

Human Rights Lawyers Association Bursary 2018 Report

The Cambodian Center for Human Rights

Introduction

I was overjoyed to be offered a placement as a Professional Legal Volunteer at the Cambodian Center for Human Rights ('CCHR') in Phnom Penh from July to September 2018. I am tremendously thankful to the HRLA for their support, without which I would have been unable to accept the position. This is a brief report about my time at the CCHR, which I am glad to write at the HRLA's request.

Cambodia: recent history and current politics

Following the Cambodian Civil War, Cambodia was host to a genocide perpetrated by the Khmer Rouge, aimed at producing a classless agrarian society. 1.5 to 3 million people were killed between 1975 to 1979, and the economic, political, and social impact of this brutal period continues to affect Cambodians today. Hun Sen came to power as part of the Khmer Rouge, before defecting and emerging from the political strata as Prime Minister of Cambodia in 1985. The Cambodian People's Party ('CPP') claimed another victory in the general election in July 2018. Hun Sen remains the longest-serving Prime Minister in the world.

In June 2017, the Cambodian National Rescue Party ('CNRP') - the largest opposition party to the CPP - enjoyed unprecedented success in Cambodia's communal elections. In September 2017, CNRP leader Kem Sokha was arrested and imprisoned. The CNRP was dissolved by the Supreme Court of Cambodia two months later. Calls to boycott the July 2018 general election were met with threats of arrest and fines, along with reports of CPP intimidation in various provinces. Dissenting websites were blocked in the run-up to the election. Statements condemning the election were issued by Australia, Canada, New Zealand, the US and the UK shortly afterwards. Many individuals were arrested and subsequently released on suspended sentences following the 2018 election. Kem Sokha was released on bail in September 2018 and remains under house arrest.

The CCHR

The CCHR was founded by Kem Sokha in 2002; he later left the organisation to pursue a political career. Since then, CCHR has undergone two changes in leadership and the organisation remains strictly independent. Its stated mission is “*to promote and protect respect for democracy and human rights - primarily civil and political rights, for the benefit of all those living in Cambodia.*” The CCHR is one of Cambodia’s most prominent independent human rights organisations, and drew particular international attention after Hun Sen called for it to be shut down in November 2017.

My role and responsibilities at the CCHR

I arrived during a period of considerable political activity in the country, owing to the July 2018 elections. This, combined with the sensitive and ongoing nature of the projects that I assisted on, means that I am limited to describing my contribution in general terms.

Amongst other things, I conducted detailed legal analyses of draft legislation, ensuring its compliance with international law and other internationally recognised standards. I also carried out legal research and identified key recommendations regarding the UN Universal Periodic Review, produced training materials on the principles and application of the International Covenant on Civil and Political Rights (‘ICCPR’), and monitored trials at the Phnom Penh Municipal Court. I reviewed knowledge resources for lawyers on the use of Cambodian and international law (including the application of criminal charges regarding the right to freedom of expression and freedom of assembly, defamation and public insult, and treason and espionage, as well as their associated defences), and drafted documents considering legal rights of the Khmer Krom (an ethnic minority based in southern Cambodia and Vietnam) with reference to the ICCPR, the International Convention on the Elimination of all Forms of Racial Discrimination, and the Constitution of the Kingdom of Cambodia.

Concluding remarks

The CCHR successfully address abuses of human rights and civil liberties in a dangerously confrontational climate. It educates a population to whom the very concept of human rights

remains unknown or unbelievable. It fights for the development of new values - such as sexual orientation and gender identity rights - all the while acting with profound sensitivity towards the traditional and developing views of Cambodian citizens.

I left with a broadened understanding of how the CCHR navigates deep-rooted human rights issues safely and productively. The UK is not immune to such issues: structural racism, disregard for private life, and gender inequality are among the abuses experienced by its citizens today (respective examples being the Windrush scandal, implementation of the Snoopers' Charter, and Women and Equalities Committee inquiry on workplace sexual harassment). The CCHR's sense of creativity, tact, and respect for the context in which they work are vital, and are perspectives that I intend to bring to any future contributions that I might make to human rights in the UK.

My time with the CCHR served as a strong reminder of the importance of active and visible support of human rights defenders - activists, lawyers, political commentators, or otherwise. I have developed an overwhelming respect for the CCHR and its associated organisations. It has been an honour to work - even if only briefly - with such a commendable group of people.

RUTH WHITTAKER

November 2018