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Cambodian Center for Human Rights

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Cambodian Center for Human Rights

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Introduction

Consultation Background

In June 2014, the Human Rights Council (the “HRC”) of the United Nations (“UN”) convened for its 26th session. During this session, the Report of the Working Group¹ of Cambodia’s second Universal Periodic Review (“UPR”) was formally adopted. Of the 205 recommendations made to the Royal Government of Cambodia (the “RGC”) by other UN member States, the RGC accepted 163 and noted the remaining 42.



Although a fairly recent process, the UPR is an important method for assessing the human rights record of a specific State. As it is a peer evaluation, where other UN Member States conduct the review, it is seen by many as a fair and equal assessment process. Although the UPR is a non-binding process, by choosing to accept recommendations, a State is making a commitment on the international stage to implement

them within the four years of the UPR cycle.

With this in mind, CCHR and the Office of the High Commissioner for Human Rights (“OHCHR”) organized a Post-UPR National Consultation and Advocacy Workshop (the “Consultation”) in Phnom Penh, Cambodia, on 17 and 18 July 2014.² Invitees were predominantly from NGOs focused on freedom of expression, judicial reform, land rights, women and children’s rights, and economic, social, and cultural rights. Through the panels, presentations, and discussions organized as part of the Consultation, it was hoped that attendees would have a better understanding of the UPR process, as well as how to effectively lobby the RGC to implement the accepted recommendations.

Objectives

The Consultation was an opportunity for NGO members working in varied but equally important human rights fields to come together and discuss Cambodia’s UPR, as well as to gain more knowledge about the UPR process through presentations and panel discussions, and discuss their own ideas for monitoring and advocating for Government implementation.

¹ Human Rights Council, ‘Report of the Working Group on the Universal Periodic Review’ (27 March 2014), <http://bit.ly/1Ajhusn>

² CCHR, ‘CCHR and OHCHR to host Post-UPR National Consultation and Advocacy Workshop (Media Alert) (16 July 2014), <http://bit.ly/1vQg9uq>

The main objectives for this Consultation were:

- To raise awareness of the UPR process within Cambodian civil society and among other stakeholders in order to ensure systematic advocacy for implementation over the coming years; and
- To discuss means of monitoring RGC implementation of the UPR recommendations

Proceedings

I. Opening Remarks

Ms. Chor Chanthya, Senior Researcher, Cambodian Center for Human Rights

Ms. Chor Chanthya thanked speakers and attendees for their participation. She noted that UN Member States provided 205 recommendations to Cambodia, and last month, Cambodia decided to accept 163 recommendations. She gave a short explanation of the UPR process and reflected that maybe Cambodia is more serious about the process this second time. The first time, Cambodia accepted all recommendations but did not put much effort into their implementation. Over the next two days, our goals are to raise awareness about the UPR process in Cambodian society and come up with an advocacy strategy to help Cambodia implement these recommendations.

Ms. Wan-Hea Lee, Representative of the High Commissioner for Human Rights in Cambodia

Ms. Wan-Hea Lee opened by stating that she is once again pleased to be working with CCHR. She gave an overview of the UPR, which is a fair, State-driven process that allows each State to present what actions they have taken to improve their human rights situation. She stated that it is also a transparent process, as all documents are available online and each State's review session can be watched on the Internet.

Ms. Wan-Hea Lee emphasized that NGOs have a crucial role in this process; whether States implement recommendations often depends on the advocacy by NGOs and how great their impact is. OHCHR supports this workshop and has also held its own sessions to train NGOs on how to make submissions to the UPR process. She also reminded attendees of the importance of follow-up. Without concerted and meaningful follow-up of the UPR, all the efforts of the Government, civil society, and others to the UPR process will have been in vain. Therefore, all stakeholders need to put more effort into the follow-up this time around.

Ms. Wan-Hea Lee also commented on the idea that the UPR recommendations are not legally binding. She said explained that when recommendations touch upon issues covered in legally binding international treaties, there should be no doubt that such recommendations must be implemented. Responsibility for implementation rests, of course, with the Government, but civil society plays a crucial role in helping with and monitoring implementation.

His Excellency Mak Sambath, Chairman, Cambodian Human Rights Committee

H.E. Mak Sambath expressed thanks to CCHR for organizing this workshop and his hope that civil society and NGOs will be able to better understand the UPR process. He stated that civil society is a partner of the Government, and that he would like to see them succeed; he noted that the Cambodian Human Rights Committee ("CHRC") plays a coordinating role, working with members of civil society.



With regards to the UPR process, he stated that before 2006, this process did not exist, so people saw human rights reviews as unequal and unfair, as they usually targeted developing countries and only picked about ten countries to give recommendations. Now there are 193 countries, who are all eligible to be elected as one of the 47 members on the Human Rights Committee (“HRC”) at one time (13 from

Africa, 13 from Asia-Pacific, eight from Latin America and the Caribbean, six from Eastern Europe, and seven from Western Europe and other regions).

He noted that during the last UPR, Cambodia received 91 sets of recommendations, and that the RGC accepted them all, as most of them were already part of the National Strategic Development Plan (“NSDP”). This time around, the RGC has accepted 163 recommendations and noted 42; they must be discussed before stakeholders can do anything, so he remarked that he was happy to be at this workshop today. He believes it is important for everyone to work together. The RGC will continue to work to implement the recommendations, but if there are too many recommendations, it will be too difficult to implement them.

Mr. Sambath also described the report the RGC sent for the UPR, which includes four sections: the introduction of the report; achievements and steps towards implementation by the Government; challenges; and ways forward to be undertaken by the Government. He noted that the UPR is a very important process and that the RGC must submit the report, as it is requirement of each State, and they cannot skip or delay the report as they do for the review processes for the ICCPR and the Convention on the Elimination of all Forms of Discrimination Against Women (“CEDAW”). He concluded by reiterating his desire for participants to join actively, to pay attention to the presentations, and to find out what can be done with regards to cooperation among civil society and the Government.

II. “Overview of the UPR Process & the 2014 UPR Recommendations for Cambodia”

Presentation by Ms. Catherine Phuong, Coordinator of Rule of Law Programme, OHCHR-Cambodia

Ms. Catherine Phuong gave an overview of how the UPR process was established. UN General Assembly Resolution 60/251 created the Human Rights Council as a successor to the Commission on Human Rights and mandated it to “undertake a universal periodic review.”

Ms. Phuong explained the objectives of the UPR, which are (1) improvement of the human rights situation on the ground; (2) fulfillment of the State's human rights obligations and commitments; (3) enhancement of the State's capacity through technical assistance; (4) sharing of best practices among States and other stakeholders; (5) support for cooperation to promote and protect human rights; and (6) full cooperation with the Council, other human rights bodies, and OHCHR.

Ms. Phuong then outlined the key principles of the UPR, which are:

1. Universality – All human rights (civil, political, economic, social, and cultural rights) are reviewed;
2. Non-discrimination – All UN Member States have their human rights record reviewed; and
3. Equality – The review is the same for all States.

She pointed out that the UPR is a cooperative mechanism, and that it does not replace Special Rapporteurs or any other human rights mechanisms.

Ms. Phuong then discussed the legal basis of the review, which comes from the Charter of the United Nations, the Universal Declaration of Human Rights ("UDHR"), other human rights treaties ratified by the State being reviewed, any voluntary pledges and commitments made by States (domestically and internationally), and applicable international humanitarian law.

She also explained the documentary basis of the review, which comes from three reports: the National Report (prepared by the State being reviewed – 20 pages); the UN compilation (prepared by OHCHR, based on relevant UN information – 10 pages); and the stakeholders' summary (prepared by OHCHR on the basis of information provided by other stakeholders, including NGOs, national human rights institutions, and regional organizations – 10 pages).

Ms. Phuong noted that there have been some developments in Cambodia since the first UPR cycle. The Cambodian Human Rights Committee ("CHRC") is now in charge of coordinating the implementation of recommendations made during the UPR. Moreover, UPR recommendations are now distributed to each relevant Ministry, which are required to send a mid-term report to CHRC on the status of implementation.

Ms. Phuong noted some of the challenges involved in the implementation of UPR recommendations in Cambodia, such as there being too many recommendations, that many of these recommendations are often vague and difficult to implement, problems of resources and expertise at the CHRC, problems related to a lack of communication between Ministries, and too great of a focus on reporting. Ms. Phuong emphasized that there should be less of a focus on reporting and more on implementation, noting that good implementation results always makes reporting in the next cycle easier.

With regard to the importance of NGO reports, Ms. Phuong stated that members of the Human Rights Council may have never visit Cambodia, so they rely heavily on the reports submitted to the UN by civil society and NGOs.

With regards to this year's recommendations, Cambodia accepted 163 and noted 42; she explained that a State cannot "reject" any recommendations, so the four that Cambodia wanted to "reject" are recorded as "noted." Noting a recommendation means that the State being reviewed has not committed itself to implement that recommendation, so it is recommended that NGOs focus their work on the 163 recommendations that Cambodia has agreed to implement. Moreover, Ms. Phuong refuted the idea that having more recommendations than in the previous cycle means a State is doing worse. She noted that even though a lot of recommendations are given, many of them cover the same issues.

She then went over the various issues that the recommendations cover: treaty ratifications; legislative reform; the establishment of a National Human Rights Institute ("NHRI"); technical cooperation; women and children; judicial and legal reform; fundamental freedoms; land; and economic and social issues.

She concluded by noting that it is important to start the monitoring progress on the implementation of the recommendations from an early stage, and that participants have concrete activities and plans to monitor the implementation and to produce related information. She emphasized the importance of having documentation and data to see whether or not specific recommendations have been implemented. The RGC publically and explicitly accepted recommendations in front of the Human Rights Council and on the world stage; the role of NGOs is to keep reminding the Government of what they have accepted, and offer their help, where appropriate, to implement them. The UPR recommendations should be used as much as possible to advocate for human rights reform.

III. Panel Discussion: "Implementation of UPR Recommendations"

Moderated by Ms. Sorn Ramana, Freedom of Expression Project Coordinator, Cambodian Center for Human Rights

Mr. Meas Samnang, Secretary General, NGO Coalition on the Rights of the Child

Mr. Meas Samnang began by explaining the objectives of the NGO Coalition on the Rights of the Child ("NGO CRC"), an organization which is aimed at providing technical assistance and support for member NGOs and at promoting and advocating for the rights of children in Cambodia. During his remarks, he emphasized that the Consultation will be very important for advocacy at the national level on the issues addressed by the UPR recommendations.

Mr. Ou Virak, Chair of the Board of Directors, Cambodian Center for Human Rights

Mr. Ou Virak commented that this year, the RGC accepted 163 recommendations. Remarking on the recommendations that were noted by the RGC, Mr. Ou Virak explained that when the Government uses the word "noted," it expresses the sentiment of rejection. Mr. Ou Virak also noted that a lot of the recommendations use very diplomatic language; for example, how can someone implement a recommendation like "Respect human rights"? He commented on the fact that if the RGC commits to implementing some recommendations, and then they do not, they will have to think about their image when they face the international community. In addition to the UPR, Cambodia has also received

recommendations through other UN mechanisms, such as treaty bodies, and has a responsibility to implement them. Mr. Ou Virak inquired as to why some of the recommendations are the same, as well as what consequences there will be if the RGC does not implement them. These are questions that need to be answered.

Mr. Suon Bunsak, Executive Secretary, Cambodian Human Rights Action Committee (CHRAC)

In his opening remarks for the panel discussion, Mr. Suon Bunsak pointed out that those who write judgments about Cambodia are not judges; as such, these are only recommendations, and unfortunately, there is no one to play the role of the police or courts. He noted that during the first UPR cycle, the RGC accepted all of the recommendations, which he posited was out of ignorance and indicated that they may not have been fully aware of how the process worked. When Cambodia accepted all 91 recommendations, they had no idea how to realistically implement them. Mr. Suon Bunsak noted that civil society is a lot more involved in the second cycle this time; the next step is for civil society to discuss what organizations can do to follow up and monitor the implementation of the recommendations. Organizations need to read and try to understand all of the recommendations, which is more difficult now than in the past given the higher number of recommendations. After reading through all of the recommendations, organizations must choose the ones that are in their fields of expertise and advocate so that the recommendations can be realized by the RGC. Organizations must make an implementation plan. Mr. Suon Bunsak also remarked upon vague recommendations, asking how the RGC can be expected to implement vague recommendations such as “provide adequate housing.”

Questions

A number of questions were put forward by the moderator and the participants, including the following:

- Do you think there are some issues that were not covered by the given recommendations?
- For the second cycle of the UPR, what can we do to make sure we improve things from the first cycle?
- How do you compare the first and second cycle of the UPR in relation to cooperation?
- Has civil society attended the UPR sessions before?
- If the RGC does not implement recommendations, who is policing them?
- Should we respect recommendations coming from States who have a worse human rights record than Cambodia?
- What are your expectations for the implementation of these recommendations? How do you foresee the implementation process?

Responses by Mr. Ou Virak

Mr. Ou Virak commented that he believed that the RGC should have rejected/noted more than 42 recommendations, as some are not useful. He also remarked that some recommendations are implemented only in practice and not in spirit; for instance, the three laws on the judiciary that were recently passed mean little in the context of the lack of independence of the judiciary. The passage of these laws does not encompass the spirit of recommendations aimed at judicial reform.

Regarding the fact that some recommendations have come from countries with worse records, Mr. Ou Virak noted that it does not mean the RGC should reject recommendations raised by those countries. The only problem is that a lot of recommendations are very broad and not useful. It is more important to just look at the recommendation; if the recommendation is good for the country, it is not relevant which country the recommender comes from.

Responses by Mr. Suon Bunsak

With regards to the question on civil society participation in the UPR process, Mr. Suon Bunsak clarified that anyone can submit reports: individuals or NGOs. He explained that the first stage is that reports are submitted; the second stage is that Member States read all the reports in order to make recommendations; the third stage is the session of the working group – NGOs can come and listen, but not everyone who submits a report is invited; and finally, the last stage is the plenary session, where civil society is allowed to join, but they are not allowed to speak. NGOs can speak at the coffee table, though, and at lunch and break times in order to lobby, but they cannot make a formal address. Mr. Suon Bunsak also noted that usually, the RGC does not take civil society submissions into account. He mentioned his skepticism regarding the implementation of all 163 recommendations, noting that he was not very positive regarding the existing group of leaders and that what happened during the last cycle is proof that they are not going to be effective. He also noted that it is not very important to stress too much who the recommending countries are but rather the recommendations themselves.

Mr. Suon Bunsak remarked that the full implementation of all of the recommendations would be an achievement and would lead to positive change. For instance, if the RGC chose to ratify the International Convention on Migrant Workers and Members of their Families, then the RGC would have to protect migrant workers coming from other countries. However, when those countries do not ratify that treaty, they are not responsible for respecting Cambodian workers, so it is important to also lobby for countries who host Cambodian workers to ratify the treaty. Mr. Suon Bunsak noted that he does not think Cambodia should ratify the treaty until other countries do.



Response by Mr. Meas Samnang

Mr. Meas Samnang noted that it does not matter whether developed or developing countries give recommendations and that it is more important to look at the recommendations themselves and how effectively they are implemented. He recommended that participants look at the bigger picture so they

can address problems at the national level. Besides the reports that Ms. Phuong mentioned, reports go to donors, and we should ask them for support in our advocacy efforts. We need to understand both regional and international mechanisms so we can address the recommendations better.

He remarked that during the first cycle, NGO CRC did not have a specific plan; they did not plan to submit joint reports, only separate submissions. But in the second cycle, they submitted joint reports, and engaged with international children's rights NGOs. They also cooperated with other NGOs dealing with other related issues. He remarked that before the 1993 general election in Cambodia and before the first UPR cycle, NGOs did not really cooperate or connect with each other. However, they [NGO CRC] lobbied for the RGC to ratify two optional protocols to the Convention on the Rights of the Child, which they did, in 2002 and 2004.

Mr. Meas Samnang noted that if many recommendations are addressed in this cycle, it does not guarantee that there will not be a lot of recommendations in the third cycle. Whether recommendations are implemented in the next four years or not, the RGC will still defend its human rights record. Civil society and experts should work together as they can provide support. Mr. Meas Samnang sees this as a good process, and if donor countries can also lobby the Cambodian Government, we will be on the right track.

Response by Ms. Catherine Phuong

In response to the questions aimed at the panel, Ms. Catherine Phuong noted that NGOs were given the opportunity to make oral statements during the plenary session of the June session of the Human Rights Council. She recalled that the UPR is a review of States by States, not NGOs, so it is mainly States who participate in the UPR process and give recommendations to Cambodia.

On the question of which countries make recommendations, Ms. Phuong noted that it is important not to focus on the country making it, but rather on the content of the recommendation. Civil society can also lobby the country who made the recommendation to press Cambodia to implement the recommendation. Maybe that country will provide funding or will help in other ways. The State which made the recommendation is indicated next to each recommendation. Even if they are the same, each State has its own recommendation, so one can see which recommendations have been put forward the most by different States.

She clarified that the UPR is an international UN mechanism. The UN will not punish Cambodia for not implementing recommendations, as the UPR is about cooperation and dialogue. She reminded participants that they should take time to convince the RGC that implementing the recommendation is in its best interests.

With regard to the Convention on the Rights of Migrant Workers, Ms. Phuong noted that it is difficult to ask other countries to ratify it if Cambodia has not done so itself. She noted that Cambodia should lead by example and that this will make it easier to convince other countries. Cambodia should be committed to the protection of all migrant workers, and not just the protection of Cambodian migrant workers.

IV. “Developing Strategic Advocacy Plan in UPR Process”

Presentation by Mr. Lam Socheat, Deputy Director, Advocacy and Policy Institute

Mr. Lam began his presentation by providing an overview of the nine elements of an advocacy plan:

1. Establishing values and vision, regional / country strategy;
2. Conducting an organizational and country capacity assessment;
3. Undertaking a context and power analysis;
4. Identifying issues for advocacy;
5. Researching for evidence;
6. Developing goals, objectives, indicators, and results, and writing a strategy;
7. Conducting a stakeholder analysis;
8. Developing an influencing strategy; and
9. Identifying specific actions and interventions.

Mr. Lam Socheat also outlined the in-country UPR process, which includes four stages: the preparation stage, the defense stage, the implementation stage, and the monitoring and evaluation stage. He noted that participants must figure out how to advocate in each stage, identify possible entry points, and create an advocacy strategy for each stage.

He also gave the participants some overall advocacy strategies and actions, which are:

1. Building relationships with Government officials and representatives;
2. Working with media;
3. Building and maintaining coalitions;
4. Advocating through the legal process; and
5. Mobilizing the grassroots.

Some suggested advocacy activities are policy-focused lobbying; doing research and writing reports and publications; campaigns and awareness-raising activities; media work; building the capacity of law enforcers; monitoring implementation of policy; legal action; and sharing information. Mr. Lam Socheat noted that when we create our advocacy activities, we must identify if they are “soft” or “hard.” Soft means they present less challenges to the target; hard means they present more challenges to the target. For the follow-up and implementation stages of the UPR process, civil society should disseminate UPR recommendations, maintain dialogue between the Government and NGOs on implementation, and monitor progress in implementation.

Questions

A number of questions were put forward by the participants, including the following:

- You mentioned that in order to develop an effective advocacy strategy, we need to propose change to the Government. How do we know what stage they are in? What can we do to know what stage the Government is in?

- If we do advocacy on elections, how can we show that this advocacy is not just from NGOs but from the people too?
- I would like to ask you a bit more about allies, neutrals, and opponents. How can we persuade opponents to join us, or stop them from interfering in our work?
- I want to ask about indicators over the next four years. Should they be qualitative or quantitative in all sectors? And how can we measure these indicators?

Response by Mr. Lam Socheat

Regarding identifying which stage the RGC is in, Mr. Lam Socheat answered that it was not difficult to figure out, as it is in their agenda and important events are broadcast in the news; moreover, the UN's schedule is public so it is easy to find out.

Regarding representation, he noted that it was very important, and that approval should be sought from local citizens in order to be seen as legitimate representatives of the people. This can be done through something like a baseline survey, for example.

In answer to the question on allies, neutrals, and opponents, Mr. Lam Socheat noted that we should analyze all three actors; for opponents, they should be engaged so that they become supporters, beginning with analyzing if their opinions have popular support and why they do not support the organization's position. After that, the focus should be placed on their agenda and priorities and why they hold these views.

Regarding indicators, he stated that indicators of success should be both qualitative and quantitative, and that chosen indicators should be verified.

In conclusion, he noted that, in advocacy, one must have positive thinking. Negative thinking and criticism do not help the movement. There are some bad things and some good things, but he encouraged participants to be positive and to believe that they will be successful one day. He remarked that if Gandhi and Mandela can remain in prison for one-third of their life, then we can also retain hope.

V. "The UPR Process"

Presentation by Ms. Francesca Piccin, Programme Manager, UPR Info

Ms. Francesca Piccin began by noting that the Consultation was exactly the follow-up action that is needed from civil society after the UPR and thanked the organizers. She explained that UPR Info tries to give support to human rights NGOs and to make human rights mechanisms more sustainable and more effective on the ground. They are committed to improving knowledge about the UPR process around the world; they do not do advocacy, but they strongly support NGOs, civil society organizations ("CSOs"), and other stakeholders' access to this process. She noted that the most important thing is for people to engage directly with human rights institutions.

She explained that UPR Info has a Cambodia page, where one can find all the information about Cambodia's UPR cycles there. All official UN documents are available there, as well as reports made by civil society members. They record all the information Cambodia received and gave in all UPR cycles.

Ms. Piccin remarked that it is now civil society's turn to be an actor in this process; one thing that is a challenge is following up if a country receives a lot of recommendations – and Cambodia received a very large number. She explained that during the first cycle, the average number of recommendations per country was 110 while during the second cycle, the average number was 260; there is thus a trend of countries receiving more recommendations as the process matures.

According to Ms. Piccin, the UPR is a mechanism that is always changing, being re-worked. Now States and Governments better understand how the UPR mechanism works, so it has become easier to work around. She noted that more actors are engaged in the process, so there are more recommendations to address. But in her opinion, the number is not important. Out of all of them, Cambodia accepted almost 170, leaving the others noted. Recommendations cannot be rejected because even if a country cannot accept them, it does not mean they should not still be working on them. Most of the ones Cambodia "noted" were related to UN treaties and special procedures. However, this does not mean civil society cannot still work on getting Cambodia to adopt them.

Ms. Piccin shared a list of international best practices related to the UPR. In Pakistan, one month after the review, the Government passed a law related to compulsory education. They had never considered doing this before the UPR, but thanks to the work of civil society and NGOs working together, they achieved this great result. Another good example is Bangladesh. NGOs working on children's rights advocated in Bangladesh and managed to improve children's rights in law. Finally, in Congo-Brazzaville, three NGOs that had never heard of each other before all followed the UPR. They decided to get together and create a coalition to work on implementation of recommendations.

Ms. Piccin recommended that participants work together with different organizations within Cambodia as well, focusing on a small number of recommendations that are in their area of expertise and engaging with different related organizations and governmental departments, national human rights institutions, parliamentarians, and other people. She also recommended that organizations try and cooperate with media, as they are key in disseminating information.

She emphasized that these suggestions are all very general and individual organizations have to decide what they want to do and how to do it. The most important thing is to raise awareness among society. She noted that one of the biggest challenges is that what happens in Geneva stays in Geneva, so if something happens in Cambodia, they do not know about it. She suggested that participants try to work with actors within the country and make the recommendations accessible to all people in the country, such as by translating documents into various languages used in Cambodia and working with community members from all over the country. She also suggested that participants engage with embassies that are based in Cambodia, making use of recommending States, and putting pressure on the Government of the recommending State to help with their follow-up efforts.

Questions

- Regarding NGOs who had never met and set up a coalition together, the implementation is the responsibility of the Government, so why should NGOs be working so hard when sole responsibility for implementation is with the State?
- The recommendations are non-legally binding, so if States do not implement the recommendations, what is the next step?
- What are the strategies that we, civil society, can provide for the Government to make sure that they accept and implement our recommendations?
- Media has a lot of impact, but in Cambodia, media is mostly under Government control, so how can we use the media to put pressure on the Government when most media outlets are under the control of the Government?

Responses by Ms. Piccin

Ms. Piccin noted that it is not only the responsibility of the Government to implement recommendations, but also the responsibility of society. The recommendations do not have an effect on the RGC, they have an effect on people, especially those who really need these recommendations. If there is no civil society pushing for recommendations to be accepted, then the government will only work on recommendations that they like and which are easy to implement. But what about the other recommendations? What about the ones which are harder and more important to implement? No one else will work on these important, burning issues if civil society does not. In her opinion, civil society is the most important actor in implementation.

She also remarked that while, yes, the recommendations are non-binding, the UPR is the only UN mechanism dealing with every single Member State. For all other treaty bodies and conventions, countries need to ratify and sign them. So even though the UPR is non-binding, no one wants to look bad in front of the international community. Therefore, putting pressure on the Government and working with embassies on the ground is really important.

Ms. Piccin explained that they can see that the process is already working! On average, statistically, roughly 45% of recommendations made in the first cycle to UN Member States have entered some stage of implementation. Every State will be reviewed and wants to look good, so obviously, they will be working toward getting their human rights record into better shape. Even though it is not legally binding, it is still something on their record which will be discussed on an international level in an international forum. She noted that international actors will be listening to what is going on, looking at which recommendations they accept. Pressure from other Governments is a very useful tool and Ms. Piccin urged participants to cooperate with all the different actors in the process.

With regards to the media, she remarked that the strategy depends on the situation in the country. Unfortunately, unless the Government takes steps to work on freedom of expression, it will be very challenging. She specified that, however, media does not just mean newspapers; it also includes blogs, social media – “new media.” Traditional media will always be there and will always be accessible, but

new media is important, too. She urged participants to make sure they have alternative channels of information.

Ms. Piccin concluded by noting that the UPR is a very transparent mechanism and that the fact that civil society are working with the Government and giving recommendations to the Government is already a big achievement. It is not always easy to work with the Government, so what is important is to make sure what information civil society does have is readily available and that participants make good use of it. She suggested that participants start working on recommendations that are a little more accessible and easier for the Government to accept, and that they should not start with the most difficult recommendations. For instance, she suggested that it may be logical to start with those related to women and children, which might be a little easier for the Government to accept. She urged participants to really try to cooperate with the Government and work with the embassies of recommending States. A Government may be more willing to accept suggestions from another Government as opposed to civil society.

Group Discussions & Recommendations



Over the course of the two days of the Consultation, two break-out sessions were organized for participants to discuss in-depth the recommendations related to their organization's main area of work, including which ones should be considered as short-term, medium-term and long-term priorities, and to brainstorm strategies and targets for advocacy on the implementation of those recommendations. Participants

were divided into five groups, which included (1) freedom of expression; (2) judicial reform; (3) land rights; (4) women's and children's rights; and (5) economic, social and cultural rights. The following section summarizes the outputs of those break-out sections for each thematic group.³

Freedom of Expression

NGO representatives focused on freedom of expression identified **recommendations 118.17, 118.18 and 118.20**⁴ as priorities for implementation and advocacy. The group stated their objectives as strengthening and protecting freedom of expression and improving the rights of everyone, particularly through the use of business people and politicians. The group noted the need to participate actively and to closely monitor Government activities in relation to the implementation of the recommendations, and to provide financial and technical assistance if required. The participants emphasized the need to work cooperatively with the RGC, instead of just providing criticism, to examine the indicators prepared by the RGC, and to provide relevant NGO reports to the RGC.

The group decided to focus on three areas of work: (1) pushing the RGC to adopt a law on access to information by 2015; (2) encouraging the RGC to establish more tools for people to access information; and (3) reviewing the Criminal Code on all points related to freedom of expression and whether they are in line with international standards. Stakeholders identified by the group include the press, donors, citizens, unions, embassies, political parties, the UN, international networks, NGOs, CSOs, and others.

They also outlined a three-fold advocacy strategy: (1) working with the RGC by building a relationship with them so NGOs can keep abreast of what the RGC is doing; (2) working with the media; and (3)

³ The views and recommendations expressed by the participants do not necessarily reflect CCHR's position and recommendations to the RGC

⁴ Please see Annex 1 for the full recommendations.

mobilizing the community, including building their knowledge and understanding of their rights. Specific advocacy actions identified by the group include doing policy research, lobbying the media, holding negotiation meetings, holding workshops, and running training sessions.

Judicial Reform

NGO representatives focused on judicial reform identified **recommendations 118.19 and 118.23** as priorities for implementation and advocacy. The group's presentation focused on how they could provide assistance to the RGC in the implementation of the recommendations and how they could work in collaboration with other NGOs. One of the ideas brought forth was to establish a working group focused on judicial reform, which could provide technical assistance to the RGC, share knowledge with others through giving presentations on irregular and unfair practices in the courts, organize press conferences to inform the public, prepare and submit shadow reports in relation to judicial reform, and establish monitoring procedures.

Stakeholders identified by the group include RGC officials, including the Ministry of Interior and Ministry of Commerce; National Election Committee; members of the National Assembly ("NA"); members of political parties, in particular the Cambodian People's Party ("CPP") and the Cambodian National Rescue Party ("CNRP"); CSOs; community activists; and international organizations. The group also expressed their desire to cooperate with agencies like UNDP, CSOs, NGOs such as LICADHO and COMFREL, and others. Priorities for action were identified as building and maintaining a relationship with the coalition, working with the media, advocating through legal procedures, and mobilizing communities. Tactics include developing online posters, holding radio talk shows, disseminating information through TV and radio stations, and holding public forums and regular meetings. The group was advised to include the Ministry of Information as an additional stakeholder, given their involvement in drafting laws, and to use social media and other Internet tools to disseminate information.

Land Rights

NGO representatives focused on land rights identified **recommendations 118.129 and 118.132** as priorities for implementation and advocacy. The group identified several tactics to achieve their objectives, including making use of various media (both State and private radio, newspapers, etc.) to raise awareness, and bringing up the issues with the Ministries of Land Management, Urban Planning and Construction; Agriculture, Forestry and Fisheries; Water Resources and Meteorology; Industry, Mines and Energy; and Economy and Finance; as well as any other ministry whose scope might be related to economic land concessions ("ELCs"). The group also plans to lobby donor countries to put pressure on the RGC to implement the recommendations. The stakeholders they will engage with include the Ministry of Land Management, Urban Planning and Construction; Agriculture, Forestry and Fisheries; Economy and Finance; and Rural Development; as well as NGOs dealing with land rights.

The group will monitor implementation through researching who has violated land rights-related laws and whether these laws are enforced by the courts; monitoring activities and reports made by relevant ministries; monitoring donor reports (which usually raise unresolved land issues); monitoring loans given with conditions; monitoring the courts and whether or not fair judgments are given to victims of land

rights violations; monitoring land-related laws and whether the RGC honors the commitments it has made.

The group's strategic plan includes several elements: (1) becoming informed regarding areas where there are land conflicts; (2) organizing people into groups or communities in order to strengthen their networks and capacity; (3) holding local meetings and training sessions where people can learn about the laws; (4) providing training sessions on land laws so people will know more about land rights; and (5)



understanding international standards for housing rights. Their proposed advocacy activities include: (1) monitoring implementation; (2) holding workshops and meetings to discuss issues; (3) publishing reports on the workshops and meetings organized; (4) releasing information to the public so that they are informed, through social media and news outlets; and (5) coordinating meetings at local and national levels.

Women's and Children's Rights

NGO representatives focusing on women's and children's rights identified **recommendations 118.76 and 118.167** as priorities for implementation and advocacy. The group identified their main goals as (1) improving education for children; (2) disseminating information about the National Strategic Development Plan ("NSDP") and the current education system; and (3) working with other institutions to build an equitable education system. The group identified the following advocacy strategy: (1) establishing networks to monitor implementation, including teaching and disseminating information to citizens; (2) submitting reports to the RGC and the UN regarding the status of implementation; and (3) holding workshops and training sessions with relevant ministry officials to strengthen laws and their enforcement.

The group emphasized the need to work with other NGOs, ministries, and international organizations in order to implement these recommendations. The main stakeholders they plan to engage with are educators, families, NGOs, donors, RGC ministries dealing with education, and others. The group will seek increased cooperation and to create a memorandum of understanding with the RGC in order to track information about the RGC's steps towards implementations and how NGOs can cooperate.

The main advocacy activities identified by the group include: (1) organizing meetings with educational institutions; (2) participating in meetings which will contribute to the improvement of educational

policy; (3) cooperating with the media to disseminate information and involve people; (4) creating new networks at the local level; (5) monitoring the implementation of educational plans; and (6) releasing a report with findings from the monitoring activities.

Economic, Social and Cultural Rights

NGO representatives working on economic, social and cultural rights (“ESCRs”) identified **recommendations 118.126 and 118.143** as priorities for implementation and advocacy. The group identified a three-fold strategy: (1) cooperating with the RGC, including through providing technical training and sharing knowledge; (2) urging the RGC to implement recommendations by organizing national and international workshops; and (3) providing a budget to the RGC to implement the recommendations. The group emphasized the importance of monitoring the RGC’s implementation of the recommendations.

Stakeholders identified include the Ministries of Agriculture, Forestry and Fisheries; Health; Women’s Affairs; Culture and Fine Arts; Education, Youth and Sports; and Labor and Vocational Training; NGOs; and citizens.

Recommendations for groups by Ms. Phuong

At the end of Day 1, in response to the group discussion, Ms. Phuong offered clarifications, remarks, and suggestions to the groups. Firstly, she clarified that when the Government has to submit a report, it is important that it be presented as the Government report. Civil society can give feedback and their input, but then each should submit their own reports so that there is ownership over each submission. The focus should only be on accepted recommendations because any ones that are noted means that the Government has not committed to implement them.

Ms. Phuong noted that participants should disseminate the recommendations they have prioritized as much as possible, and that they also need to think of other ways to disseminate the recommendations. For example, if every NGO put the recommendations that they prioritized on their websites, that would already be a good start. She remarked that a lot of groups mentioned donor countries putting pressure on the Government; donors can be a means to provide extra pressure and support, but focus should be on Cambodians pressuring their Government and monitoring implementation.

She noted that some of the groups’ plans were very vague. For example, for monitoring land cases, they should think of how they will document the cases, like creating databases. She suggested that NGOs need a systematic way to monitor the Government. This was a problem in the first cycle as well; all NGOs said that the Government did not implement any recommendations, but what is needed is data. So if people say the Government did not implement recommendations, they actually have data to back up their statement. She urged participants to remember that they should choose recommendations which are most important to them. When NGOs have a long list of recommendations, which ones can they start with? Even implementing one recommendation will be hard work, so it will be positive if even only a few are implemented.

She remarked that NGOs should specify what kind of support they will give to the Government. What kind of “assistance” will they give? For example, NGOs could give recommendations, or they could do research on the law or practice in other countries. Participants should be specific in their goals and the manner in which they plan to support the Government. They should be realistic, as we are talking about 4.5 years. She urged participants to make some choices about what they want to focus on in the next year, in two years, and in three years, choosing three to five recommendations, and put more effort into those recommendations.

Once prioritized recommendations have been identified, Ms. Phuong explained that the next step should be to figure out how to work with identified partners, which could include writing to them, asking for a meeting, figuring out what the talking points will be, etc. Participants should think about which institutions are more open, which ones are more useful, and which ones they think will be effective partners in implementing change. Networks and working groups can be useful; together, NGOs are stronger, more effective, and have more power. Collect information on challenges being faced; in Cambodia, one big problem is data collection. It will be useful to have data for the next cycle.

With regards to tactics, she remarked that having a press conference where violations are denounced is useful in some cases, but it does not always result in constructive dialogue with the Government. She suggested finding the right balance between being constructive and also criticizing. For instance, NGOs could propose to the Government *how* they should change the Criminal Code, for example, not just that they should change it. She emphasized the importance of developing concrete ideas; for example, if one wants to improve women’s access to justice, some ideas could include distributing leaflets on rights and access to lawyers, sending out texts, educating women about laws, and giving seminars or training sessions to women.

Ms. Phuong concluded by noting that participants need to think of activities that they can carry out starting now in order to start the process of implementation. They can all choose one recommendation and use it as much as possible in their advocacy efforts and when they talk to their partners. Participants need to constantly remind the Government of this recommendation whenever possible.

Conclusion

The use of UN mechanisms, such as reporting to treaty bodies, filing complaints, and submitting communications, by Cambodian civil society is still in its infancy. However, Cambodian NGOs and CSOs are increasingly using these methods of advocacy as part of their work to advance human rights in the country. CCHR strongly believes that more widespread and systematic use by civil society of these mechanisms will help drive pressure on the RGC to implement the recommendations made. The Post-UPR National Consultation was aimed at introducing some of these NGOs to the UPR process and at building a more in-depth knowledge amongst participants not only of how the process itself works but also how civil society can participate in this process.

Feedback from the participants was generally positive; participants reported that they learned both from the presentations and panel discussions regarding the UPR process and from the group discussions, especially with regards to the importance of calling on the RGC to implement the recommendations, how stakeholders can engage with the UPR process, and how to set priorities with regards to the recommendations. However, participants felt that the Consultation would have been more useful if representatives of the RGC had participated in the Consultation beyond just giving opening remarks, and if more time had been allocated to questions and answers. Participants reported that they would take what they learned from the Consultation and share their knowledge through social media; distribute information to other partners; monitor the RGC's activities in relation to implementation of the UPR recommendations; and advocate with the RGC with regards to implementation.

With Cambodia's third UPR to take place just a little over four years from now, in October 2018, now is the right time to begin monitoring the RGC's efforts – or lack thereof – to implement the UPR recommendations. It is also important for civil society to actively advocate for their implementation and to build this work into their existing advocacy plans and activities.

Annex 1: Recommendations Prioritized by the Participants

- 118.17** Establish a law on freedom of information in accordance with international standards (Belgium)
- 118.18** Adopt legislative and other measures that promote the enjoyment of freedom of expression (Botswana)
- 118.19** Take action to ensure that Cambodian legislation enables all political parties, labour unions and other civil society groups to exercise their rights to freedom of expression, association and peaceful assembly; and that peaceful demonstrations can occur safely and without fear of intimidation or excessive use of force on the part of the Cambodian authorities (Canada)
- 118.20** Revise the Penal Code as well as other laws so that they comply with international freedom of expression standards and prevent the harassment of human rights defenders, journalists and NGOs (Czech Republic)
- 118.23** Take the necessary steps to strengthen the legal framework surrounding elections so as to ensure that future elections are free and fair, thereby allowing Cambodian citizens to have a say in the decisions that affect their lives and to elect the officials who reflect and respond effectively to their needs (Canada)
- 118.76** Redouble efforts to combat trafficking in persons, especially women and children (Ecuador)
- 118.126** Continue strengthening effective job creation programmes to combat poverty and social inequality (Venezuela (Bolivarian Republic of))
- 118.129** Cease forced dispossession and guarantee just and transparent process when it comes to land tenure (Mexico)
- 118.132** Ensure that the granting of land concessions or the withdrawal of land titles or the legal rights to land use does not lead to violations of human rights (Germany)
- 118.143** Implement, in cooperation with the international community, effective programmes aimed at reducing poverty, especially in the rural areas of the country (Azerbaijan)
- 118.167** Continue working on its National Plan “Education for All” so that all Cambodian children and youth further enjoy an equitable education service (Myanmar)

Annex 2: Consultation Agenda

Day 1 – 17 July 2014: Cambodia’s UPR

- 8:00 AM Arrival of participants and registration
- 8:30 AM National Anthem
- Opening Remarks**
- Ms. Chor Chanthya, Senior Researcher and Member of Management Committee of Cambodian Center for Human Rights (CCHR)
- Ms. Wan-Hea Lee, Office of the United Nations High Commissioner of Human Rights in Cambodia (OHCHR), Representative
- H.E. Mak Sambath, Chairman of the Cambodian Human Rights Committee (CHRC)
- 9:00 AM Presentation on the UPR Mechanism and Overview of Cambodia’s Recommendations by Ms. Catherine Phuong, Coordinator of Rule of Law Unit, OHCHR-Cambodia.
- 10:00 AM Coffee break
- 10:20 AM Panel discussion on “Implementation of UPR recommendations”
- Facilitator: Sorn Ramana, Project Coordinator, CCHR
- Panelists:
1. Mr. Meas Samnang, Secretary General, NGO Coalition on the Rights of the Child (NGO CRC)
 2. Mr. Ou Virak, Chair of Board of Cambodian Center for Human Rights (CCHR)
 3. Mr. Suon Bunsak, Executive Secretary, Cambodian Human Rights Action Committee (CHRAC)
- The panel will covers issues such as:
- Monitoring implementation
 - Role of different actors in implementation
 - Experience of different NGOs from the previous UPR cycle
 - Preparation for the mid-term review
- 12 noon Lunch
- 1:30 PM Small group discussions on UPR recommendations by theme:
1. Land Rights
 2. Rights to Freedom of Expression and Freedom of Assembly
 3. Women and Children’s Rights

4. Legal and Judicial Reform
5. Economic, Social and Cultural Rights

- 3:15 PM Coffee break
- 3:30 PM Reporting from the groups and plenary discussion
- Facilitator: Ms. Chor Chanthyda, Senior Researcher, CCHR
- Feedback: The panelists and Ms. Catherine Phuong, Coordinator of Rule of Law Unit, OHCHR-Cambodia
- 4:30 PM End of Day 1

Day 2 – 18 July 2014: Advocacy Strategies for Implementation of UPR Recommendations

- 8:30 AM Arrival of participants and registration
- 9:00 AM Workshop Session: Developing Strategic Advocacy Plan, Mr. Lam Soheat, Deputy Director, Advocacy and Policy Institute (API)
- 9:45 AM Coffee break
- 10:00 AM Small group discussions on developing advocacy strategies
- 12 noon Lunch
- 1:30 PM Reporting from the groups and plenary discussion
- Facilitator: Sorn Ramana, Project Coordinator of the Cambodian Freedom of Expression Project, CCHR
- 2.30 PM Workshop Session: Strategy to effectively implement recommendations and lessons learned from other countries
- Francesca Piccin, Programme Manager, UPR Info
- 3:30 PM Final remarks and Closing

Annex 3: Participating NGOs

The Advocacy and Policy Institute (API)
Cambodia Development and Relief Center for the Poor (CDRCP)
Cambodia Indigenous Youth Association (CIYA)
Cambodian Center for Independent Media (CCIM)
Cambodian Center for the Protection of Children’s Rights (CCPCR)
Cambodian Defenders Project (CDP)
Cambodian Disabled People’s Organisation (CDPO)
Cambodian Human Rights Committee (CHRC)
The Cambodian Organization for Children and Development (COCD)
The Cambodian Women's Development Agency (CWDA)
Capacity Building for Disability Cooperation (CABDICO)
Center for Khmer Studies (CKS)
The Committee for Free and Fair Elections in Cambodia (COMFREL)
The Community Empowerment and Development Team (CEDT)
Community Peace-Building Network (CPN)
Conservation and Development in Cambodia (CD-CAM)
Cooperation Committee for Cambodia (CCC)
The Coordination of Action Research on AIDS and Mobility Cambodia (CARAM)
Equitable Cambodia (EC)
Housing Rights Task Force (HRTF)
Indra Devi Association (IDA)
Independent Democracy of Informal Economy Association (IDEA)
Khmer Institute for National Development (KIND)
Khmer Kampuchea Krom for Human Rights and Development Association (KKKHRDA)
Legal Support for Children and Women (LSCW)
National Institute of Education (NIE)
New Initiative for Livelihood and Health (NILH)
NGO Coalition on the Rights of the Child (NGO CRC)
NGO Forum on Cambodia (NGO Forum)
Partners in Compassion Cambodia (PC)
People Center for Development and Peace (PCDP)
People Improvement Organization (PIO)
Royal University of Phnom Penh (RUPP)
Santi Sena
Star Kampuchea
Transparency International (TI Cambodia)
Urban Poor Women Development (UPWD)
Women Peacemakers (WPM)
Youth Council of Cambodia (YCC)

Youth for Peace (YFP)

Young People for Development Cambodia (YPD)

Youth Resource Development Program (YRDP)