in monitoring developments in the human rights situation in Cambodia.*

Recommendations to international, regional and Cambodian civil society

- a) *Continue and further strengthen their efforts to monitor and support the full implementation and fulfilment of the Paris Peace Agreements;*
- b) *Raise awareness, in national, regional and international arenas, of failures by all signatories to fully implement their obligations under the Paris Peace Agreements and international human rights law.*