



CAMBODIA

BASELINE ASSESSMENT OF R2P IMPLEMENTATION



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The following Baseline Assessment Annex provides an overview of Cambodia's efforts in implementing R2P as of 2019. For a full description of the methodology used in this study, see Part II of 'Implementing the Responsibility to Protect in the Asia Pacific: An Assessment of Progress and Challenges', available [here](#).

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Cambodia preforms most strongly regarding some elements of R2P policy mechanisms (it is the first and only ASEAN member to nominate a national R2P Focal Point) and international legal instruments (the government has signed and/or ratified all twelve key covenants most relevant to R2P). It has progressed further than most in taking forward consideration of risk and resilience and developing an action plan for atrocity prevention. It has introduced numerous domestic laws designed to protect vulnerable groups, especially in relation to gender-based violence. Cambodia has been active in the field of fighting impunity and promoting atrocity prevention for nearly a decade. It was a founding member of the Global Action Against Mass Atrocity Crimes (GAAMAC) network, which since 2009 has initiated a series of regional and international conferences on atrocities prevention. It is also a decent contributor to United Nations peacekeeping operations, including those with a protection of civilians mandate.

Cambodia established the Extraordinary Chambers of the Courts of Cambodia (ECCC) to prosecute atrocity crimes perpetrated by the Khmer Rouge and was also the first ASEAN member state to ratify the Rome Statute in 2002 and it has actively institutionalized genocide education through teacher training and distributing educational materials, as well as holding memorials and inter-generational dialogues on past atrocities. But the ECCC has been plagued with problems and controversies and Cambodia has been reticent to support initiatives such as veto restraint and the Kigali Principles. There is also a gap between the government's rhetoric and its actions in regional organizations. Whilst the Prime Minister and National Focal Point have committed Cambodia to lead initiatives for

atrocity prevention within ASEAN, this has not translated into practice. Indeed, Cambodia has not only failed to initiate action within the ASEAN Intergovernmental Commission on Human Rights, it has also failed to support initiatives proposed by others such as Indonesia and Malaysia.

Cambodia has struggled to translate its international commitment to R2P into domestic change. It has not yet established an independent human rights institution. Recent times have seen some backtracking on human rights, the intimidation of opposition parties, the winding back of the rule of law, and restrictions placed on the media and civil society. New laws or amendments have raised questions about the ability of the media and civil society to freely participate in open dialogue on political matters and raised the prospect of more widespread political violence.

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Assessment	Indicator
Very Strong	Protection of populations from atrocity crimes
	Appoint national R2P Focal Point
	Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court
Strong	Dealing with past atrocities
	Sign, ratify and implement relevant instruments of international law
	Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence
Fair	Reduction of atrocity crime risks
	Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships
	Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council
	Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations
	Ensure equal access to justice
	Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity
	Take measures to counter and prevent violent extremism
	Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness
	Prevent nationals committing atrocity crimes overseas
	Participate in international, regional and national discussions on the further advancement of R2P
	Strengthen regional and international networks for atrocity crime prevention
	Support atrocity prevention through development and assistance partnerships
	Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate)
	Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping
	Support UN Security Council veto restraint on issues relating to atrocity prevention
Weak	Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect
	Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination
	Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law
	Conduct a national assessment of risk and resilience
	Cultivate and protect an active, diverse and robust civil society
	Ensure a legitimate, effective and civilian controlled security sector

	Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect
	Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy
Very Weak	Establish and maintain National Human Rights Institutions in accordance with the Paris Principles
	Strengthen the role and capacity of regional organisations
	Support the development and work of regional human rights and other preventive capacities
	Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P
	Support the strengthening of the UN's capacity for atrocity prevention, including through the UN Human Rights system
	Support preventive actions on atrocity crimes
	Support the Kigali Principles

Cambodia Score: 41

Cambodia's past suffering under the genocidal Khmer Rouge (1975-1979) makes it a natural leader in the region to promote R2P. In addition to being the first ASEAN member state to ratify the International Criminal Court, it was also the first ASEAN member to appoint an R2P Focal Point in 2016. However, significant challenges remain, especially in relation to human rights, political accountability, the rule of law, and closing the gap between the government's rhetoric and reality.

Thematic Area	Indicator	Assessment	Notes
Basic Compliance	Protection of populations from atrocity crimes.	Very Strong	The government of Cambodia, perhaps due to its history, is aware of the risks of atrocity crimes and is currently protecting the population of the country from them to an adequate level.
	Reduction of atrocity crime risks.	Fair	Currently, there is a substantial risk of atrocity crimes being committed in Cambodia. Hun Sen's government has repressed civil society and political opposition. ¹ While knowledge of Cambodia's recent past is well known in the country, the eroding of civil structures and the rebuttal of human rights standards by the government increases the risk of atrocity crimes occurring.
	Dealing with past atrocities.	Strong	Information and education about the Khmer Rouge regime and the genocide they initiated from 1975 to 1979 is widely available in Cambodia. International aid has helped develop further resources so younger generations can be educated about the history and causes of the Cambodian genocide. ² The effects of the genocide are still being felt in the country. The government of Hun Sen, himself a former member of the Khmer Rouge, has politicised the genocide to further his political goals and adhere to a policy of stability in contrast to the chaotic years of Khmer Rouge rule. ³ The instigation of increased authoritarianism within the country to ensure this stability may be traced back to this goal.
Policy Mechanisms	Appoint national R2P Focal Point.	Very Strong	Cambodia is the first ASEAN member to appoint a national R2P Focal Point. ⁴
	Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships.	Fair	The government has yet to formally incorporate atrocity crime risks into their national policy framework but is considering doing so. ⁵
	Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect.	Weak	There is little domestic accountability in Cambodia for upholding R2P. The establishment of a national Focal Point and the initiation of education and training on atrocity prevention through government and non-governmental partners shows a widespread acceptance of the norm. ⁶ Yet, the eroding of alternative voices to the ruling party in both political and social spheres, and the lack of a national human rights institute, means there is little

¹ Mooney, Lauren, Lana Baydas, 2018. Cambodian Civil Society at a Critical Juncture, <https://www.csis.org/analysis/cambodian-civil-society-critical-juncture>.

² Documentation Centre of Cambodia, 2016. *Genocide Education in Cambodia: Khmer Rouge History Education*, http://www.dccam.org/Projects/Genocide/pdf/Genocide_Education_Poster_January_13_2016.pdf; Chhengpor, Aun, Nov Povleakhena, 2017. 'Cambodia Launches First Genocide Education Web Resource for Post-War Generation'. *Voice of America Cambodia*, 8 September. Available at: <https://www.voacambodia.com/a/cambodia-launches-first-genocide-education-web-resource-for-post-war-generation/4020902.html>.

³ Quackenbush, Casey, 2019. '40 Years After the Fall of the Khmer Rouge, Cambodia Still Grapples With Pol Pot's Brutal Legacy'. *TIME*, 7 January. Available at: <http://time.com/5486460/pol-pot-cambodia-1979/>.

⁴ Bong, Chansambath, 2017. *Lecture Summary: Cambodia's Strategic Role in R2P and Mass Atrocity Prevention (Part II)*, <http://politikoffee.com/summary-cambodia-role-r2p-partii/>; Global Centre for the Responsibility to Protect (GCR2P), 2018. *Global Network of R2P Focal Points*, http://www.globalr2p.org/media/files/regional-breakdown_global-network-of-r2p-focal-points-2.pdf.

⁵ United Nations, Security Council (UNSC), Responsibility to protect: from early warning to early action: Report of the Secretary-General, 1 June 2018, A/72/884-S/2018/525, p. 5.

⁶ Asia Pacific Centre for the Responsibility to Protect (APR2P), 2018. *Atrocity Crimes Risk Assessment Series: Cambodia*, p. 23, https://r2pasiapacific.org/files/628/Risk_Assessment_cambodia_vol5_july2018.pdf.

			structure in place for resistance to actions that could lead to atrocity crimes.
International Human Rights Obligations	Sign, ratify and implement relevant instruments of international law.	Strong	Cambodia has ratified eleven and signed the remainder of the twelve international human rights laws (IHRL) most relevant to R2P. It is a signatory to the <i>Arms Trade Treaty</i> (ATT). ⁷
	Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court.	Very Strong	Cambodia signed the <i>Rome Statute</i> in 2000 and ratified it in 2002. ⁸
	Establish and maintain National Human Rights Institutions in accordance with the Paris Principles.	Very Weak	Cambodia does not possess a national human rights institute. There has long been calls for the establishment of such an institution in Cambodia, yet there has been a distinct lack of progress over the drafting of laws to establish it. ⁹
	Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination.	Weak	Article 31 of the Cambodian constitution recognises and respects human rights as stipulated in the UN Charter, Universal Declaration of Human Rights and the key covenants and conventions related to human, women's and children's rights. Article 38 guarantees there shall be no physical abuse of any individual. ¹⁰
			<p>Positive developments on human rights have been overshadowed by the increasing number of arrests of civil society actors and members of the opposition party.¹¹ Moreover, despite the State's assertions that it does not discriminate, numerous human rights reports have expressed concern about the use of anti-Vietnamese language and reports of discriminatory and violent acts perpetrated against ethnic Vietnamese persons.¹²</p> <p>A number of recent judicial actions taken against opposition and some civil society organisations is said to "... reflect structural deficiencies in the law enforcement and judicial institutions."¹³</p>

⁷ United Nations Human Rights Office of the High Commissioner (UNOHCHR), n.d. *View the ratification status by treaty or by country*, http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx; International Criminal Court, 2003. *Cambodia*, https://asp.icc-cpi.int/en_menus/asp/states%20parties/asian%20states/Pages/cambodia.aspx; United Nations Treaty Collection (UNTC), 2019. 8. *Arms Trade Treaty*, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVI-8&chapter=26&clang=en; United Nations High Commissioner for Refugees (UNHCR), 2015. *States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol*, p. 2, <https://www.unhcr.org/en-au/protection/basic/3b73b0d63/states-parties-1951-convention-its-1967-protocol.html>; International Committee of the Red Cross (ICRC), n.d. *Geneva Conventions of 1949 and Additional Protocols, and their Commentaries*, <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreaties1949.xsp>; UNTC, 2019. 1. *Convention on the Prevention and Punishment of the Crime of Genocide*, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-1&chapter=4&clang=en.

⁸ International Criminal Court, 2003. *Cambodia*, https://asp.icc-cpi.int/en_menus/asp/states%20parties/asian%20states/Pages/cambodia.aspx

⁹ Sokha, Touch, 2017. 'Government deflects blame over lack of human rights committee'. *The Phnom Penh Post*, 24 May. Available at: <https://www.phnompenhpost.com/national/government-deflects-blame-over-lack-human-rights-committee>.

¹⁰ The Kingdom of Cambodia, Constituent Assembly, *Constitution of the Kingdom of Cambodia, Chapter III, Article 31 & 38*. Phnom Penh, Cambodia.

¹¹ For example: fidh, 2016. *CAMBODIA: New wave of arrests targeting human rights defenders threatens to destroy vibrant human rights community*, <https://www.fidh.org/en/issues/human-rights-defenders/cambodia-new-wave-of-arrests-targeting-human-rights-defenders>; Paddock, Richard C., Julia Wallace, 2017. 'Cambodia Arrests Opposition Leader, Accusing Him Of Treason'. *The New York Times*. 2 September. Available at: <https://www.nytimes.com/2017/09/02/world/asia/cambodia-kem-sokha-arrest-hun-sen.html>.

¹² E.g. United Nations, Human Rights Council (HRC), Report of the Special Rapporteur on the situation of human rights in Cambodia, 5 September 2016, A/HRC/33/62, para. 10; United Nations, International Covenant on Civil and Political Rights (CCPR), Human Rights Committee, Concluding observations on the second periodic report of Cambodia, 27 April 2015, CCPR/C/KHM/CO/2, para 8.

¹³ United Nations, HRC, Role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights, 26 August 2016, A/HRC/33/39, para. 6.

	Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council.	Fair	<p>Cambodia has been a participant in the UPR three times: in 2009, 2014 and 2019.</p> <p>In its first UPR, Cambodia received 91 recommendations, and the country accepted all of them.¹⁴</p> <p>The country received a total of 205 recommendations at its second UPR. It accepted 163, taking note of the other 42.¹⁵ The recommendations not accepted included increasing educational inclusiveness, integrating international treaties into domestic policy and augmenting civil society and the rule of law.</p> <p>At its third UPR in January 2019, Cambodia received 343 recommendations. It has yet to produce a formal response, yet the country seems to support the majority of recommendations.¹⁶</p> <p>It currently has four overdue reports (CAT, CED, CESCR and CRPD).¹⁷</p>
	Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations.	Fair	Cambodia has not issued a standing invitation to UNOHCHR for special procedure mandate holders to visit the country. Despite this, the vast majority of Special Rapporteur and Secretary-General reports over the years have been completed. ¹⁸
	Ensure equal access to justice.	Fair	<p>Article 31 of the constitution also guarantees Khmer citizens to be equal before the law, as well as the judiciary being an independent body.¹⁹ However, numerous UNOHCHR reports note in practice judicial institutions are highly politicised and sometimes used to intimidate civil society actors and the opposition.²⁰ The UNOHCHR also notes further implementation of essential laws and codes that establish a democratic society with an independent judiciary are needed.²¹</p>
	Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity.	Fair	<p>The State has not formally criminalised incitement to violence, but various Articles of the <i>Criminal Code 2009</i> – 20, 183, 188, 193 and 194 – do criminalise genocide, war crimes and crimes against humanity.²²</p> <p>In response to the genocide enacted by the Khmer Rouge regime between 1975 and 1979, under a</p>

¹⁴ UPR Info, 2009. *Responses to Recommendations: Cambodia*, https://www.upr-info.org/sites/default/files/document/cambodia/session_6_-_november_2009/recommendationstocambodia2009.pdf.

¹⁵ UPR Info, 2014. *2RP: Responses to Recommendations & Voluntary Pledges: Cambodia*, https://www.upr-info.org/sites/default/files/document/cambodia/session_18_-_january_2014/recommendations_and_pledges_cambodia_2014.pdf.

¹⁶ UPR Info, 2019. *Database of Recommendations*, https://www.upr-info.org/database/index.php?limit=0&f_SUR=29&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly.

¹⁷ UNOHCHR, n.d. *Late and non-reporting States*, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/LateReporting.aspx.

¹⁸ UNOHCHR, n.d. *View Country visits of Special Procedures of the Human Rights Council since 1998*, https://spinternet.ohchr.org/_layouts/15/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=KHM.

¹⁹ The Kingdom of Cambodia, Constituent Assembly, *Constitution of the Kingdom of Cambodia, Chapter III, Article 31, Chapter XI, Article 128*.

²⁰ United Nations, HRC, A/HRC/33/62, para. 6.

²¹ *Ibid.*, para. 45.

²² See: Library of Congress, 2016. *Genocide, Crimes Against Humanity, and War Crimes Jurisdiction*, <https://www.loc.gov/law/help/genocide/chart.php#Cambodia>.

special statute,²³ the Extraordinary Chamber in the Courts of Cambodia (ECCC) was established to bring to trial former Khmer Rouge leaders.²⁴ The ECCC has since prosecuted five former Khmer Rouge leaders for crimes against humanity, three of which (Kaing Guek Eay (alias Duch), Khieu Samphan and Nuon Chea) have been given life sentences.²⁵

Take measures to counter and prevent violent extremism.	Fair	<p>Cambodia has taken measures to prevent violent extremism and acts of terror in the country. It has pledged to strengthen anti-terror capabilities with other ASEAN members and has recently begun cooperation with China, receiving military equipment and training, as well as participating in exercises with Chinese troops.²⁶ It has done so while rejecting exercises already in place with Australia and the US, although some cooperation still remains.²⁷</p> <p>There is some opinion that the training and strengthening of Cambodia's counter-terrorism capacity could be (and is) used to further quell the voices and actions of political opposition and civil society.²⁸</p>
Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence.	Strong	<p>Cambodia has developed national legislation to protect vulnerable groups. These laws include the <i>Law on Prevention of Domestic Violence and Protection of Victims (2005)</i>, the <i>Law on Suppression of Human Trafficking and Sexual Exploitation (2008)</i> and the <i>Law on the Protection and the Promotion of the Rights of Persons with Disabilities (2009)</i>. The government also instituted two National Action Plans to Prevent Violence against Women (NAPVAW) from 2009-2012 and 2014-2018.²⁹</p> <p>Additionally, the National Strategic Development Plan (NSDP) 2014-2018 promotes strengthening the dissemination of laws, legislation and international treaties ratified by the Cambodian government related to women and children, and promotes implementation and monitoring of NAPVAW. The government has also developed and launched the Cambodia Gender Assessment (CGA) and the Strategic Plan (Nearay Rattanak IV) 2014 as a joint evidence-based policy package to</p>

²³ ECCC, 2004. *Law on the Establishment of the Extraordinary Chambers, with inclusion of amendments as promulgated on 27 October 2004 (NS/RKM/1004/006)*, https://www.eccc.gov.kh/sites/default/files/legal-documents/KR_Law_as_amended_27_Oct_2004_Eng.pdf.

²⁴ ECCC, 2015. *Introduction to the ECCC*. <https://www.eccc.gov.kh/en/about-eccc>.

²⁵ Cf. Global Centre for the Responsibility to Protect (GCR2P), 2015. *Statement on the 40th Anniversary of the Khmer Rouge's Atrocities in Cambodia*, <http://www.globalr2p.org/publications/364>.

²⁶ Xinhua, 2018. *Cambodia, China launch joint drill on anti-terrorism, humanitarian rescue*, http://www.xinhuanet.com/english/2018-03/17/c_137046090.htm; Cochrane, Liam, 2017. 'Cambodia scraps counter-terrorism exercise with Australia, says it is occupied by elections'. *ABC News*, 3 March. Available at: <https://www.abc.net.au/news/2017-02-28/cambodia-scraps-counter-terror-exercise-with-australia/8309162>; Chanveasna, Ros, 2018. 'Cambodia pledges to fight terrorism threat'. *Khmer Times*, 8 February. Available at: <https://www.khmertimeskh.com/107117/cambodia-pledges-fight-terrorism-threat/>.

²⁷ Australian Embassy Cambodia, n.d. *Counter Terrorism Capability Development*, <https://cambodia.embassy.gov.au/penh/CounterTerrorismDev.html>.

²⁸ Wallace, Julia, 2013. 'Cambodia's Terrorism Trump'. *The New York Times*, 4 April. Available at: <https://latitude.blogs.nytimes.com/2013/04/04/cambodias-terrorism-trump/>.

²⁹ Kingdom of Cambodia, Ministry of Women Affairs, 2014. *National Action Plan to Prevent Violence Against Women 2014-2018*, <https://drive.google.com/file/d/0By4DrHxo3C94Skx4VmZUN2JoMmc/view?pli=1>.

respond to key gender issues and to meet the needs of women.³⁰

However in 2015 the UN HRC noted a number of concerns, including:³¹

- Limited awareness of the provisions of key human rights covenants amongst members of the judiciary and legal profession.
- The absence of an independent national human rights institution.
- Gender inequality, such as wage gaps, stereotyping of women and low representation of women in political and public sectors.
- Reports of discriminatory and violent acts perpetrated against ethnic Vietnamese persons.
- Discrimination based on sexual orientation or gender identity with a lack of legislation expressly prohibiting discrimination on the grounds of sexual orientation or gender identity.
- Low number of prosecutions and convictions for gender-based violence.

	Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law.	Weak	Cambodia has ratified the <i>1951 Refugee Convention</i> and its <i>1967 Protocol</i> . Yet the government does little to uphold the obligations given in these treaties. It has previously failed to properly protect Montagnard refugees from Vietnam from persecution in their home country, ³² and the wellbeing of refugees received under the deal with Australia between 2014 and 2018 is also tenuous. Although, the circumstances surrounding these refugees has as much to do with Australian funding as it does with Cambodia's capacity to receive them.
Domestic Implementation	Conduct a national assessment of risk and resilience.	Weak	A systematic national assessment of risk and resilience has not been undertaken by the Cambodian government. However, some government and civil society representatives have actively participated in regional dialogues on atrocity prevention and identified risk factors and strengths relating to atrocity prevention. ³³
	Cultivate and protect an active, diverse and robust civil society.	Weak	The constitution grants freedom of speech except where it adversely affects public security. ³⁴

³⁰ Kingdom of Cambodia, Ministry of Women Affairs, 2014. *Cambodian Gender Strategic Plan – Neary Rattanak 4*, http://www.kh.undp.org/content/cambodia/en/home/library/democratic_governance/cambodian-gender-strategic-plan---neary-rattanak-4/.

³¹ United Nations, CCPR, CCPR/C/KHM/CO/2, para 5-28.

³² Human Rights Watch (HRW), 2017. *Cambodia: Protect Montagnards Refugees*, <https://www.hrw.org/news/2017/09/12/cambodia-protect-montagnards-refugees>; Andrew & Renata Kaldor Centre for International Refugee Law, 2018. *Australia-Cambodia Agreement for Refugees in Nauru*, <https://www.kaldorcentre.unsw.edu.au/publication/cambodia-and-refugee-protection>; McNeill, Sophie, Sasha Koloff, Patricia Drum, 2018. 'Cambodia's Hun Sen 'preparing' to receive more refugees under deal with Australia'. *ABC News*, 30 July. Available at: <https://www.abc.net.au/news/2018-07-30/cambodia-preparing-to-receive-more-refugees-under-australia-deal/10052234>.

³³ Since 2010, APR2P and the Cambodian Institute for Co-operation and Peace (CICP) have co-hosted a Cambodian national workshop on atrocities prevention, as well as numerous policy dialogues. In 2015, the collaboration produced a major conference in Phnom Penh, *The Responsibility to Protect at 10: Progress, Challenges and Opportunities in the Asia Pacific*. Additionally, in November and December 2015, representatives from the Cambodian government and civil society participated in a workshop series, where they identified five main risk factors and five areas of strength (See International Coalition for the Responsibility to Protect (ICRtoP), and APR2P, 2015. *Advancing Atrocities Prevention in Southeast Asia*, p. 13, <http://responsibilitytoprotect.org/SE%20Asia%20Report%20Web%20Version.pdf>).

³⁴ The Kingdom of Cambodia, Constituent Assembly, *Constitution of the Kingdom of Cambodia, Chapter III, Article 41*.

Nonetheless the recently adopted *Law on Associations and Non-Governmental Organizations* is considered to restrict freedom of speech by broadly requiring all associations and NGOs to be politically neutral.³⁵

According to Reporters Without Borders, the media has been under the close watch of the government under Prime Minister Hun Sen for many years and government hostility towards independent media increased in 2016.³⁶ The government has used libel, slander, defamation and denunciation laws to restrict public discussion.³⁷

The UN Special Rapporteur on the situation of human rights in Cambodia has recommended the government review provisions of the *Criminal Code* and application of laws in regards to peaceful demonstrations.³⁸

Ensure a legitimate, effective and civilian controlled security sector.

Weak

The General Commissariat of the National Police, under Ministry of the Interior supervision, manages all civilian police units. Police forces are divided into those with authority to make arrests, those without such authority and judicial police, whose authority only extends to enforcing court warrants. There have been reports of police committing abuses with impunity, in most cases with the government taking little or no action. As of August 2016, the NGO Cambodian Human Rights and Development Association (ADHOC) reported 47 instances of impunity.³⁹ Despite this, the U.S State Department concluded the Cambodian government maintained effective overall control of the military and police forces.⁴⁰

Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness.

Fair

Article 68 of the constitution sets a minimum of nine years of schooling with citizens able to receive free primary and secondary education.⁴¹ Although primary importance is attributed to preserving Khmer language and culture, Cambodia's Rectangular Strategy (2008) specifies that 'Education for All' includes no discrimination based on language. Article 67 of the constitution also declares "The State implements a curriculum and modern pedagogic principles including the teaching of technology and foreign languages."⁴² Yet, despite the presence of 22 languages found in the country, there is no requirement for their teaching.⁴³

Cambodia has institutionalised genocide education throughout the country. This includes specialised teacher training, distribution of books, installation

³⁵ U.S. Department of State, 2016. *Cambodia 2016 Human Rights Report*, p. 11. Available at: <https://www.state.gov/documents/organization/252965.pdf>.

³⁶ Reporters Without Borders (RSF), 2017. *Cambodia*. <https://rsf.org/en/cambodia>.

³⁷ U.S. Department of State, 2016. *Cambodia 2016 Human Rights Report*, p. 12.

³⁸ United Nations, HRC, A/HRC/33/62, para. 61(l), (m).

³⁹ U.S. Department of State, 2016. *Cambodia 2016 Human Rights Report*, p. 5.

⁴⁰ *Ibid.*, p. 1.

⁴¹ The Kingdom of Cambodia, Constituent Assembly, *Constitution of the Kingdom of Cambodia, Chapter VI, Article 68*.

⁴² The Kingdom of Cambodia, Constituent Assembly, *Constitution of the Kingdom of Cambodia, Chapter VI, Article 67*.

⁴³ United Nations Educational, Scientific and Cultural Organisation (UNESCO), n.d. *Cambodia - Education indicator - Multilingual Education*, <http://en.unesco.org/creativity/cambodia-education-indicator-multilingual-education>.

			of educational memorials, and holding intergenerational dialogues in public forums. ⁴⁴
	Prevent nationals committing atrocity crimes overseas.	Fair	As already mentioned, Cambodia has both signed and ratified the <i>Rome Statute of the International Criminal Court</i> . It is the first ASEAN member to do so. ⁴⁵
Bilateral and Multilateral Relations	Participate in international, regional, and national discussions on the further advancement of R2P.	Fair	The Cambodian government has been active in the field of atrocity prevention for nearly a decade. The country hosted the R2P at 10 Conference in 2015 and has actively participated in dialogues and workshops about atrocity prevention throughout the region. ⁴⁶ Despite these actions, Cambodia has thus far refrained from participating in international dialogues such as the UN General Assembly's annual Informal Interactive Dialogues on R2P.
	Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect.	Weak	Cambodia has voted on resolutions relevant to R2P in the following manner: UN General Assembly Resolutions: ⁴⁷ <ul style="list-style-type: none"> • 2013: The situation in the Syrian Arab Republic A/RES/67/262: abstained. • 2014: Situation of human rights in the People's Democratic Republic of Korea A/RES/69/188: abstained. • 2014: Situation of human rights in the Syrian Arab Republic A/RES/69/189: no. • 2015: Situation of human rights in the Democratic People's Republic of Korea A/RES/70/172: abstained. • 2015: Situation of human rights in the Syrian Arab Republic A/RES/70/234: no. • 2016: The situation in the Syrian Arab Republic A/RES//71/130: abstained. • 2016: Situation of human rights in the Syrian Arab Republic A/RES/71/203: no. • 2017: Situation of human rights in the Democratic People's Republic of Korea A/RES/72/188: adopted without vote. • 2017: Situation of human rights in the Syrian Arab Republic A/RES/72/191: abstained.
	Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy.	Weak	There is limited domestic capacity in Cambodia for assisting states in crisis situations. Yet, the State has notably refrained from using diplomatic messaging to support R2P in specific situations.
	Strengthen regional and international networks for atrocity crime prevention.	Fair	Cambodia is a founding member of the Global Action Against Mass Atrocity Crimes (GAAMAC) network, which has initiated a series of regional conferences on atrocity prevention. ⁴⁸ As has already been mentioned, it was the first ASEAN member state to appoint an official to act

⁴⁴ ICRtoP, 2015. *Southeast Asia Report: Advancing Atrocities Prevention*, <http://genocidewatch.net/2016/04/11/southeast-asia-report-advancing-atrocities-prevention/>.

⁴⁵ International Criminal Court, 2016. *Cambodia*. https://asp.icc-cpi.int/en_menus/asp/states%20parties/asian%20states/Pages/cambodia.aspx.

⁴⁶ For example: APR2P, 2016. *Spotlight on R2P: Second National Dialogue on R2P and Atrocities Prevention*, https://r2pasiapacific.org/files/599/spotlight_sep2017_issue43_cambodia_2nd_national_dialogue.pdf.

⁴⁷ GCR2P, 2017. *UN General Assembly Resolutions Referencing R2P*, <http://www.globalr2p.org/resources/1133>. (Voting records for each resolution accessed using the UNGA's voting records search at: <http://www.un.org/en/ga/documents/voting.asp>).

⁴⁸ For more information, see: GAAMAC, n.d. *About GAAMAC*, <https://www.gaamac.org/information-platform-www/web-pages/view/15>.

			as a national Focal Point on R2P, but it has not yet engaged with other member states on this subject.
	Strengthen the role and capacity of regional organisations.	Very Weak	No information could be found on Cambodia strengthening regional organisations.
	Support the development and work of regional human rights and other preventive capacities.	Very Weak	Cambodia works against human rights measures domestically, ⁴⁹ and does nothing to support their development in the region.
	Support atrocity prevention through development and assistance partnerships.	Fair	The Cambodian government has partnered with external agencies to strengthen the domestic capacity in sectors, that while not directly related to atrocity prevention, are cognate to the R2P principle. UNOHCHR has its oldest field presence in Cambodia, assisting with the promotion and protection of human rights within the country. ⁵⁰ The World Health Organization supports the Cambodian Ministry of Health to measure and respond to violence against women. ⁵¹
United Nations, prevention, Peacekeeping, and assistance	Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P.	Very Weak	Cambodia has expressed little direct opinion on the workings of the Office.
	Support the strengthening of the UN's capacity for atrocity prevention, including through the UN Human Rights system.	Very Weak	There is resistance from the Cambodian government to initiate reforms and recommendations given by others in the UPR and in other contexts in the area of human rights. ⁵² There is little to no evidence that the current government advocates for human rights, nor indeed atrocity prevention, in an international context.
	Support preventive actions on atrocity crimes.	Very Weak	No evidence found.
	Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate).	Fair	Cambodia first contributed uniformed personnel to UN peacekeeping operations in 2005. Since then, Cambodia has sent more than 1,600 personnel to seven different missions, some of which have had a protection of civilians mandate (UNMIS (Sudan), UNMISS (South Sudan), MINURCAT (Chad/Central African Republic) and MINUSMA (Mali)). ⁵³
	Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping.	Fair	In 2005 the government created the National Centre for Peacekeeping Forces, tasked with building the peacekeeping capacity of the Royal Cambodian Armed Forces. It also has a remit to train other personnel in peacekeeping methodologies and the clearance of landmines and other explosive munitions left over from conflict. ⁵⁴ The degree to which training incorporates atrocity crime risk prevention and other human rights issues is unknown.

⁴⁹ HRW, 2019. Cambodia: *Events of 2018*, <https://www.hrw.org/world-report/2019/country-chapters/cambodia>.

⁵⁰ UNOHCHR, 2019. *OHCHR in Cambodia*, <https://www.ohchr.org/EN/Countries/AsiaRegion/Pages/KHSummary.aspx>.

⁵¹ World Health Organization (WHO) Regional Office for the Western Pacific, 2015. *Addressing violence against women in Cambodia: The health system response*, http://apps.who.int/iris/bitstream/10665/201705/1/WHO_RHR_15.25_eng.pdf.

⁵² Chheng, Niem, 2019. 'Cambodia receives UN human rights guidance'. *The Phnom Penh Post*, 1 February. Available at: <https://www.phnompenhpost.com/national-politics/cambodia-receives-un-human-rights-guidance>; UN News, 2018. 'Civil society groups matter for Cambodia's sustainable development: UN expert'. *UN News*, 8 November. Available at: <https://news.un.org/en/story/2018/11/1025221>.

⁵³ Chheang, V, 2014. *Peacekeeping Contributor Profile: Cambodia*.

<http://www.providingforpeacekeeping.org/2014/04/03/contributor-profile-cambodia/>.

⁵⁴ Ibid.

	Support the Kigali Principles.	Very Weak	As of 2018, Cambodia does not support the Kigali Principles on the Protection of Civilians. ⁵⁵
	Support UN Security Council veto restraint on issues relating to atrocity prevention.	Fair	Cambodia is not a signatory to the Code of Conduct regarding Security Council action against atrocity crimes, ⁵⁶ but is a supporter of the French/Mexican initiative on veto restraint in the case of mass atrocities. ⁵⁷

⁵⁵ APR2P, 2018. *The Kigali Principles on the Protection of Civilians*, https://r2pasiapacific.org/files/2942/2018_kigali_principles.pdf.

⁵⁶ GCR2P, 2017. *List of Supporters of the Code of Conduct regarding Security Council action against genocide, crimes against humanity and war crimes, as elaborated by ACT*, <http://www.globalr2p.org/media/files/2017-01-25-coc-list-of-supporters.pdf>.

⁵⁷ GCR2P, 2016. *Support to the French Mexican initiative on veto restraint in case of mass atrocities*, <http://www.globalr2p.org/media/files/veto-list.pdf>.