

REPORT FROM THE EUROPEAN UNION-CAMBODIA

CIVIL SOCIETY SEMINAR ON HUMAN RIGHTS

THE ROLE OF CIVIL SOCIETY AND HUMAN RIGHTS DEFENDERS

PHNOM PENH 31 AUGUST – 1 SEPTEMBER 2010

1. EXECUTIVE SUMMARY OF REPORT

The European Union-Cambodia Civil Society Seminar considered the role of civil society and human rights defenders (HRDs) during its two days of presentations and discussions both in plenary and working groups. Each of three working groups was tasked to develop concrete recommendations to contribute to the EU-Cambodia human rights dialogue. The aim of the seminar was also to provide an opportunity for discussion between European, international and Cambodian civil society representatives, academics and government officials on human rights topics and on how to enhance the application of human rights. (*Seminar Background Paper, August 2010*).

Recommendations from the Seminar are destined for the October 2010 meeting of the Sub-Committee on Administrative Reform, Good Governance and Human Rights in Brussels.

Speakers at the opening ceremony, panellists in the working groups and presenters in the plenary sessions were drawn from the Cambodian authorities and civil society organisations (CSOs). All were challenged by the host to look forward rather than back and to use constructive criticism and frank exchange of views to present viable recommendations from the Seminar.

The work of HRDs in the context of urban and rural settings as well as from a gender perspective were debated on three separate occasions in the course of the two-day Seminar and clear recommendations were formulated and shared in plenary sessions with the 170-plus delegates.

Clear themes emerged and are reflected in the groupings of recommendations that appear later in this report, namely the imperative for current cooperation between Government and civil society to continue and to be enhanced by means of proactive programs of two-way communication and education. This was seen as a starting point for improving trust between all parties and building upon examples of good practices found both in civil society and Government.

The potential for misunderstanding, poor communication and lack of trust was addressed with practical recommendations that included a public awareness-raising campaign.

The protection of HRDs – in some areas increasingly at risk – was identified as a clear area for consideration and combined with joint human rights reporting from both Government and CSOs this was felt to be a priority area for action. Several recommendations urge the need for independent, international actors to be involved in protection and monitoring work to enhance the credibility of a Human Rights Commission for example.

The urgent need for reform of the judiciary and upholding the rule of law formed many of the recommendations emanating from the working groups and were clear and specific. For example one recommendation was to strengthen the Supreme Council of Magistracy and to appoint non-partisan judges.

Capacity building, particularly of judges and the Cambodian National Police (CNP) was recognised as a pressing need and special courts such as a Juvenile Court were proposed. The need for EU funding in this context was discussed.

The constructive role of CSOs in working with Government regarding draft laws and consultation around land development projects was endorsed with a recommendation that this potential area of collaboration be developed. A minimum of three months was proposed for consultation regarding draft laws.

The influential role played by local government representatives was recognised as was the need for building the awareness among local officials of human rights standards and their role in upholding them. It was noted too that local CSOs have a role to play in explaining their role - and how they differ from other CSOs – so that local authority representatives understand with whom they should be having a dialogue.

Recommendations emerged too for the EU and its valuable role in hosting the Seminar and providing a “little piece of Europe” in which to face up to human rights challenges was noted by many speakers. Not all recommendations requested EU funding -- its role as a facilitator of ongoing dialogue between Government and civil society being widely recognised as vital in the promotion and protection of human rights in general and HRDs in particular.

Funding from the EU was sought for activities ranging from the establishment of an independent, multi-disciplinary Human Rights Commission through to training and resource mobilisation for the CNP.

Cambodia’s CSOs were encouraged to develop working practices among themselves that would lead to better coordination around issues and across geographical areas so that a clear and coordinated framework of concerns might be made to Government.

The potential for closer working with INGOs was highlighted as a way of ensuring that the work of local NGOs is given a wider audience in the interests of securing reform and respect for the work of HRDs.

In terms of gender the Government was urged to lead by example by appointing women to senior posts across Government and the need for gender mainstreaming actions to be incorporated into EU-funded projects.

Recommendations ranged from large-scale areas of activity such as elements of reforming the judiciary through to smaller scale recommendations for sharing information and highlighting positive work done by Government officials in defending HRDs.

A summary of all recommendations is set out on pages 38-44.

2. OVERVIEW OF THE SEMINAR'S PROCEEDINGS

The seminar was held over two days at Le Royal, Raffles Hotel, Phnom Penh 31 on 31 August and 1 September 2010 and was attended by 174 delegates. Participants were drawn from Government and civil society at national, provincial and local level in Cambodia alongside representatives of international human rights organisations.

The opening ceremony began with proceedings in the Khmer language and the playing of the national anthem. Mr Rafael Dochao Moreno Charge d'Affaires a.i. Delegation of the European Union to the Kingdom of Cambodia welcomed distinguished guests and all participants to the Seminar and explained that the EU's support to Human Rights Defenders (HRDs) is one of the priorities in its external policy in the field of human rights. Quoting from the *EU Guidelines on Human Rights Defenders* he acknowledged that the work of HRDs is not always easy and noted that the importance of dialogue, of the kind planned for this Seminar, was important in order to meet the two objectives of the Seminar. First to enhance the EU-Cambodia official human rights dialogue by consulting with European and Cambodian civil society groups on human rights and secondly to simultaneously provide a space for free and constructive discussion between government and civil society in Cambodia.

Mr Dochao Moreno noted that the Seminar had concrete work to do in creating specific recommendations for the bilateral political dialogue between the European Commission and the Government of Cambodia at meetings of the Joint Committee and Sub-Group on Human Rights and Good Governance in Brussels in a few weeks' time. (Please refer to Appendix 3).

Mr Dochao Moreno concluded by urging participants to consider their setting in the Raffles Hotel as a "little portion of Europe" for the next two days so that everybody should feel free to express their views.

Mr Hang Chhaya, Chairman of Cambodian Human Rights Action Committee (CHRAC) and Executive Director of the Khmer Institute for Democracy (KID) spoke on behalf of Cambodian civil society

(please see Appendix 4). He began by remarking how encouraged he was by the excellent turnout from civil society at this important event.

Mr Chhaya traced the two-way dialogue and cooperation between the European Union and Cambodia dating back to 1991 and the challenges faced as the country emerged from years of war. He explained that this long-term commitment had led to the Framework Co-operation Agreement and highlighted its main foci namely economic and development co-operation and, respect for, and recognition by both parties of, democratic principles and human rights as enshrined in the Universal Declaration of Human Rights (UDHR).

Mr Chhaya reminded his audience that Cambodia is a signatory to the UDHR that includes the International Covenant on Civil and Political Rights (ICCPR), which Cambodia ratified in 1992. He observed that aggrieved groups in Cambodia have routinely portrayed themselves as victims of human rights abuses in recent years. They have taken their interests to the United Nations and other international bodies and often such claims have met strong resistance from governments and corporations. Others have felt that such rights "proliferation" will weaken efforts to protect their traditional concerns: civil and political rights.

He noted that certain organisations and individuals had refused to be satisfied with the status quo and had the courage to persuade others of their case which should be a source of inspiration rather than complacency.

He observed that a continuing challenge for local HRDs is to transform long-standing problems into universal rights claims in order to gain national and international support for their cause. A challenge for human rights groups, governments, and international organisations is when to endorse new rights.

Mr Chhaya acknowledged that the work of broad-based groups will lead to new issues such as health rights, economic rights, the right to water, and at a distant last the right to life. He further acknowledged that this might prove difficult at first but that the benefits of doing so would last for years to come.

Now in the Second Millennium Cambodia must pursue its efforts to make human rights a reality and this against a background of increased and increasingly malicious attacks against HRDs as reported by Amnesty International and Human Rights Watch. He referred to his own first-hand experience of meetings with provincial and government officials to discuss human rights that produced no results.

Mr Chhaya highlighted the work of trade unionists who have been the backbone of Cambodian development and important frontline defenders of workers, advocating for workers' rights and who have been subjected to increasing intimidation.

In concluding Mr Chhaya shared his feeling that there must be a way for progress to be made. He stressed that human rights can be recognised as of value to everyone and the entitlement of everyone. He thanked the EU for the “window of opportunity” for HRDs to learn about human rights and also to give back what they have learned.

The third speaker at the opening ceremony was Mr Dominique Mas, Chargé d'Affaires a.i, Ambassade de France au Cambodge and the local representative of the Presidency of the European Union. Mr Mas outlined his two main areas of interest relating to the seminar the first of which focussed on the need for the seminar’s dialogue in order that the EU better understand Cambodia’s national context as well as the expectations of its partners. This would, he described, enrich the forthcoming dialogue between the EU and the Government of Cambodia. (Please refer to Appendix 5).

Mr Mas encouraged those present to consider the work of the seminar in a broader context than that of the up and coming Joint Committee, namely the relevance of protecting HRDs all over the world.

In saluting the relentless and work for human rights over many years in Cambodia, Mr Mas recognised that people had put their freedom and indeed their life at stake in the cause of human rights.

And yet, he observed, there has been much progress in the field of human rights: many important rights have been secured such as the right to live in a country at peace and without the fear of insecurity and political violence. From access to clean water through to decentralisation there have been achievements. Of course there is always room for improvement. But it is important to note that Cambodia has an opportunity to have a large and diverse civil society which is integral to its development.

Mr Mas considered the role of France and other European countries such as the UK, Germany and the European Commission that have worked with Cambodia to develop the rule of law. Results include a new penal code; legal aid support to the poorest in society through the NGO Avocats Sans Frontieres; and training for judges.

Support from France and these countries to the Khmer Rouge tribunal will, he hoped contribute to the improvement of Cambodian justice. He pointed out that aside from the legal aspects, member states are working on issues as diverse as human trafficking and the respect of land rights.

In conclusion Mr Mas observed that the potential for progress is great and there remains a lot to be done. He noted that in Cambodia as in other countries the mobilisation of HRDs is vital. The human rights struggle is not one, he remarked that is limited to Cambodia. Indeed in his own country vigilance is of paramount importance and in countries in Latin America respecting land rights is a

struggle. He ended by hoping that everyone would contribute fully to discussions and debates over the coming two days.

Work followed in three specified Working Groups (WGs) focussing on human rights in an Urban, Rural and Gender context. Each WG met for a total of three sessions and a summary of their activities and recommendations were presented back to Plenary by Moderators in order to facilitate discussion of all recommendations by the widest possible group.

A total of four Plenary sessions for all delegates provided a focus for discussion and debate following presentations from relevant experts from Cambodia and Europe.

In order to provide a shared approach to the outputs from WGs all delegates had been given a framework for discussion ahead of the Seminar. For the WG sessions on the morning of Day 1 the framework covered two broad areas of discussion:

- (1) *Practical consideration on how human rights defenders and Cambodian authorities (village chiefs, commune and sangkats councillors, district and provincial councils and administrations) can cooperate in order to facilitate their human rights efforts; and on how to protect human rights defenders to improve their rights and capacity (legally and in practice) to play their role.*
- (2) *A discussion of the role of government officials at different levels and their specific achievements to date in the cooperation with civil society in the field of human rights.*

The afternoon WG sessions on Day 1 discussed the following:

- (1) *The most effective means by which civil society may contribute to the debate around the development and implementation of government policy to protect human rights.*
- (2) *Practical consideration of how representatives of civil society will build upon current human rights discussions in order to feed prioritised recommendations into the political dialogue in Cambodia.*

At each Plenary session recommendations from each WG were discussed and consolidated into the overall recommendations from the Seminar. Additional recommendations arising in the Plenary sessions were subsumed into WG recommendations according to their subject matter.

The Plenary session at the end of Day 1 considered recommendations and a wide-ranging discussion was held that reiterated the need for a forum between Government and civil society and the success of the Government and private donors' forum was highlighted. It was noted that such a forum would function well at national and provincial level and should be a regular occurrence. A metaphor was used to depict good cooperation as individual members of an orchestra combining to create a harmonious sound.

The need for mutual education and increased understanding between Government and civil society in the interests of furthering human rights was emphasised and a request was made that information and its various technologies should be harnessed in such education efforts.

In terms of gender it was suggested that a joint Government and civil society evaluation should be undertaken to assess achievements and areas for development.

It was suggested that in the context of land disputes that the Government consider granting more social concessions rather than economic concessions. Other issues raised included suggestions to improve the use of "Transparency Boxes" at commune level during land development initiatives.

The representative of the MoWA announced that in light of violence against women including rape a one-stop service for survivors similar to those in Thailand, Malaysia, and Bangladesh victim will be piloted in Cambodia. She called for assistance from donors in establishing the pilot.

In the evening the EU hosted a dinner for participants at The Titanic restaurant, Phnom Penh.

1st September 2010

At the beginning of Day 2 Mr Vincent Forest, Head of EU Office, Frontline gave a presentation about the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms and the EU Human Rights Defenders' guidelines. (Please see Appendix 7).

Mr Forest was followed by Dr Malgorzata Gorska, Policy Desk Officer, Unit Human Rights, European Commission, Brussels who gave an update on the July 2010 EU-NGO Forum in Brussels. (Please see Appendix 8).

Participants then went to their WGs for the final session in which they had been asked to consider the following:

- *Examination of how international standards (for the protection of human rights defenders and their domestic application) and good human rights practices are being applied in Cambodia, highlighting achievements and challenges to date*
- *Concrete opportunities for Cambodian and European NGO communities to contribute to the official human rights dialogue as well as to jointly apply for funding and the regulatory and legal framework for the protection of human rights defenders in Cambodia*
- *Update from the July 2010 EU-NGO Forum in Brussels with specific reference to concrete support available to Cambodian NGOs*
- *Assessment of the current development cooperation and financial instruments made available by EU Member States and the European Commission to Cambodia and those likely to be required in the longer term*

A final Plenary discussion considered the combined outcomes from the three WGs and recommended that a short overview be presented in the afternoon by Norma Johnston, the lead Moderator.

The focus of the final afternoon was the EU's consultation with civil society and there was an explanation of the purpose of the Seminar's recommendations in view of the forthcoming EU Human Rights dialogue with Cambodia by Ms Danielle Dal-Molin, Policy Desk for Cambodia, Unit South-East Asia, European Commission. Ms Dal-Molin stated that forthcoming dialogue in Brussels would take account of the Seminar's concerns and recommendations. She expressed the view that the seminar had enabled a clear and sincere dialogue among civil society and Government and had also helped improve maturity of civil society and democratic process of Cambodia.

Dr Gosia Gorska, Policy Desk Officer, Unit Human Rights, European Commission gave an overview of Human Rights Dialogues held by the EU with third countries. The first one was in China and most recent one was in Indonesia and there are sub-committees, working party dialogues, and consultation on human rights such as US, Canada, and Japan (ie developed and developing countries). She explained that selected recommendations of the Seminar would be delivered to Government officials during the actual dialogue in October 2010.

Mr Rafael Dochao Moreno thanked the EU delegation, colleagues from Brussels, logistic teams, and all the participants as well as the moderators for their wonderful efforts during the Seminar. He looked forward to examining the recommendations and proposals in detail and hoped that rather than a large number of proposals that the Seminar would result in a workable number to go forward to the forthcoming Joint Committee meeting. He reminded participants that the Seminar was not an end in itself rather part of an ongoing human rights discussion.

Moderator Ms Norma Johnston concluded the Seminar with a summary of the outputs from the three WGs. She noted that the Seminar had been challenged by Mr Moreno to look forward and make concrete recommendations and to do so in a constructive manner. She reported that this had happened in each of the WGs and also during the Plenary sessions. She recalled distinguished panellists who had brought local and international dimensions to the discussion and in particular one who had commented that in certain countries it would simply not be possible to have government and civil society sitting down together in the same room as had been the case here.

She noted that there had been many statements calling for the current cooperation between Government and civil society to continue; that many aspirations for a situation free from discrimination for example had been expressed and the importance of awareness-raising of the role of Government and CSOs had been stated many times in the course of the Seminar.

Detailed recommendations had emerged on how to extend and enhance cooperation between Government and civil society and how the need for capacity building had been echoed from WG to WG. The closer involvement of stakeholders for example in drafting laws was raised and a raft of legal recommendations had emerged.

Ms Johnston thanked all the note takers and interpreters and most especially she thanked each and every delegate for their hard work and forward-looking approach.

The seminar ended at 3.30pm.

3. REPORTS AND RECOMMENDATIONS FROM WORKING GROUPS

WORKING GROUP 1: RURAL

The Moderator Ms Norma Johnston, Director Good Cause Communications Ltd, welcomed panellists and participants. She thanked the panellists in advance for agreeing to stimulate the debate and inspire the audience to look to the future. The panellists were:

HE Mr Ok Kong, Senator, Member of the Commission on Protection of Human Rights and Reception of Complaints and Investigation of the Senate

Mr Thun Saray, President of Cambodian Human Rights and Development Association (ADHOC)

Mr Chan Vichet, Community representative

HE Mr Ok Kong reviewed Cambodia's progress across several areas and explained that this showed the Senate and Parliament's unwavering commitment to protecting human rights. The abolition of the death penalty in 1993 stands out as a major achievement. HE pointed to the ratification and major human rights treaties and protocols and noted the freedoms enshrined in the 7 January 1979 Constitution.

HE focused on the Government's efforts to build political stability and improve the livelihoods of its people through poverty reduction strategies and overall good governance; and bring redress to victims of genocide and war crimes. He asked that individual citizens be aware of their rights and responsibilities in relation to human rights.

The Human Rights Commission on Protection of Human Rights and Reception of Complaints and Investigation of the Senate has dealt with issues as diverse as national and regional prison inspections, trafficking and terrorism.

Mr Thun Saray acknowledged the successes and achievements to date in protecting human rights and noted that during the last 17 years people have come to understand more about human rights as a result of workshops, public forums and direct discussions at various levels organised by both Government and NGOs. However some activists are imprisoned when they challenge the rich and powerful especially where there are issues of land rights.

Mr Saray considered the roles of government officers who are required by the Constitution to promote human rights. He recommended that officers should consider HRDs as partners not as opponents. If

there are human rights violations officials will be the first to be held responsible. Similarly if human rights are respected officers will be the first to be recognised and appreciated.

In closing Mr Saray made several recommendations such as urging the continuation of, and improvement of cooperation with HRDs and the need to avoid prosecutions of HRDs. Secondly the Government should listen to feedback from HRDs and be willing to accept constructive criticism from them. NGOs are critical but offer *constructive* feedback and this should be considered as a means of finding a solution to problems.

He recognised that HRDs should be aware that there are Government officers who have made great efforts to cooperate with HRDs and such cooperation is in the interests of Cambodia.

Lastly he said that as there are many laws with which to govern society he saw no need for the NGO law.

Mr Chan Vichet related his experience as a land rights defender of being removed from his community ahead of land development and imprisoned for 18 months. Mr Vichet asked that the practice of expelling residents should cease and that they should be given adequate compensation for their loss. At present there is little or no compensation for those who lose their land in this way.

He explained that some development projects receive support from local administrations and some donors such as the Boeng Kak Lake case. In that instance the World Bank wanted to provide help through a land title project but this led to those people involved being victimised further. Mr Vichet reported that in Koh Kong and Kampong Speu provinces sugar plantation owners violated people and threatened HRDs and yet the EU still agreed to buy sugar. He urged the EU to study the policies of such companies before agreeing to buy their sugar.

A discussion ensued that covered a wide range of topics. The morning's discussions continued in the afternoon with the consideration of the further four questions outlined in the Overview of the Seminar's Proceedings (page xx above). This was followed by the Working Group taking its recommendations to the Plenary along with those from Working Groups Two and Three.

At the start of the discussion the moderator stressed the need for participants to carry out their deliberations mindful of the need for concrete recommendations by the end of the Working Group's total of three sessions.

The discussion got underway with a vote of thanks to the EU for organising the seminar and allowing all present to share opinions and views on an equal footing. The need for dialogue between Government and HRDs was stressed on several occasions and it was noted that the Government is reluctant to listen to feedback from NGOs particularly in relation to draft laws. Caution was urged by one speaker who felt that Government policy should not be judged adversely based on the misdemeanours of individual officers.

A feeling was expressed that powerful people's human rights are better protected than those of the poor. Several speakers outlined instances of abuses of freedom of speech; garment workers' rights; and the rights of environmental activists in the area of fisheries and deforestation. Another speaker observed that there are laws about freedom of expression and that the seminar would be not progressing were it not for said laws. The fact that this meeting between Government and civil

society was happening was seen as a positive start and the need for ongoing, regular meetings was emphasised.

On more than one occasion the discussion returned to the need for a strong and independent judiciary and the need too for mechanisms at local authority level to protect human rights. The need to speed up legal and judicial reform was noted. It was observed that sometimes the courts cannot be held responsible as there are gaps between laws and regulations that allow bias to occur.

Participants called for rights stipulated in the ICCPR to be respected and this led to a discussion of the need for Government officers to learn about human rights law was stressed as was the need for local leaders to have the authority, once educated, to act without recourse to a higher power. Police requests for more training, particularly of the judicial police, were noted.

Suggestions were made for information centres in each province to support human rights education and it was further suggested that such information centres might perform the role of a one-stop service comprising doctors, police and HRDs to assist victims access assistance in a holistic manner. The challenge of utilising social networking and other online facilities was raised as it was felt that this would facilitate information sharing and great understanding between Government and CSOs.

Detailed suggestions followed around the need for a commission to assess and protect human rights. It was recommended that it be a national body with members drawn from Government, civil society and UN human rights experts. Quarterly assessments of its progress were recommended as well as a budget and reporting mechanism for its work.

The Moderator thanked all present for their contributions and summed up the Working Group's recommendations from the first session that would be taken back to the Plenary for discussion.

On Day 2 the Moderator welcomed participants back to the Working Group and thanked them for their hard work in compiling recommendations. She introduced the panellists who were:

Mr Sok Sam Oeun, Executive Director, Cambodian Defenders Project

Ms Namuezi Fedi, Technical Advisor on Access to Justice, Avocats Sans Frontières

Sok Sam Oeun reviewed the progress made in Cambodia such as the passing of many new laws in the last decade which aimed to protect and promote the human rights. Some of these laws were open for public consultation and some were not. He proposed that a clear procedure is required for law making in order to move away from political interests and the individual wishes of ministers or ministries.

Mr Sam Oeun's presentation (Appendix 9) covered the need for the rule of law and the need for initiatives such as the proper training of police officers in human rights so that they may fulfill their role. His consideration of the need for an independent judiciary and due court procedure requires training for judges so that they are fully competent. The freedom and right to counsel; the importance of legal aid services; and the practice of keeping persons found not guilty in custody must be addressed.

Mr Sam Oeun summarised that human rights cannot be protected without an independent judiciary; that the human rights situation would improve immediately were police officers operating consistent with

UN human rights standards and criminal law must be consistent with the International Covenant on Civil and Political Rights (ICCPR).

Ms Namuezi Fedi presented an overview from an international perspective and observed that it is vital for Government and civil society to undertake education about each other's roles in order that they understand the contribution that each makes to society.

Ms Fedi examined how an INGO can help a Cambodian NGO. She noted that it is important for the roles and responsibilities of national NGOs, as well as their limitations, are made known to Government in order to build mutual trust. NGOs presenting their concerns should not be viewed as confrontational rather as a route to bring about more understanding. Ms Fedi recognised that this process would take time and that as part of the process CSOs should bring potential solutions to Government as part of their dialogue.

She recommended in the light of her INGO experience that where an issue such as seeking increased wages is concerned that the issue should be presented in the wider human rights context. INGOs could help their national counterparts in framing such a discussion as they are at a remove from the situation and their independence may be reassuring to the Government.

Ms Fedi acknowledged that CSOs need to have strategies to tackle human rights violations when working at government level and recommended the involvement of INGOs in such efforts. She suggested that one way to do this would be to have an INGO draft a report and present it to the Government. This was seen as a potentially more successful way to raise the issue with Government.

On a practical note she explained that Avocats Sans Frontieres has provided assistance to those lawyers defending contentious human rights cases for example by supplying international trial observers. Similarly she reminded those present that INGOs have contacts with people like the UN Special Rapporteur on HRDs and as such can form an invaluable link to local CSOs.

A lively discussion followed and the need for more lawyers prompted a call to the EU to fund the training of lawyers. At provincial level it was suggested that the number of judges should be increased in order to cope with the current case load. The need for qualified instructors was discussed and the fact that jobs are not being filled by qualified professionals due to the low financial incentives. The need for a labour court was raised and the need for more lawyers to defend workers was reiterated.

One Government participant felt that the discussion had not given due recognition to the progress made and a request was made for EU assistance to construct proper temporary detention buildings.

The Moderator concluded the session with a review of the Working Group's recommendations broken down into three categories:

- Recommendations to the Government
- Recommendations to the EU
- Recommendations to Civil Society.

WORKING GROUP 1: URBAN

RECOMMENDATIONS TO THE GOVERNMENT:

Enhancing cooperation and understanding with the Government

Continue cooperation between government and civil society in order to avoid intimidation of HRDs

Devise education program for government and civil society on each other's roles; create public awareness of roles of citizens and law enforcement officials at local level in the application of law

Capacity-building and cooperation with the Cambodian National Police (CNP)

Capacity building for police training required with financial support from EU

MOI to continue to support Police

Police Academy to be open to cooperation with NGOs

Police Academy shall continue to update its training curriculum and manuals

Police Code to be adopted

Each police station shall have a clean police lock-up cell

Seek EU financial support to assist CNP in construction of temporary detention cells
Developing consultation between Government and civil society regarding drafting of laws and project planning

EU to support meetings between government and stakeholders during development projects to consider human rights perspective eg. feedback to be sought from local people affected by project implementation. EU to support a mechanism for the confidential reporting of human rights violations in this context

Roles of civil society during consultation of draft law to be articulated. Draft legislation to be disseminated in advance to relevant CSOs

There should be a law on the law-making process. Government or Parliament to open the draft to public consultation for up to three months for consultation prior to adoption

Increased protection for HRDs

Establish a Commission for the protection and evaluation of human rights including representatives of government, civil society, UN/EU expert on human rights. Funding to be sought from EU (please refer to **Request for EU funding** below)

ICT initiative to be established comprising Government, private companies, and CSOs to support work to protect HRDs

Create civic award to recognise government protectors of HRDs

Establish an association for migrant workers to protect their rights

Human rights reporting

Devise an action plan for the next four years to take account of 2009 Universal Periodic Review (UPR) meeting. Action plan to have performance indicators for monitoring purposes. Government and civil society to discuss priority areas of action plan [91 points] and involve international human experts where necessary. EU to support frequent meetings between government and civil society to discuss human rights and other issues

Reform of the judiciary

Law on Supreme Council of Magistracy to be amended. Membership of this Council to be reformed

Supreme Council of Magistracy (SCM) and the Supreme Court (SC) to be empowered and strengthened

Law on Statutes of Magistrates shall be adopted and judges shall be non partisan

Some special courts or chambers shall be established such as a Commercial Court, Juvenile Court

Labour court to be established to guarantee workers' rights

Capacity building for judges required with financial support from EU

Upholding the rule of law

Law to be amended whereby a person who has been found not guilty shall be released immediately [Article 301]

The Right to Confront opponent witness to be recognised in Cambodian Court System

RECOMMENDATIONS TO THE EU:

EU to support dialogue between Government and civil society/ EU's role in seeking input about projects

EU to support meetings between government and stakeholders during development projects to consider human rights perspective eg. feedback to be sought from local people affected by project implementation. EU to support a mechanism for the confidential reporting of human rights violations in this context

Request for EU funding

Capacity building for police training required with financial support from EU

Establish a Commission for the protection and evaluation of human rights including representatives of government, civil society, UN/EU expert on human rights. Funding to be sought from EU

RECOMMENDATIONS TO CIVIL SOCIETY:

Enhanced work with INGOs

Local civil society to work with INGOs to devise interim strategies pending judicial reform and use international mechanisms to raise concerns

WORKING GROUP 2: URBAN

The Moderator Ms Nov Mean Samnang (Ana), Ang Khmer Group, welcomed participants to the Working Group and introduced the panellists' educational and career background. The panellists were:

Mr Bouth Chik Member, Legislation Council, Ministry of Interior (Assistant to Minister of Interior)

Mr Yeng Virak Executive Director, Community Legal Education Center

Mr Seng Sok-Heng, Community Peace Network

Mr Bouth Chik started his presentation by highlighting the cooperation between civil society and Government, particularly at community level, in relation to human rights issues. He gave an overview of human rights violations with reference to civil and political rights (freedom of speech, freedom of press, prison conditions and torture), women's rights and rights of the child (domestic violence, rape, and human trafficking) and land and housing rights (land disputes and relocations). Mr Bouth considered the frameworks that local authorities use to settle such violations or disputes including constitutional law, land law, family law, the Civil Code, Criminal Code, and the Law on Administration of Municipality/Province and District. In accordance with Government strategy and good governance he noted four key areas of reform including Anti-Corruption, Judicial and Legal Reform, Public Administration (Decentralisation and Deconcentration) and Military Reform. He reported that human rights are promoted and protected and there are relevant mechanisms at national and local government level.

Mr Bouth explained that such reforms recognise a citizen's fundamental human rights, political rights, and rights including that to create association, education, health, labour, and culture and land ownership. Demonstrations, strikes and press freedoms are enshrined under the right to freedom of expression.

Furthermore he added there have been prison reforms and a national secretariat for preventing torture at the Ministry of Interior has been created to monitor and prevent torture at local level.

He singled out the Demand for Good Governance project as an example of coordination and cooperation with civil society, and the improvement of services thorough annual, quarterly, and monthly meeting attended by both Government and NGOs.

Mr Bouth focused in particular on the one-stop service office at district level; the Ministry of National Assembly and Senate Relations and Inspection's work in disseminating educational materials on land law and disputes; the Arbitration Council for resolving labour disputes and The Asia Foundation's funding of partnership projects. The Office for Facilitation at the Ministry of Interior was mentioned as its role is to promote awareness and participation of civil society.

In concluding he mentioned two other mechanisms under the law of Commune Council, namely Section 6 Article 2 (dispute settlement at local level) and Section 3 Article 2 (issue of women and children's rights as well as strengthening of gender)

Mr Yeng Virak made six key points in his presentation:

1. Defining HRDs
2. State obligations in relation to human right protection
3. Good governance and human rights
4. Legal framework and institutions
5. Reflection of practical human rights protection
6. Recommendations

Mr Virak began by quoting Mr Rafael Dochao Moreno, Chargé d'Affaires, Delegation of the European Union to the Kingdom of Cambodia who had said earlier in the day that an HRD is anyone who has participated in the promotion, protection, and fulfillment of human rights. HRD doesn't refer specifically to any particular occupation. HRDs can be students, employees, Government officials, lawyers, union leaders, monks and priests as well as all of participants in this event. Since HRDs play a vital role Mr Virak continued that the state has an obligation to protect them. There must be policies and laws that allow HRDs conduct their roles freely and effectively.

Additionally, he defined good governance in relation to human rights. He said good governance is the core of the Government's Rectangular Strategies and it means management of resources in order to protect, promote, and fulfill the rights of the people. Good governance means no violation of human rights. Laws, policies and programs that favour one group at the expense of another group should be reviewed. He was in concurrence with Mr Bouth that after the Paris Accord there have been efforts by the Government of Cambodia to protect human rights such as adoption of Cambodian Constitution with its guarantees of the rights and freedom of the people as well as the policy of pluralism and liberal democracy and other laws. Nevertheless he appreciated Mr Bouth's acknowledgement that there are still violations. Given this the role of HRDs is very important in the realisation of human rights.

On the issue of practical human rights protection he stated HRDs are being threatened, arrested, detained, silenced or suppressed through criminal prosecution in order to discouraging them from advocating for the respect and protection of human rights. Mr Virak concluded his presentation with a request to government to halt criminal prosecutions against HRDs. An HRD should be seen as a person operating with goodwill to enable a member state to fulfill its obligations under human rights conventions.

Mr Seng Sok-Heng began by telling Working Group 2 that he was detained in 1999 for his challenges to human rights violations at communal level. He understands that there are existing legal frameworks such as the Constitution. However he wanted to share his practical experience of violations and threats caused by economic concessions particularly in remote areas. He explained that when HRDs make demands and complain they become target of threats by the rich and powerful. HRDs are charged with attempted murder and other crimes. Furthermore he added the police and courts participate in suppressing the work of these HRDs. He reported that since 2008 there have been restrictions on the freedom of assembly even for those people who meet to seek solutions and they are prevented from seeking help or interventions from Government institutions. He indicated that 68 HRDs have been detained while several others are facing the consequences of their advocacy. He referred particularly to incidents at the sugar cane plantations in Udor Meanchey, Koh Kong, and Kampong Speu where villagers' long-time legal possession of the land was threatened and taken by a businessperson who supplies EU markets for the exportation of sugar cane. He closed his presentation by recommending that human rights awareness and the roles of HRDs should be widely promoted.

The Moderator suggested that participants consider the questions outlined in the agenda (see Appendix 1) to move them towards recommendations for discussion with the wider Plenary group.

The discussion that followed involved local government leaders, trade unionists, community members, NGO members and representatives of international organisations.

Overall an emerging theme was that there is much lack of misunderstanding around the rights and obligations of authorities and civil society. This lack of understanding and potential conflicts of interest between Government and civil society was not in the best interests of respecting human rights and required robust two-way communication from both parties. Co-operation is vital in order to achieve the respect and protection of human rights as laid out in the ICCPR and International Covenant on Economic, Social and Cultural Rights (ICESCR). Education programs and training for both the Government, including the police, court officials and CSOs were seen as vital if mutual understanding and trust are to develop. It was noted that the role of Government and CSOs needs to be better understood and their respective contributions valued. It should be remembered that they have a common aim to serve the general societal interest

Participants said that the intention was not to blame either party and urged a continuing cooperation between the authorities and civil society alongside a suggestion that the Ministry of Interior engage other partners to provide human rights training to authorities, particularly at village and commune level, so that respect and protection of human rights can be enhanced.

One speaker commented that such cooperation between civil society and local government would embody the principle proclaimed by Samdech Prime Minister Hun Sen namely a win-win strategy free from misunderstanding. Another remarked that the importance of the respect for human rights should be recognised for the value it brings to the image of Cambodia

One participant with 20 years of work in human rights thanked the EU for creating such an event and allowing every participant to express their opinion frankly. Another commended the EU that a representative of Ministry of Interior was present at the seminar.

Participants concurred that there human right protection efforts have been taken by the Government but there is still a gap in enforcement of the law which means that victims do not receive the support they require. Similarly it was observed that violations stem from a failure to enforce existing legal frameworks thus permitting the violators especially those with economic and political influence to evade justice. It was stressed that there are still problems even though there are mechanisms and efforts to protect human rights. The speaker advocated yet more cooperation among authorities and civil society supported by EU human rights guidelines

Transparency around issues such as the legal basis for actions (for example halting a meeting) and land rights issues have the potential to create a climate more conducive to progress. It was acknowledged by several contributors that there is good cooperation in place upon which to build for the future.

The participation of villagers in fact-finding efforts particularly in land development areas was stressed and it was noted that there were instances where such involvement had led to social concessions for the villagers. It was further noted that according to the Law on Administration of Commune Council that no single authority can make decisions without monitoring by higher authorities as well as civil society.

The point was made that the Government should treat development organisations and human rights organisations equally because they both aim to serve the public interest. A specific case relating to the detention of 37 villagers and human rights activists was raised and a response from Government agreed to investigate further.

A participant said he had helped his country for more than 30 years. He did so in accordance within the Law on Commune Council and Decentralised and Deconcentrated reform noting that there is a civil society forum comprising 42 NGOs and the provincial administration that meets twice a year. He urged a constructive discussion of human rights violations in order to make progress. The Government representative Mr Bouth considered the request for the forum to meet more frequently. He agreed and reiterated that there is a monthly forum between civil society and a provincial office working group that meets twice per annum at provincial level. He added that he would like to see villagers receive assistance from NGOs in planning for the future.

The forum initiated in Banteay Meanchey province was noted as it enhances understanding and cooperation between the civil society and the local government to find law-based solutions. Participants heard that there have been occasions where HRDs have been invited to such forums and not invited again if they criticised government policy.

Specific instances of human rights violations in Siem Reap were discussed where the threat of detention and suppression of freedom of expression are the main obstacles to HRDs fulfilling their roles. Another instance of the death of a prisoner was reported and it was noted that local authorities did not always understand their role in the protection of human rights and were not positive to requests for meetings by CSOs. One participant reported that the situation in Siem Reap had improved in his view.

The view was expressed that the mechanisms used to resolve land disputes are unsatisfactory and not trusted by the villagers involved. Where violence was used against HRDs in such cases it was asked that the consequences of such actions should be made known. The Government was urged to conduct independent and comprehensive impact studies before the implementation of economic concessions to land owners. Mr Bouth intervened that if there were to be no impact on people's lives then plans would be approved as had been the case of the economic concession in Kampong Speu.

Mr Bouth re-iterated that there are violations but that such violations are not Government policy and may be down to local government not being proactive. He re-stated that the Government is trying to create mechanism for dispute resolution and that there should not be any inducement to violence by either side as the government reserved the right to take appropriate measures in such cases. A participant commented that there shouldn't be any arbitrary detention and arrest of HRDs by judicial police that is not legally enforceable. Another requested that authorities desist from using force to evict people from their residences in order to implement development plans.

The problem of the lack of ownership titles that offer legal protection was stressed and the need to protect human rights and offer assistance in this situation was necessary from both the Government and civil society

Reference was made to a local dispute resolution mechanism which needed to gain trust among people and in order to improve the relationship with the Ministry of Interior. The Ministry is trying to raise awareness of the importance of the 'Transparency Box' where villagers can file their grievances.

The Moderator began the second discussion of Working Group 2 by examining the most effective means to enable good cooperation between civil society and government.

The ensuing discussion responded to the question by urging Government not to assume that CSOs are working in opposition to its work as this is not the case. The provision of information that does not affect national security should be revealed when requested by CSOs as they are able to make constructive contributions to the improvement of draft laws for example.

It was recommended that one way to improve joint working would be for administrative requirements from Government to be posted on the Government's website so that all civil society organisations would be aware of requirements and therefore able to comply with them more effectively.

Good governance was highlighted as an effective means of fostering good cooperation and it was suggested that a joint report relating to the human rights situation should be to the UN by Government and civil society.

The need for clear government policy regarding the implementation of human rights was quoted as an area where tensions mount when something relatively straightforward like organising a forum requires collaboration with a number of local authorities. And restrictions on such a forum should be confined to those in accordance with the law rather than arbitrary local decisions.

There was agreement about the need for an annual national and provincial forum between government and civil society relating to human rights.

The current cooperation was welcomed however it was asserted that there is discrimination against some NGOs and barriers placed in the way of their work by the authorities even though such NGOs are recognised by the Ministry of Interior. Clear communications between community representatives and the Ministry was emphasised and it was requested that the Ministry's invitations to community representatives to participate in monthly meetings should be clearly made in advance and any cancellation or postponement promptly communicated.

It was observed that there are mechanisms to help Government and CSOs work together such as the 19 technical working groups established by Government in which civil society can participate. It was suggested that community members and members of CSOs would benefit from education about the role of relevant government institutions in order to learn for example how best to resolve a complaint. It was pointed out that sometimes there are baseless complaints and that complaints may take a long time to process. Such points seemed relevant to the proposed training.

It was suggested that such education programs might be supported by instructions from the Ministry of Interior to local authorities on how to cooperate with civil society.

The importance of civil and political rights was stressed and it was stated that HRDs promote and protect all human rights including political rights. With this in mind the speaker shared his concern that participants were expressing views that undermined the importance of political rights and urged them to remember that political rights are enshrined in the Constitution. Similarly rights of indigenous and minorities are not fully valued yet and this has to be addressed.

At the conclusion of the discussion the moderator summarised the Working Group's recommendations and explained that they would be combined with the Group's output from Day 2 for discussion in the Plenary.

The Working Group met again on Day 2 and the Moderator introduced the panellists:

Ms Sao Sotheary, Project Manager, Bridges Across Borders Cambodia (BABC)

Mr Jens Tinga, Chargé de Mission, Fédération Internationale des Ligues des Droits de l'Homme (FIDH)

Mr Jens Tinga briefed the Working Group about FIDH's activities regarding human rights protection to this seminar's participants. FIDH has programs to protect HRDs such as attending court hearings of HRDs. His organisation also runs training programs for HRDs.

Ms Sao Sotheary commented that there had been many social developments and noted that there are around 3,000 NGOs working on the issues of development and human rights. However she wished to present human rights protection in practice in term of challenges and a case study of the violation and suppression of HRDs. She raised various violations ranging from cases in Phnom Penh to Koh Kong,

from those pertaining to land disputes through to freedom of speech. She mentioned that in June 2010, 10,000 tons of sugar was exported free of tax under the EU program “Everything But Arms” to the UK. She urged that pressure be brought by buyers regarding the violation of human rights by sugar producers.

A discussion followed that began with recognition that there have been both positive developments and negative setbacks and that the only way to solve problems is for Government and CSOs to work together. Positive achievements include networks of local villagers who meet with local authorities and challenges include overcoming the fear of advocates that is present at local authority level. The opinion was expressed that the EU could have a role to play in reassuring such local authorities while expressing the need for them to respect the law.

It was observed that there are good laws and international instruments have been ratified and these are positive developments. In this context it was requested that there is greater transparency about how complaints are dealt with and it was specifically requested that the Commission on Human Rights conduct hearings to follow up on complaints and then report its findings to the National Assembly.

Ways to address land dispute issues engaged participants and suggestions included marches to Phnom Penh; another speaker pointed out that while such marches had been effective in The Philippines, this was unlike to work in Cambodia as meetings of this sort must have local authority approval, are often halted once they have started and restrictions on meetings of more than three people render the march option unviable. The Working Group heard that there are other solutions to the problems that HRDs face and its participants were encouraged to exercise their rights through the three main organs of government namely the executive, the legislature and the judiciary.

It was reported that in some provinces that has been (there have been) an increase in the level of human rights violations against HRDs and there are allegations of attempted murder and criminal prosecutions against HRDs. In noting that HRDs need security and safety to carry out human rights work it was recognised that they require the cooperation of local authorities if human rights progress is to be made.

Others reported that local communities seek collective ways of solving disputes as this is preferable to individual activists being put under pressure when they challenge local authorities about human rights violations.

It was observed that an independent judicial system needs to be in place in order to guarantee the rights and participation of civil society without fear or threat.

Similarly a legal representative pointed out that adherence to the rule of law is essential in addressing problems and noted that delays in dealing with disputes simply makes matters worse. When recourse to the legal system fails and disputes are delayed and not resolved it was recommended that there should be a public outcry for justice. It was reported that the Bar Association of Cambodia has plans for a hotline number to provide rapid and legal consultations and that a specific department provides free legal aid to the poor and vulnerable. It was reported that there is a free service from the Justice Center that is based in remote areas and is thus accessible by members of rural communities.

The issue of funding from the EU to support HRDs was discussed and it was recommended that a briefing be held to explain the EU funding mechanisms which are complex and a simplification of the funding requirements was sought from the EU. The need for conditions linked to the provision of EU funding was voiced with a recommendation that the reform and work of local authorities should be monitored as part of any funding provision.

It was requested that there be a quota for local NGOs applying for EU funding as INGOs are better resourced to seek such funding. The ECOSORN project in Banteay Meanchey between Government and civil society was quoted as an example of a joint application for EU funding from.

Concern was expressed about use of the threat of submission (for example through prosecution for defamation) and how this can silence HRDs. It was recommended that the threat of submission should be abolished.

The discussion concluded with an assessment of the broader context for HRDs in that there is a need for capacity building of law enforcement officials to realise international standards and laws adopted by the government. There is a need to increase the standard of living of officials in order to reduce corruption and finally there is a need for assistance in reform of the administration, judicial and legal areas.

In concluding the work of the Group the Moderator summed up its recommendations:

RECOMMENDATIONS TO THE GOVERNMENT:

Enhancing cooperation and understanding with the Government

Government and Civil Society Forum to continue to run monthly and annually

Cooperation to be based on mechanism of Decentralisation and Deconcentration and good governance

Co-operation based on non-discrimination and equal treatment

Co-operation supported by two-way communication

Create an atmosphere of transparency and trust

Annual national and provincial level forum to be held similar to that conducted between Government and private sector

Government and CSOs to increase their mutual understanding of each other's roles by means of relevant training and awareness-raising programs

Role of local authorities

Improve access to local government by CSOs

Develop prompt and effective conflict resolution at local level (see also **Developing consultation between Government and civil society regarding drafting of laws and project planning** below)

Pressure to be placed on local government by influential actors such as Ministries and private companies

Local communities and civil society to be involved in developing government policy especially in relation to development projects

Developing consultation between Government and civil society regarding drafting of laws and project planning

NGOs to participate in law drafting process and reform efforts such as administrative, judicial and legal reform this would enhance trust between Government and civil society

The impact of certain policy decisions to be assessed using independent assessors prior to implementation

Develop prompt and effective conflict resolution at local level

Increased protection for HRDs

Human Committee of the National Assembly to function more transparently especially in respect of hearing of complaints

Development and human rights NGOs to receive equal treatment from Government

Human rights reporting

Joint report from Government and NGOs to be sent to UN to show transparency and avoid mutual accusation and mistrust

Reform of the judiciary

Independent judicial system to be in place to guarantee the rights and participation of civil society without fear or threat

Upholding the rule of law

Effective enforcement of existing legal framework to be upheld

RECOMMENDATIONS TO CIVIL SOCIETY:

Civil society to use existing mechanisms to raise issues such as the complaints system run by the Ministry of Justice

WORKING GROUP 3: GENDER

The Moderator Mr Seth Van Doorn, Attaché Political and Commercial Affairs, EU Delegation welcomed participants to the first session of the Working Group on Gender and encouraged a constructive debate using contributions from the highly qualified panellists on gender issues in Cambodia. He further encouraged all participants to actively engage in the discussion in order to provide concrete recommendations to the organiser, the EU Delegation.

The panellists were:

H.E. Hou Maline, Under Secretary of State, Ministry of Women's Affairs (MoWA)

Ms Seng Theary, Founding President, Center for Cambodian Civic Education (CIVICUS)

Ms Sopheap Ros, Executive Director, Gender and Development for Cambodia (GAD/C)

The majority of WG participants and speakers were women, many of whom represented NGOs, local authorities and communities.

H.E. Hou Maline, Under Secretary of State, (MoWA) began with an overview of the gender situation in Cambodia. The government is committed to support and promote gender equality in Cambodia in line with international standards, the national Constitution, the government's guidelines on gender and the culture and traditions of Cambodia. HE Hou Maline explained that the Constitution notes the equality of both sexes before the law, encourages equal participation in society and provides anti-discrimination measures.

Achievements to date include laws on domestic violence; human trafficking and sexual exploitation; HIV/AIDS (with particular targets relating to women and girls), Cambodian Millennium Development Goal 3 (CMDG); and MoWA's *Neary Ratanak* Plan ("*Women are precious gems*" a 5-year national plan started in 2001). The latter has three phases to promote gender equality: recognise the importance of women; promote the education and public participation of women and girls; and eliminate illiteracy and other forms of discrimination against women.

In practical terms this means that MoWA has developed key actions to promote education, change attitudes, provide legal services and improve health and nutrition for women. MoWA is also working to promote women in public sector decision making and to mainstream gender in government institutions.

As such HE reported that the issue of gender is recognised at national and provincial level and that women have more opportunities to participate in political and social issues than before. A concrete example is that of the reduced discrimination suffered by waitresses and bar girls as a result of MoWA efforts. HE recognised however that there are still constraints such as limited intervention and national coverage of her Ministry's support to women due to a lack of human resources, materials, funding and public awareness of this work.

In order to improve the situation MoWA is coordinating with NGOs to mobilise resources in order to achieve government policy goals.

The second panellist Ms Theary Seng, Founding President, Center for Cambodian Civic Education (CIVICUS) invited participants to reflect on the kind of society in which they want to live – one that looks to the future or one that looks to the past. Ms Seng observed that society defines the role of women and their level of participation in that society. In the past the role of women was limited however there are opportunities now for women to play a different role. This will require a balance between current trends and cultural norms for example between the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and *Chhbab Srey* (Women's Law).

The Cambodian population is around 14 million of which 50-53% are women. Women make many sacrifices in society and their contribution is not recognised. At family level women are often the head of the family and as a result have power however that power is not translated into wider forums such as the National Assembly and other government bodies. The voice of women should be heard in such power structures.

In terms of current discrimination against women, they are suffering on two fronts. First women are trafficked by their family and secondly they are victims of sexual exploitation which is compounded by peer pressure to avoid raising the problem.

Ms Seng welcomed the Seminar as a good forum for the Government and the NGOs to enter into constructive dialogue. She noted that the different stakeholders would have to adopt an "agree to disagree" principle in order to find common ground and thus make progress. There are challenges as this two-way dialogue between Government and NGOs is a departure from past practice in Cambodia. Similarly, there is a challenge in how to find common ground between traditional norms and the international standards of gender equality.

The third panellist Ms Sopheap Ros, Executive Director, Gender and Development for Cambodia (GAD/C) agreed with many of the points raised by the previous two speakers that reflected the achievements of Cambodia in terms of women and gender efforts by Government and civil society organisations (CSOs).

Ms Ros noted the good cooperation between Government and NGOs and highlighted MoWA's progress with *Neary Ratanak*, CMDGs and the National Strategic Development Plan (NSDP). In particular she noted the policy for both men and women owning land; the gender technical groups in all Government ministries; the Women and Children Council at commune level and the National Council to Promote Women.

Nonetheless there are some challenges that limit progress such as a lack of funding for gender promotion; unclear allocation for gender in the national budget; and limited capacity to implement projects. In some cases there is a lack of will at Government level to implement projects. Some NGOs do not view gender as their core work and consequently do not include it in their projects.

There is also the challenge of a language barrier as not all women speak English something that makes it hard to provide inputs to policy development and consultation on draft laws.

Cambodian culture and domestic violence laws are still at odds with each other. By law women are encouraged to report cases of domestic violence to the authorities but traditional norms discourage them from doing so. The challenge therefore is to decide which traditional norms should be dropped in order to allow women to experience equality.

In summing up Ms Ros asked participants to consider:

- How should gender equality be promoted?
- How might gender be mainstreamed to ensure implementation of relevant policies?
- How should gender be integrated into all ministries?
- How might allocations from the national budget be secured?

A discussion followed among participants with input from panellists, including those who would be addressing the Working Group the following day.

Several clear threads of discussion emerged one of which related to the lack of understanding and lack of cooperation between local authorities and NGOs at community level. Both parties were urged to begin a process of learning about how their respective roles in order to bring them closer together in the interests of women and gender equality.

Several participants observed that gender equality is the right and responsibility of both men and women. And yet, they noted, the Working Group was primarily made up of women.

A question arose around the constraints faced by MoWA's gender work and how those constraints were similar or different to those faced by NGOs. MoWA explained that the lack of resources, gender awareness and educational opportunities stem from the country's civil wars that left many women as victims whose participation in society is still defined by outmoded traditional practices. The Government is working to change such practices but this is a slow process during this time of transition.

Others commented on the role of traditional norms and practices such as the Cambodian use of the prefix "*Me*" ("Chief" in English) to address women. It was felt that not all traditional practices should be overlooked in favour of new practices.

The gap between policy and implementation was discussed and it was agreed that there is a need for women to be truly represented in all sectors and to have the capacity to compete for jobs on their own merit. To this end education of girls was seen as vital if women are to play a full role and

consequently girls are being encouraged to remain in education until at least ninth grade (15 years old).

On the rights of women workers questions were raised concerning the role of MoWA in wage discussions and the monitoring of overseas employers of women. The challenges faced by indigenous women and disabled women were also discussed as was the need for their issues to become part of the mainstream gender agenda so that such individuals were not suffering discrimination on two fronts.

An examination of the care of women who have been raped followed and issues such as the need to pay for medical care and a hospital bed were raised. It was reported that this practice is not now current although there may be cases where payment is made which may be reclaimed later.

In the context of rape it was observed that increased reporting in the media was a positive sign as it showed that the issue was no longer taboo.

In summary the Working Group felt that the need to work cooperatively is of paramount importance and that blaming each other would not be productive. Those present were urged to seek their rights and uphold their responsibilities to demand equality as defined by internationally accepted standards.

The Working Group reconvened in the afternoon to consider how civil society might best contribute to the development and implementation of policy to protect human rights as well as practical considerations as to how representatives of civil society could feed their recommendations into the current political dialogue in Cambodia.

Key points of the discussion related to the need for Government and NGOs to increase cooperation in order to benefit the communities with whom they work. It was noted that some local authorities are aware of gender issues and work while others are not. It was felt that if NGOs and local authorities could assist each other and better coordinate their work if they kept each other informed of their roles and activities. Only through such mutual exchange would trust be built. Some participants reported that where cooperation focuses on awareness raising there is positive cooperation. However it must be recognised that there are occasions when this cooperation is not possible for example with land issues where Government officials have personal interests and lack the political will to work cooperatively.

Additionally participants focussed on the need for better cooperation between the NGOs so as to avoid overlapping projects and targeting the same areas for activity. It was recommended that NGOs should work together to develop common positions on issues before they approached local authorities.

There followed a discussion on how gender projects differ from region to region and according to the involvement of NGOs and local or national government. It was felt that there may be lessons to share from the anti-trafficking authority where there is project mapping of the issue and where NGOs are involved in technical groups to collect data and project information. This allows for enhanced sharing of information and initiatives between different partners and Government agencies. Such sharing often rests on who takes the initiative to make the initial contact; some

NGOs reported a lack of response to their approaches to authorities. Similarly some commune council members have found it difficult to contact NGOs in relation to sensitive community issues.

The draft NGO law was raised in this context and while a full discussion did not ensue it was felt that consultation with interested parties was required to make the law as relevant as possible.

Opportunities to support women were noted, for example when they become deputy district chiefs, providing capacity building to them will enable them to better compete with men.

Given that around 90% of Cambodians are Buddhists it was felt that monks could be key players in promoting gender equality and the role of women.

Recommendations were discussed including the need for a Government/NGO forum at provincial and district level; the need to expand gender to include youth and gender; and the benefits of meetings between NGO and Government specialists on particular issues.

In terms of awareness raising it was felt that getting gender on the agenda of the Government's 19 Ministries would be beneficial and that gender issues are the responsibility, not just of gender organisations, but all NGOs

After the very active discussion the moderator summed up the Working Group's recommendations to be fed back to the Plenary for further discussion.

The Working Group next met on Day 2 -- 1st September 2010 -- to consider cooperation between European and Cambodian civil society on human rights defenders and the panellists were:

Mr Patrick Burgess, Asia Director, International Centre for Transitional Justice (ICTJ)

Mr Ou Virak, President, Cambodian Centre for Human Rights (CCHR)

Mr Patrick Burgess explained that ICTJ's head office is in Europe and it works with emerging countries in Asia and Africa where human rights abuse and mass violence still exist. Gender is one of the key issues. It takes decades to deal with human rights problems in countries such as Afghanistan and East Timor. It is also more difficult to work with a post-conflict legacy and now it is not right time to point a finger at each other but rather to consider four areas:

- Is there accountability for prosecution where mass violence occurs?
- Why and how did it happen – there is a need to find out the truth
- How should one deal with victims - what assistance is required?
- How should institutional reform of say the judiciary or the education system be handled?

Mr Burgess noted that it is important to remember that the effect of mass conflict in a past generation as it has an impact on how current policy deals with an issue. A legacy from the earlier human rights violations can last for decades.

He noted that all victims must receive equal support including women in terms of social and cultural rights. A challenge for HRDs is to assure that there is formal recognition of gender-based violence and assistance provided to those victims. HRDs advocate for proper treatment and compensation for those women who have been abused and this can be different from those for men. Sometimes women victims suffer an additional burden because policies lack gender awareness and they are discriminated against twice. This should be avoided.

Another new issue for HRDs is labour exploitation and sexual abuse. At times, victims of sexual abuse are not welcome in workshops, such as this, even though they are invited there to participate. This is another form of discrimination.

Mr Burgess considered how participants might work with the EU on gender issues and noted that the EU is a complicated institution as there are many states with different cultures, understandings and languages. He considered how to bridge the gap between participants and the EU. He observed that there is a gap too between the EU and NGOs where the EU is not clear how it might help NGOs and they in turn do not have sufficient understanding of the EU system even when they are both working on the same issues.

He explained that it is important to build a bridge between NGOs and the EU in order to create more understanding and to generate a channel for NGOs to get funding support from the EU.

The role of partners at international, national and grassroots level is important as they can form a bridge for those partners who wish to meet one another. This has worked in countries like South Africa and East Timor to protect victims of gender-based rights abuse. Women participate fully in the processes in these countries and in East Timor a Commission came up with gender-based recommendations for inclusion in the government action plan.

Mr Burgess concluded with the observation that it is necessary to identify all the different layers in society where gender issues have an impact on women, their family, community and society. Secondly it is advantageous to work with local and international NGOs. And finally we need to have gender knowledge in order to mainstream gender into our projects.

Mr Ou Virak, President, Cambodian Centre for Human Rights (CCHR) spoke next and he highlighted three categories of people who are working as HRDs namely HRDs on gender and women's rights abuse; women as HRDs; and women activists working on gender and gender promotion. (Please refer to Appendix 10).

Mr Virak commented that work on gender issues is shaped by the attitudes and behaviour of individuals and this in turn is influenced by the society in which they live, their culture, traditions and religion. For

some women in Cambodia this means that their participation in social and economic terms is limited. A change in the current practice is therefore required to facilitate work on gender equality.

In practical terms this means that mechanisms are required to promote gender and consideration ought to be given to first society, that is cultural and social recognition of women and secondly to how to implement the mechanism in other words policy and laws pertaining to gender.

If mainstreaming gender is to work and be more successful it is necessary to lead by example and this means giving leadership roles to women when they have the capacity and the skills to do the job. Making gender part of the mainstream means giving women concrete power and thus empowering them which is better than merely helping them. In similar vein we will know that gender is part of the mainstream when women are not only working in MoWA, but also in other ministries.

In terms of how the EU might work with local NGOs a simplified version of the EU procedures and guidelines will be necessary as it is currently felt to be complex and bureaucratic for local NGOs.

Secondly it is necessary to empower local NGOs and thus localise the HRD activity while reducing dependence on INGOs. Of course funding support will be required to support local NGOs but it should be borne in mind that most of the local NGOs have enough skills to provide timely interventions on human rights abuse more effectively than overseas human right organisations.

The ensuing discussion began with a recognition that various mindsets will be required to change if the gender perspective is to become part of the mainstream. The mindset of both men and women should change as should the mindset of policy makers following a thorough examination of the pros and cons of changing and of remaining with long-held attitudes.

Integral to such a change of mindset is the need for an increased awareness of gender perspectives and issues across all sectors, particularly pertaining to the abuse of women's rights and violence against women. It was noted that many in decision-making positions are unaware of CEDAW for example and an early effort should be made to address such knowledge and awareness gaps.

Similarly it was noted that gender mainstreaming should form part of EU projects and that the EU has a valuable role to play in raising the awareness of gender-based issues with the EU and donors. It was noted that the EU does provide funding not just for human rights but across other sectors too.

Localisation of HRD work specifically, and human rights work in general, was discussed in some depth and it was felt that in order for Cambodia to translate universal human rights norms into its local context a mechanism to do so was required. Suggestions focussed on a Human Rights Commission at national level through to channels being made available at provincial office level to ensure that human rights concerns may be addressed. The need for greater discussion and consultation between local authorities and civil society was stressed. It was suggested that the use of Information and

Communication Technology (ICT) would be advantageous in support of human rights protection mechanisms.

The discussion noted that the causes of gender-based abuse are poverty, lack of knowledge and certain cultural and traditional norms.

A Cambodian Human Rights Commission would have an important role to play in supporting women who experience human rights violations and discrimination as they are often more constrained to defend their situation than men. A national Commission could be more effective as it would be closer to the instance of abuse and therefore able to intervene more quickly than an overseas organisation. It would also be more convenient for such a Commission to fund support and provide legal assistance to victims and their families. It is to be hoped that the proximity of a Commission would encourage women to participate in defending human rights as they would be able to do so without recourse to overseas players with whom they may not feel familiar.

Some participants expressed the desire for a hierarchy of reporting abuse to be observed (from local authority, to Government, to EU and local NGOs) rather than concerns being directed to the EU in the first instance. Others noted that the system in place requires trust and efficient working practices if this is to happen.

A plea was made that issues relating to the protection of HRDs remain local and that situations avoid the removal of individual HRDs to third-party countries are avoided.

Other challenges that were discussed included discrimination against teachers and the lack of responsiveness from the Ministry of Education towards bodies such as independent teachers' associations.

The problems of migrant workers who follow due process to work in Malaysia and are then dismissed upon arrival was raised and was described as a form of human trafficking. The question was raised as to whether the EU might work with the Government to stop this problem.

The Working Group observed that the road to ending human rights abuse is a long one. There is a need for national leadership to stop discrimination within the community, family, school and religious groups in order to change the people's perspective. This would then pave the way for working together to provide education, promote accountability and offer legal protection.

At the conclusion of a very lively discussion the moderator summarised the Working Group's recommendations as follows:

RECOMMENDATIONS TO THE GOVERNMENT:

Enhancing cooperation and understanding with the Government

Consultation and communication between local authorities and NGOs to address the issues of gender is required and it is recommended that a regular meeting/dialogue for the Government and NGOs is established at national, provincial and district level to promote mutual understanding and good cooperation and to avoid misinformation

Establish a Government-NGO Forum like Government-Donor Forum or Government-Private Sector Forum

Desire for continuous cooperation between the Government and civil society to continue and to improve through capacity building for all parties

Role of local authorities

Identify the role and responsibility of NGOs in addressing social issues and working with the local authority. (For example is it possible for a forest community to take action against illegal logging or is it the responsibility of the forestry administration?)

Create information center at provincial level where the public can access information on gender and others issues

Develop capacity building and awareness-raising among local authorities, NGOs and community members to enhance the implementation of laws within the current legal framework

Developing consultation between Government and civil society regarding drafting of laws and project planning

Cooperation between all stakeholders should be strengthened by all players providing constructive feedback to each other

The Government to allow enough time for NGOs to give comments and suggestions on draft laws

Increased involvement of stakeholders at national and local level in drafting laws

Increased protection for HRDs

Local prevention mechanism for HRDs (such as a Human Rights Commission) to be set up

Human rights reporting

A joint committee of local NGOs and Government to be set up to monitor human rights abuses in Cambodia

4. SUMMARY OF RECOMMENDATIONS

RECOMMENDATIONS TO THE GOVERNMENT:

Enhancing cooperation and understanding with the Government

Continue cooperation between government and civil society in order to avoid intimidation of HRDs

Devise education program for government and civil society on each other's roles; create public awareness of roles of citizens and law enforcement officials at local level in the application of law

Government and Civil Society Forum to continue to run monthly and annually

Cooperation to be based on mechanism of Decentralisation and Deconcentration and good governance

Co-operation based on non-discrimination and equal treatment

Co-operation supported by two-way communication

Create an atmosphere of transparency and trust

Annual national and provincial level forum to be held similar to that conducted between Government and private sector

Government and CSOs to increase their mutual understanding of each other's roles by means of relevant training and awareness-raising programs

Consultation and communication between local authorities and NGOs to address the issues of gender is required and it is recommended that a regular meeting/dialogue for the Government and NGOs is established at national, provincial and district level to promote mutual understanding and good cooperation and to avoid misinformation

Establish a Government-NGO Forum like Government-Donor Forum or Government-Private Sector Forum

Desire for continuous cooperation between the Government and civil society to continue and to improve through capacity building for all parties

Capacity-building and cooperation with the Cambodian National Police (CNP)

Capacity building for police training required with financial support from EU

MOI to continue to support Police

Police Academy to be open to cooperation with NGOs

Police Academy shall continue to update its training curriculum and manuals

Police Code to be adopted

Each police station shall have a clean police lock-up cell

Seek EU financial support to assist CNP in construction of temporary detention cells

Developing consultation between Government and civil society regarding drafting of laws and project planning

EU to support meetings between government and stakeholders during development projects to consider human rights perspective eg. feedback to be sought from local people affected by project implementation. EU to support a mechanism for the confidential reporting of human rights violations in this context

Roles of civil society during consultation of draft law to be articulated. Draft legislation to be disseminated in advance to relevant CSOs

There should be a law on the law-making process. Government to open the draft to public consultation for up to three months for consultation prior to adoption

NGOs to participate in law drafting process and reform efforts such as administrative, judicial and legal reform this would enhance trust between Government and civil society

The impact of certain policy decisions to be assessed using independent assessors prior to implementation

Develop prompt and effective conflict resolution at local level

The Government to allow enough time for NGOs to give comments and suggestions on draft laws

Increased involvement of stakeholders at national and local level in drafting laws

Cooperation between all stakeholders should be strengthened by all players providing constructive feedback to each other

Increased protection for HRDs

Establish a Commission for the protection and evaluation of human rights including representatives of government, civil society, UN/EU expert on human rights. Funding to be sought from EU (please refer to **Request for EU funding** below)

ICT initiative to be established comprising Government, private companies, and CSOs to support work to protect HRDs

Create civic award to recognise government protectors of HRDs

Establish an association for migrant workers to protect their rights

Human Committee of the National Assembly to function more transparently especially in respect of hearing of complaints

Development and human rights NGOs to receive equal treatment from Government

Local prevention mechanism for HRDs (such as a Human Rights Commission) to be set up

Human rights reporting

Devise an action plan for the next four years to take account of 2009 Universal Periodic Review (UPR) meeting. Action plan to have performance indicators for monitoring purposes. Government and civil society to discuss priority areas of action plan [91 points] and involve international human experts where necessary. EU to support frequent meetings between government and civil society to discuss human rights and other issues

Joint report from Government and NGOs to be sent to UN to show transparency and avoid mutual accusation and mistrust

A joint committee of local NGOs and Government to be set up to monitor human rights abuses in Cambodia

Reform of the judiciary

Law on Supreme Council of Magistracy to be amended. Membership of this Council to be reformed

Supreme Council of Magistracy (SCM) and the Supreme Court (SC) to be empowered and strengthened

Law on Statutes of Magistrates shall be adopted and judges shall be non partisan

Some special courts or chambers shall be established such as a Commercial Court, Juvenile Court

Labour court to be established to guarantee workers' rights

Independent judicial system to be in place to guarantee the rights and participation of civil society without fear or threat

Capacity building for judges required with financial support from EU

Upholding the rule of law

Law to be amended whereby a person who has been found not guilty shall be released immediately [Article 301]

The Right to Confront opponent witness to be recognised in Cambodian Court System

Effective enforcement of existing legal framework to be upheld

Role of local authorities

Improve access to local government by CSOs

Develop prompt and effective conflict resolution at local level (see also **Developing consultation between Government and civil society regarding drafting of laws and project planning**)

Identify the role and responsibility of NGOs in addressing social issues and working with the local authority. (For example is it possible for a forest community to take action against illegal logging or is it the responsibility of the forestry administration?)

Create information center at provincial level where the public can access information on gender and others issues

Develop capacity building and awareness-raising among local authorities, NGOs and community members to enhance the implementation of laws within the current legal framework

Local communities and civil society to be involved in developing government policy especially in relation to development projects

Gender-specific recommendations

A gender awareness education project to be developed to enable communities to work with government on women's rights and violence against women

Attitudinal change to be promoted at community level to reflect the development of the Khmer tradition and culture

Gender leadership to be by example in Government and its agencies

RECOMMENDATIONS TO THE EU:

EU to support dialogue between Government and civil society

EU to support meetings between government and stakeholders during development projects to consider human rights perspective eg. feedback to be sought from local people affected by project implementation. EU to support a mechanism for the confidential reporting of human rights violations in this context

EU to organise political dialogue with the Government

Cooperation between all stakeholders should be strengthened by all players providing constructive feedback to each other

Request for EU funding

Capacity building for police training required with financial support from EU

Establish a Commission for the protection and evaluation of human rights including representatives of government, civil society, UN/EU expert on human rights. Funding to be sought from EU

EU to be made fully aware of the importance of funding and capacity-building support for NGOs and community-based organisations

Gender mainstreaming

Gender mainstreaming actions to be incorporated into EU-funded projects

EU funding processes

EU funding application procedures to be simplified

RECOMMENDATIONS TO CIVIL SOCIETY:

Enhanced work with INGOs

Local civil society to work with INGOs to devise interim strategies pending judicial reform and use international mechanisms to raise concerns

A link to be established between local grassroots NGOs and INGOs as well as the government and seek funding for capacity building

Enhanced working within CSOs

Cooperation between all stakeholders should be strengthened by all players providing constructive feedback to each other

Identify the role and responsibility of NGOs in addressing social issues and working with the local authority. (For example is it possible for a forest community to take action against illegal logging or is it the responsibility of the forestry administration?)

Develop a joint framework for NGOs to get a common position on issues before talking with the Government

NGOs to share information and data in order to work effectively on an issue and avoid overlapping projects

Civil society to use existing mechanisms to raise issues such as the complaints system run by the Ministry of Justice

5. CONCLUSION

The fact that the Seminar took place at all and that its participants really did feel able to speak frankly and criticise constructively were raised repeatedly in the plenary sessions, working groups and on the margins of the meeting.

There were of course times when the weight of history made itself felt and some speakers reported that they could not look to the future until they had placed their experiences of the past on record.

And yet the mood and dynamic of the meeting altered towards the end of the first day. A determination began to emerge so that recommendations were put forward and in such a way as to ensure they would be debated in Brussels.

Participants urged each other to articulate concrete actions to innovate, improve, and enhance the human rights situation in Cambodia in general and the protection of HRDs in particular.

The level of repetition between working group recommendations served to emphasise the synergy between the groups and the shared vision, in several areas, as to what needs to be done.

An expectation of action, in some cases urgent action, has been raised among those who debated, discussed and defined how things might be improved.

6. APPENDICES:

1. FINAL AGENDA

2. GLOSSARY OF ABBREVIATIONS
3. SPEECH TO OPENING PLENARY BY MR RAFAEL DOCHAO MORENA, CHARGE D’AFFAIRES a.i. DELEGATION OF THE EUROPEAN UNION TO CAMBODIA
4. SPEECH TO OPENING PLENARY BY MR HANG CHHAYA, CHAIRMAN OF CAMBODIAN HUMAN RIGHTS ACTION COMMITTEE (CHRAC) AND EXECUTIVE DIRECTOR KHMER INSTITUTE FOR DEMOCRACY (KID)
5. SPEECH TO OPENING PLENARY BY MR DOMINIQUE MAS, REPRESENTATIVE OF THE PRESIDENCY OF THE EU AND CHARGE D’AFFAIRES a.i. AMBASSADE DE FRANCE AU CAMBODGE
6. PRESENTATION BY MR YENG VIRAK, EXECUTIVE DIRECTOR COMMUNITY LEGAL EDUCATION CENTRE
7. PLENARY PRESENTATION BY MR VINCENT FOREST, HEAD OF EU OFFICE, FRONTLINE
8. PRESENTATION OF EU-NGO FORUM IN BRUSSELS AND EU SUPPORT TO CIVIL SOCIETY BY DR GOSIA GORSKA
9. PRESENTATION BY MR SOK SAM OEUN EXECUTIVE DIRECTOR CAMBODIAN DEFENDERS PROJECT
10. PRESENTATION BY MR OU VIRAK PRESIDENT CAMBODIAN CENTRE FOR HUMAN RIGHTS (CCHR)

7.ACKNOWLEDGEMENTS

Our thanks are due to Dr Gosia Gorska, Policy Desk Officer, Unit Human Rights, European Commission, Brussels for her clear and concise guidance throughout the writing of the Report. And for his meticulous assistance with the Report drafting we would like to thank Florent Resche-Rigon of the EU Delegation to the Kingdom of Cambodia.

The organisers wish to thank the contribution made to the Seminar by the interpreters and note takers for many hours of intense concentration. Our thanks go to interpreters:

- Sok Kunthy, Siv Sokleang, Ouk Kimseng, Sok Leang, Khemara Khiev and Seang Sopagna

And to the note takers:

- Hong Phanith, Bunkheang Cheng, Vidjia Phun

Norma Johnston, Moderator 4 October 201



APPENDIX 1

**EUROPEAN UNION-CAMBODIA
CIVIL SOCIETY SEMINAR ON HUMAN RIGHTS**

THE ROLE OF CIVIL SOCIETY AND HUMAN RIGHTS DEFENDERS

PHNOM PENH, 31 AUGUST – 1 SEPTEMBER 2010

VENUE “RAFFLES HOTEL”

AGENDA

31 AUGUST 2010 DAY 1

08.00 - 08.30 Registration of participants

08.30 - 10.00 **PLENARY SESSION: THE OPENING**

08.30 – 08.45 Welcoming speech by **Mr Rafael Dochao Moreno**, Chargé d'Affaires a.i, Delegation of the European Union to the Kingdom of Cambodia

08.45 – 09.00 Welcoming speech by **Mr. Hang Chhaya**, Chairman of Cambodian Human Rights Action Committee (CHRAC) on behalf of Cambodian civil society

09.00 – 09.15 Welcoming speech by the representative of the Presidency of the EU, **Mr Dominique Mas**, Chargé d'Affaires a.i, Ambassade de France au Cambodge

09.15 – 09.45 Coffee break

09.45 - 12.00 **SESSION 1: THE ROLE OF CIVIL SOCIETY AND HUMAN RIGHTS DEFENDERS IN CAMBODIA – EXCHANGE WITH CIVIL SOCIETY AND CAMBODIAN AUTHORITIES**

Working Groups 1, 2 & 3:

Discussion in the three working groups will include:

- *Practical consideration on how human rights defenders and Cambodian authorities (village chiefs, commune and sangkats councillors, district and provincial councils and administrations) can cooperate in order to facilitate their human rights efforts; and on how to protect human rights defenders to improve their rights and capacity (legally and in practice) to play their role*
- *A discussion of the role of government officials at different levels and their specific achievements to date in the cooperation with civil society in the field of human rights*
- *A discussion of the most effective means by which civil society may contribute to the debate around the development and implementation of government policy to protect human rights*
- *Practical consideration of how representatives of civil society will build upon current human rights discussions in order to feed prioritised recommendations into the political dialogue in Cambodia*

Each Working Group should devote about 40 minutes to each question, and discuss two questions during the morning session and two in the afternoon.

Working Group 1 (Urban)

- 09.45 – 10.15 Introductory panel:
 Panellist 1: H.E. Mr Ok Kong, Senator, Member of the Commission on Protection of Human Rights and Reception of Complaints and Investigation of the Senate
 Panellist 2: Mr Thun Saray, President, Cambodian Human Rights and Development Association (ADHOC)
 Panellist 3: Chan Vichet, Community representative
- 10.15 – 12.00 Discussion moderated by Ms Norma Johnston, Good Cause Communications Ltd

Working Group 2 (Rural)

- 09.45 – 10.15 Introductory panel :
 Panellist 1: Mr Bouth Chik, Member, Legislation Council, Ministry of Interior
 Panellist 2: Mr Yeng Virak, Executive Director, Community Legal Education Centre
 Panellist 3: Mr Seng Sokheng, Community Peace Network
- 10.15 – 12.00 Discussion moderated by Ms Nov Mean Samnang, Ang Khmer Group

Working Group 3 (Gender)

- 09.45 – 10.15 Introductory panel:
 Panellist 1: H.E. Hou Maline, Under Secretary of State, Ministry of Women's Affairs
 Panellist 2: Ms Seng Theary, Founding president, Center for Cambodian Civic Education (CIVICUS)
 Panellist 3: Ms Sopheap Ros, Executive Director, Gender and Development for Cambodia (GAD/C)
- 10.15 – 12.00 Discussion moderated by Mr Seth Van Doorn, Attaché Political and Commercial Affairs, EU Delegation

12.00 - 13.30

LUNCH

- 13.30 – 15.00** **SESSION 1 CONTINUES IN GROUPS**
 Working Group discussions continue
 15.00 – 15.30 Coffee break
- 15.30 – 17.00** **PLENARY SESSION**
 Presentation of the main outcomes of each Working Group, followed by a discussion
- 18.00 - 21.30** **DINNER** Restaurant *Titanic*, hosted by the European Union

<p>1 SEPTEMBER 2010 DAY 2</p>
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08.00 – 12.00 **SESSION 2: COOPERATION BETWEEN EUROPEAN AND CAMBODIAN CIVIL SOCIETY ON HUMAN RIGHTS DEFENDERS**

08.00 – 08.30 **PLENARY SESSION**

- 08.00– 08.30 Presentation of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms and the EU Human Rights Defenders guidelines by Mr Vincent Forest, Head of EU office, Frontline
- 8.30– 08.45 Presentation of EU-NGO Forum in Brussels and EU support to Civil Society by Dr Gosia Gorska

Working Groups 1, 2 & 3:

Discussion in the three working groups will include:

- *Examination of how international standards (for the protection of human rights defenders and their domestic application) and good human rights practices are being applied in Cambodia, highlighting achievements and challenges to date*
- *Concrete opportunities for Cambodian and European NGO communities to contribute to the official human rights dialogue as well as to jointly apply for funding and the regulatory and legal framework for the protection of human rights defenders in Cambodia*
- *Update from the July 2010 EU-NGO Forum in Brussels with specific reference to concrete support available to Cambodian NGOs*
- *Assessment of the current development cooperation and financial instruments made available by EU Member States and the European Commission to Cambodia and those likely to be required in the longer term*

Working Group 1 (Urban)

- 08.45 – 09.00 Introductory panel:
Panellist1: Mr Sok Sam Oeun, Executive Director, Cambodian Defenders Project
Panellist 2: Ms Namuezi Fedi, Technical Advisor on Access to Justice, Avocats Sans Frontières
- 09.00 – 10.15 Discussion moderated by Ms Norma Johnston, Good Cause Communications Ltd
- 10.15 – 10.45 Coffee break

Working Group 2 (Rural)

- 08.45 – 09.00 Introductory panel:
Panellist 1: Ms Sao Sotheary, Project Manager, Bridges across Borders Cambodia (BABC)
Panellist 2: Mr Jens Tinga, Chargé de mission, Fédération Internationale des Ligues des Droits de l'Homme (FIDH)
- 09.00 – 10.15 Discussion moderated by Ms Nov Mean Samnang, Ang Khmer Group
- 10.15 – 10.45 Coffee break

Working Group 3 (Gender)

- 08.45 – 09.00 Introductory panel:
Panellist 1: Mr Ou Virak, President, Cambodian Centre for Human Rights (CCHR)
Panellist 2: Mr Patrick Burgess, Asia Director, International Centre for Transitional Justice (ICTJ)
- 09.00 – 10.15 Discussion moderated by Mr Seth Van Doorn, Attaché Political and Commercial Affairs, EU Delegation
- 10.15 – 10.45 Coffee break

- 10.45 – 12.00** **PLENARY SESSION**
Presentation of the main outcomes of the working groups, followed by a discussion
- 12.00 - 13.30** **LUNCH**
- 13.30 – 17.00** **EU CONSULTATION WITH CIVIL SOCIETY**
- 13.30 – 13.45 Explanation of the purpose of the recommendations in the view of the upcoming Human Rights Dialogue with Cambodia by Ms. Danielle Dal-Molin, Policy Desk for Cambodia, Unit South-East Asia, European Commission and Dr Gosia Gorska, Policy Desk Officer, Unit Human Rights, European Commission
- 13.45 – 14.05 Summary of the two days discussion and presentation of tentative recommendations by Ms Norma Johnston, Good Cause Communications Ltd
- 14.05 – 15.00 Discussion about the recommendations
- 15.00 – 15.15 Coffee break
- 15.15 – 16.30 Formulation and adoption of recommendations
- 16.30 – 17.00 Closing remarks by Rafael Dochao Moreno, Chargé d'Affaires a.i, Delegation of the European Union to the Kingdom of Cambodia

APPENDIX 2

**EUROPEAN UNION-CAMBODIA
CIVIL SOCIETY SEMINAR ON HUMAN RIGHTS**

THE ROLE OF CIVIL SOCIETY AND HUMAN RIGHTS DEFENDERS

PHNOM PENH, 31 AUGUST – 1 SEPTEMBER 2010

GLOSSARY OF ABBREVIATIONS

- CCHR: Cambodian Center for Human Rights
- CHRAC: CAMBODIAN HUMAN RIGHTS ACTION COMMITTEE
- CITA: Cambodian Independent Teacher Association
- CMDGs: Cambodian Millennium Development Goals
- CNP: Cambodian National Police
- CSOs: Civil Society Organisations
- HRDs: Human Rights Defenders
- ICCPR: International Covenant on Civil and Political Rights
- ICESCR: International Covenant on Economic, Social and Cultural Rights
- ICT: Information and Communication Technologies
- ICTJ: International Centre for Transitional Justice
- ILO: International Labor Organization
- INGO: International Non-Governmental Organization
- KID: Khmer Institute for Democracy
- MOI: Ministry of Interior
- MoWA: Ministry of Women's Affairs
- NSDP: National Strategic Development Plan
- SC: Supreme Court
- SCM: Supreme Council of Magistracy
- UDHR: Universal Declaration of Human Rights
- WG: Working Group

APPENDIX 3

**EUROPEAN UNION-CAMBODIA
CIVIL SOCIETY SEMINAR ON HUMAN RIGHTS**

THE ROLE OF CIVIL SOCIETY AND HUMAN RIGHTS DEFENDERS

PHNOM PENH, 31 AUGUST – 1 SEPTEMBER 2010

**EU-Cambodia Civil Society Seminar on 'The Role of Civil Society and Human
Rights Defenders'**

Hotel Le Royal, 31 August - 1 September 2010

**Welcome Remarks by Mr. Rafael Dochao Moreno, Chargé d’Affaires a.i.
Delegation of the European Union to Cambodia**

Excellencies, Ladies and Gentlemen, Dear Colleagues,

It is a great honour and pleasure for me to welcome you today to this **Seminar on the Role of Civil Society and Human Rights Defenders**. I thank all participants here today - from government, civil society, EUMS and development partners.

The European Union, as provided for in all its treaties since its foundation in 1957, is based upon and defined by universal principles of liberty and democracy, respect for the rule of law, human rights and fundamental freedoms. Adherence to these principles constitutes the foundation and basic prerequisite for peace, security and prosperity and the EU is fully committed to promote them both within and outside its borders.

Support to human rights defenders is one of the priorities of the EU external policy in the field of human rights. All around the world, Human rights defenders – who by peaceful means advocate, mobilise and often put their lives at risk to defend the most fundamental freedoms of their fellow citizens - are key agents of change in their own societies and the best partners for efforts to support democracy and human rights.

As is stated in the EU Guidelines on Human Rights Defenders, "*the work of human rights defenders often involves criticism of government policies and actions.*" As the EU representative in Cambodia, I know personally that this is not always easy. EU Member states governments as well as the European Commission are also criticised, rightly or wrongly, for policies and actions taken. We see it as part of an important process which can help us to understand our mistakes and to improve our policy formulation. The important thing is to recognise the importance of dialogue and respect that others may have different perspectives.

It is precisely through fora such as this that we seek to engage in constructive dialogue with our partners. Today, we have a dual objective:

- First to enhance the EU-Cambodia official human rights dialogue by consulting with European and Cambodian civil society groups on human rights
- Second simultaneously providing a space for free and constructive discussion between government and civil society in Cambodia.

Bearing in mind these objectives, I would like all of you to consider the Raffles – Le Royal as a little portion of Europe for the next two days; everybody should feel free to talk and to express their views, whatever they are. I also would like to stress that this seminar, as our previous one in 2008, is not an end, but a continuation of a constructive dialogue. Hence it is in everybody's interest and of each participant's responsibility, not to fuel antagonism and mistrust. In addition, we do not want statements made during the discussions to provide headlines for tomorrow's newspapers.

Our seminar takes place in the context of the bilateral political dialogue between the European Commission and the government of Cambodia with the objective of reaching recommendations for our political dialogue. In a few weeks, high level representatives from the European Commission and the Cambodian government will gather, in Brussels, for our "Joint Committee", and the Sub-Group on Human Rights and Good Governance, these are our highest official level of dialogue with the government, to discuss ways to concretely work together. The European Commission attaches great importance to

ensuring that the voice of civil society is reflected in such government-to-government dialogues and we are here during these two days to listen and to take good notes of the discussions.

I wish to again underline that our dialogue with both government and civil society on human rights is a continuous process and includes our bilateral meetings, the implementation and visits of our projects, our discussions with government, our everyday communication, our encounters in other fora, etc., etc.

Excellencies, Ladies and Gentlemen, Dear Colleagues,

I now wish to take a minute to look at civil society and human rights defenders as it is their (and your) roles in Cambodia that we will be discussing. The vibrant and diverse civil society that exists today in Cambodia is considered by the EU as one of the country's greatest governance strengths. Although, as with all human rights there is room for improvement, the space accorded to date to civil society in Cambodia has contributed tremendously to the country's development and the improvement of the human rights situation.

Civil Society Organisations, be they grass-roots Community-Based Organisations, platforms, networks, Trade Unions, Professional Organisations, Private Sector Organisations, Academics, are deeply rooted into the community and understand very well the needs and struggles of the poor and marginalised people. The EU believes that a strong and diversified civil society can complement the government's action, and help it deliver social services such as education and health care as well as protect people's human rights in diverse area such as fighting discrimination or tackling corruption.

According to the UN, a human rights defender is anyone who, either alone or in association with others, works peacefully for the promotion and protection of human rights. Defenders can be of any gender, of varying ages, from any part of the world and from all sorts of professional or other backgrounds. They might be government or local officials, civil servants, political activists, press people or any citizen fighting for human rights. Human rights defenders can assist governments in promoting and protecting

human rights. As part of consultation processes human rights defenders are called to play a key role in helping to draft appropriate legislation, and in helping to draw up national plans and strategies on human rights.

Anyone can be a Human Rights Defender.

It is with a spirit of dialogue that we provide here today a platform for the meeting of some government officials and civil society organisations, for an open and non-confrontational exchange of views, to enhance mutual understanding and cooperation, with the international community as a third partner supporting and feeding this dialogue with knowledge and experience from abroad. We are looking forward to hearing what you have to say.

It is so important for all of us to broaden and deepen our knowledge about what the situation of human rights in Cambodia is to date and of how the interests of Cambodian people can be better served. I am confident that this seminar will find many new innovative forward-looking approaches.

I would like to finish, as I usually do, with a quote, this time from the famous pop artist Andy Warhol, that I feel will be useful for us for this seminar. He said:

"They say that time changes things, but you actually have to change them yourself".

So let's start changing things and let's start today

I wish all participants every success in the seminar and in your future activities.

- Thank you!

APPENDIX 4

**EUROPEAN UNION-CAMBODIA
CIVIL SOCIETY SEMINAR ON HUMAN RIGHTS**

THE ROLE OF CIVIL SOCIETY AND HUMAN RIGHTS DEFENDERS

PHNOM PENH, 31 AUGUST – 1 SEPTEMBER 2010

**Speech by
Mr. Hang Chhaya**

Chairman of the Cambodian Human Rights Action Committee (CHRAC),
Executive Director of the Khmer Institute of Democracy (KID)

At the European Union-Cambodian Civil Society Seminar on Human Rights

Phnom Penh, 31 August 2010

Excellencies, Distinguished guests, Ladies and Gentlemen,

First of all on behalf of the Cambodian Human Rights Action Committee and civil society as a whole, I would like to very warmly welcome everyone at this inaugural European Union-Cambodian Civil Society Seminar. I am honored to have been invited to this important event where dialogue for open discussion in human rights in Cambodia will be debated over the next 2 days. As such, I would like to thank everyone for the honor you are conferring upon me before I hand over to **Mr Dominique Mas**, Chargé d'Affaires a.i, Ambassade de France au Cambodge in allowing myself to deliver a few remarks on this very important occasion. I am extremely pleased to witness first hand the wonderful turn out by civil society representatives at this event. It is very encouraging!

Following the signing of the Paris Peace Accords in October 1991, the European Union entered into a two-way dialogue with Cambodia on co-operation, which has since assisted the country in its efforts to tackle the challenges that have emerged from years of war. The long-term commitment to co-operation by both the EU and Cambodia produced the Framework Co-operation Agreement between the two parties.

Essentially, the Agreement focuses on economic and development co-operation in the broad sense, while respect for, and recognition by both parties of, democratic principles and human rights as enshrined in the Universal Declaration of Human Rights.

Excellencies, Distinguished guests, Ladies and Gentlemen,

On the outset, I would like to point out that Cambodia is a signatory to Universal Declaration of Human Rights (UDHR) under the International Covenant on Civil and Political Rights or ICCPR, which Cambodia ratified in 1992 and ICCPR is one of nine (9) core treaties under Universal Declaration of Human Rights.

In recent years, aggrieved groups in Cambodia have routinely portrayed themselves as victims of human rights abuses. Land owners, victims of KR (Khmer Rouge Regime), physical and mentally disabled people, indigenous peoples, AIDS patients, and many others have chosen to protect and promote their interests by advancing new human rights norms before the United Nations and other international bodies. Often, these claims have met strong resistance from governments and corporations. More surprisingly, some individuals and groups have voiced influential misgivings, arguing that rights "proliferation" will weaken efforts to protect their traditional concerns: civil and political rights.

There are times where the individuals and organizations who have refused to be satisfied with the status quo, and who have had the courage to try to convince others to see rights violations in places where they never saw them before. From this, we should take inspiration and not complacency.

Rights defenders must work beyond the assumption that only the most in need, oppressed, and marginalized groups have the ability to nationalize/internationalize their grievances through civil society organizing.

Specifically, our work must be based on recently and successfully utilized human rights framing and rhetoric to gain national/international support for their cause and traces the why and how of this process.

In this regard, we will be given the unimaginable task of framing the questions: why are certain global problems recognized as human rights issues while others are not? How do local activists transform long-standing problems into universal rights claims? When and why do human rights groups, governments, and international organizations endorse new rights?

If we were to focus on activists who advance new rights, a framework for understanding critical strategies and conflicts involved in the struggle to persuade the human rights movement to move beyond traditional problems and embrace pressing new ones all of sudden presented us with new possibilities. Rights activism by such broad based groups will lead to new issues such as health rights, economic rights, the right to water, and at a distant last the right to life. Examining both the successes and failures of such human rights campaigns require working together, which will be also a key resource not only for scholars but also for those on the front lines of human rights work.

We have truly reached the 2nd Millennium and Cambodia surely cannot grind to a halt with its efforts to ensure that human rights are a reality and not some illusive dreams and hope. This might prove difficult at first but once we are able to find that illusive HR footprints so that everyone can follow will ultimately take hold for many years to come.

Recently, as reported by Human Rights Watch and Amnesty International, threats and attacks leveled against human rights defenders have somewhat intensified and increasingly becoming malicious. For example, community members and representatives are targeted with intimidation in land and housing issues, unprecedented criminal charges brought against citizens, and imprisonments have dominated Cambodian news. I experienced first hand how frustrating human rights work in Cambodia can be; the many meetings with provincial and government officials together with HR colleagues to plead and ensure people rights are protected and it appeared to have fallen on deafened ears or at best a reception of an indulging smile or a raised "eye browse". Not forgetting the good work of the trade unionists who have been the backbone of Cambodian development and important frontline defenders of workers, advocating for workers rights and conditions have been subjected to increasing intimidation.

Excellencies, Distinguished quests, Ladies and Gentlemen,

Before I conclude I would like to take this opportunity to reverberate that there must away we can progress and move forward the different areas of interests while recognizing that Human Rights is common value that belong to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to human rights, without discrimination.

I hope that we can all join together to find the ways to furthering the work of human rights in this country where active participation from all concerned. In today's topic on civil society and human rights as well as tomorrow's discussion, I hope that we will learn about best practices and other practical means to achieve overall goal of the Seminar.

Finally, on behalf of the Cambodian civil society, I wish to thank to the organizers, especially the EU delegation in Cambodia and I truly believe that this Seminar will serve as a window of opportunity for human rights advocates and human rights defenders to learn as well to give back what they learned and knew about human rights situation in Cambodia.

I wish you all a fruitful and successful discussion.

Thank you

APPENDIX 5

**EUROPEAN UNION-CAMBODIA
CIVIL SOCIETY SEMINAR ON HUMAN RIGHTS**

THE ROLE OF CIVIL SOCIETY AND HUMAN RIGHTS DEFENDERS

PHNOM PENH, 31 AUGUST – 1 SEPTEMBER 2010

Speech of Dominique Mas

- Chargé D' Affaires a.i, Ambassade de France au Cambodge

Excelleccies, representative of the Royal government of Cambodia

Monsieu the Chargé d' affaire of the delegation of the European Union.

Representatives of the Cambodian civil society

Representatives of the European commission

Dear Colleagues, Ladies and Gentlemen

As the local representative of the presidency of the Council of the European Union, it is with great pleasure and a real interest that I accept the invitation of Rafael Dachao to participate in the opening of this seminar of Human Rights.

My interest is twofold this morning. First of all, I know that your discussion today and tomorrow will nourish the upcoming dialogue between the EU and Cambodia. Your contributions are essential to help us conduct our action in Cambodia, and understand the national context and the expectancies of our partners. In all the countries which Europe is invested in, we give great importance to the

place of civil society and to our cooperation with it. Issues of Human Rights and of its defenders are naturally at the heart of the political dialogue which we conduct with other countries. Be certain that, even if you are not present in Brussels, your messages will be carried through by our colleagues present today, both from the delegation and the commission, and will be discussed with the royal government.

Second of all, I would like to point out that beyond the joint committee, the debates coming up concern each and every one of us. The rights of HRD and their protection are relevant everywhere in the world. I would say that each one of us should be a defender of human rights, and should be committed to fend for the victims of political, economic, social or cultural injustice, of gender inequality, or sexual orientation discrimination.

I would like to salute all those who, relentlessly and for many years, have been devoted to the cause of human rights in Cambodia, even putting their life or their freedom at stake. This country has unfortunately been the host of many human rights violations, sometimes amongst the most horrendous. The Khmer Rouge tribunal is here to remind us of these. It is a homage paid to the victims of the regime, but also to all those who, in Cambodia or elsewhere, have fought or are fighting for the duty of remembrance, the right to justice and the fight against impunity.

Since this period, Cambodia has achieved considerable progress in the field of human rights. It has acquired perhaps some of the most important of these rights: the right to live in a country at peace, to circulate freely and without fear of insecurity or political violence. I also take note that access to clean water, health and education has been improved, that efforts have been made in decentralization, in the fight against human trafficking, in the protection of youth. These results are necessarily incomplete and will need to be addressed and improved relentlessly. Also Cambodia has the chance to possess a large and diverse civil society. This needs

to be preserved as an indispensable lever to enhance the country's development.

France has, along with the rest of European countries and the international community, contributed to the development of the rule of law in this country. For example, thanks to the help of our experts, a new penal code has been drafted, an essential element in the right to justice for all. The action of the NGO Avocats Sans Frontières, which we support, allows the poorest population to have access to justice thanks to the legal aid it provides. The training given to judges and lawyers are important complements to this action. The support that France, along with the UK, Germany and the European commission, give to the Khmer Rouge tribunal, has not only contributed to international justice, but will also, we hope, contribute to the improvement of Cambodian justice. Outside of the legal sphere, member states are acting in sectors as diverse as the fight against human trafficking, the support to cultural minorities, to decentralization, the strengthening of governance, and the respect of land rights.

Of course, the margins for progress are huge and there remains a lot to be done. In Cambodia, like elsewhere, the mobilization of Human Rights Defenders is indispensable. Defending human rights in a struggle which is not limited to Cambodia. In Europe, in my country also, vigilance is necessary. Whereas Cambodia has, along with all European Countries, abolished the death penalty, many countries in the North or in the South still pursue this policy. Respecting land rights here or in Latin America is a similar combat; access to a free and diverse press, to democratic election and multiparty are values which are still underdeveloped in the region. Gender equality, to give just one last example, is probably the right which is the least shared on this planet.

The defense of human right is a permanent struggle which needs to be undertaken collectively. It is a struggle that is common to the State and to civil society. The fact that the royal government has approved all of the recommendations coming from the universal periodic review of Human Rights in Cambodia is a positive sign for this struggle. From there on, the issue is to know how we can

all work together to enact these resolutions. Only through political dialogue, democratic cooperation rather confrontation, promotion of parliamentary work, can progress be made in Cambodia, in respect to human rights.

The EU has a mandate to accompany all of its Cambodian partners in this approach. Not only to accompany but also to protect all the actors taking part in this exercise. The recent adoption of European guidelines on human rights defender in Cambodia, to which local NGOs have been consulted, corresponds to this goal.

The next two days will enable us to understand better how the EU can work alongside all of its Cambodian partners, civil society and the Cambodian government to extend and enhance human rights. Your opinions, your sometimes differing analysis, will be of great value to us. Most of all, the mobilization of all the actors will, for us, European countries, be an encouraging sign of the national will be defend, along our side, a certain ideal.

I thank you and wish you an excellent seminar.