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### Technical assistance and capacity-building

## Situation of human rights in Cambodia

### Report of the Special Rapporteur on the situation of human rights in Cambodia\*\* \*\*

#### *Summary*

The present report is the second submitted by the Special Rapporteur on the situation of human rights in Cambodia, Vitit Muntarbhorn. The theme of the report is “landmarks and benchmarks”. In the report, the Special Rapporteur formulates key benchmarks to facilitate the implementation of human rights in the country, derived from the recommendations of international human rights bodies. It also builds upon three landmarks witnessed by the country since the 1990s: the 1991 Paris Peace Accords, the near 30-year landmark of the mandate of Special Rapporteur on the situation of human rights in Cambodia and the most recent commune/sangkat elections, which took place in June 2022. The report offers forward-looking recommendations in preparation for the national elections in 2023.

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\* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter’s control.

\*\* The annexes to the present report are circulated as received, in the language of submission only.



## I. Introduction

1. The present report is the second submitted by the Special Rapporteur on the situation of human rights in Cambodia, Vitit Muntarbhorn. The theme of the report is “landmarks and benchmarks”. The report formulates 20 benchmarks to facilitate human rights implementation in the country (see annex I) derived from the international obligations of Cambodia and the recommendations of international human rights bodies, which provide entry points for technical cooperation. It also builds upon three landmarks witnessed by the country since the 1990s: the 1991 Paris Peace Accords, the near 30-year landmark of the mandate of Special Rapporteur on the situation of human rights in Cambodia, which was initially entitled Special Representative of the Secretary-General, and the most recent commune/sangkat elections, which took place in June 2022. The Special Rapporteur would like to thank deeply the various interlocutors, governmental, non-governmental, intergovernmental and individual, who dialogued with him throughout the year, as well as the excellent support rendered by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Phnom Penh and Geneva. The period covered by the report is from the middle of 2021 to early June 2022.

## II. Methodology

2. The Special Rapporteur emphasizes a constructive and independent approach based on international standards, while being respectful of local inputs. He has access to a variety of information and bears in mind the need to cross-check information in keeping with United Nations protocols, balancing between different sources. The presence of the United Nations country team, in particular the OHCHR office in the country, is essential for helping to monitor the human rights situation and access parties affected by it, so as to substantiate information and follow up on cases. That is paralleled by the need to protect the sources of information from reprisals. Although he has not yet visited the country since the beginning of his term of office in 2021, owing to the coronavirus disease (COVID-19) pandemic, online and other information gathered is shared in the present report to assist in the promotion and protection of human rights. His first visit to Cambodia is planned for August 2022.

3. A recent pivotal development was the consideration by the Human Rights Committee of the human rights record of Cambodia under the International Covenant on Civil and Political Rights and the subsequent set of concluding observations issued by the Committee.<sup>1</sup> The recommendations of the Committee are axiomatic and provide a key linchpin for the present report in terms of mutually reinforcing suggestions for improving the situation in the country. Notably, the findings of the Committee complement many of the substantive concerns already expressed by the Special Rapporteur in his first report to the Human Rights Council in 2021<sup>2</sup> and his oral update in early 2022, while conversely, the Special Rapporteur complements the priorities set by the Committee to advance human rights implementation at the national and local levels. The benchmarks evolved and discussed later in the present report are derived substantively from the Committee’s recommendations, in concert with the Special Rapporteur’s findings.

## III. Landmarks

4. With the thirtieth anniversary of the 1991 Paris Peace Accords now in the recent past, it should not be forgotten that while the promise of peace after over a decade of war and tragedy in the country has been realized, democracy and the full range of human rights await realization. Those Accords, in particular, called for pluralism in the democratic setting.<sup>3</sup>

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<sup>1</sup> [CCPR/C/KHM/CO/3](#).

<sup>2</sup> [A/HRC/48/79](#).

<sup>3</sup> Sothirak Pou and others, “The Paris Peace Agreements: looking back and moving forward” (2021).

5. The mandate of the Special Rapporteur came into existence as a consequence of the Paris Peace Accords and it is supported by a range of longstanding United Nations resolutions, which are found in annex II of the present report.

6. The country has developed impressively on some fronts since the 1990s. Prior to the pandemic, the growth rate was 7 per cent annually and the country has now been upgraded to lower-middle-income status. It is a party to nearly all of the core human rights treaties. It has done well in addressing the pandemic by vaccinating the population near universally. The post-COVID-19 period may also witness quick recovery in the socioeconomic field due to the resilience of society. Religious freedom is widely enjoyed in the country.

7. Those developments are linked aptly with the 2022 commune elections, which are dealt with in greater detail as a recent landmark in the next section.

## IV. Commune elections

8. The past provides a key to the present, with a view to the future.

### A. Hindsight

9. The 2022 commune elections were preceded by elections in 2017. The situation in 2017 indicated a burgeoning of political pluralism, with a variety of political parties vying for votes.

10. Significantly, the main opposition party, the Cambodia National Rescue Party, won some 43 per cent of the votes as compared with the ruling Cambodian People's Party, which won some 50 per cent of the votes. Subsequently, the situation turned awry, resulting in the disquieting volte face from pluralism to monopolism. The Cambodia National Rescue Party was taken to court later in 2017 for plotting to overthrow the Government controlled by the Cambodian People's Party. That allegation was denied by the Cambodia National Rescue Party, but the Supreme Court found against the latter and it was disbanded on a court order. Most of the seats won by the Cambodia National Rescue Party were redistributed, mainly to the Cambodian People's Party. Nearly 120 leaders and members of the Cambodia National Rescue Party were also banned from politics for five years. In the National Assembly elections in 2018, the Cambodian People's Party won all 125 seats in the Assembly, resulting in single-party rule. The years that followed witnessed the consolidation of power by the ruling elite, which has led to systemic imbalances and personalized institutions under the influence of that monopoly. The playing field for democratic pluralism has thus been heavily undermined and the imposition of one-party rule has ridden roughshod over the political lawn, with a quagmire and quicksand facing those seen as opponents of the regime.

11. Interlinked with the 2022 commune elections, the seemingly large numbers of political parties mentioned below are more of form than of substance, since top-level control still largely prevails in the country. That control influences the State machinery, such as the media and electoral, judicial and other mechanisms, and national resources, affecting both the credibility and integrity of the whole political-cum-electoral spectrum.

### B. Insight

12. Since the beginning of 2022, the scenario for the latest commune elections, anchored in the right to participate in political affairs, can be seen through the developments set out below.

13. By May 2022, there were 45 political parties, with 17 parties registered for the elections.<sup>4</sup> Thirty-two members of the political opposition had been reinstated and their political rights restored. There were some 86,000 candidates, of whom some 28,000 were

<sup>4</sup> See table below and Cambodia human rights situationer 4 October 2021–February 2022, received from the Permanent Mission of Cambodia in Geneva, February 2022, p. 13.

women.<sup>5</sup> They were competing for approximately 11,600 commune councillor seats. The party fielding candidates in all communes was the Cambodian People's Party. The Candlelight Party, which is derived from former members of the Cambodia National Rescue Party, fielded candidates in the majority of, but not all, communes. It is now the biggest competitor for the Cambodian People's Party. The remaining leadership of the Cambodia National Rescue Party has issued a call for the public to participate in the 2022 commune elections.

14. According to the list provided by the National Election Committee in the table below, the Cambodian People's Party fielded some 28,000 candidates in about 1,650 communes while the Candlelight Party fielded some 24,000 candidates in about 1,620 communes. The female candidates of the Cambodian People's Party numbered about 7,200, while the Candlelight Party fielded about 5,500 women. An interesting development is that as compared with the previous commune elections, the numbers of registered voters had increased by about 1 million from some 8 million in 2017 to some 9 million in 2022. Election campaigns were run from 21 May to 3 June, with election day on 5 June, followed by the announcement of preliminary results on 6 June.

15. A large number of observers were listed, with the Union of Youth Federations of Cambodia sending about 39,815 observers and the Cambodian Women for Peace and Development sending about 26,102 observers.<sup>6</sup> These groups are known to have close links with the ruling party and related elites. The well-regarded Committee for Free and Fair Elections sent 1,949 observers. There were some international observers who were not from the United Nations. There were messages from the top of the political system urging free and fair elections and that civil servants should remain neutral, but the field situation is reviewed below.

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<sup>5</sup> See table below.

<sup>6</sup> <https://www.nec.gov.kh/khmer/content/5800> (in Khmer only).

## Registration of political parties for 2022 commune elections



**KINGDOM OF CAMBODIA**  
**NATION RELIGION KING**

NATIONAL ELECTION COMMITTEE

SECRETARIAT GENERAL

N° 038 NEC/SG

Phnom Penh 29 April 2022

## Press Release

**Official Results of Registration of Political Party's Candidates Lists  
Running for the 5<sup>th</sup> Mandate of the Commune/Sangkat Councils Election**

According to the official report of registration of candidate lists of the political party from the Provincial/Capital Election Commissions, 17 political parties and with a total of **86,092** candidates, **27,813** of whom are female have been registered for the 5<sup>th</sup> Mandate of Commune/Sangkat Councils Election 2022 as follows:

No.	Political Parties	Number		Candidate	
		Capital/Province	Commune/Sangkat	Total	Female
1	Cambodian People's Party	25/25	1,652/1,652	28,008	7,259
2	Candlelight Party	25/25	1,623/1,652	23,939	5,564
3	Funcinpec Party	24/25	680/1,652	9,952	3,899
4	Khmer National United Party	25/25	596/1,652	8,815	4,047
5	Cambodian National Love Party	18/25	315/1,652	5,050	2,122
6	Cambodian National's Party	20/25	245/1,652	3,956	2,185
7	Cambodian Youth Party	18/25	114/1,652	1,824	852
8	Cambodian Reform Party	12/25	59/1,652	978	373
9	Khmer Will Party	10/25	58/1,652	1,050	529
10	Kampucheanium Party	10/25	38/1,652	658	242
11	Grassroots Democracy Party	15/25	32/1,652	481	153
12	Khmer United Party	9/25	30/1,652	457	248
13	Beehive Social Democratic Party	10/25	23/1,652	392	181
14	Cambodian Indigenous Peoples Democracy Party	3/25	19/1,652	202	41
15	Ekpheap Cheat khmer Party	4/25	14/1,652	178	64
16	Reaksmey Khemara Party	3/25	6/1,652	88	34
17	Khmer Economic Development Party	3/25	4/1,652	64	20
<b>Total</b>				<b>86,092</b>	<b>27,813</b>

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16. Some of the developments leading up to election day included the following:

(a) More computerization was used for the electoral process, coupled with some difficulties along the way;<sup>7</sup>

(b) The system did not permit Cambodians to vote from abroad. In effect, this disenfranchised millions of Cambodian migrant workers working in neighbouring countries and the anomaly invites reform of the electoral system;<sup>8</sup>

(c) There was a key discrepancy in the fact that there were no provisions in law for the National Election Committee to check the flow and use of political funds, thus creating an opaque process which impacted on the fairness and openness of the electoral system;

(d) There was a question as to whether members of the National Election Committee (and other mechanisms) had too close ties with the ruling party. That was further compounded by an array of unbalanced laws, dealt with in greater detail in the section V below;

(e) A large number of candidates, especially of the Candlelight Party, were delisted in 2022 and thus prevented from participating in the elections under questionable circumstances. By May 2022, some 200 potential candidates had been delisted.<sup>9</sup> It is true that the National Election Committee has opened up the possibility of appeals before candidates are delisted, but the system is weighted in favour of the party in power. During the months before the election, there were a range of complaints concerning harassment, threats and the intimidation of candidates seen as belonging to the political opposition. OHCHR made a statement of concern in this regard a few days before the elections;<sup>10</sup>

(f) A number of mass trials of members of the political opposition were taking place in 2022, which not only prevented a number of disenfranchised opposition members from participating in the elections but also stifled the environment behind the political process and the possibility of electioneering openly and inclusively. Those trials are described further in section V below.

17. On the day of the elections, 5 June 2022, there was high voter turnout at about 80 per cent. The total number of eligible voters was 9.2 million persons, about 7.1 million of whom cast their ballots, according to the National Election Committee. Local media reported that the elections were observed by 88,050 political agents, 74,885 local observers and 110 international observers from various organizations.<sup>11</sup>

18. Preliminary results on 7 June indicated that the Cambodian People's Party won about 80 per cent of the votes, resulting in some 9,400 seats. The Candlelight Party won about 19 per cent of the votes, resulting in nearly 2,200 seats. A smattering of other parties, including the United National Front for an Independent, Neutral, Peaceful and Cooperative Cambodia, the Khmer National United Party and the Khmer National Love Party, won about 20 seats. Most (about 1,650) of the positions of head of commune were won by the Cambodian People's Party.

19. In essence, the 2022 commune elections took place peacefully and there were no major allegations of violations. There was a glimmer of diversity in political participation and in the results, which opened the door to the limited number of seats won by the opposition. However, the whole scenario was subject to the constrained civic and political space, compounded by the predominating power monopoly in the country. A number of irregularities were reported in relation to the electoral period concerning negative pressures in some areas to influence the voting process, including the lingering presence of officials at

<sup>7</sup> See [https://www-nec-gov-kh.translate.google.com/clarification-filling-and-using-minute-ballot-counting-form-1102-polling-station-commissions/?\\_x\\_tr\\_sl=id&\\_x\\_tr\\_tl=en&\\_x\\_tr\\_hl=en&\\_x\\_tr\\_pto=sc](https://www-nec-gov-kh.translate.google.com/clarification-filling-and-using-minute-ballot-counting-form-1102-polling-station-commissions/?_x_tr_sl=id&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=sc).

<sup>8</sup> See <https://opendevelopmentcambodia.net/news/no-provision-for-cambodians-to-vote-from-abroad-says-nec/#/story=post-159813>.

<sup>9</sup> See <https://cambojanews.com/more-candlelight-party-commune-candidates-cut-from-election/>.

<sup>10</sup> <https://www.ohchr.org/en/news/2022/06/comment-un-human-rights-office-spokesperson-liz-throssell-human-rights-concerns-ahead>. See also <https://cambojanews.com/in-unusual-move-nec-cuts-entire-candlelight-candidate-list-in-one-phnom-penh-commune/>. Accessed 15 May 2022.

<sup>11</sup> See <https://www.khmertimeskh.com/501089435/nec-releases-new-voter-turnout-rate-for-local-election/>.



various polling stations, voters' names being recorded, transport being provided to take voters to the booths and house visits leveraging voter choices.<sup>12</sup> Some complaints from those involved in the elections were lodged with the NEC for investigations.

20. Given that the first draft of this report was completed only a couple of days after the Elections and before the final results (due on 26 June), these findings are tentative and the Special Rapporteur hopes to provide more observations on lessons learned in his next report.

## V. Benchmarks

21. The Special Rapporteur has formulated 20 benchmarks to help promote human rights implementation in the country and it covers a whole range of civil, political, economic, social and cultural rights. The detailed links with the recommendations of the Human Rights Committee are provided in annex I, with time frames suggested for implementation, mostly for the period 2022–2023. The benchmarks can be elaborated upon as set out below.

### A. Desist from applying and reform draconian laws

22. The narrow political and civic space, which is the major challenge facing the country today, is partly a consequence of a variety of draconian laws which hamper civil and political rights entrenching the power monopoly already identified. Those laws are often too broad in their scope, also a feature of excessive legislation, and impose exorbitant fines and sanctions on those prosecuted under them. In essence, they impose rule by law on the country and they need to be suspended and reformed. The list is long and includes some that were referred to explicitly by the Human Rights Committee recently.<sup>13</sup> For example, the Law on National Administration in the State of Emergency (also known as the State of Emergency Law) 2020 enables a state of emergency to be declared and put in place for three months, renewable. It concentrates power in the hands of the executive branch to manage the situation with limitations to be imposed a wide range of human rights such as freedom of expression and assembly. To date, the law has not been applied to the COVID-19 situation, as the latter has been covered by the Law on Preventive Measures against the Spread of COVID-19 and Other Severe and Dangerous Contagious Diseases 2021. The newer law is also draconian in scope and substance and has been used not only to deal with health issues but also to silence critics of government policy. This “COVID-19 law” confers on the authorities’ broad powers to limit travel, impose lockdowns and quarantine, and constrain freedom of expression and peaceful assembly and the right to work. Those in breach are subject to penalties of up to 20 years’ imprisonment and heavy fines. According to information received, several hundred persons have been arrested and some have been charged for violations thereunder.

23. Legal tools which also deserve caution include the following samples from the Penal Code: (a) sections 305 and 309 on public defamation and related procedure; (b) section 307 on public insult and libel; (c) section 425 on falsification of information; (d) section 443 on conspiracy with a foreign power; (e) section 453 on plotting against the Government and conspiring to commit treason; (f) sections 494 and 495 on incitement to commit an act which may bring turmoil to the country. In particular, the sections on incitement have become a key instrument cited by the authorities against “fake news” and mis- or disinformation.

24. On another front, while it is true that Cambodia has a large number of media, it is not only the quantity that counts. There are continual reports of harassment of journalists and media personnel who are seen to be critical of the authorities; in 2021, the Cambodian Journalists Alliance Association reported approximately 96 attacks against journalists in that

<sup>12</sup> See LICADHO, Preliminary Report on Human Rights Situation During 2022 Commune Elections 7 June 2022. It comments that there were no independent international observers.

<sup>13</sup> [CCPR/C/KHM/CO/3](#).

year<sup>14</sup> and 23 attacks between January and March 2022.<sup>15</sup> A range of laws impede freedom of expression. These include the national telecommunications law, the *prakas* (decree) on the Internet and the most recent sub decree entrenching a single Internet gateway, which would mean expansive surveillance of content on the Internet as well as enabling the authorities to switch off the information flow arbitrarily. While the implementation of the gateway law was suspended recently, in the face of global and local criticism, it and other laws need to be repealed altogether.

25. With regard to freedom of association and rights at work, even though the country's trade union law was amended in 2019, the space for expression, assembly and association is constrained by the general political atmosphere of top-down controls and prohibitions. This was seen most recently in relation to the Naga case concerning arbitrary actions against strikers, referred to below in paragraph 28.

26. From the civil society angle, it is true that there are a large number of non-governmental organizations (NGOs) and associations in Cambodia – official estimates indicate some 6,000 entities.<sup>16</sup> However, NGOs working on human rights advocacy and environmental issues tend to be in a difficult position vis-à-vis the authorities, owing to extensive supervision and pressure from the latter. There is a well-known law on NGOs, the Law on Associations and Non-Governmental Organizations, which constrains the work of civil society. There are now dialogues under way that may help to reform the law. The laws on political participation are dealt with below. From another angle, the country is also in need of a law for the protection of personal data.

## **B. Release detained human rights defenders and political dissidents and drop the charges against them**

27. Throughout the past year, there have been a number of arbitrary arrests, detention and prosecution of human rights defenders and others seen as critics of the power base. At the beginning of 2022, it was reported that there were two human rights defenders, at least 30 political dissidents and five journalists and related media personnel still in detention.<sup>17</sup>

28. Nothing illustrates better the situation than the whole range of court cases facing those who are seen to be antithetical to the power base. The most callous was the case of a 16-year-old boy with autism spectrum disorder who was detained for months by the State authorities for allegedly insulting the power base.<sup>18</sup> He did not have access to his family during his arrest or interrogation and while in detention, and he was possibly incarcerated because his father was an opponent of the ruling elite and his mother was part of a civil society movement acting on behalf of political detainees. The court which convicted him should have ordered an independent assessment of his medical condition.

29. The latest case, from the end of 2021, involves the arbitrary arrest and detention of a number of trade unionists and workers of the Naga World casino in relation to their months-long peaceful strike to advocate for their rights as workers against unfair dismissal and other grievances.<sup>19</sup> Human rights observers, including the United Nations, civil society and journalists, have been impeded from monitoring the situation transparently.

30. On a related front, while towards the end of 2021 a number of human rights defenders and environmentalists who had been detained were released, the charges against them have not been dropped and they are still under court supervision and other law and order conditions. Many had been detained for long periods and subjected to repressive fines before

<sup>14</sup> See <https://www.camboja.net/wp-content/uploads/2022/05/Final-of-Cambodian-Journalism-Situation-Report-2021-HIGH.pdf>.

<sup>15</sup> See <https://www.camboja.net/wp-content/uploads/2022/04/Quarterly-Report-Jan-Mar-2022-EN-Final.pdf>.

<sup>16</sup> Cambodia human rights situation 4 October 2021–February 2022, p. 10.

<sup>17</sup> OHCHR information, based on monitoring.

<sup>18</sup> <https://www.ohchr.org/en/press-releases/2021/09/cambodia-un-experts-deeply-disturbed-detention-boy-autism-line-criticism>.

<sup>19</sup> See <https://news.un.org/en/story/2022/01/1109172>.



their release; they should not have been prosecuted at all if the political atmosphere had been, was and is more tolerant of dissent.

### **C. Restore and re-enfranchise a variety of political parties, and ensure free and fair elections**

31. This issue is very much linked with the much-criticized dissolution of the Cambodia National Rescue Party. Other parties have also been dissolved or blocked in recent years under ambivalent circumstances. For instance, the Cambodian National Heart Party has been delisted and its president is now being prosecuted allegedly for falsification of thumbprints.<sup>20</sup> At the time of writing, he was in pretrial detention. The commune elections dealt with above are a clarion call for not only re-enfranchising party membership and political entitlement, but also testing the challenge of free and fair elections as a precursor to the national elections in 2023.

32. Some laws are pertinent in that regard. Developments concerning amendments in 2017 to the Law on Political Parties have given advantages to the political constituents in power, enabling the arbitrary dissolution of political parties and banning political parties from associating with anyone convicted of a criminal offence. That has prevented any relationship between convicted opposition politicians and their political parties. Another amendment to the same law in 2019 opened the door to allow banned politicians to return to politics, with restoration of their political rights. In the process, it handed much power to the top of the executive branch to ensure that banned opposition members would be beholden to that figurehead in the case of such restoration. There are also now dynastic developments influencing law, policy and practice.

33. The laws concerning the electoral process give rise to distortions. In 2015, the Law on the Election of Members of the National Assembly and the Law on the National Election Committee came into existence with provisions limiting the role of NGOs in election monitoring. Amendments to the Law on the Election of Members of the National Assembly in 2017 provided the pretext for redistributing the seats of the banned Cambodia National Rescue Party to other parties, in particular the Cambodian People's Party.

34. The Law on the Election of Commune/Sangkat Councils, as amended in 2015, opens the door to overly broad prohibitions of and penalties against candidates seen to be causing public disorder, or who commit violations, threats and violence in the eyes of the authorities during the election campaign. A recent constitutional amendment prohibiting dual nationals from occupying political positions also targeted Cambodian politicians now in exile.<sup>21</sup> There is obviously a need to reform these laws to satisfy the expectations arising from this and other benchmarks in embedding the basics of human rights with democratization.

### **D. End mass trials of political opposition and guarantee space to engage in democracy and political pluralism**

35. Mass trials, particularly of individuals from the main opposition party and those seen to be antithetical to the dominant power base, have caused great concern and stifled the possibility of political pluralism. Of relevance is that on 17 January 2020, a number of special procedure mandate holders issued a statement expressing their concern about the treason trial of Kem Sokha, a key opposition leader, which has not yet ended because it was suspended owing to COVID-19. The trial has recently resumed.<sup>22</sup>

<sup>20</sup> See <https://www.khmertimeskh.com/501038833/cnhp-leader-vows-to-challenge-legal-action-over-fraudulent-thumbprints/>.

<sup>21</sup> See <https://www.loc.gov/item/global-legal-monitor/2021-12-21/cambodia-ninth-amendment-to-constitution-passed-banning-dual-citizenships-in-countrys-four-highest-offices/#:~:text=Article%20Cambodia%3A%20Ninth%20Amendment%20to,%2FRKM%2F1121%2F016>.

<sup>22</sup> See <https://thediplomat.com/2022/01/cambodia-resumes-treason-trial-of-opposition-leader-kem-sokha/>.

36. The first mass trial led to the conviction, on 1 March 2021, of nine senior leaders of the former Cambodia National Rescue Party in absentia, including another key opposition leader, Sam Rainsy, on charges related to “attempt to commit a felony” and “attack and endanger institutions of the Kingdom of Cambodia” under sections 27 and 451 of the Cambodian Penal Code, with severe penalties. Towards the end of 2021, mass trials of members of the political opposition resumed after a lull due partly to the pandemic. They involve over 150 persons, perceived or actual political opponents of the current power base whose plight dates back to the situation some five years ago.

37. The second mass trial led to the conviction on 17 March 2022 of 21 persons allegedly affiliated with the Cambodia National Rescue Party, including 7 leaders, given 10 years in prison, and 14 supporters and relatives, given 5 years in prison. The third mass trial with 60 accused has been ongoing since 26 November 2020 and a verdict will be announced on 14 June 2022. A fourth case, with 76 accused, has yet to resume following a suspension during the peak of the COVID-19 pandemic.

38. Irregularities inherent in these trials include the lack of credible evidence, failings concerning respect for fair trial rights and due process guarantees, and the fact that several of the so-called accused are being tried in absentia in breach of human rights guarantees. They have thus been described by commentators as “show trials” and “witch hunts”.<sup>23</sup>

## **E. Ensure the independence and transparency of the judiciary and related personnel such as prosecutors and lawyers**

39. This is a long-standing issue referred to decades ago in earlier United Nations resolutions on Cambodia. There is a more recent turn, however, in that some judicial and related personnel have close links with the political party in power; for instance, they might sit on various key committees of the party. The image and substance of independence and impartiality are thus compromised, and this ambivalence has been highlighted explicitly by the Human Rights Committee.<sup>24</sup> In 2014 three Laws were promulgated, which have opened the door to executive seepage, permeating the judiciary and related institutions. They are the Laws on the Organization of the Courts, on the Statute of Judges and Prosecutors, and on the Organization and Functioning of the Supreme Council of the Magistracy.

40. On a related front, the potential role of the judiciary and related personnel to help investigate cases of human rights violations and render justice remains unfulfilled. That is linked with the various cases of murder and enforced disappearance discussed below.

## **F. Improve the overloading of the prison system and adopt more non-custodial measures especially in relation to pretrial cases**

41. The situation of detainees and inmates in prisons has given rise to ongoing concern, now accentuated by the pandemic. Prisons in Cambodia have an overcrowding rate of over 300 per cent, with nearly 40,000 detainees, making social distancing virtually impossible. Safety measures need to comply with World Health Organization guidelines.<sup>25</sup>

42. In essence, a quality-based criminal justice framework requires the systematic implementation of a range of alternatives to detention, in particular for pretrial detainees, low-level offenders and vulnerable detainees, including the chronically ill, juveniles, pregnant women and those detained with children. The Special Rapporteur learned from discussions with the Ministry of Justice, the Ministry of the Interior and the Bar Association that there have been some recent improvements in regard to law reform and the criminal justice system, aimed at more provision of legal aid and at enabling alternative dispute resolution. Backlogs of court cases at courts of first instance are now being cleared and there

<sup>23</sup> See <https://www.nytimes.com/2022/03/17/world/asia/cambodia-trial-hun-sen.html>.

<sup>24</sup> CCPR/C/KHM/CO/3.

<sup>25</sup> WHO: “Preparedness, prevention and control of COVID-19 in prisons and other places of detention.” <https://apps.who.int/iris/bitstream/handle/10665/336525/WHO-EURO-2020-1405-41155-55954-eng.pdf?sequence=1&isAllowed=y>. Accessed 15 May 2022.

are also new regulations on conditional release that open the door to non-custodial measures, bail and pretrial releases.

43. However, the large number of prison inmates, particularly in the pretrial stage, remains a major concern. The criminal justice system awaits substantive and substantial improvement to tackle the overload and to adopt more non-custodial measures. Furthermore, access to detainees, at least by the United Nations, should be facilitated so that they can be interviewed in full confidentiality.

#### **G. Explore more rehabilitative measures rather than retributive sanctions for drugs-related cases**

44. Since the majority of detainees in prison are held on drugs-linked charges, there is a need to explore more rehabilitative measures rather than retributive sanctions. That links with other questions, such as the need to review the 2012 Law on the Control of Drugs, as it currently leads to too much incarceration rather than to alternatives, such as community-based care and rehabilitation. At times, people perceived to be involved in the drugs process, often from poor communities, are detained, despite lack of convincing evidence. There is also a gender perspective: while 57 per cent of all prisoners in Cambodia are held on drugs-related charges, 73 per cent of women prisoners are imprisoned on drugs-related charges.<sup>26</sup>

#### **H. Follow up effectively on cases of enforced disappearance and other key violations concerning Cambodians and foreign nationals, especially to overcome the atmosphere of impunity**

45. A number of cases still await effective investigation and resolution in the country. There is the 2016 case of Kem Ley, a key political commentator who was shot to death. Most recently, there was the case of a supporter of the Cambodia National Rescue Party, Sin Khon, also mentioned by the Human Rights Committee, who was hacked to death under suspicious circumstances.<sup>27</sup> Even though a person has now been apprehended for the murder, the motivation behind the crime remains equivocal, implying perhaps a political assassination.

46. In regard to non-nationals, there is the case mentioned in the previous report of the Special Rapporteur of the enforced disappearance of a Thai democracy activist, Wanchalearm Satsaksit, who was abducted outside his apartment in Phnom Penh and whose fate and whereabouts are unknown. This intimidating scenario deserves effective, impartial and timely investigation.

#### **I. Pay attention to increasing indebtedness, leading to loss of land used as collateral for microfinance loans, and diminishing food security**

47. The issue of increasing indebtedness has been a key problem in the past five years, in particular with rural people losing the land they have given as collateral for small loans. The lenders are microfinance institutions that often have links with outside funding. The problem has gained the attention not only of civil society but also the of World Bank.

48. The country has some laws to address the issue, such as the *prakas* on credit risk and loans.<sup>28</sup> However, the plight of the poor who fall into the trap of land loss through loan-related collateralization is serious, especially in view of the increasing debt and deprivation brought about by COVID-19. That implies the need for more direct governmental action to regulate negative financial practices and monitor the lenders.

<sup>26</sup> Amnesty International submission to Human Rights Committee:  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCO%2fKHM%2f42320&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCO%2fKHM%2f42320&Lang=en) p.7 Accessed 15 May 2022.

<sup>27</sup> CCPR/C/KHM/CO/3, paras. 20, 38 and 39.

<sup>28</sup> See <https://thediplomat.com/2022/05/is-cambodias-government-ready-to-tackle-the-problems-in-its-microfinance-sector/>.

49. From another angle, the issue of food security has also emerged, not only in relation to the pandemic, but also due to the war in Ukraine. There has been a disquieting rise in prices and shortages, requiring concrete governmental backup for vulnerable groups.

**J. Improve access to and resume education after the disruption caused by the pandemic, essentially to overcome the online gap between those who have and those who have not, and to promote related formal and non-formal education programmes**

50. The country was performing well on educational access, especially at the primary level, before the pandemic. However, the pandemic not only compelled closed schools for nearly a year between 2020 and 2021 and forced education to go online, but also pushed out children from economically disadvantaged groups. There is an online gap between the haves and have-nots.

51. A recent study reveals the learning loss experienced by students during the pandemic.<sup>29</sup> That situation invites a more active response from the authorities to resume classes in safety, including access for those who dropped out of school, and appreciate education as a key pillar of national capital for sustainable development. It should be accompanied by an extensive social protection programme and resources to facilitate educational access, enrolment and completion.

**K. Allocate additional resources to the social sector, bearing in mind that public expenditure on this front has been declining in recent years**

52. The pandemic is stretching the resources of all countries and a key challenge is to allocate the maximum of available resources to fulfil economic, social and cultural rights. In Cambodia, the commitment to the social sector is still too limited and the decline in the educational budget is a major worry which needs to be overcome.

53. According to the United Nations' Children's Fund (UNICEF), in the education sector, the budget allocation as a percentage of nominal gross domestic product decreased from 3.4 per cent in 2020 to 2.9 per cent in 2021, while in health care it was stable at 1.9 per cent in 2020 and 2021 (excluding significant actual expenses following the COVID-19 outbreak).<sup>30</sup>

**L. Ensure comprehensive and gender-sensitive protection and assistance to special groups, including women, children, persons with disabilities, migrant workers, indigenous peoples, minorities and lesbian, gay, bisexual, transgender and intersex communities**

54. The Special Rapporteur recalls the details in his report in 2021 on special groups as space is limited.<sup>31</sup> There is notable intersectionality between the characteristics behind and challenges facing such groups. The Law on Prevention of Domestic Violence and Protection of Victims awaits reform to enable a more victim-sensitive response and avoid retraumatization. There is also more room for women's participation in key positions, such as the judiciary.

55. Domestic violence against children is compounded by the fact that corporal punishment is still legal in terms of parent-child discipline. There is now a fear of increasing exploitation of this owing to the pandemic.

<sup>29</sup> See <https://www.unicef.org/cambodia/press-releases/new-research-confirms-cambodian-children-experienced-extensive-learning-loss-during>.

<sup>30</sup> See UNICEF, "Country office annual report 2021" available from <https://www.unicef.org/media/115856/file/Cambodia-2021-COAR.pdf%2013%20May%2022>.

<sup>31</sup> A/HRC/48/79, paras. 52–64.

56. On another front, with regard to children in conflict with the law, there is a Law on Juvenile Justice of 2016, but the country does not yet have family courts or even dedicated juvenile judges. There needs to be diversion from detention and alternatives found, with the support of families and communities, as part of restorative justice. On this front, the Special Rapporteur learned of the setting up of a youth rehabilitation centre to help divert children from detention. The centre needs standard operating procedures to ensure a child-friendly environment, together with education and training. It should be paralleled by more deinstitutionalization and community-based rehabilitation. NGOs met by the mandate holder during the year also called for a review of child migrants who might be in immigration detention and a follow-up review pursuant to the United Nations report on children deprived of liberty.<sup>32</sup> A law prohibiting the corporal punishment of children in family situations is advocated. That should go hand in hand with a Child Protection Law consistent with the Convention on the Rights of the Child.

57. Cambodia has also been trying to amend its law on persons with disabilities. A key consideration is the informed participation of persons with disabilities in the reform process, as well as the integration of the principle of reasonable accommodation into law and practice. An often-overlooked challenge is the issue of persons with psychosocial disabilities and the need to implement humane means of enabling them to live in society without coercive methods.

58. There is a plurality of indigenous peoples in the country and a specific national policy for these communities. A problem revealed during the year was the issue of indigenous land linked with “soft titles” that are registered with a local authority but not tantamount to full ownership and which are used as collateral for loans.<sup>33</sup> One consequence is that this leads to loss of that land when the debt goes unpaid and the community is then deprived of what should be under common ownership.

59. While some indigenous peoples in the country also belong to minorities, there are other minorities, such as the ethnic Vietnamese and Muslim communities, who are not indigenous. Access to the basic requirements of life, such as birth registration, education, work opportunities and citizenship, are recurrent issues. During the year, the Special Rapporteur was concerned with the plight of ethnic Vietnamese people displaced from Tonle Sap lake and advocated the preferred strategy of no eviction, especially during the pandemic.

60. On lesbian, gay, bisexual, transgender and intersex issues, there are some instances of discrimination and violence, for example bullying from a young age. The country’s involvement with the universal periodic review has opened the door to potential reforms. First, there is the possibility of enacting an anti-discrimination law which would be inclusive of sexual orientation and gender identity and help to protect the rights of lesbian, gay, bisexual, transgender and intersex persons. Second, the country needs to have a law to recognize gender identity, a key issue for transgender communities. Third, there is space to explore a law to recognize same-sex marriage.

**M. Enable the effective participation of local communities in the protection of natural resources, in particular, land holdings, land titling and related privatization of State land, as well as guarantees against the seepage of vested interests often linked to the power base**

61. Competition for land and resources in a growing economy has been one of the most visible points of conflict in recent years and poses challenges to the conservation of forests and natural resources. During the year, there were several incidents around Phnom Penh and in rural areas, basically relating to disagreements between communities and outsiders. Construction and related modernization might also cause environmental harm unless there are checks and balances in the development process.

<sup>32</sup> A/74/136.

<sup>33</sup> See <https://www.amnesty.org/en/documents/asa23/5183/2022/en/> and <https://opendevelopmentcambodia.net/topics/land-tenure-and-titling/>.

62. The issue of natural resources, in particular, land holdings, land titling and the related privatization of State land requires the effective participation of local communities and guarantees against the seepage of vested interests that are often linked with the power base. There should be safeguards against evictions, premised on the principle of “free, prior and informed consent” as the basis for negotiations with traditional communities concerning land usage and effective measures against land grabs by encroachers.

**N. Establish comprehensive mitigation and adaptation programmes to counter climate change**

63. Climate change poses a major challenge to Cambodia in regard to the use and conservation of the environment. In the United Nations Development Programme Human Development Report 2020, the country’s position is 144th out of 189 countries on the Human Development Index.<sup>34</sup> The Special Rapporteur invites more action to prevent those carbon emissions and footprints that cause global warming and encourage the use of alternatives to fossil fuel and related adaptations. The country has the Cambodia Climate Change Plan 2014–23 and more recently in 2021, a long-term strategy aimed at carbon neutrality by 2050. As in all countries, there should be more adaptation measures, including improved town and country planning and related incentivization, with due regard to broad participation by the people.

**O. Eschew the forced return of Cambodian nationals from other countries when and where they are internationally recognized refugees and release all deported detainees**

64. The deportation or refoulement of Cambodian refugees back to Cambodia from abroad, against their will, with returnees detained on arrival, is most concerning. Four Cambodian dissidents sent back from a neighbouring country have ended up in detention upon their return during the past year. It is surmised that there are informal arrangements between various countries in the vicinity to deport from the potential asylum country those considered to be averse to those in power in the country of origin.

65. Given that the country itself is a party to the Convention relating to the Status of Refugees, it should eschew the forced return of its nationals from other countries when and where they are internationally recognized refugees<sup>35</sup> and should release all detainees with refugee status.

**P. Ensure more victim-friendly law enforcement and national and international anti-crime cooperation in response to reported situations of modern slavery in the form of human trafficking and forced labour through online scams and other forms of deception**

66. During the past year, there was a reported upsurge in cross-border gangs operating in areas heavily laden with various kinds of foreign investment. People have been lured into situations of human trafficking and forced labour via online scams and other forms of deception. This modern slavery, particularly in regard to what civil society calls “slave compounds” is linked with officialdom and vested interests.<sup>36</sup> The country already has an anti-trafficking law and it should be strongly enforced in a victim-friendly manner. Owing to

<sup>34</sup> See briefing note for countries on the 2020 Human Development Report, available from <https://hdr.undp.org/sites/default/files/Country-Profiles/KHM.pdf>.

<sup>35</sup> See further, Office of the United Nations High Commissioner for Refugees, *People Forced to Flee: History, Change and Challenge* (Oxford, Oxford University Press, 2022) and related reference papers.

<sup>36</sup> See <https://thediplomat.com/2022/03/cambodia-told-to-shut-down-slave-compounds-after-warnings-from-asian-embassies/>.



the cross-border nature of the phenomenon, there is a need for more national and international cooperation on combating crime.

**Q. Adopt measures to prevent and eliminate corruption, especially with regard to those who are related to the power base, to improve transparency and accountability**

67. The issue of corruption has been raised in many quarters when the country's record is examined. According to one index, the country is ranked 157th out of 180 countries, indicating a murky scenario.<sup>37</sup> Inevitably it is linked with the accumulation of power, with patronage steeped in quid pro quo favours and seeping from the top to the bottom of the ladder. While there can be many suggestions for improvements on this front, the country's accession to the United Nations Convention against Corruption already provides a list of the actions needed to make the situation more transparent. They include the call to protect whistle-blowers and witnesses/victims, probe contributions to political parties and the interplay between national and commune elections, and ensure that politicians and their immediate families list their assets openly. That is linked with the need for a law on access to public information.

**R. Demonstrate commitment and a concrete time frame for the establishment of a national human rights institution, ensuring the participation of a wide range of stakeholders, including civil society**

68. The government-linked Cambodian Human Rights Committee is already in the midst of overseeing a bill on the establishment of a national human rights institution and OHCHR has engaged with the process through various consultations. Recently, there was also a seminar with the countries of the Association of Southeast Asian Nations (ASEAN) and related human rights institutions to share and learn. There are two main challenges facing the process of creating a law on the subject: it must be well-grounded in a broad participation of stakeholders, with the fuller participation of a variety of civil society actors, reflecting the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). In essence, the independence of the emerging institution is key and that means independence from executive control, as well as pluralism in its composition and the effectiveness of its work. In addition, especially because key NGOs are sceptical about the whole process, owing to the shrunken political and civic space, that space needs to be liberalized so as to advance an atmosphere where civil society can have the confidence to participate in the steps towards establishing a national human rights institution.

**S. Adopt post-COVID-19 revival measures, including on combating poverty, access to health care and revaccination, employment opportunities, education and other social protection measures, to help needy groups, in keeping with international standards**

69. Attention needs to be paid to economic, social and cultural issues in order to ensure recovery and revival, which should be people-based in the post-pandemic phase guided by the fact that the country is a party to the International Covenant on Economic, Social and Cultural Rights. The pandemic has brought about the realization that while cash transfers helped people during the pandemic, expanding the existing programme for the internally displaced poor was and is necessary. Other aspects of life, such as health care, educational access, food security, reskilling and upskilling for job opportunities, and the vulnerabilities of specific groups already mentioned above, together with the poor, informal workers and

<sup>37</sup> See <https://www.transparency.org/en/cpi/2021>.

the unemployed also need effective coverage.<sup>38</sup> Accordingly, a social protection law, a new law on disabilities, a child protection law and a national road map for universal health coverage are now being drafted. All these instruments needed to be well grounded in human rights, especially the principle of non-discrimination.

## **T. Support international contributions to help Cambodia and support the Cambodian contribution to the international community in relation to technical cooperation and capacity-building**

70. On a more international and historical front, in regard to the Extraordinary Chambers in the Courts of Cambodia, dealing with the period of genocidal Khmer Rouge rule in the mid-1970s, there have been three convictions and two of those convicted have died. The only remaining convict, Khieu Samphan, has appealed his sentence. Three other cases were terminated recently. The agreement on arrangements for residual functions now sets the tone for the final phase of the work and the legacy of the Extraordinary Chambers.<sup>39</sup> A key area of concern is to ensure justice for the victims. The practice of “civil party” has been invaluable in enabling victims to participate in the proceedings of the tribunal and redress has been offered innovatively through development programmes. The archives of the tribunal will need to be well looked after, opened to researchers and instrumental in the teaching of history, so that the lessons learned from the tragedy of the 1970s and after, will not be forgotten.

71. With regard to technical cooperation and capacity-building, the country has benefited enormously from such inputs during three decades. The first lesson learned is that while external assistance has been critically important to help rebuild the basics and functioning of Statehood, stocktaking is needed to ensure that it does not aggravate the democracy deficit and the human rights lacunae, especially in regard to the political and civic space.

72. Second, some areas are already garnering new support and these can be further advanced. In particular, the 173 recommendations accepted by the country in regard to the third cycle of the universal periodic review, such as more extensive birth registration, offer vistas for cooperation, aided by a new strategic development framework with the United Nations country team.<sup>40</sup> Another area of promise is to deal responsively with children deprived of liberty, as recommended in the global study on the issue, and improve the judicial and social system to attend to the needs of children in a variety of difficulties, with due regard for gender sensibility. Civil society also deserves help, especially in regard to assistance and capacity-building on digital security and on protection against surveillance and harassment.

73. Third, Cambodia is in a position to help other countries as part of technical cooperation. For instance, it already contributes man- and woman power to international peacekeeping. Recently, it sent truckloads of medical help to an ASEAN neighbour in the struggle against the pandemic. It has a wealth of experience on demining to be shared with other countries. Indeed, technical cooperation and capacity-building should be appreciated as a two-way flow which is mutually beneficial for building partnerships and avoiding a dependency syndrome.

## **VI. Conclusions and recommendations**

74. **in the report, the Special Rapporteur has taken stock of various landmarks, including the most recent commune elections, and has formulated key benchmarks to help accelerate the implementation of human rights in the country. He emphasizes the**

<sup>38</sup> See [https://www.iseas.edu.sg/wp-content/uploads/2022/03/ISEAS\\_Perspective\\_2022\\_40.pdf](https://www.iseas.edu.sg/wp-content/uploads/2022/03/ISEAS_Perspective_2022_40.pdf). See also <https://www.worldbank.org/en/news/press-release/2022/01/31/productivity-diversification-domestic-investment-are-key-to-cambodia-s-economic-recovery>.

<sup>39</sup> See <https://www.eccc.gov.kh/en/articles/call-contribution-ideas-extraordinary-chambers-courts-cambodia-eccc-residual-functions>.

<sup>40</sup> See A/HRC/41/17 and A/HRC/41/17/Add.1, para. 2.

following recommendations calling for commitment, with empathy, from various key actors with a forward-looking perspective.

**75. The Special Rapporteur recommends that the Government:**

- (a) Implement the full range of human rights and the suggested adjustments under the 20 benchmarks he has listed, bearing in mind the country's obligations under the human rights treaties and the commitments under the universal periodic review;
- (b) Rectify discrepancies relating to the 2022 commune elections;
- (c) Open up the political and civic space in preparation for the national elections in 2023, in particular to ensure a genuine multiparty system, free and fair elections, checks and balances against power abuse, and guarantees for people's participation and shared power;
- (d) Release detained human rights defenders, political dissidents, journalists and media personnel, and other advocates of human rights and democracy, drop court cases against them and desist from harassing or attacking them;
- (e) Suspend and reform laws, policies and practices that are antithetical to human rights, including the State of Emergency Law, the Law on Preventive Measures against the Spread of COVID-19 and Other Severe and Dangerous Contagious Diseases (the "Anti-COVID Law"), various laws impeding freedom of expression, other freedoms and the work of NGOs, and laws on political parties and related elections;
- (f) Address the vulnerabilities of specific groups and tackle violence and discrimination, bearing in mind gender sensibility and the intersectionality of concerns;
- (g) Allocate resources equitably to help with the post-COVID recovery;
- (h) Open up to political pluralism and ensure the separation of powers and functions, especially in order to safeguard the judiciary from executive seepage;
- (i) Cooperate effectively with civil society and the United Nations in promoting and protecting human rights, including human rights education and quality-based education on the history of the country;
- (j) Offer technical help and capacity-building to other countries where the country can provide added value.

**76. The Special Rapporteur recommends that civil society and other stakeholders:**

- (a) Continue to advocate for the promotion and protection of human rights, and network in the process;
- (b) Monitor human rights implementation in the country with regard to the full range of civil, political, economic, social and cultural rights, especially in relation to the benchmarks highlighted in the present report;
- (c) Prepare to monitor the national elections in 2023 and ensure transparency;
- (d) Advocate and act on behalf of victims, including with due regard to protection from reprisals, in relation to the call for remedies and accountability;
- (e) Promote human rights education and knowledge of the past history of the country.

**77. The Special Rapporteur recommends that the United Nations and the international community:**

- (a) Support and monitor effective implementation of the full range of human rights, taking into account the benchmarks listed in the present report;
- (b) Use leverage to liberalize the political and civic space geared to democracy with pluralism, a multiparty system and free and fair elections, checks and balances, participation by the people, shared power and the separation of powers and functions;

(c) **Support post-COVID recovery measures, consistent with international standards, especially with a view to integrating social protection measures inclusively and effectively in the country;**

(d) **Assist civil society to promote and protect human rights, and provide technical aid, for example on digital security;**

(e) **Take stock of the technical cooperation and capacity-building offered to Cambodia to date, prevent abuses in the process and build on areas where the international community can bring added value in terms of guarantees for peace, democracy, human rights and sustainable development, bearing in mind the historical legacy that needs to be disseminated between generations as a constructive catalyst for the future.**

## Annex I

### 20 Benchmarks on Human Rights Implementation in Cambodia: Special Rapporteur on the situation of human rights in Cambodia Annual Report 2022

No.	Recommendations by human rights mechanisms	Benchmark	Timeframe for achievement
1.	<p>The State party should review and amend its laws on states of emergency and COVID-19, in order to ensure their full compliance with the requirements of article 4 of the Covenant, as interpreted in the Committee's general comment No. 29 (2001) on derogations from provisions of the Covenant during a state of emergency and the Committee's Statement on derogations from the Covenant in connection with the COVID-19 pandemic. The State party should guarantee that any measure introduced to protect the population in the context of a state of emergency, including a pandemic, are temporary, proportionate and strictly necessary, and subject to judicial review. The State party should ensure that the review and amendment of such legislation involves an open, transparent and meaningful consultation process with a wide range of stakeholders, including civil society organisations. (<a href="#">CCPR/C/KHM/CO/3</a>, para. 11)</p> <p>The Committee reiterates its previous recommendation on freedom of expression and urges the State party to take immediate measures to ensure that everyone can freely exercise the right to freedom of expression, in accordance with articles 19 of the Covenant and the Committee's general comment No. 34 (2011) on freedoms of opinion and expression. In doing so, the State party should:</p> <p>...</p> <p>(d) Review and revise its current and pending legislation, including the Sub-Decree on National Internet Gateway and the amendments to the Press Law and the draft laws on cybercrimes and on access to information, to avoid the use of vague terminology and overly broad restrictions;</p> <p>(e) Ensure that in the formulation and enforcement of its legislation, including Ministerial Sub-Decrees, any restrictions on the exercise of freedom of expression and association comply with the strict requirements of articles 19 (3) and 22 of the Covenant. (<a href="#">CCPR/C/KHM/CO/3</a>, para. 35)</p> <p>In accordance with article 21 of the Covenant and in light of the Committee's general comment No 37 (2020) on the right of peaceful assembly, the State party should:</p> <p>(a) Expedite its efforts to revise its current and pending legislation, including the amendments to the Law on Associations and Non-Governmental Organisations, and on the draft Law on Public Order; as well as its practices, to ensure that individuals fully enjoy, both in law and in practice, their right of peaceful assembly; and to ensure there is a meaningful, open and transparent</p>	<p>Desist from applying and Reform draconian laws:</p> <p>Review and amend draconian instruments, and avoid adopting new laws and policies of a politically cloistering kind.</p> <p>Reform existing legislation in relation to COVID 19 to ensure accordance with international instruments.</p> <p>Revise laws and practices impeding civil and political rights, including freedom of expression peaceful assembly and association</p>	2022–2023

No.	Recommendations by human rights mechanisms	Benchmark	Timeframe for achievement
	consultation with civil society organisations and any other relevant stakeholders in all revision exercises;		
	(b) Ensure that any restrictions on the right of peaceful assembly, including through the application of administrative and criminal sanctions against individuals exercising that right, comply with the strict requirements of article 21 of the Covenant		
	...		
	(CCPR/C/KHM/CO/3, para. 35)		
2.	The Committee reiterates its previous recommendation on freedom of expression and urges the State party to take immediate measures to ensure that everyone can freely exercise the right to freedom of expression, in accordance with articles 19 of the Covenant and the Committee's general comment No. 34 (2011) on freedoms of opinion and expression. In doing so, the State party should:	Release detained human rights defenders and political dissidents and drop the charges against them:	2022–2023
	(a) Refrain from prosecuting and imprisoning journalists, human rights defenders and other civil society actors as a means of deterring or discouraging them from freely expressing their opinions.	Strengthen the capacity of independent media, particularly in terms of investigative reporting and political analysis	
	...		
	(c) Decriminalize defamation and bring any other relevant provisions of the Criminal Code; and of the Law on Telecommunication into line with article 19 of the Covenant	Respect human rights defenders and civil society actors	
	...		
	(CCPR/C/KHM/CO/3, para. 35)		
	The Committee reiterates its previous recommendation on freedom of expression and urges the State party to take immediate measures to ensure that everyone can freely exercise the right to freedom of expression, in accordance with articles 19 of the Covenant and the Committee's general comment No. 34 (2011) on freedoms of opinion and expression. In doing so, the State party should:	Refrain from prosecuting, harassing and attacking journalists and advocates/defenders of human rights, of environmental protection and of democracy, and Counter impunity	
	(a) Refrain from prosecuting and imprisoning journalists, human rights defenders and other civil society actors as a means of deterring or discouraging them from freely expressing their opinions;		
	(b) Prevent acts of harassment, intimidation and arbitrary restrictions or arrests of journalists, activists, human rights defenders who merely criticize public officials or government policies;		
	...		
	(CCPR/C/KHM/CO/3, para. 35)		



No.	Recommendations by human rights mechanisms	Benchmark	Timeframe for achievement
	<p>In accordance with article 21 of the Covenant and in light of the Committee's general comment No 37 (2020) on the right of peaceful assembly, the State party should:</p> <p>...</p> <p>(d) Prevent all forms of harassment and intimidation against members of civil society organisations, trade unions and political parties and ensure that they can freely exercise their work and activities. (CCPR/C/KHM/CO/3, para. 37)</p> <p>The Committee urges the State party to take all necessary measures to combat the culture of violence and impunity prevalent in the State party, and for the protection of human rights defenders, including indigenous leaders, peasant activists engaged in defending the economic, social and cultural rights of their communities against any intimidation, threat and violence, whether perpetrated by State security forces and agents or non-State actors. It also calls on the State party to ensure that all alleged cases of repression and abuse are promptly and thoroughly investigated, and that alleged perpetrators are prosecuted and appropriately punished, if found guilty. The Committee requests the State party to provide, in its next periodic report, detailed information on the progress made in preventing and punishing the repressions and abuses.</p> <p>(E/C.12/KHM/CO/1, para. 41)</p>		
3.	<p>The State party should bring its electoral regulations and practices into full compliance with the Covenant, including article 25, inter alia by:</p> <p>...</p> <p>(d) Ensuring the full and meaningful enjoyment of electoral rights by everyone, including opposition political candidates; and that all political parties can conduct an equal, free and transparent electoral campaign.</p> <p>...</p> <p>(f) Strengthening the judicial and electoral mechanisms to ensure a fair electoral process, particularly in time for the 2022 commune elections and the 2023 national elections.</p> <p>(CCPR/C/KHM/CO/3, para. 39)</p>	Restore and re-enfranchise a variety of political parties, and Ensure free and fair elections	2022–2023
4.	<p>The State party should bring its electoral regulations and practices into full compliance with the Covenant, including article 25, inter alia by:</p> <p>(a) Ending all acts of harassment, intimidation, arbitrary arrests, and acts of violence against members and supporters of opposition parties;</p>	End mass trials of political opposition and Guarantee space to engage in democracy and political pluralism:	2022–2023

No.	Recommendations by human rights mechanisms	Benchmark	Timeframe for achievement
	<p>(c) Ending all mass trials against members of the opposition and ensuring that all proceedings brought against them, as well as against human rights defenders, conform to all procedural guarantees of the Covenant;</p> <p>...</p> <p>(e) Guaranteeing the freedom to engage in pluralistic political debate, including by facilitating peaceful demonstrations and meetings and by refraining from using criminal laws to suppress such right or to exclude opposition candidates from electoral processes</p> <p>...</p> <p>(CCPR/C/KHM/CO/3, para. 39)</p>	<p>Release those who are detained or in prison for their political affiliations</p>	
5.	<p>The State party should take all necessary measures to safeguard, in law and in practice, the full independence, impartiality and safety of judges and prosecutors. The State party should take specific measures to prevent judges from being influenced in their decision-making by any form of political pressure, including by ensuring that procedures for the selection, appointment, suspension, removal and disciplining of judges and prosecutors are in compliance with the Covenant and relevant international standards. (CCPR/C/KHM/CO/3, para. 33)</p>	<p>Ensure independence and transparency of the judiciary and related personnel such as prosecutors and lawyers</p>	2022–2023
6.	<p>The State party should intensify its efforts to ensure that the conditions of detention are in full compliance with relevant international human rights standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). It should, in particular:</p> <p>(a) Significantly reduce overcrowding in prisons, particularly through the wider application of non-custodial measures as an alternative to imprisonment. (CCPR/C/KHM/CO/3, para. 25)</p> <p>The State party should take effective legal and other measures to ensure that pre-trial detention is only used as an exceptional measure for a limited period of time, particularly in relation to mothers with young children; and intensify the use of alternative measures to pre-trial detention. The State party should ensure that all legal safeguards are guaranteed in practice to all persons deprived of their liberty from the very outset of their detention, including by formally adopting the draft Legal Aid Policy so as to ensure that legal assistance is available to all individuals charged with a crime. (CCPR/C/KHM/CO/3, para. 27)</p>	<p>Improve the overload of the prison system and Adopt more non-custodial measures, especially in relation to pre-trial cases:</p> <p>Improve the promotion of the rule of law and Strengthen access to legal aid and assistance</p>	2022–2023

<i>No.</i>	<i>Recommendations by human rights mechanisms</i>	<i>Benchmark</i>	<i>Timeframe for achievement</i>
	The State party should intensify its efforts to ensure the effective implementation of the Law on Juvenile Justice and that children in conflict with the law are treated in a manner commensurate with their age. The State party should also ensure that pre-trial detention of minors is strictly used in exceptional cases only as a last resort. The State party should consider undertaking a thorough review of cases of children in conflict with the law who will be transferred to the new Youth Rehabilitation Centre in order to evaluate an alternative to detention. (CCPR/C/KHM/CO/3, para. 41)	Outline foreseen implementation of the Law on Juvenile Justice to ensure compliance with international standards	
7.	The State party should: <p>(a) Pursue a comprehensive review of relevant laws, policies and practices vis-à-vis drug-dependent persons, particularly those deprived of their liberty in compulsory drug rehabilitation centres, with a view to bringing them into full compliance with the Covenant. (CCPR/C/KHM/CO/3, para. 29)</p>	Explore more rehabilitative measures rather than retributive sanctions for drug related cases	2022–2023
8.	Concern of the Special Rapporteur expressed in his UNHRC 2021 written report and 2022 oral update	Follow-up effectively on cases of enforced disappearance and other key violations concerning Cambodians and foreign national(s), especially to overcome the atmosphere of impunity	2022–2023
9.	The Committee recommends to the State party to strengthen its strategic interventions in response to the alarming situation of increasing food insecurity. The Committee requests the State party in its next periodic report to provide detailed information on the results of these strategic interventions. (E/C.12/KHM/CO/1, para. 28)	Give attention to increasing indebtedness, leading to loss of land as collateral of loans inked with microfinance, and diminishing food security	2022–2023
	Concern of the Special Rapporteur expressed in his UNHRC 2022 oral update: the situation is aggravated by recent rise in oil prices and potential food famine due to the war in Ukraine.		
10.	The Committee recommends that the State party ensure adequate budget allocation for all levels of education especially basic education, and the transparency of the allocation and disbursement system for the implementation of the right to education. The Committee also recommends that the State party expand non-formal education programmes, particularly for out-of-school girls. (art. 13) (E/C.12/KHM/CO/1, para. 43)	Improve access to and resumption of education, after the disruption caused by the pandemic, essentially to overcome the online gap between those who have and those who have not, and to promote related formal and non-formal education programmes.	2022–2023

No.	Recommendations by human rights mechanisms	Benchmark	Timeframe for achievement
11.	<p>The Committee draws the attention of the State party to its statement on “An evaluation of the obligation to take steps to the ‘maximum of its available resources’ under an Optional Protocol to the Covenant” (E/C.12/2007/1), and recommends that the State party increase its national spending on social services and assistance such as housing, food, health and education so as to achieve, in accordance with article 2, paragraph 1, the progressive realization of the economic, social and cultural rights provided for in the Covenant. The Committee further recommends that the State party allocate sufficient funds for the implementation of its poverty eradication strategy, and ensure the full integration of economic, social and cultural rights in the strategy, as recommended by the Committee in its Statement on “Poverty and the International Covenant on Economic, Social and Cultural Rights” (E/C.12/2001/10). (E/C.12/KHM/CO/1, para. 27)</p> <p>The Committee urges the State party to extend the coverage of the social safety nets by developing targeted measures to address the situation of disadvantaged and marginalized individuals and groups, in particular the homeless in urban centres, victims of trafficking, children living on the streets or in conflict with the law, and poor people and households. The Committee further urges the State party to consider establishing a universal social assistance programme to guarantee the enjoyment of the right to social security for everyone in the State party. (arts. 9, 10 and 11) (E/C.12/KHM/CO/1, para. 44)</p>	<p>Allocate additional resources to the social sector, bearing in mind that public expenditure on this front has been declining in recent years:</p> <p>Develop and adopt social protection law in keeping with international standards</p> <p>Develop and adopt a comprehensive social safety net programme with targets for disadvantaged and marginalized individuals</p>	Progressively linked with SDGs 2015–2030
12.	<p>The State party should:</p> <p>(a) Adopt comprehensive legislation prohibiting discrimination, including multiple, direct and indirect discrimination, in all spheres, in both the public and the private sectors, on all the grounds prohibited under the Covenant, including race, colour, sex, political or other opinion, national or social origin, sexual orientation and gender identity, disability, or any other status, and ensure access to effective and appropriate remedies for victims of discrimination;</p> <p>(b) Take effective measures to combat discrimination and exclusion against ethnic minorities, in particular Khmer Krom and Cambodians of Vietnamese origin, including by ensuring that they have access to identity documents;</p> <p>(c) Prevent discrimination and violence against lesbians, gays, bisexuals and transgender persons, as well as against persons with disabilities, including by conducting public awareness-raising campaigns to combat their social stigmatization. (CCPR/C/KHM/CO/3, para. 15)</p> <p>The State party should strengthen the measures aimed at ensuring gender equality, including by:</p> <p>(a) Ensuring that legislation and policies on gender equality are effectively implemented and reviewing the 1997 Labour Law with a view to ensuring the implementation of the principle of equal pay for work of equal value and guaranteeing full protection of domestic workers;</p>	<p>Ensure comprehensive and gender sensitive protection and assistance to special groups, including women, children, persons with disabilities, (migrant) workers, indigenous peoples, minorities and LGBTI communities:</p> <p>Demonstrate commitment to addressing all forms of gender-based violence and to promoting the rights of women and gender equality.</p> <p>Adopt child protection law consistent with international standards</p> <p>Develop and adopt law and policy to protect LGBTI from discrimination and violence, Initiate law and policy to recognize gender identity, and Enact law on same-sex marriage</p>	2022–2023

No.	Recommendations by human rights mechanisms	Benchmark	Timeframe for achievement
	<p>(b) Raising public awareness of the principle of equality between women and men and the need to eliminate gender stereotypes, and ensuring that media outlets promote positive images of women as active participants in public and political life;</p> <p>(c) Intensifying its efforts to achieve, within specific time-frames, the full and equal participation of women in political and public life, including in the National Assembly, ministerial positions, regional and local municipalities, and the judiciary, particularly in decision-making positions. (CCPR/C/KHM/CO/3, para. 17)</p> <p>The State party should:</p> <p>...</p> <p>(e) Ensure that in the context of the COVID-19 pandemic, indigenous peoples have access to information and health care services, including testing, treatment and vaccines. (CCPR/C/KHM/CO/3, para. 41)</p>		
13.	<p>The State party should:</p> <p>(a) Develop and adopt a legal framework to recognize and protect the rights of indigenous peoples, including a simplified procedure for obtaining communal land titles;</p> <p>(b) Ensure full and meaningful consultation with indigenous peoples in matters concerning their rights, in particular their right to free, prior and informed consent, including when granting development projects that may affect their land rights;</p> <p>(c) Continue its efforts to prevent conflicts over land use, including by providing guarantees in relation to land traditionally owned and/or occupied by indigenous peoples;</p> <p>(d) Ensure that indigenous peoples are not relocated without following all legal and procedural safeguards, including the provision of comparable alternatives and adequate compensation. (CCPR/C/KHM/CO/3, para. 41)</p> <p>The Committee urges the State party to review its policy regarding the conversion of protected zones into economic concessions, by conducting environmental and social impact assessments including consultations with relevant stakeholders and communities with due regard to their right to participate in informed decisions that affect their lives. The Committee strongly recommends that the granting of economic concessions take into account the need for sustainable development and for all Cambodians to share in the benefits of progress rather than for private gain alone. The Committee requests the State party to give, in its next periodic report, detailed information on the progress made in the implementation of these policies. (E/C.12/KHM/CO/1, para. 15)</p>	<p>Enable effective participation of local communities related to protection of natural resources, in particular, land holdings, land titling, and related privatization of State land as well as guarantees against the seepage of vested interests often linked with the power base:</p> <p>Establish safeguards against evictions premised on the principle of “free, prior and informed consent” as the basis for negotiations concerning land usage interlinked with traditional communities thereon, with effective measures against land grabs by encroachers</p>	2022–2023

No.	Recommendations by human rights mechanisms	Benchmark	Timeframe for achievement
	<p>The Committee urges the State party to implement the 2001 Land Law without further delay and to ensure that its policies on registration of communal lands do not contravene the spirit of this law. The Committee emphasizes the need for carrying out environmental and social impact assessments and consultations with affected communities with regard to economic activities including mining and oil explorations, with a view to ensuring that these activities do not deprive the indigenous peoples of the full enjoyment of their rights to their ancestral lands and natural resources. The Committee encourages the State party to consider ratifying ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries. (<a href="#">E/C.12/KHM/CO/1</a>, para. 16)</p> <p>The Committee urges the State party to adopt as a matter of priority, a National Housing Policy that would upgrade poor urban settlements and ensure security of tenure, with clear institutional responsibilities at the national, provincial and local levels, and adequate financial resources for its effective implementation.</p> <p>(<a href="#">E/C.12/KHM/CO/1</a>, para. 29)</p> <p>The Committee urges the State party to implement a moratorium on all evictions until the proper legal framework is in place and the process of land titling is completed, in order to ensure the protection of human rights of all Cambodians, including indigenous peoples. The Committee recommends that the State party undertake urgent consultations with all stakeholders in order to reach a definition of “public interest” to complement the 2001 Land Law and develop clear guidelines for possible evictions. The Committee also urges the State party clearly to identify the demarcation of State public land and State private land. The Committee strongly recommends that the State party, as a matter of priority, undertake open, participatory and meaningful consultations with affected residents and communities prior to implementing development and urban renewal projects and to ensure that persons forcibly evicted from their properties be provided with adequate compensation and/or offered relocation that complies with the guidelines adopted by the Committee in its general comment No. 7 (1997) on forced evictions and guarantee that relocation sites are provided with basic services including drinking water, electricity, washing and sanitation, as well as adequate facilities including schools, health care centres and transportation at the time the resettlement takes place. The Committee also draws the attention of the State party to the guidelines on Development-based Evictions and Displacements (<a href="#">A/HRC/4/18</a>), prepared by the Special Rapporteur on adequate housing. (<a href="#">E/C.12/KHM/CO/1</a>, para. 30)</p>		
14.	Concern of Special Rapporteur expressed in his UNHRC 2021 written report	Establish comprehensive mitigation and adaptation programmes to counter climate change	Progressively linked with SDGs 2015–2030



<i>No.</i>	<i>Recommendations by human rights mechanisms</i>	<i>Benchmark</i>	<i>Timeframe for achievement</i>
15.	Concern of Special Rapporteur expressed in his UNHRC 2022 oral update	Eschew forced return of its nationals from other countries when and where they are internationally recognized refugees, and Release all deported detainees with this status	2022–2023
16.	<p>The State party should ensure the effective enforcement of the Law on Suppression of Human Trafficking and Sexual Exploitation and that cases of trafficking in persons are thoroughly investigated, that those responsible are prosecuted and, if found guilty, are sentenced appropriately, and that victims are provided with full reparation and appropriate protection and assistance. The State should eliminate all forms of forced labour and exploitation of children, particularly in the brick industry, including by strengthening the capacity of labour inspectors to carry out their duties effectively in the sectors where such practices are prevalent. (CCPR/C/KHM/CO/3, para. 31)</p> <p>The Committee recommends that the State party intensify its efforts to combat trafficking in human beings, especially women and children, for purposes of sexual exploitation and forced labour, inter alia by prosecuting and convicting offenders of the law against trafficking, supporting programmes and information campaigns to prevent trafficking, providing mandatory training for law enforcement officials, prosecutors and judges on the anti-trafficking legislation and increasing the provision of medical, psychological and legal support for victims. (E/C.12/KHM/CO/1, para. 26)</p>	Ensure more victim-friendly law enforcement and national-cum-international anti-crime cooperation in response to reported situations of modern slavery in the form of human trafficking and forced labour via online scams and other forms of deception.	2022–2023
17.	The State party should increase its efforts to prevent and eradicate corruption and impunity at all levels. It should ensure that all cases of corruption, including those related to land issues, illegal logging and contracts for development projects, are independently and thoroughly investigated, that those responsible are duly tried and adequately punished, and that victims receive full reparation. The State party should ensure adequate protection for whistle-blowers, witnesses and victims of corruption, including by adopting the draft Law on Reporting Persons and the draft Law on Witnesses, Experts and Victims, after open, transparent and meaningful consultations with civil society and other relevant stakeholders. (CCPR/C/KHM/CO/3, para. 9)	Adopt measures to prevent and eliminate corruption, especially in regard to those who are related to the power base, to improve transparency and accountability	2022–2023
18.	Recalling the Committee’s previous recommendations, the State party should further advance the creation of a national human rights institution, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). The State party should carry out an open, transparent and meaningful consultation process on the draft law ensuring the participation of a wide range of stakeholders, including civil society organisations. (CCPR/C/KHM/CO/3 para. 7)	Demonstrate commitment and concrete timeframe for the establishment of a National Human Rights Institution, in accordance with the Paris Principles, ensuring participation of wide range of stakeholders, including civil society	2022–2023

<i>No.</i>	<i>Recommendations by human rights mechanisms</i>	<i>Benchmark</i>	<i>Timeframe for achievement</i>
19.	Concern of Special Rapporteur expressed in his UNHRC 2021 written report and 2022 oral update	Adopt Post-Covid Revival Measures, including on anti-poverty, access to health care and re-vaccination, employment opportunities, education and other social protection measures, to help needy groups in keeping with international standards	Progressively linked with SDGs 2015–2030.
20.	Response to UNHRC Resolution 2021 on Cambodia requesting the Special Rapporteur to pay attention to technical cooperation and capacity building  Need to identify areas for international contribution to help Cambodia, for instance, capacity development on digital security for NGOs, and Cambodian contribution to help the international community, for instance, knowledge transfer to other countries on de-mining and UN peacekeeping.	Support international contribution to help Cambodia and Cambodian contribution to help the international community in relation to technical cooperation and capacity building	Progressively linked with SDGs 2015–2030

## Annex II

### UN resolutions on Cambodia since 1992

No.	Date	Resolution No.	Item No	On Special Representative/Rapporteur
1.	19-Feb-1993	Human Rights Commission <a href="#">E/CN.4/RES/1993/6</a>	19. Advisory services and technical cooperation in the field of human rights	<p>6. Requests the Secretary-General to appoint a special representative:</p> <ul style="list-style-type: none"> <li>(a) To maintain contact with the Government and people of Cambodia;</li> <li>(b) To guide and coordinate the United Nations human rights presence in Cambodia;</li> <li>(c) To assist the Government in the promotion and protection of human rights;</li> <li>(d) To report to the General Assembly at its forty-eighth session and the Commission on Human Rights at its fiftieth session under the agenda item entitled “Advisory services in the field of human rights”;</li> </ul> <p>8. Requests the Secretary-General to communicate the contents of the present resolution to, and seek the consent and cooperation of, the newly elected Government of Cambodia to facilitate the tasks of the Special Representative and the Centre for Human Rights in the fulfilment of their respective mandates;</p>
2.	07-Feb-1994	General Assembly <a href="#">A/RES/48/154</a>	114 (c). Human rights situations and reports of special rapporteurs and representatives	<p>3. Welcomes the appointment by the Secretary-General of a Special Representative to undertake the tasks set out in paragraph 6 of Commission on Human Rights resolution 1993/6;</p> <p>4. Requests the Secretary-General to provide all necessary resources, from within existing resources, to enable the Special Representative to fulfil those tasks expeditiously;</p> <p>5. Also requests the Secretary-General to report to the General Assembly at its forty ninth session on the role of the Centre for Human Rights in assisting the Cambodian Government and people in the promotion and protection of human rights and on any recommendations made by the Special Representative on matters within his mandate;</p>
3.	04-Mar-1994	Human Rights Commission <a href="#">E/CN.4/RES/1994/61</a>	19. Advisory services and technical cooperation in the field of human rights	<p>2. Also welcomes the appointment by the Secretary-General of a Special Representative to undertake the tasks set out in Commission on Human Rights resolution 1993/6, paragraph 6;</p> <p>3. Takes note with satisfaction of the exchange of letters between the Secretary General and the Royal Government of Cambodia concerning the consent of the Government for the fulfilment of the activities of the Centre for Human Rights and the mandate of the Special Representative in Cambodia;</p> <p>4. Notes with interest the programme of activities of the Centre for Human Rights in Cambodia, as described in the report of the Special Representative of the Secretary General (<a href="#">E/CN.4/1994/73</a> and <a href="#">Add.1</a>);</p>

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
				<p>5. Requests the Secretary-General to assure the promotion and protection of the human rights of all people in Cambodia and to ensure sufficient resources, from within existing overall United Nations resources, for the full implementation of the mandate of the Centre for Human Rights and that of the Special Representative;</p> <p>8. Takes note with interest of the report of the Special Representative of the Secretary-General on the situation of human rights in Cambodia (<a href="#">E/CN.4/1994/73</a>) and his recommendations and conclusions (<a href="#">E/CN.4/1994/73/Add.1</a>), in particular the identification of priority areas requiring urgent attention, namely:</p> <ul style="list-style-type: none"> <li>(a) The devotion of proper resources to hospitals, schools, courts and for the defence of cultural treasures, especially Angkor Wat;</li> <li>(b) The support of the National Assembly Human Rights Commission, including financial assistance for a proper secretariat, equipment and training;</li> <li>(c) The enactment of laws and related activities in especially urgent areas;</li> <li>(d) The implementation of training programmes aimed at the promotion and protection of civil rights;</li> <li>(e) The ensuring of true independence of the judiciary;</li> </ul> <p>10. Also requests the Centre for Human Rights, in cooperation with the relevant specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Royal Government of Cambodia, in the priority areas identified by the Special Representative, paying particular attention to women and vulnerable groups, including children and refugees;</p> <p>12. Requests the Secretary-General to renew the mandate of the Special Representative as set out in Commission on Human Rights resolution 1993/6, paragraph 6;</p> <p>14. Requests the Special Representative of the Secretary-General to report to the Commission on Human Rights at its fifty-first session and to provide an interim report to the General Assembly at its forty-ninth session;</p>
4.	23-Dec-1994	General Assembly <a href="#">A/RES/49/199</a>	100 (c). Human rights situations and reports of special rapporteurs and representatives	<p>Taking note also of Commission on Human Rights resolution 1994/61 of 4 March 1994 and recalling General Assembly resolution 48/154 of 20 December 1993 and previous relevant resolutions, including Commission on Human Rights resolution 1993/6 of 19 February 1993, which recommended the appointment of a Special Representative in Cambodia and the subsequent appointment by the Secretary-General of a Special Representative,</p> <p>5. Takes note with appreciation of the report submitted by the Special Representative of the Secretary-General on the situation of human rights in Cambodia and endorses his recommendations and conclusions, including those aimed at:</p>

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
				<p>(a) Ensuring the independence of the judiciary and the establishment of the rule of law;</p> <p>(b) The promotion and protection of civil rights;</p> <p>(c) The promotion of multi-cultural tolerance and acceptance of ethnic diversity within Cambodia;</p> <p>6. Requests the Special Representative, in collaboration with the office in Cambodia of the Centre for Human Rights, to undertake an evaluation of the extent to which the recommendations made by the Special Representative in his report mentioned in paragraph 5 above, and those contained in his first report, are followed up and implemented;</p> <p>7. Requests the Secretary-General to provide all necessary resources, from within the regular budget of the United Nations, to enable the Special Representative to continue to fulfil his tasks expeditiously;</p> <p>10. Expresses grave concern about the serious violations of human rights as detailed by the Special Representative in his report and encourages the Government of Cambodia to investigate thoroughly allegations of human rights abuse and to prosecute those who are guilty of human rights offences in accord with due process of law;</p> <p>11. Also expresses grave concern about the outrages committed by the outlawed Khmer Rouge, including the massacre of approximately fifty villagers in Battambang Province in October 1994, the numerous recent incidents of kidnapping of villagers, the taking and killing of foreign hostages and other deplorable incidents detailed in the report of the Special Representative;</p> <p>20. Requests the Centre for Human Rights, in cooperation with the relevant specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Government of Cambodia, in the priority areas identified by the Special Representative, paying particular attention to women and vulnerable groups, including children and refugees;</p> <p>21. Requests the Secretary-General to report to the General Assembly at its fiftieth session on the role of the Centre for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;</p>
5.	03-Mar-1995	Commission on Human Rights <a href="#">E/CN.4/RES/1995/55</a>	19. Advisory services and technical cooperation in the	Recalling Commission on Human Rights resolution 1994/61 of 4 March 1994, General Assembly resolution 49/199 of 23 December 1994, and previous relevant resolutions, including Commission on Human Rights resolution 1993/6 of 19 February 1993, in which it requested the Secretary-General to appoint a special representative in Cambodia, and the Secretary-General's subsequent appointment of a special representative,

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
			field of human rights	<p>5. Notes with appreciation the programmes of activities of the Centre for Human Rights in Cambodia, as described in the report of the Special Representative of the Secretary-General;</p> <p>7. Requests the Special Representative, in collaboration with the office in Cambodia of the Centre for Human Rights, to undertake an evaluation of the extent to which the recommendations made in his report, and those contained in his previous reports, are followed up and implemented;</p> <p>8. Requests the Secretary-General to renew the mandate of the Special Representative as set out in paragraph 6 of Commission on Human Rights resolution 1993/6;</p> <p>9. Also requests the Secretary-General to provide all necessary resources from within the regular budget of the United Nations to enable the Special Representative to continue to fulfil his tasks expeditiously;</p> <p>11. Expresses grave concern about the atrocities committed by the Khmer Rouge, including the massacre of approximately 50 villagers in Battambang Province in October 1994, the numerous incidents of kidnapping of villagers, attacks on tourists, including the taking and killing of foreign hostages, and other deplorable incidents detailed in the reports of the Special Representative;</p> <p>14. Expresses concern at the serious violations of human rights as detailed by the Special Representative in his reports, and further encourages the Government of Cambodia to investigate thoroughly allegations of human rights abuse and to prosecute those who are guilty of human rights offences in accordance with the due process of the law and international standards relating to the administration of justice;</p> <p>15. Takes note of the concern expressed by the Special Representative in his report at the widely reported allegations of threats to members of the National Assembly and recommends that the Government of Cambodia take all necessary steps to ensure that members of the National Assembly can work in an environment free from intimidation;</p> <p>22. Requests the Centre for Human Rights, in cooperation with the relevant United Nations specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Government of Cambodia, in the priority areas identified by the Special Representative, paying particular attention to vulnerable groups, including women, children and minorities;</p> <p>25. Requests the Special Representative of the Secretary-General to report to the Commission on Human Rights at its fifty-second session and to provide an interim report to the General Assembly at its fiftieth session;</p> <p>26. Requests the Secretary-General to report to the Commission on Human Rights at its fifty-second session on the role of the Centre for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;</p>



<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
6.	28-Feb-1996	General Assembly <a href="#">A/RES/50/178</a>	112 (b). Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms	<p>Taking note also of Commission on Human Rights resolution 1995/55 of 3 March 1995,<sup>41</sup> and recalling General Assembly resolution 49/199 of 23 December 1994 and previous relevant resolutions, including Commission on Human Rights resolution 1993/6 of 19 February 1993,<sup>42</sup> in which the Commission recommended the appointment of a special representative for Cambodia, and the subsequent appointment by the Secretary-General of a special representative,</p> <p>5. Takes note with appreciation of the most recent report submitted by the Special Representative of the Secretary-General on the situation of human rights in Cambodia,<sup>43</sup> and endorses his recommendations and conclusions, including those aimed at ensuring the independence of the judiciary and the establishment of the rule of law, good governance, freedom of expression and the promotion of an effectively functioning multi-party democracy;</p> <p>7. Requests the Special Representative, in collaboration with the office in Cambodia of the Centre for Human Rights, to continue his evaluation of the extent to which the recommendations made by the Special Representative in his report,<sup>44</sup> and those contained in his previous reports, are followed up and implemented, and strongly encourages the Government of Cambodia to continue to cooperate with the Special Representative;</p> <p>8. Requests the Secretary-General to provide all necessary resources, from within the regular budget of the United Nations, to enable the Special Representative to continue to fulfil his tasks expeditiously;</p> <p>10. Expresses grave concern about the atrocities that continue to be committed by the Khmer Rouge, including the taking and killing of hostages, and other deplorable incidents detailed in the reports of the Special Representative;</p> <p>11. Also expresses grave concern about the serious violations of human rights as detailed by the Special Representative in his report, and calls upon the Government of Cambodia to prosecute in accordance with the due process of the law and international standards relating to human rights all those who have perpetrated human rights violations;</p> <p>12. Expresses particularly grave concern at the comments made by the Special Representative concerning the reluctance of the courts to charge members of the military and other security forces for serious criminal offences, and encourages the Government of Cambodia to address this problem, which in effect places persons in authority above the principle of equality before the law;</p>

<sup>41</sup> See Official Records of the Economic and Social Council, 1995, Supplement No. 3 and corrigenda (E/1995/23 and [Corr.1](#) and [2](#)), chap. II, sect. A.

<sup>42</sup> Ibid., 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

<sup>43</sup> See [A/50/681](#).

<sup>44</sup> See [A/50/681](#).

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
				<p>21. Requests the Centre for Human Rights, in cooperation with the relevant specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Government of Cambodia, in the priority areas identified by the Special Representative, paying particular attention to vulnerable groups, including women, children and minorities;</p> <p>22. Requests the Secretary-General to report to the General Assembly at its fifty-first session on the role of the Centre for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;</p>
7.	19-Apr-1996	Commission on Human Rights <a href="#">E/CN.4/RES/1996/54</a>	19. Advisory services and technical cooperation in the field of human rights	<p>Recalling Commission on Human Rights resolution 1995/55 of 3 March 1995, General Assembly resolution 50/178 of 22 December 1995 and previous relevant resolutions, including Commission on Human Rights resolution 1993/6 of 19 February 1993, in which it requested the Secretary-General to appoint a special representative in Cambodia, and the subsequent appointment of a special representative,</p> <p>1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the Centre for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources, from within existing resources, for the enhanced functioning of the operational presence in Cambodia of the Centre for Human Rights;</p> <p>4. Commends the work of the former Special Representative of the Secretary-General, Mr. Michael Kirby, in promoting and protecting human rights in Cambodia;</p> <p>5. Takes note with appreciation of the latest report of the Special Representative on the situation of human rights in Cambodia (<a href="#">E/CN.4/1996/93</a>), and endorses his recommendations and conclusions, including those aimed at ensuring the independence of the judiciary and the establishment of the rule of law, good governance, freedom of expression and the promotion of an effective functioning multi-party democracy;</p> <p>6. Welcomes the appointment by the Secretary-General of Mr. Thomas Hammarberg as his new Special Representative;</p> <p>7. Requests the Special Representative, in collaboration with the office in Cambodia of the Centre for Human Rights, to continue his evaluation of the extent to which the recommendations made by the Special Representative in his report, and those contained in his previous reports, are followed up and implemented;</p> <p>8. Requests the Secretary-General to provide all necessary resources, from within the regular budget of the United Nations, to enable the Special Representative to continue to fulfil his tasks expeditiously;</p>

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
				<p>12. Expresses grave concern about the atrocities that continue to be committed by the Khmer Rouge, including the taking and killing of hostages and other deplorable incidents detailed in the reports of the Special Representative;</p> <p>13. Also expresses grave concern about the serious violations of human rights as detailed by the Special Representative in his reports, and calls upon the Government of Cambodia to prosecute, in accordance with due process of the law and international standards relating to human rights, all those who have perpetrated human rights violations;</p> <p>14. Expresses particularly grave concern at the comments made by the Special Representative concerning the reluctance of the courts to charge members of the military and other security forces for serious criminal offences, and encourages the Government of Cambodia to address this problem, which in effect places persons in authority above the principle of equality before the law, as a matter of urgent priority;</p> <p>21. Requests the Centre for Human Rights, in cooperation with the relevant specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Government of Cambodia, in the priority areas identified by the Special Representative, paying particular attention to women, children, disabled persons and minorities;</p> <p>23. Requests the Secretary-General to report to the Commission on Human Rights at its fifty-third session on the role of the Centre for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;</p>
8.	03-Mar-1997	General Assembly <a href="#">A/RES/51/98</a>	110 (b). Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms	<p>Taking note also of Commission on Human Rights resolution 1996/54 of 19 April 1996,<sup>45</sup> and recalling General Assembly resolution 50/178 of 22 December 1995 and previous relevant resolutions, including Commission on Human Rights resolution 1993/6 of 19 February 1993,<sup>46</sup> in which the Commission recommended the appointment of a special representative for human rights in Cambodia, and the subsequent appointment by the Secretary-General of a special representative,</p> <p>1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the Centre for Human Rights of the Secretariat, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources, from within existing resources, for the enhanced functioning of the operational presence in Cambodia of the Centre;</p> <p>4. Commends the work of the former Special Representative of the Secretary-General, Mr. Michael Kirby, in promoting and protecting human rights in Cambodia, and welcomes the</p>

<sup>45</sup> See Official Records of the Economic and Social Council, 1996, Supplement No. 3 ([E/1996/23](#)), chap. II, sect. A.

<sup>46</sup> Ibid., 1993, Supplement No. 3 ([E/1993/23](#)), chap. II, sect. A.

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
				<p>appointment by the Secretary-General of Mr. Thomas Hammarberg as his new Special Representative;</p> <p>5. Takes note with appreciation of the report of the Special Representative, <a href="#">E/CN.4/1996/93</a>, and endorses his recommendations and conclusions, including those aimed at combating child prostitution and trafficking and ensuring the independence of the judiciary and the establishment of the rule of law, freedom of expression and the promotion of an effective, functioning multi-party democracy;</p> <p>6. Requests the Special Representative, in collaboration with the office in Cambodia of the Centre for Human Rights, to continue his evaluation of the extent to which the recommendations made by the Special Representative in his report, and those contained in reports of his predecessor, are followed up and implemented;</p> <p>7. Requests the Secretary-General to provide all necessary resources, from within the regular budget of the United Nations, to enable the Special Representative to continue to fulfil his tasks expeditiously;</p> <p>14. Expresses serious concern at the comments made by the Special Representative concerning the continuing problem of impunity, whereby the courts in several areas are reluctant or unable to charge members of the military, police and other security forces for serious criminal offences, and encourages the Government of Cambodia, as a matter of urgent priority, to address this problem, which in effect places the military and police above the principle of equality before the law;</p> <p>15. Expresses grave concern about the atrocities that continue to be committed by the Khmer Rouge, including the taking and killing of hostages and other deplorable incidents detailed in the reports of the Special Representative and his predecessor;</p> <p>16. Also expresses grave concern about the serious violations of human rights as detailed in the reports of the Special Representative and his predecessor, and calls upon the Government of Cambodia to prosecute in accordance with the due process of the law and international standards relating to human rights all those who have perpetrated human rights violations;</p> <p>24. Requests the Centre for Human Rights, in cooperation with the relevant specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Government of Cambodia, in the priority areas identified by the Special Representative, paying particular attention to vulnerable groups, including women, children, disabled persons and minorities;</p> <p>26. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the role of the Centre for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;</p>

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
9.	11-Apr-1997	Commission on Human Rights <a href="#">E/CN.4/RES/1997/49</a>	19. Advisory services and technical cooperation in the field of human rights	<p>Recalling its resolution 1996/54 of 19 April 1996, General Assembly resolution 51/98 of 12 December 1996 and previous relevant resolutions, including Commission resolution 1993/6 of 19 February 1993, in which it requested the Secretary-General to appoint a special representative in Cambodia, and the subsequent appointment of a special representative,</p> <p>1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the Centre for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources, from within existing resources, for the enhanced functioning of the operational presence in Cambodia of the Centre for Human Rights;</p> <p>4. Takes note with appreciation of the report of the Special Representative on the situation of human rights in Cambodia (<a href="#">E/CN.4/1997/85</a>), in particular his concerns about the rule of law, the independence of the judiciary, the problem of impunity, the ill-treatment of prisoners, labour rights, child prostitution and trafficking, freedom of expression and the promotion of an effective functioning multi-party democracy;</p> <p>6. Notes with concern the lack of response by the Government of Cambodia to several of the recommendations contained in the Special Representative's previous report (<a href="#">E/CN.4/1996/93</a>) and urges that it respond as soon as possible, and requests the Special Representative, in collaboration with the office in Cambodia of the Centre for Human Rights, to continue his evaluation of the extent to which the recommendations made by the Special Representative in his report, and those contained in his previous report, are followed up and implemented;</p> <p>7. Requests the Secretary-General to provide all necessary resources, from within the regular budget of the United Nations, to enable the Special Representative to continue to fulfil his tasks expeditiously;</p> <p>8. Notes with serious concern the Special Representative's strong criticism of the system of justice in Cambodia, urges the Government of Cambodia to increase its efforts to create a functioning and impartial system of justice, including convening the Supreme Council of Magistracy, and, in the area of prisons, strongly urges the Government of Cambodia to institute a system to guarantee the essential sustenance of prisoners and to continue its efforts to improve the physical environment of prisons;</p> <p>9. Expresses serious concern at the comments made by the Special Representative concerning the continuing problem of impunity whereby the courts are reluctant or unable to charge members of the military, police and other security forces with serious criminal offences, and encourages the Government of Cambodia, as a matter of critical and urgent priority, to address the problem of impunity, including the repeal of article 51 of the 1994 Law on Civil Servants, which in effect places the military and police and other government officials above the principle of equality before the law;</p>

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
				<p>10. Expresses grave concern about numerous instances of violations of human rights, including extrajudicial executions, torture, including rape, illegal arrest and detention, as detailed in the reports of the Special Representative and his predecessor, and calls upon the Government of Cambodia to prosecute, in accordance with due process of the law and international standards relating to human rights, all those who have perpetrated human rights violations;</p> <p>12. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the Centre for Human Rights, to examine any request by Cambodia for assistance in responding to past serious violations of Cambodian and international law as a means of bringing about national reconciliation, strengthening democracy and addressing the issue of individual accountability;</p> <p>25. Requests the Centre for Human Rights, in cooperation with the relevant specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Government of Cambodia, in the priority areas identified by the Special Representative, paying particular attention to vulnerable groups, including women, children, disabled persons and minorities;</p> <p>27. Requests the Secretary-General to report to the Commission on Human Rights at its fifty-fourth session on the role of the Centre for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;</p>
10.	27-Feb-1998	General Assembly <a href="#">A/RES/52/135</a>	112 (b). Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms	<p>Taking note of Commission on Human Rights resolution 1997/49 of 11 April 1997,<sup>47</sup> and recalling General Assembly resolution 51/98 of 12 December 1996 and previous relevant resolutions, including Commission on Human Rights resolution 1993/6 of 19 February 1993,<sup>48</sup> in which the Commission recommended the appointment of a special representative for human rights in Cambodia, and the subsequent appointment by the Secretary-General of a special representative,</p> <p>1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia, to ensure adequate resources for the enhanced functioning of the operational presence in Cambodia of the Office of the High Commissioner and to enable the Special Representative to continue to fulfil his tasks expeditiously;</p>

<sup>47</sup> See Official Records of the Economic and Social Council, 1997, Supplement No. 3 ([E/1997/23](#)), chap. II, sect. A.

<sup>48</sup> Ibid., 1993, Supplement No. 3 ([E/1993/23](#)), chap. II, sect. A.

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
				<p>3. Takes note with appreciation of the report of the Special Representative on the situation of human rights in Cambodia, <a href="#">E/CN.4/1997/85</a>, in particular, his concerns for a legislative framework for the forthcoming national elections and his concerns about the problem of impunity, the independence of the judiciary and the establishment of the rule of law, the use of torture, the administration of prisons and the ill-treatment of prisoners and child prostitution and trafficking;</p> <p>4. Notes with concern the lack of response by the Government of Cambodia to several of the recommendations contained in the previous reports of the Special Representative, and urges that it respond as soon as possible;</p> <p>5. Expresses grave concern about numerous instances of violations of human rights, including extrajudicial executions, torture, including rape, illegal arrest and detention, as detailed in the reports of the Special Representative and his predecessor, and calls upon the Government of Cambodia to prosecute, in accordance with due process of the law and international standards relating to human rights, all those who have perpetrated human rights violations;</p> <p>6. Also expresses grave concern about the serious violations of human rights committed during the armed violence of early July 1997 and in its aftermath, as reported by the Special Representative and by the office in Cambodia of the United Nations High Commissioner for Human Rights in its memorandum on summary executions, torture and missing persons, and urges the Government of Cambodia as a high priority to investigate thoroughly and impartially and to bring to justice those responsible for such serious crimes;</p> <p>8. Notes with serious concern the comments of the Special Representative concerning corrupt practices within the judicial system and in the prison administration, and strongly urges the Government of Cambodia to address the problem of corrupt practices and to increase its efforts to create a functioning and impartial system of justice, including convening the Supreme Council of Magistracy, to institute a system to guarantee the essential sustenance of prisoners and to continue its efforts to improve the physical environment of prisons;</p> <p>9. Stresses that addressing the continuing problem of impunity, as detailed by the Special Representative, including the repeal of article 51 of the law on civil servants of 1994 and bringing to justice those responsible for human rights violations, together with ensuring security of persons and rights of association, assembly and expression, is a matter of critical and urgent priority and essential to the creation of an atmosphere conducive to the holding of free, fair and credible elections;</p> <p>15. Endorses the comments of the Special Representative that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge and that their crimes, including the taking and killing of hostages, have continued to the present, and notes with concern that no Khmer Rouge leader has been brought to account for his crimes;</p>



<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
11.	17-Apr-1998	Commission on Human Rights <a href="#">E/CN.4/RES/1998/60</a>	19. Advisory services and technical cooperation in the field of human rights	<p>23. Requests the Secretary-General to report to the General Assembly at its fifty-third session on the role of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;</p> <p>Recalling also its resolution 1997/49 of 11 April 1997, General Assembly resolution 52/135 of 12 December 1997 and previous relevant resolutions, including Commission resolution 1993/6 of 19 February 1993, in which it requested the Secretary General to appoint a special representative in Cambodia, and the subsequent appointment of a special representative,</p> <p>1. Requests the Secretary General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the enhanced functioning of the operational presence in Cambodia of the Office of the High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his tasks expeditiously;</p> <p>5. Takes note with appreciation of the report of the Special Representative on the situation of human rights in Cambodia (<a href="#">E/CN.4/1998/95</a>), in particular his concerns about the problem of impunity, the independence of the judiciary and the establishment of the rule of law, the use of torture, the administration of prisons and the ill-treatment of prisoners, and child prostitution and trafficking;</p> <p>6. Expresses grave concern about numerous instances of violations of human rights, including extrajudicial executions, torture, including rape, illegal arrest and detention, and violence in relation to political activities, including those of March 1997 and July 1997, as detailed in the reports of the Special Representative, and calls upon the Government of Cambodia to investigate urgently and prosecute, in accordance with due process of the law and international standards relating to human rights, all those who have perpetrated human rights violations;</p> <p>7. Also expresses grave concern at the situation of impunity in Cambodia and stresses that addressing the continuing problem of impunity, as detailed by the Special Representative, including the repeal of article 51 of the 1994 Law on Civil Servants and bringing to justice those responsible for human rights violations, together with ensuring security of persons and the rights of association, assembly and expression, remains a matter of critical and urgent priority and essential to the creation of an atmosphere conducive to the holding of free, fair and credible elections;</p>

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
				<p>17. Notes with concern the Special Representative's comments about the judicial system and the prison administration, and strongly urges the Government of Cambodia to increase its efforts to create a functioning and impartial system of justice, including convening the Supreme Council of Magistracy, to institute a system to guarantee the essential sustenance of prisoners and to continue its efforts to improve the physical environment of prisons;</p> <p>19. Endorses the comments of the Special Representative that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge and that their crimes, including the taking and killing of hostages, have continued to the present, and notes with concern that no Khmer Rouge leader has been brought to account for his crimes;</p> <p>23. Requests the Secretary General to report to the Commission at its fifty fifth session on the role of the Office of the High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;</p>
12.	08-Mar-1999	General Assembly <a href="#">A/RES/53/145</a>	110 (b). Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms	<p>Taking note of Commission on Human Rights resolution 1998/60 of 17 April 1998<sup>49</sup>, and recalling General Assembly resolution 52/135 of 12 December 1997 and previous relevant resolutions, including Commission on Human Rights resolution 1993/6 of 19 February 1993,<sup>50</sup> in which the Commission recommended the appointment of a special representative in Cambodia, and the subsequent appointment by the Secretary-General of a special representative,</p> <p>1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning in Cambodia of the Office of the United Nations High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his tasks expeditiously;</p> <p>3. Takes note with appreciation of the report of the Special Representative on the situation of human rights in Cambodia, <a href="#">E/CN.4/1998/95</a>, and notes in particular his concerns about political violence, the problem of impunity, the independence of the judiciary and the establishment of the rule of law, the use of torture, the administration of prisons and the ill-treatment of prisoners, child labour, child prostitution and trafficking, workers' rights and the freedom to form independent trade unions, media freedom and the situation of women, including violence against women, and minorities;</p>

<sup>49</sup> See Official Records of the Economic and Social Council, 1998, Supplement No. 3 ([E/1998/23](#)), chap. II, sect. A.

<sup>50</sup> Ibid., 1993, Supplement No. 3 and corrigenda ([E/1993/23](#) and [Corr.2, 4 and 5](#)), chap. II, sect. A.

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
				<p>10. Expresses grave concern about numerous instances of violations of human rights, including extrajudicial executions, torture, illegal arrests and detention, and violence in relation to political activities, as detailed in the reports of the Special Representative, including those that occurred in March and July 1997 and during the recent election campaign and its immediate aftermath, and calls upon the Government of Cambodia to investigate urgently and prosecute, in accordance with due process of the law and international standards relating to human rights, all those who have perpetrated human rights violations;</p> <p>11. Also expresses grave concern at the situation of impunity in Cambodia, and stresses that addressing the continuing problem of impunity, as detailed by the Special Representative, including the repeal of article 51 of the 1994 Law on Civil Servants and bringing to justice those responsible for human rights violations, together with ensuring the security of persons and the rights of association, assembly and expression, remains a matter of critical and urgent priority;</p> <p>13. Condemns the use of racist rhetoric and acts of violence against ethnic minorities, especially Cambodians of Vietnamese ethnicity, as detailed in the report of the Special Representative, and urges all political parties in Cambodia to abstain from statements or activities that could be interpreted as incitement against ethnic minorities;</p> <p>14. Notes with serious concern the comments of the Special Representative about the judicial system and the prison administration, strongly urges the Government of Cambodia to continue its efforts to create a functioning and impartial system of justice and to implement the Prison Regulations signed in March 1998, and welcomes the cooperation of the Government of Cambodia with international efforts to improve the judicial system;</p> <p>16. Endorses the comments of the Special Representative that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge, and notes with concern that no Khmer Rouge leaders have been brought to account for their crimes;</p> <p>24. Requests the Secretary-General to report to the General Assembly at its fifty fourth session on the role of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;</p>
13.	28-Apr-1999	Commission on Human Rights <a href="#">E/CN.4/RES/1999/76</a>	19. Advisory services and technical cooperation in the field of human rights	<p>1. Requests the Secretary General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence in Cambodia of the Office of the United Nations High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his tasks expeditiously;</p>

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
				<p>3. Also welcomes the report of the Special Representative on the situation of human rights in Cambodia (<a href="#">E/CN.4/1999/101</a>), and notes in particular his concerns about the problem of impunity, the independence of the judiciary and the establishment of the rule of law, and the need for the reform of the police and the military;</p> <p>9. Expresses grave concern about numerous instances of violations of human rights, including extrajudicial executions, torture, illegal arrest and detention, and violence in relation to political activities, as detailed in the reports of the Special Representative, and calls upon the Government of Cambodia to investigate urgently and prosecute, in accordance with due process of law and international human rights standards, all those who have perpetrated these human rights violations;</p> <p>24. Requests the Secretary General to report to the Commission at its fifty sixth session on the role and achievement of the Office of the High Commissioner in assisting the Government and people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;</p>
14.	15-Feb-2000	General Assembly <a href="#">A/RES/54/171</a>	116 (b). Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms	<p>Bearing in mind the letter dated 15 March 1999 from the Secretary-General to the President of the General Assembly and the President of the Security Council <a href="#">A/53/850-S/1999/231</a>;<sup>51</sup> and the report of the Group of Experts appointed by the Secretary-General in response to the request by the Cambodian authorities for assistance in responding to past serious violations of Cambodian and international law<sup>52</sup>.</p> <p>1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence in Cambodia of the Office of the High Commissioner and to enable the Special Representative to continue to fulfil his tasks expeditiously;</p> <p>2. Takes note with appreciation of the report of the Secretary-General, <a href="#">A/54/353</a>. And notes in particular the concerns of the Special Representative about the problem of impunity, the need to promote and protect the independence of the judiciary and to establish the rule of law, and the need for the reform of police and the military;</p> <p>8. Expresses grave concern about numerous instances of violations of human rights, including extrajudicial executions, torture, illegal arrests and detention, as detailed in the reports of the Special Representative, and notes some progress made by the Government of Cambodia in addressing these issues;</p>

<sup>51</sup> See Official Records of the Security Council, Fifty-fourth Year, Supplement for January, February and March 1999, document [S/1999/231](#).

<sup>52</sup> Ibid, annex.

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
				<p>26. Requests the Secretary-General to report to the General Assembly at its fifty-fifth session on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;</p>
15.	26-Apr-2000	Commission on Human Rights <a href="#">E/CN.4/RES/2000/79</a>	19. Advisory services and technical cooperation in the field of human rights	<p>1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence in Cambodia of the Office of the United Nations High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his tasks expeditiously;</p> <p>3. Also welcomes the report of the Special Representative of the Secretary-General for human rights in Cambodia (<a href="#">E/CN.4/2000/109</a>) and notes in particular his concerns about the problem of impunity and the need to promote and protect the independence of the judiciary and to establish the rule of law;</p> <p>9. Expresses grave concern about continued violations of human rights, including torture, extrajudicial killings, excessive pre-trial detention, violation of labour rights, illegal confiscation of land and forced relocation, as well as the apparent lack of protection from mob killings as detailed in the reports of the Special Representative, and notes some progress made by the Government of Cambodia in addressing these issues; 28. Requests the Secretary-General to report to the Commission at its fifty-seventh session on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;</p>
16.	28-Feb-2001	General Assembly <a href="#">A/RES/55/95</a>	114 (b). Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms	<p>1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence in Cambodia of the Office of the United Nations High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his tasks expeditiously;</p> <p>4. Commends and expresses its deep appreciation for the work of the former Special Representative of the Secretary-General for human rights in Cambodia, Thomas Hammarberg, in promoting and protecting human rights in Cambodia;</p> <p>5. Welcomes the appointment by the Secretary-General of Peter Leuprecht as his new Special Representative for human rights in Cambodia, and requests the Special Representative, in collaboration with the Office of the High Commissioner, to continue the work of his predecessors</p>

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
				<p>by evaluating the extent to which the recommendations in his forthcoming reports, and those contained in the reports of his predecessors, are followed up and implemented, while maintaining contact with the Government and people of Cambodia;</p> <p>13. Expresses grave concern about continued violations of human rights, including torture, extrajudicial killings, excessive pre-trial detention, violation of labour rights, illegal confiscation of land and forced relocation, as well as the apparent lack of protection from mob killings, as detailed in the report of the Special Representative to the Commission on Human Rights at its fifty-sixth session,<sup>53</sup> and notes some progress made by the Government of Cambodia in addressing these issues;</p> <p>33. Requests the Secretary-General to report to the General Assembly at its fifty-sixth session on the role and achievements of the Office of the High Commissioner in assisting the Government and people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;</p>
17.	25-Apr-2001	Commission on Human Rights <a href="#">E/CN.4/2001/82</a>	19. Advisory services and technical cooperation in the field of human rights	<p>1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence in Cambodia of the Office of the High Commissioner and to enable the Special Representative to continue to fulfil his tasks expeditiously;</p> <p>3. Also welcomes the report of the Special Representative of the Secretary-General for human rights in Cambodia (<a href="#">E/CN.4/2001/103</a>), commends the Government of Cambodia for its openness and spirit of cooperation during the visits of the Special Representative and encourages the Government to continue its cooperation at all levels of government, and supports the Special Representative's appeal to increase international assistance to Cambodia and to continue working towards the reduction of poverty;</p> <p>13. Expresses grave concern about the continued violations of human rights, including torture, excessive pre-trial detention, violation of labour rights and forced evictions, as well as the apparent lack of protection from mob killings as described in the report of the Special Representative, and notes some progress made by the Government of Cambodia in addressing these issues;</p> <p>14. Notes with concern the continued reports of violence and intimidation related to political activity as described in the report of the Special Representative, welcomes the investigations by the Cambodian authorities into some cases of violence and urges the Government to undertake further investigations, in line with its stated commitments, and to take appropriate measures to</p>

<sup>53</sup> [E/CN.4/2000/109](#).

No.	Date	Resolution No.	Item No	On Special Representative/Rapporteur
				prevent violence and intimidation related to political activity in the future, particularly in the run-up to the communal elections;
				29. Requests the Secretary-General to report to the Commission at its fifty-eighth session on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;
18.	28-Feb-2002	General Assembly <a href="#">A/RES/56/169</a>	119 (b). Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms	<p><b><i>Part I – Support of and cooperation with the United Nations</i></b></p> <p>1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence in Cambodia of the Office of the United Nations High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his tasks expeditiously;</p> <p>3. Also welcomes the report of the Special Representative,<sup>54</sup> commends the Government of Cambodia on its openness and spirit of cooperation during the visits of the Special Representative, encourages the Government to continue its cooperation at all levels of government, supports the appeals of the Government and the Special Representative to increase international assistance to Cambodia and to continue working towards the reduction of poverty, commends the international community for the interest and support demonstrated at the Consultative Group Meeting on Cambodia, held in Tokyo on 12 and 13 June 2001, and encourages donor countries and other relevant parties to follow up their pledges of assistance and commitments;</p> <p><b><i>Part III – Human rights violations and violence</i></b></p> <p>1. Expresses grave concern about the continued violations of human rights, including torture, excessive pre-trial detention, violation of labour rights and forced evictions, as well as political violence, police involvement in violence and the apparent lack of protection from mob killings, as detailed in the reports of the Special Representative, notes some progress made by the Government of Cambodia in addressing these issues, and urges the Government to take all necessary measures to prevent such violations;</p>

<sup>54</sup> See [A/56/209](#).



No.	Date	Resolution No.	Item No	On Special Representative/Rapporteur
				<p><b>Part VIII – Conclusion</b></p> <p>1. Requests the Secretary-General to report to the General Assembly at its fifty-seventh session on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;</p>
19.	26-Apr-2002	Commission on Human Rights <a href="#">E/CN.4/RES/2002/89</a>	19. Advisory services and technical cooperation in the field of human rights	<p><b>Part I – Support of and cooperation with the United Nations</b></p> <p>1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence in Cambodia of the Office of the United Nations High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his tasks expeditiously;</p> <p>3. Also welcomes the report of the Special Representative (<a href="#">E/CN.4/2002/118</a>), encourages the Government of Cambodia to continue its cooperation at all levels of government, supports the appeals of the Government and the Special Representative to increase international assistance to Cambodia and to continue working towards the reduction of poverty, and encourages donor countries and other relevant parties to follow up their pledges made at the Consultative Group Meeting held in Tokyo in June 2001;</p> <p><b>Part VII – Conclusion</b></p> <p>25. Requests the Secretary-General to report to the Commission at its fifty-ninth session on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative of the Secretary-General for human rights in Cambodia on matters within his mandate;</p>
20.	26-Feb-2003	General Assembly <a href="#">A/RES/57/225</a>	109 (b). Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms	<p><b>Part I – Support of and cooperation with the United Nations</b></p> <p>1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the office and to enable the Special Representative to continue to fulfil his tasks expeditiously;</p>

No.	Date	Resolution No.	Item No	On Special Representative/Rapporteur
				<p>3. Also welcomes the report of the Special Representative,<sup>55</sup> encourages the Government of Cambodia to continue its cooperation at all levels of Government, supports the appeals of the Government and the Special Representative to increase international assistance to Cambodia and to continue working towards the reduction of poverty, and encourages donor countries and other relevant parties to follow up their pledges made at the Consultative Group Meeting on Cambodia, held at Phnom Penh on 20 and 21 June 2002;</p> <p><b>Part V – Conclusion</b></p> <p>2. Requests the Secretary-General to report to the General Assembly at its fifty-eighth session on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;</p> <p><b>Part I – Support of and cooperation with the United Nations</b></p> <p>1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence in Cambodia of the Office of the United Nations High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his task expeditiously;</p> <p>2. Welcomes the report of the Secretary-General on the 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 (<a href="#">E/CN.4/2003/113</a>), the report of the Special Representative of the Secretary-General for human rights in Cambodia;</p> <p><b>Part VII – Conclusion</b></p> <p>23. Requests the Secretary-General to report to the Commission on Human Rights at its sixtieth session on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;</p>
21.	25-Apr-2003	Commission on Human Rights <a href="#">E/CN.4/RES/2003/79</a>	19. Advisory services and technical cooperation in the field of human rights	

<sup>55</sup> [A/57/230](#).

No.	Date	Resolution No.	Item No	On Special Representative/Rapporteur
22.	22-Dec-2003	General Assembly <a href="#">A/RES/58/191</a>	117 (b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms	<p><b><i>Part I – Support of and cooperation with the United Nations</i></b></p> <p>1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence of the office and to enable the Special Representative to continue to fulfil his tasks expeditiously;</p> <p>2. Welcomes the report of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights,<sup>56</sup> the report of the Special Representative of the Secretary-General for human rights in Cambodia<sup>57</sup> and the use of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office, and invites the international community to consider contributing to the Trust Fund;</p>
23.	23-Sep-2004	Commission on Human Rights <a href="#">E/CN.4/RES/2004/79</a>	19. Advisory services and technical cooperation in the field of human rights	<p>Welcoming the report of the Secretary-General (<a href="#">E/CN.4/2004/104</a>) as well as the report of the Special Representative of the Secretary-General for human rights in Cambodia (<a href="#">E/CN.4/2004/105</a>),</p> <p><b><i>Part III – Conclusion</i></b></p> <p>7. Requests the Secretary-General to report to the Commission at its sixty-first session on the role and achievements of the Office of the High Commissioner assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative of the Secretary-General for human rights in Cambodia on matters within his mandate;</p>
24.	20-Apr-2005	Commission on Human Rights <a href="#">E/CN.4/RES/2005/77</a>	19. Advisory services and technical cooperation in the field of human rights	<p>Welcoming the report of the Special Representative of the Secretary-General for human rights in Cambodia (<a href="#">E/CN.4/2005/116</a>), as well as the report of the Secretary-General on the 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 of human rights (<a href="#">E/CN.4/2005/111</a>),</p>

<sup>56</sup> [A/58/268](#).

<sup>57</sup> See [A/58/317](#).

No.	Date	Resolution No.	Item No	On Special Representative/Rapporteur
				<b>Part III – Conclusion</b>
				<p>7. Invites the Secretary-General, agencies of the United Nations system present in Cambodia, as well as the international community, including non-governmental organizations, to continue to work with the Government of Cambodia in improving democracy as well as ensuring the protection and promotion of the human rights of all people in Cambodia, including by providing assistance, inter alia in the fields of:</p> <ul style="list-style-type: none"> <li>(a) Drafting various laws necessary for protecting and promoting human rights;</li> <li>(b) Capacity-building for strengthening legal institutions, including improving the quality of judges, prosecutors, lawyers and court staff;</li> <li>(c) Capacity-building for strengthening national institutions for criminal investigation and law enforcement as well as providing equipment necessary for these ends;</li> <li>(d) Assisting assessment of progress on human rights issues;</li> </ul> <p>8. Requests the Secretary-General to report to the Commission at its sixty-second session on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative of the Secretary-General for human rights in Cambodia on matters within his mandate;</p> <p>1. Decides to extend exceptionally for one year, subject to the review to be undertaken by the Council in conformity with General Assembly resolution 60/251, the mandates and the mandate-holders of all the Commission's special procedures, of the Sub-Commission on the Promotion and Protection of Human Rights as well as the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII) (1503 procedure), as listed in the annex to the present resolution;</p> <p>Annex</p> <p>IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251: EXTENSION BY THE HUMAN RIGHTS COUNCIL OF ALL MANDATES, MECHANISMS, FUNCTIONS AND RESPONSIBILITIES OF THE COMMISSION ON HUMAN RIGHTS</p> <p>Special Representative of the Secretary-General for human rights in Cambodia</p>
25.	29-Jun-2006	Human Rights Council <a href="#">A/HRC/DES/1/102</a>		
26.	18-Sep-2008	Human Rights Council <a href="#">A/HRC/RES/9/15</a>	10. Technical assistance and capacity-building	<p>Bearing in mind also the report by the Special Representative of the Secretary General for human rights in Cambodia (<a href="#">A/HRC/7/42</a>) and the recommendations contained therein and the report of the Secretary-General on the 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 (<a href="#">A/HRC/7/56</a>),</p>

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
				<p><b><i>Part III – Conclusion</i></b></p> <p>8. Takes note of the work conducted by the Special Representative of the Secretary-General on the situation of human rights in Cambodia and of the reengagement of the Office of the United Nations High Commissioner for Human Rights with the Government of Cambodia;</p> <p>9. Decides to extend by one year the mandate of the special procedure on the situation of human rights in Cambodia through the appointment of a special rapporteur to carry out the former functions of the Special Representative to the Secretary-General, and requests the Special Rapporteur to report on the implementation of his/her mandate to the Council at its twelfth session and to engage in a constructive manner with the Government of Cambodia for the further improvement of the situation of human rights in the country;</p>
27.	12-Oct-2009	Human Rights Council <a href="#">A/HRC/RES/12/25</a>	10. Technical assistance and capacity-building	<p><b><i>II. Democracy and situation of human rights</i></b></p> <p>4. Welcomes:</p> <p>(a) The cooperation extended by the Government of Cambodia and the constructive dialogue with the Special Rapporteur during his first mission in Cambodia;</p> <p>(b) The report of the Special Rapporteur on the situation of human rights in Cambodia (<a href="#">A/HRC/12/40</a>) and the recommendations contained therein;</p> <p><b><i>Part III – Conclusion</i></b></p> <p>8. Takes note of the need to continue close consultations between the Government of Cambodia and the Special Rapporteur on the situation of human rights in Cambodia towards the further improvement of the situation of human rights in the country and of the continuous technical cooperation of the Office of the High Commissioner with the Government of Cambodia;</p> <p>9. Decides to extend by one year the mandate of the special procedure on the situation of human rights in Cambodia, and requests the Special Rapporteur to report on the implementation of his mandate to the Council at its fifteenth session and to engage in a constructive manner with the Government of Cambodia for the further improvement of the situation of human rights in the country;</p>
28.	08-Oct-2010	Human Rights Council <a href="#">A/HRC/RES/15/20</a>	10. Technical assistance and capacity-building	<p><b><i>II. Democracy and situation of human rights</i></b></p> <p>4. Welcomes:</p> <p>(a) ---</p> <p>(b) The cooperation extended by the Government of Cambodia and the constructive dialogue with the Special Rapporteur on the situation of human rights in Cambodia during his missions in Cambodia;</p>

No.	Date	Resolution No.	Item No	On Special Representative/Rapporteur
				(c) The report of the Special Rapporteur on the situation of human rights in Cambodia <sup>58</sup> and the recommendations contained therein;
				<b>Part III – Conclusion</b>
				8. Takes note of the need to continue close consultations between the Government of Cambodia and the Special Rapporteur on the situation of human rights in Cambodia towards the further improvement of the situation of human rights in the country and of the continuous technical cooperation of the Office of the High Commissioner with the Government of Cambodia;
				9. Decides to extend by one year the mandate of the special procedure on the situation of human rights in Cambodia, and requests the Special Rapporteur to report on the implementation of his mandate to the Council at its eighteenth session and to engage in a constructive manner with the Government of Cambodia for the further improvement of the situation of human rights in the country;
29.	26-Sep-2011	Human Rights Council <a href="#">A/HRC/RES/18/25</a>	10. Technical assistance and capacity-building	<b>II. Democracy and situation of human rights</b>
				4. Welcomes:
				(a) ---
				(b) The cooperation extended by the Government of Cambodia and the constructive dialogue with the Special Rapporteur on the situation of human rights in Cambodia;
				(c) The report of the Special Rapporteur on the situation of human rights in Cambodia <sup>59</sup> and the recommendations contained therein;
				<b>Part III – Conclusion</b>
				8. Takes note of the need to continue close consultations between the Government of Cambodia and the Special Rapporteur on the situation of human rights in Cambodia towards the further improvement of the situation of human rights in the country and for the continued technical cooperation between the Office of the High Commissioner and the Government of Cambodia;
				9. Decides to extend by two years the mandate of the special procedure on the situation of human rights in Cambodia, and requests the Special Rapporteur to report on the implementation of his mandate to the Council at its twenty-first and twenty-fourth sessions, and to engage in a constructive manner with the Government of Cambodia for the further improvement of the situation of human rights in the country;

<sup>58</sup> [A/HRC/15/46](#).

<sup>59</sup> [A/HRC/18/46](#).

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
30.	20-Sep-2013	General Assembly <a href="#">A/HRC/24/29</a>	10. Technical assistance and capacity-building	<p>5. Welcomes the reports of the Special Rapporteur on the situation of human rights in Cambodia<sup>60</sup> and the recommendations contained therein, and takes note of the need to maintain close and respectful consultations between the Government of Cambodia and the Special Rapporteur towards further improvements in the situation of human rights in the country and for the continued technical cooperation between the Office of the United Nations High Commissioner for Human Rights and the Government of Cambodia;</p> <p>22. Decides to extend by two years the mandate of the Special Rapporteur on the situation of human rights in Cambodia, and requests the Special Rapporteur to report on the implementation of his mandate to the Council at its twenty-seventh and thirtieth sessions and to engage in a constructive manner with the Government of Cambodia for the further improvement of the situation of human rights in the country;</p>
31.	2-Oct-2015	Human Rights Council <a href="#">A/HRC/RES/30/23</a>	10. Technical assistance and capacity-building	<p>5. Also welcomes the reports of the Special Rapporteur on the situation of human rights in Cambodia<sup>61</sup> and the recommendations contained therein, takes note of the need to maintain close and respectful consultations between the Government of Cambodia and the Special Rapporteur towards further improvements in the situation of human rights in the country and for the continued technical cooperation between the Office of the United Nations High Commissioner for Human Rights and the Government, and encourages the Special Rapporteur and the field office of the Office of the High Commissioner in Phnom Penh to continue to exchange information in order to assist in the effective implementation of their respective mandates, bearing in mind their independence;</p> <p>25. Decides to extend by two years the mandate of the Special Rapporteur on the situation of human rights in Cambodia, and requests the Special Rapporteur to report on the implementation of her mandate to the Council at its thirty-third and thirty-sixth sessions, and to engage in a constructive manner with the Government of Cambodia for the further improvement of the situation of human rights in the country;</p>
32.	5-Oct-2017	Human Rights Council <a href="#">A/HRC/RES/36/32</a>	10. Technical assistance and capacity-building	<p>6. Welcomes the reports of the Special Rapporteur on the situation of human rights in Cambodia<sup>62</sup> and the recommendations contained therein, also welcomes the conclusion in December 2016 of a new memorandum of understanding for the implementation of a technical cooperation programme on human rights between the Government of Cambodia and the field office in Phnom Penh of the Office of the United Nations High Commissioner for Human Rights to extend the mandate of that office for another two years, takes note of the need to maintain close and respectful consultations between the Government of Cambodia and the Special Rapporteur towards further improvements in the situation of human rights in the country and for the continued technical cooperation between the Office of the High Commissioner and the</p>

<sup>60</sup> [A/HRC/21/63](#) and [A/HRC/24/36](#).

<sup>61</sup> [A/HRC/27/70](#) and [A/HRC/30/58](#).

<sup>62</sup> [A/HRC/27/70](#), [A/HRC/30/58](#), [A/HRC/33/62](#) and [A/HRC/36/61](#).

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
				Government, and encourages the Special Rapporteur and the field office in Phnom Penh to continue to exchange information in order to assist in the effective implementation of their respective mandates, bearing in mind their independence;
				7. Encourages the enhancement of cooperation between the Government of Cambodia and the Office of the High Commissioner, as specified in the memorandum of understanding between the Government and the field office in Phnom Penh of the Office of High Commissioner, and calls upon the Government to implement the recommendations made by the Special Rapporteur, taking into account the national context of Cambodia;
				29. Decides to extend for two years the mandate of the Special Rapporteur on the situation of human rights in Cambodia, and requests the Special Rapporteur to report on the implementation of her mandate to the Human Rights Council at its thirty-ninth and forty second sessions, and to engage in a constructive manner with the Government of Cambodia for the further improvement of the situation of human rights in the country;
33.	09-Oct-2019	Human Rights Council <a href="#">A/HRC/RES/42/37</a>	10. Technical assistance and capacity-building	<p>6. Also welcomes the reports of the Special Rapporteur on the situation of human rights in Cambodia<sup>63</sup> and the recommendations contained therein, and invites the Government of Cambodia to engage with the Special Rapporteur on the best ways to implement them;</p> <p>7. Further welcomes the conclusion in October 2018 of a new memorandum of understanding for the implementation of a technical cooperation programme on human rights between the Government of Cambodia and the field office in Phnom Penh of the Office of the United Nations High Commissioner for Human Rights to extend the mandate of that office for another two years, takes note of the need to maintain close and respectful consultations between the Government of Cambodia and the Special Rapporteur towards further improvements in the situation of human rights in the country and for the continued technical cooperation between the Office of the High Commissioner and the Government, and encourages the Special Rapporteur and the field office in Phnom Penh to continue to exchange information in order to assist in the effective implementation of their respective mandates, bearing in mind their independence;</p> <p>8. Commends the positive cooperation between the Government of Cambodia and the Office of the High Commissioner, particularly for the protection of land rights for indigenous peoples, encourages the enhancement of cooperation between the Government and the Office of the High Commissioner, as specified in the memorandum of understanding between the Government and the field office in Phnom Penh of the Office, and calls upon the Government to implement the recommendations made by the Special Rapporteur, taking into account the national context of Cambodia;</p>

<sup>63</sup> [A/HRC/39/73](#) and [Add.1, A/HRC/42/60](#) and [Add.1](#).



<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
				<p>26. Gives attention to the conclusions and recommendations of the reports of the Special Rapporteur<sup>64</sup> and her statement of May 2019, which calls for the release of Kem Sokha and the swift conclusion of the investigation into his case, takes note that nine members of the former opposition party have received the right to conduct their political activities due to the amendment to the law on political parties in January 2019, strongly encourages the Government of Cambodia to ensure political rights to all, to make continuous efforts to solve the issue of the ban on political activities of senior members of the opposition party, and to expand democratic space for political activists, civil society and the media, including members of opposition parties, to actively, peacefully, responsibly and openly participate in inclusive political debate, and strongly encourages all parties to prioritize national reconciliation, peace and stability;</p> <p>28. Takes into account the conclusions and recommendations made by the Special Rapporteur in her report<sup>65</sup> in relation to the process and the result of the national elections held in 2018, while taking into account the high voting rates, regrets the large number of invalid votes cast in the elections, and urges the Government of Cambodia to fully respect, protect and promote the civil and political rights of all Cambodians in order to steadily promote nation-building with the support of a wide range of Cambodians;</p> <p>35. Decides to extend for two years the mandate of the Special Rapporteur on the situation of human rights in Cambodia, and requests the Special Rapporteur to report on the implementation of her mandate to the Human Rights Council at its forty-fifth and forty eighth sessions, and to engage in a constructive manner with the Government of Cambodia for the further improvement of the situation of human rights in the country;</p>
34.	14-Oct-2021	Human Rights Council <a href="#">A/HRC/RES/48/23</a>	10. Technical assistance and capacity-building	<p>5. Also welcomes the support, cooperation and constructive dialogues of the Government of Cambodia with the Special Rapporteur on the situation of human rights in Cambodia, including his unfettered access to the country, and the reports of the Special Rapporteur<sup>66</sup> and the recommendations contained therein, and invites the Government to continue to engage with the Special Rapporteur on the best ways to implement them, taking into account the national context of Cambodia;</p> <p>22. Gives attention to the report of the Special Rapporteur<sup>4</sup> in which the mandate holder welcomed the release of Kem Sokha, albeit with judicial supervision, while noting that United Nations human rights experts had expressed their concern over his trial; strongly encourages the Government of Cambodia to ensure the prompt, transparent and fair trial in accordance with the State's international human rights obligations, notes that the right to conduct political activities of the 26 members of the former opposition party has been reinstated, and that several members of the opposition have created new political parties as a result of the amendment to the law on</p>

<sup>64</sup> [A/HRC/39/73/Add.1](#) and [A/HRC/42/60](#).

<sup>65</sup> [A/HRC/39/73/Add.1](#).

<sup>66</sup> [A/HRC/45/51](#) and [Add.1](#).

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
				<p>political parties adopted in January 2019; strongly encourages the Government to ensure political rights to all to make continuous efforts to solve the issue of the ban on political activities of the remaining senior members of the opposition party, and to expand democratic space for political activists, civil society and the media, including members of opposition parties, to actively, peacefully, responsibly and openly participate in inclusive political debate, and strongly encourages all parties to prioritize national reconciliation, peace and stability;</p> <p>25. Takes into account the conclusions and recommendations made by the Special Rapporteur in the addendum to her report submitted to the Human Rights Council at its thirty-ninth session in relation to the process and the result of the national elections held in 2018,5 while taking into account the high voting rates of 83.02 per cent, regrets the 8.5 per cent of invalid votes cast in the elections, and calls upon the Government of Cambodia, in view of the upcoming elections, including the 2022 communal elections and the 2023 general election, to advance dialogue and reconciliation with relevant lawful stakeholders in order to ensure that the elections are free, fair and inclusive and representative of all Cambodians, and to protect and promote the civil and political rights of all Cambodians in order to steadily promote nation-building with the support of a wide range of Cambodians;</p> <p>32. Decides to extend for two years the mandate of the Special Rapporteur on the situation of human rights in Cambodia, and requests the Special Rapporteur to report on the implementation of his mandate to the Human Rights Council at its fifty-first and fifty-fourth sessions, including to make recommendations on technical assistance and capacity-building for the protection and promotion of human rights in the country, and to provide the Council with a one-time oral update at its forty-ninth session, without setting a precedent;</p>

## Annex III

### **Government interlocutors meeting held June 2021 to May 2022**

1. H.E. Samdech Krolahom Sar Kheng, Deputy Prime Minister, Minister of Interior
2. H.E. Mr. Keo Remy, President of the Human Rights Committee
3. H.E. Mr. Sokkhoeurn An Ambassador and Permanent Representative to UN at Geneva
4. H.E. Dr. Mam Buheng Minister of Health – Cambodia
5. H.E Mr. Vong Sauth, Secretary of State of the Ministry of Social Affairs, Veterans and Youth Rehabilitation
6. H.E Prak Sokhonn, Secretary of State Minister of Foreign Affairs and International Cooperation
7. H.E. Ly Chantola, President of the Bar Association of the Kingdom of Cambodia
8. H.E Mrs. Or Vandine, Secretary of State of the Ministry of Health
9. H.E. Mr. Phan Phalla, and H.E Mr. HEM Vandy, Secretaries of State of the Ministry of Economy and Finance
10. H.E. Mr. Prach Chan, Chairman of the National Election Commission (NEC)
11. H.E. Mr. Ith Sam Heng, Ministry of the Labour and Vocational Training
12. H.E. Chin Malin, Secretary of State, Ministry of Justice
13. H.E Ms. Long Sophally, Under-Secretary of State of Ministry of Women's Affairs
14. H.E Mr. Luy David, Secretary of State of Ministry of Foreign Affairs and International Cooperation
15. H.E. Mr. Nim Toth, Secretary of State of Ministry of Social Affairs, Veterans and Youth Rehabilitation

The Special Rapporteur also met with representatives of the international community, the UN Country Team and national and international NGOs.