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High Commissioner for Human Rights in accordance with  
paragraph 15 (b) of the annex to Human Rights Council  
resolution 5/1 and paragraph 5 of the annex to Council  
resolution 16/21**

## **Cambodia**

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the United Nations High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

## I. Background and framework

### A. Scope of international obligations<sup>1</sup>

#### International human rights treaties<sup>2</sup>

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (1983)	CRPD (2012)	ICCPR-OP 2
	ICESCR (1992)	CPED (2013)	
	ICCPR (1992)		
	CEDAW (1992)		
	CAT (1992)		
	OP-CAT (2007)		
	CRC (1992)		
	OP-CRC-AC (2004)		
	OP-CRC-SC (2002)		
	ICRMW (signature only, 2004)		
<i>Reservations, declarations and/or understandings</i>	–	–	–
<i>Complaint procedures, inquiry and urgent action<sup>3</sup></i>	ICCPR-OP 1 (signature only, 2004)	OP-CEDAW, art. 8 (2010)	ICERD, art. 14
	CAT, art. 20 (1992)		OP-ICESCR
	ICRMW (signature only, 2004)		ICCPR, art. 41
	OP-CRPD (signature only, 2007)		CAT, arts. 21 and 22
			OP-CRC-IC
			CPED, arts. 31 and 32

#### Other main relevant international instruments

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Palermo Protocol <sup>4</sup>		Conventions on stateless persons <sup>8</sup>
	Convention on refugees <sup>5</sup>		ILO conventions Nos. 169 and 189 <sup>9</sup>
	Convention on the Prevention and Punishment of the Crime of Genocide		Additional Protocol III to the 1949 Geneva Conventions <sup>10</sup>
	Rome Statute of the International Criminal Court		

<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
Geneva Conventions of 12 August 1949 and Additional Protocols I and II <sup>6</sup>		UNESCO Convention against Discrimination in Education
ILO fundamental conventions <sup>7</sup>		

1. In 2011, the Committee on the Rights of the Child (CRC) and the Committee against Torture (CAT) urged Cambodia to ratify CRPD.<sup>11</sup> CRC, CAT and the Committee on the Elimination of Racial Discrimination (CERD) urged Cambodia to ratify ICRMW.<sup>12</sup>

2. In 2010, CERD urged Cambodia to consider making the optional declaration under article 14 of ICERD enabling the individual complaints procedure.<sup>13</sup> CERD also urged Cambodia to ratify the amendments to article 8, paragraph 6, of ICERD.<sup>14</sup> The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged Cambodia to ratify the Convention against Discrimination in Education.<sup>15</sup>

## **B. Constitutional and legislative framework**

3. The Special Rapporteur on the situation of human rights in Cambodia (Special Rapporteur on Cambodia) noted in 2011 that the separation of powers was weak and Parliament was regarded as having limited capacity to act as an effective check on the executive.<sup>16</sup>

4. The Secretary-General highlighted that despite indications to the contrary early in 2012, the process of adoption of the fundamental laws — the Law on the Functioning and Organization of the Courts, the Law on Status of Judges and Prosecutors and the Law on the Functioning and Organization of the Supreme Council of the Magistracy — envisaged in the 1993 Constitution remained stalled. In 2013, the Special Rapporteur on Cambodia stated that the adoption of these laws was imperative to protect the independence of judges and prosecutors.<sup>17</sup>

5. The Secretary-General highlighted as an important development the promulgation in 2011 of the new law on prisons, a central piece of the reformed prison system.<sup>18</sup>

6. In 2011, CRC was concerned about the draft Law on Associations and NGOs, which, if adopted, would greatly limit the work of human rights defenders.<sup>19</sup> The Special Rapporteur on Cambodia noted significant human rights concerns in the draft law. In December 2011, the Prime Minister announced that consultations would continue, even if it meant that the adoption of the law would be delayed for some years.<sup>20</sup>

7. CRC urged Cambodia to enact a child protection law and to ensure that the juvenile justice law being drafted is fully incorporated into this law.<sup>21</sup>

## **C. Institutional and human rights infrastructure and policy measures**

8. CERD urged Cambodia to establish an independent national human rights institution (NHRI) in accordance with the Paris Principles.<sup>22</sup> CRC reiterated its call on Cambodia to establish such an NHRI.<sup>23</sup>

9. In 2012, the Special Rapporteur on Cambodia recommended that the National Election Committee be given independent and autonomous status in the constitutional and legal structure with its own independent budget allocated by Parliament.<sup>24</sup>

10. CRC reiterated its recommendation to provide the Cambodian National Council for Children with more resources.<sup>25</sup> CRC recommended that Cambodia adopt a national plan of action for children and increase the budget allocated to social sectors, including education.<sup>26</sup>

## II. Cooperation with human rights mechanisms

### A. Cooperation with treaty bodies<sup>27</sup>

#### 1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	March 1998	2009	March 2010	Fourteenth and fifteenth reports overdue since 2012
CESCR	May 2009	–	–	Fifth and sixth reports overdue since 2012
HR Committee	July 1999	2012	–	Second report pending consideration
CEDAW	January 2006	2011	October 2013	Sixth report due in 2016
CAT	April 2003	2009	November 2010	Third report due in 2014
CRC	May 2000	2009 (CRC); 2011 (OP-CRC-AC); 2012 (OP-CRC-SC)	June 2011	Fourth to sixth reports due in 2018; Initial reports to OP-CRC-AC and OP-CRC-SC pending consideration
CRPD	–	–	–	Initial report due in 2014
CED	–	–	–	Initial report due in 2015

## 2. Responses to specific follow-up requests by treaty bodies

### Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
CERD	2011	Independent human rights institution; concessions on land occupied by indigenous people; violence and threats against indigenous people; citizenship of individual Khmer Krom. <sup>28</sup>	–
CAT	2011	Corruption; fundamental safeguards; complaints and prompt investigations; redress, including compensation and rehabilitation. <sup>29</sup>	Dialogue ongoing <sup>30</sup>

### Country visits and/or inquiries by treaty bodies

<i>Treaty body</i>	<i>Date</i>	<i>Subject matter</i>
SPT	December 2009	Confidential

## B. Cooperation with special procedures<sup>31</sup>

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	No	No
<i>Visits undertaken</i>	SR on Cambodia Adequate housing	SR on Cambodia
<i>Visits agreed to in principle</i>	–	–
<i>Visits requested</i>	Independence of judges and lawyers Sale of children Freedom of religion or belief Water and sanitation Toxic waste	Sale of children Water and sanitation Freedom of peaceful assembly and of association Human rights defenders
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review 22 communications were sent. The Government of Cambodia replied to 8 communications.	

11. The Secretary-General noted in 2013 that requests for missions by special procedures thematic mandate holders were not accepted, and encouraged the Government to also consider inviting thematic mandate holders.<sup>32</sup> The Secretary-General was concerned

at the number of personal attacks made to the integrity of the Special Rapporteur on Cambodia, including by Government representatives, and urged the Government and all stakeholders to fully cooperate with him.<sup>33</sup>

### **C. Cooperation with the Office of the United Nations High Commissioner for Human Rights**

12. The OHCHR presence in Cambodia continues to provide assistance to the Government in five key areas: prison reform; fundamental freedoms; land and housing rights; rule of law and promoting the legacy of the Extraordinary Chambers in the Courts of Cambodia. Work also expanded on the issue of business and human rights and cooperation with the judiciary.<sup>34</sup> In 2012, the Secretary-General highlighted significant developments in Cambodia's follow-up to the 91 recommendations accepted by Cambodia during the 2009 Universal Periodic Review (UPR). In July 2011, OHCHR supported the Cambodian Human Rights Committee in convening a meeting between civil society and ministries to formulate a plan of action to implement the recommendations. OHCHR worked closely with the Committee in preparing plans of action for each ministry.<sup>35</sup>

13. Cambodia contributed financially to OHCHR in 2012.<sup>36</sup>

## **III. Implementation of international human rights obligations**

### **A. Equality and non-discrimination**

14. CERD urged Cambodia to introduce in its legislation a clear definition of racial discrimination and the right not to be discriminated against in the enjoyment of all rights.<sup>37</sup>

15. CRC was concerned about the persistence of gender-based stereotypes. In particular, it was concerned that the *Chhap Srey* (Didactic Code) which legitimizes the perceived inferior role of girls and women in the society is still taught in schools.<sup>38</sup>

16. CRC urged Cambodia to combat discrimination against children belonging to marginalized and disadvantaged groups.<sup>39</sup>

17. CRC was concerned that children of Vietnamese origin are still not recognized as citizens, which leads them to live in segregated conditions and leaves them vulnerable to trafficking and exploitation. It urged Cambodia to ensure that such children have effective access to birth registration, identity documents, public education and health care services.<sup>40</sup>

### **B. Right to life, liberty and security of the person**

18. The Special Rapporteur on Cambodia noted an increase in the use of live ammunition against people defending their rights and protesting against government policies. He added that since 2012 there have been at least four incidents in which individuals have been shot. The Special Rapporteur was shocked by these crimes, and hoped that these incidents would be thoroughly investigated and the culprits brought to justice.<sup>41</sup> UNESCO Director-General condemned the killing of the Cambodian journalist, Hang Serei Oudom, in 2012, and called on the country to inform UNESCO of the actions taken to prevent the impunity of the perpetrators.<sup>42</sup>

19. CAT urged Cambodia to incorporate a definition of torture into the Constitution, the Penal Code or other relevant legislation.<sup>43</sup> CAT urged Cambodia to prevent acts of torture

and ill-treatment, including sexual violence in detention, inter alia, through policy, monitoring and/or recording of police investigation sessions.<sup>44</sup>

20. CAT urged Cambodia to provide victims of torture with redress, including fair and adequate compensation, and as full rehabilitation as possible. To this end, the Extraordinary Chambers in the Courts of Cambodia (ECCC) should amend its internal rules to permit reparation to victims, including, as appropriate, individual financial compensation.<sup>45</sup>

21. CAT urged Cambodia to put an end to any form of arbitrary and unlawful detention of persons, especially in social affairs centres, including in Prey Speu. Cambodia should conduct an independent investigation into the allegations of serious human rights violations in Prey Speu between late 2006 and 2008.<sup>46</sup>

22. CRC was deeply concerned that domestic violence, including sexual violence remains an acute problem. It urged Cambodia to adopt the Prakas of the Law on Prevention of Domestic Violence and Protection of the Victims (2005) and set up a child protection system, including a system for reporting and addressing child abuse.<sup>47</sup> CAT raised similar concerns and recommendations.<sup>48</sup>

23. CRC urged Cambodia to repeal article 1045 of the Civil Code and provisions of the Domestic Violence and Protection of the Victims Law that authorize corporal punishment, and to enact legislation prohibiting corporal punishment of children in all settings.<sup>49</sup>

24. CRC was deeply concerned about allegations that children have been subjected to torture and ill-treatment, including widespread beatings, whippings and electric shocks, in drug rehabilitation and youth centres where some of them had been forcibly placed.<sup>50</sup>

25. CRC urged Cambodia to protect children against landmines through awareness-raising campaigns.<sup>51</sup>

26. The International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations urged the Government to strengthen its efforts to combat trafficking in persons, including within the framework of the national action plan 2011–2013.<sup>52</sup> CRC urged Cambodia to intensify its efforts to combat the sale and trafficking in human beings, especially women and children.<sup>53</sup>

27. CRC was deeply concerned that thousands of children are exploited into prostitution and that rape of children is on the rise. CRC urged Cambodia to implement its laws criminalizing sexual exploitation and abuse; condemn and take active measures against sex tourism; establish shelters for child victims and provide them with rehabilitation services.<sup>54</sup>

28. CRC was concerned that around 250,000 children are engaged in the worst forms of child labour. CRC was also concerned that thousands of children work as domestic workers in slavery-like conditions. It urged Cambodia to enforce child labour laws and implement the National Plan of Action on the Elimination of the Worst Forms of Child Labour.<sup>55</sup>

### **C. Administration of justice, including impunity, and the rule of law**

29. The Secretary-General highlighted that the Ministry of Justice and the courts continued to suffer from a serious lack of resources. Respect for the rule of law was also hampered by ongoing credible allegations of interference by the executive in the court system, and of widespread corruption. As a result, impunity continued, and public confidence in the criminal justice system is not improving.<sup>56</sup>

30. CERD and CAT urged Cambodia to strengthen and guarantee the independence of the judiciary and ensure that it is free from political control and interference, through the early adoption of all relevant laws of reform.<sup>57</sup>

31. The Secretary-General stated that OHCHR remained concerned about access to justice, especially for the poor and other vulnerable groups. Legal aid services continue to suffer from a serious lack of funding. While the Code of Criminal Procedure requires that all persons charged with a felony and all juveniles be represented by a lawyer, legal representation is not always available.<sup>58</sup> The Special Rapporteur on Cambodia stated that the Government needed to urgently consider establishing a national legal aid system.<sup>59</sup>

32. While taking note of the creation in 2009 of an intergovernmental committee as a temporary body until the establishment of a national preventive mechanism (NPM), CAT was concerned that the committee did not comply with the requirements of OP-CAT. In 2013, the Secretary-General noted that despite the Government's announcement that a law would be drafted to establish a NPM,<sup>60</sup> no progress has been made. CAT urged Cambodia to ensure that the NPM is created by constitutional amendment or organic law and that it is independent and professional.<sup>61</sup> CAT urged Cambodia to establish a national system to monitor and inspect all places of detention<sup>62</sup> and an independent law enforcement complaint mechanism.<sup>63</sup>

33. CAT urged Cambodia to prohibit admissibility of evidence obtained as a result of torture in any proceedings, and to provide training to law enforcement officials, judges and lawyers on identification and investigation of forced confessions.<sup>64</sup>

34. OHCHR noted that the majority of charged persons are still being placed in pretrial detention (80 per cent).<sup>65</sup> CAT urged Cambodia to ensure that its pretrial detention policy meets international standards and that it is only used as an exceptional measure for a limited period of time. Cambodia should consider applying alternative measures other than pretrial detention, and apply and further develop legal provisions permitting non-custodial measures.<sup>66</sup>

35. The Secretary-General highlighted that hundreds of prisoners have been deprived of the right to apply for sentence reduction and pardon due to the long delay for the final judgement from the court. Lack of awareness by the prison authorities of the legal framework has also led to excessive detention, as under the law, prisoners pending appeal by the prosecution must remain in detention until the Court of Appeal has ruled on their case, which may be far beyond the end of their first instance term of imprisonment.<sup>67</sup>

36. The Secretary-General noted that the rapid increase in female prisoners had put additional pressure on the prison system to accommodate female prisoners in accordance with the required standards. An additional issue was the lack of facilities to deal with children detained with their mothers (sometimes fathers).<sup>68</sup> CRC urged Cambodia to ensure that the rights of children and their mothers living in prison are respected.<sup>69</sup> CAT urged Cambodia to alleviate overcrowding in places where persons are deprived of their liberty, and to improve conditions therein.<sup>70</sup>

37. CAT urged Cambodia to establish a juvenile justice system adapted to the particular needs of young offenders. Cambodia should, inter alia, enact the draft law on juvenile justice; develop and implement a system of alternative measures; and ensure that persons below 18 years of age are not detained with adults.<sup>71</sup> CRC made similar recommendations.<sup>72</sup>

38. CERD recommended that Cambodia investigate and take disciplinary action in cases of corruption.<sup>73</sup> CAT made similar recommendations and stressed the need to establish a witness and whistleblower protection programme.<sup>74</sup> In 2012, the Special Rapporteur on the independence of judges and lawyers sent a communication highlighting the possible lack of impartiality in the investigation into a case of corruption involving a judge. According to the information received, a judge allegedly caught taking a US\$5,000 bribe from a provincial land management official involved in a land dispute was arrested by the Anti-Corruption Unit.<sup>75</sup>



39. Regarding the Extraordinary Chambers in the Courts of Cambodia (ECCC), the Secretary-General noted that the chamber of final appeal had issued its judgement in the case of *Kaing Guek Eav*, alias “Duch”, (case 001) in March 2012, sentencing Duch to life imprisonment.<sup>76</sup> The Secretary-General noted that despite general praise for the final verdict, OHCHR was concerned to note that a majority of judges had reversed an important human rights aspect of the Trial Chamber’s decision and granted Duch a five-year reduction in his sentence as compensation for the prolonged period he had spent in pretrial detention.<sup>77</sup>

40. The Secretary-General noted that the ECCC continued to face challenges in completing case 002, in which three former leaders of the Communist Party of Kampuchea were being tried. The Court was hampered by serious financial difficulties, which resulted in staff not being paid for several months and their taking strike action. In September 2012, one defendant, Ieng Thirith, was released from detention after being diagnosed with dementia and declared unfit to stand trial; her husband and co-defendant, Ieng Sary, died in March 2013. In the meantime, the first “mini-trial” in case 002 focusing on forced population movements is proceeding, and hearings are expected to finish by the end of 2013. As of September 2013, the situation regarding cases 003 and 004 was still uncertain.<sup>78</sup>

41. In 2011, the Special Rapporteur on the independence of judges and lawyers raised concern about the alleged interference by Cambodian authorities in the work of the ECCC, the conduct of investigations, and the impairment of the right of access to justice for victims of crimes within the jurisdiction of the ECCC.<sup>79</sup>

#### **D. Right to privacy, marriage and family life**

42. CERD urged Cambodia to ensure that each individual Khmer Krom seeking to affirm his or her citizenship is able to obtain citizenship documents in a timely manner.<sup>80</sup> CRC urged Cambodia to guarantee free birth registration for all, regardless of their parents’ status and origins.<sup>81</sup>

43. CRC was concerned at the lack of specific mechanisms to assist children in street situations. It urged Cambodia to ensure that these children are provided with services and prioritize interventions aimed at reuniting them into their family.<sup>82</sup> CRC urged Cambodia to adopt the Prakas implementing regulations related to the Policy of Alternative Care for Children and to allocate necessary resources.<sup>83</sup>

44. While welcoming the 2009 Law on Intercountry Adoption, CRC urged Cambodia to adopt regulations to implement it; ensure strict follow-up controls with regard to international adoption and prosecute those involved in illegal adoptions.<sup>84</sup>

#### **E. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

45. OHCHR noted that increasing limitations on freedom of expression have created a significant challenge for civil society, human rights defenders, the United Nations and ordinary Cambodians engaged in advocacy on human rights.<sup>85</sup> In 2012, the Special Rapporteur on Cambodia emphasized his concerns in relation to the impermissible restrictions on freedom of expression caused by, inter alia, prosecutions (or threats of prosecution) under the Penal Code. Due to these restrictions, it appears that many Cambodians exercise self-censorship.<sup>86</sup> Despite Cambodia’s acceptance of a number of related UPR recommendations, the Secretary-General highlighted worrying trends in the use of the Penal Code with Cambodians continuing to risk charges of incitement for

exercising their right to freedom of expression. The widespread use of disinformation charges under the former Penal Code has now been replaced by charging individuals with various crimes of incitement under the new Penal Code.<sup>87</sup>

46. UNESCO noted that media content is monitored by the Cambodian authorities and that article 13 of the Press Law is used to justify censorship of news content.<sup>88</sup> UNESCO encouraged Cambodia to initiate a freedom of information law, in accordance with international standards,<sup>89</sup> and stated that Cambodia must ensure that journalists and media workers are able to practice their profession in a free and safe environment.<sup>90</sup>

47. Despite Cambodia's concerted efforts to engage in skills training, the Secretary-General was particularly concerned about the general trend towards an increased and disproportionate use of force, including the use of live ammunition against protesters, by State authorities and private security guards as a means of controlling protesters. These instances of violence were predominantly unprovoked, and primarily related to land disputes.<sup>91</sup>

48. In 2012, four special procedures mandate holders raised concern about allegations of disruption by law enforcement officials of a human rights training course organized by two NGOs, and threats against their members. The authorities claimed that the organizers had failed to notify them about the training, although under article 3 of the law on peaceful demonstrations they were not obliged to do so.<sup>92</sup> In 2013, the Secretary-General reported that OHCHR had raised allegations of impermissible restrictions on freedom of expression with the authorities during the summits related to the Association of Southeast Asian Nations.<sup>93</sup>

49. In 2012, the Special Rapporteur on Cambodia reported that many human rights defenders, civil society representatives and journalists in Cambodia continued to encounter harassment, intimidation and threats of defamation or incitement lawsuits.<sup>94</sup>

50. The Special Rapporteur on Cambodia noted allegations of massive electoral irregularities following the general election on 28 July 2013 and the failure of the Government and the National Election Committee to facilitate prompt, impartial, transparent, credible and thorough investigation of the alleged irregularities.<sup>95</sup> The Special Rapporteur had earlier expressed concerns over the independence of the NEC, freedom of expression, access to the media (particularly television) for all political parties during the pre-electoral period.<sup>96</sup>

51. The Special Rapporteur on Cambodia expressed grave concern regarding indiscriminate and excessive use of force against protestors in an incident in September 2013 that led to the death of one bystander and injuries to a dozen more persons. He was particularly concerned by reports that the security force personnel had fired live ammunition, in some instances into the crowd, and that several individuals were beaten severely. He also expressed concern at the forcible removal by the military police of a peaceful gathering around a hunger striker on 20 September 2013, and the forcible dispersal on 22 September of another peaceful gathering of activists protesting forced evictions, in which a dozen persons were said to have been beaten. He urged the authorities to refrain from further use of violence and called upon them to ensure that any planned demonstrations proceed without further restrictions.<sup>97</sup>

## **F. Right to work and to just and favourable conditions of work**

52. The ILO Committee of Experts referred to comments made by a number of workers' organizations alleging serious acts of violence and harassment against trade union leaders and members. The Committee urged the Government to ensure that trade union rights of workers are fully respected and that trade unionists are able to engage in their activities in a climate free of intimidation and risk to their personal security.<sup>98</sup>

## **G. Right to social security and to an adequate standard of living**

53. In 2011, CRC was concerned that one third of the population still lived below the poverty line and only one fifth of the rural population had access to sanitation.<sup>99</sup>

54. The Special Rapporteurs on Cambodia and on adequate housing sent a joint letter to the Government following the alleged forced evictions and housing demolitions in Phnom Penh in 2011. A total of 20 people, including nine adults (of which one with a disability) and eleven minors were allegedly forcibly removed from their homes just after dawn by hundreds of military and gendarme officials, and their homes were demolished.<sup>100</sup>

55. The Special Rapporteur on Cambodia stated that the absence, in many instances, of proper consultation and negotiation with the people affected when granting economic land concessions has been a major concern. The Special Rapporteur was pleased that the Prime Minister had issued a decree halting new economic land concessions and pledged to review existing concessions.<sup>101</sup> The Special Rapporteur recommended in 2013 that the review be carried out as a priority and that the interests of the people affected be at the heart thereof.<sup>102</sup>

56. The Special Rapporteur on Cambodia noted in 2012 that land disputes and forced evictions continued unabated, and featured the use of force by the authorities and business enterprises. The high-profile Boeung Kak case saw significant developments in the granting of land titles to more than 600 families. Those excluded, however, faced violent eviction on 16 September 2011 when the municipality of Phnom Penh and Shukaku Inc., with the support of the gendarmerie, demolished five houses in village 22. Families were reportedly not served eviction notices, and many lost their belongings in the destruction of their property.<sup>103</sup>

57. The Special Rapporteur on Cambodia highlighted that challenges persisted in the implementation of the domestic legal framework governing land and housing.<sup>104</sup> In early 2010, the Council for Land Policy released a draft housing policy in which the right to adequate housing was recognized.<sup>105</sup> In 2013, the Special Rapporteur on Cambodia regretted that this policy had yet to be finalized and approved by the Council of Ministers.<sup>106</sup>

58. In 2012, four special procedures mandate holders raised concern about the alleged forced eviction of families from the Borei Keila community in Phnom Penh. According to the information received, State and private security forces violently and forcibly evicted around 300 families living in Borei Keila and destroyed their homes. Law enforcement officials allegedly arbitrarily detained a number of women, children and other residents who were peacefully protesting.<sup>107</sup> CRC urged Cambodia to establish a national moratorium on evictions until the legality of land claims is determined.<sup>108</sup>

59. The Special Rapporteur on Cambodia noted that communities living in resettlement sites reported inadequate housing, challenges in gaining access to health and education facilities, and, most notably, significant difficulties in generating livelihood options. A lack of potable water and sanitation services was also reported.<sup>109</sup>

## **H. Right to health**

60. CRC was concerned at the limited availability, accessibility, quality and use of health services especially in remote areas, widespread shortage of skilled health personnel and persistent inequalities in access to and use of health care between rural and urban areas.<sup>110</sup>

61. CRC was concerned about the high proportion of adolescents with substance abuse problems as well as problems related to workplace accidents and injuries, HIV, STDs and reproductive health.<sup>111</sup>

62. CRC was concerned that infant, under-5 and maternal mortality rates remain high; half of the children under 5 years of age are underweight; an estimated 100 children die every day as a result of preventable and treatable diseases; and there are no free medical services for poor children, including those in street situations.<sup>112</sup> CRC recommended that Cambodia expand access to free primary health-care services across all provinces.<sup>113</sup>

## **I. Right to education**

63. CRC was concerned that education is still not compulsory; only 1.9 per cent of GDP is spent on education; and education expenditure has dropped since 2007.<sup>114</sup> UNESCO noted that Cambodia had made considerable progress in expanding basic education services; however, both quality and coverage remain areas of great concern.<sup>115</sup> CRC urged Cambodia to stop all forms of corruption in the educational system; address drop-out and repetition rates; promote the right of girls to education; promote the quality of education and employ trained teachers.<sup>116</sup> UNESCO encouraged Cambodia to intensify its efforts to make basic education compulsory.<sup>117</sup>

64. CERD urged Cambodia to consider bilingual education programmes as a means of improving the learning environment for ethnic minorities and indigenous peoples.<sup>118</sup> UNESCO stated that Cambodia should pursue its efforts to promote the quality of education and to further expand bilingual education for non-Khmer speakers.<sup>119</sup>

## **J. Cultural rights**

65. UNESCO noted that the Cambodian Constitution protects the right to participate in cultural life. Much of the policy work has focused on tangible heritage conservation.<sup>120</sup> UNESCO encouraged Cambodia to introduce art education in the school curriculum.<sup>121</sup>

## **K. Persons with disabilities**

66. CRC urged Cambodia to effectively implement the Law on Promotion and Protection of the Rights of Persons with Disabilities and the 2008 Policy on Education for Children with Disabilities. It also urged Cambodia to adopt a policy for early screening, identification, early intervention and prevention of disabilities; provide basic services for children with disabilities; train more health specialists; conduct mobile clinics offering health services to children with disabilities; and improve the quality of mainstream and special education.<sup>122</sup>

## **L. Minorities and indigenous peoples**

67. CERD urged Cambodia to develop appropriate protective measures, such as delaying the issuance of concessions on lands inhabited by indigenous communities which have applied for legal registration in order to obtain land titles, until consultation with and the informed consent of the indigenous peoples.<sup>123</sup>

68. CERD urged Cambodia to provide full protection to vulnerable groups against physical attacks and intimidation as they seek to exercise their rights related to communal

lands; bring perpetrators of such violations to justice; and ensure equal justice for all, including minorities and indigenous peoples.<sup>124</sup>

## **M. Migrants, refugees and asylum seekers**

69. UNHCR highlighted that Cambodia had taken an important step in issuing documentation to all recognized refugees in the form of a proclamation letter (*Prakas*). The Refugee Office of the Immigration Department also agreed to issue the *Prakas* to refugees who were recognized as such under UNHCR's mandate.<sup>125</sup>

70. UNHCR reported that while Sub-Decree No. 224 initiated the development of a legal framework for the protection of refugees and asylum seekers, it contains a number of limitations. UNHCR recommended that Cambodia amend the national asylum law so as to incorporate complementary forms of protection and an independent appeal mechanism.<sup>126</sup>

71. UNHCR regretted that, to date, refugees have not been provided with identity or resident cards. UNHCR recommended the establishment of procedures for the issuance of identity documents, including resident cards, to recognized refugees living in Cambodia, and the adoption of a legal instrument formalizing the procedures for acquiring Cambodian nationality.<sup>127</sup>

72. UNHCR indicated serious concerns that children of irregular immigrants were not eligible to have their birth registered. UNHCR recommended that the Government take additional steps to ensure that all births are registered without discrimination.<sup>128</sup> CRC also urged Cambodia to guarantee free birth registration for all, regardless of their parents' status and origins.<sup>129</sup>

73. CAT was concerned that a large number of individuals have not been afforded full protection in accordance with the non-refoulement principle, including 674 Montagnard asylum seekers who are no longer in Cambodia, and 20 Uighurs asylum seekers who were forcibly repatriated to a neighbouring country. It urged Cambodia to adopt legislation guaranteeing the rights of refugees and asylum seekers, including unaccompanied children.<sup>130</sup> CRC, CERD and UNHCR raised similar concerns and made recommendations.<sup>131</sup>

## **N. Right to development and environmental issues**

74. CRC was concerned that the regulatory framework on the social and environmental responsibility of business corporations, aimed at preventing possible negative impacts of their activities on children, is not yet in place.<sup>132</sup>

75. UNESCO noted that the Tonle Sap Lake was showing the impact of over-exploitation of resources.<sup>133</sup> UNESCO stated that effective governance systems in Cambodia were essential to mitigate the existing significant threat to the biodiversity of the Tonle Sap Lake. UNESCO encouraged further strengthening of cooperation to achieve this.<sup>134</sup>

## Notes

- <sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Cambodia from the previous cycle (A/HRC/WG.6/6/KHM/2).
- <sup>2</sup> The following abbreviations have been used for this document:
- |            |   |
|------------|---|
| ICERD      | International Convention on the Elimination of All Forms of Racial Discrimination                             |
| ICESCR     | International Covenant on Economic, Social and Cultural Rights  |
| OP-ICESCR  | Optional Protocol to ICESCR   |
| ICCPR      | International Covenant on Civil and Political Rights  |
| ICCPR-OP 1 | Optional Protocol to ICCPR  |
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty                               |
| CEDAW      | Convention on the Elimination of All Forms of Discrimination against Women                                    |
| OP-CEDAW   | Optional Protocol to CEDAW  |
| CAT        | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment                      |
| OP-CAT     | Optional Protocol to CAT  |
| CRC        | Convention on the Rights of the Child   |
| OP-CRC-AC  | Optional Protocol to CRC on the involvement of children in armed conflict                                     |
| OP-CRC-SC  | Optional Protocol to CRC on the sale of children, child prostitution and child pornography                    |
| OP-CRC-IC  | Optional Protocol to CRC on a communications procedure  |
| ICRMW      | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD       | Convention on the Rights of Persons with Disabilities   |
| OP-CRPD    | Optional Protocol to CRPD;  |
| CPED       | International Convention for the Protection of All Persons from Enforced Disappearance.                       |
- <sup>3</sup> Individual complaints: ICCPR-OP 1, art 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.
- <sup>4</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- <sup>5</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol.
- <sup>6</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).
- <sup>7</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value;

- Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- <sup>8</sup> 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- <sup>9</sup> International Labour Organization Convention No.169 concerning Indigenous and Tribal Peoples in Independent Countries and Convention No.189 concerning Decent Work for Domestic Workers.
- <sup>10</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).
- <sup>11</sup> CRC/C/KHM/CO/2, para. 81; CAT/C/KHM/CO/2, para. 34.
- <sup>12</sup> CRC/C/KHM/CO/2, para. 81; CAT/C/KHM/CO/2, para. 34; and CERD/C/KHM/CO/8-13, para. 21.
- <sup>13</sup> CERD/C/KHM/CO/8-13, para. 24.
- <sup>14</sup> Ibid., para. 25.
- <sup>15</sup> UNESCO submission to the UPR on Cambodia, para. 43.
- <sup>16</sup> A/HRC/18/46, p. 2.
- <sup>17</sup> A/HRC/24/36, para. 18.
- <sup>18</sup> A/HRC/21/35, para. 7.
- <sup>19</sup> CRC/C/KHM/CO/2, para. 24.
- <sup>20</sup> A/HRC/21/63, paras. 31–33.
- <sup>21</sup> CRC/C/KHM/CO/2, para. 9.
- <sup>22</sup> CERD/C/KHM/CO/8-13, para. 15.
- <sup>23</sup> CRC/C/KHM/CO/2, para. 15; see also A/HRC/24/32, para. 30.
- <sup>24</sup> A/HRC/21/63, para. 65.
- <sup>25</sup> CRC/C/KHM/CO/2, para. 11.
- <sup>26</sup> Ibid., paras. 13 and 17.
- <sup>27</sup> The following abbreviations have been used for this document:
- |              |  |
|--------------|--|
| CERD         | Committee on the Elimination of Racial Discrimination  |
| CESCR        | Committee on Economic, Social and Cultural Rights  |
| HR Committee | Human Rights Committee   |
| CEDAW        | Committee on the Elimination of Discrimination against Women                                   |
| CAT          | Committee against Torture  |
| CRC          | Committee on the Rights of the Child   |
| CMW          | Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD         | Committee on the Rights of Persons with Disabilities   |
| CED          | Committee on Enforced Disappearances   |
| SPT          | Subcommittee on Prevention of Torture  |
- <sup>28</sup> CERD/C/KHM/CO/8-13, para. 28.
- <sup>29</sup> CAT/C/KHM/CO/2, para. 36.
- <sup>30</sup> Follow-up letter dated 20 December 2011 sent by CAT to the Permanent Mission of Cambodia, available from [http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/KHM/INT\\_CAT\\_FUR\\_KHM\\_12342\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/KHM/INT_CAT_FUR_KHM_12342_E.pdf).
- <sup>31</sup> For the titles of special procedures, see [www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx) and [www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx).
- <sup>32</sup> A/HRC/24/32, para. 61.
- <sup>33</sup> Ibid., para 5; see also A/HRC/24/36.
- <sup>34</sup> A/HRC/24/32, para 2; see also A/HRC/24/36.
- <sup>35</sup> A/HRC/21/35, para. 64.
- <sup>36</sup> OHCHR Report 2012, p. 117.
- <sup>37</sup> CERD/C/KHM/CO/8-13, para. 11.
- <sup>38</sup> CRC/C/KHM/CO/2, para. 29.
- <sup>39</sup> Ibid., para. 29.
- <sup>40</sup> Ibid., paras. 79 and 80.

- 41 A/HRC/21/63, paras. 37 and 38.  
42 UNESCO submission to the UPR on Cambodia, para. 33.  
43 CAT/C/KHM/CO/2, para. 11.  
44 Ibid., para. 15.  
45 Ibid., para. 27.  
46 Ibid., para. 20.  
47 CRC/C/KHM/CO/2, paras. 39 and 40.  
48 CAT/C/KHM/CO/2, para. 21.  
49 CRC/C/KHM/CO/2, para. 41.  
50 Ibid., para. 38.  
51 Ibid., para. 33.  
52 ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning ILO Forced Labour Convention, 1930 (No. 29) – Cambodia, adopted 2012, published 102nd ILC session (2013), 3rd para., available from [http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3080569:NO](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3080569:NO).  
53 CRC/C/KHM/CO/2, para. 74.  
54 Ibid., paras. 71 and 72.  
55 Ibid., paras. 67 and 68.  
56 A/HRC/21/35, para. 42.  
57 CERD/C/KHM/CO/8-13, para. 13; CAT/C/KHM/CO/2, para. 13.  
58 A/HRC/21/35, para. 48.  
59 A/HRC/24/36, para. 26.  
60 A/HRC/24/32, para 30; see also OHCHR Report 2012, p. 39.  
61 CAT/C/KHM/CO/2, para. 30.  
62 Ibid., para. 18.  
63 Ibid., para. 16.  
64 Ibid., para. 28.  
65 OHCHR Report 2011, OHCHR in the field, p. 303.  
66 CAT/C/KHM/CO/2, para. 17.  
67 A/HRC/24/32, para. 38.  
68 Ibid., para. 42.  
69 CRC/C/KHM/CO/2, para. 64.  
70 CAT/C/KHM/CO/2, para. 19.  
71 Ibid., para. 23.  
72 CRC/C/KHM/CO/2, para. 77.  
73 CERD/C/KHM/CO/8-13, para. 13.  
74 CAT/C/KHM/CO/2, paras. 12 and 16.  
75 A/HRC/21/49, p. 66.  
76 A/HRC/21/35, para. 54.  
77 Ibid., para. 55.  
78 A/HRC/24/32, para. 33 ; see also A/HRC/21/35, para. 55.  
79 A/HRC/19/44, p. 143.  
80 CERD/C/KHM/CO/8-13, para. 18.  
81 CRC/C/KHM/CO/2, paras. 36 and 37.  
82 Ibid., paras. 69 and 70.  
83 Ibid., paras. 45 and 46.  
84 Ibid., para. 48.  
85 OHCHR Report 2011, OHCHR in the field, p. 305.  
86 A/HRC/21/63, paras. 31–33.  
87 A/HRC/21/35, paras. 24–26.  
88 UNESCO submission to the UPR on Cambodia, paras. 31 and 32.  
89 Ibid., paras. 49–52.  
90 Ibid., para. 53.  
91 A/HRC/21/35, para. 23.  
92 A/HRC/22/67, p. 71.  
93 A/HRC/24/32, para. 8.



- <sup>94</sup> A/HRC/21/63, paras. 37 and 38.
- <sup>95</sup> Statement by the Special Rapporteur on the situation of human rights in Cambodia delivered under agenda item 10 of the 24th session of the Human Rights Council on 24 September 2013.
- <sup>96</sup> A/HRC/24/36, para. 36.
- <sup>97</sup> Statement by the Special Rapporteur on the situation of human rights in Cambodia delivered under agenda item 10 of the 24th session of the Human Rights Council on 24 September 2013.
- <sup>98</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) – Cambodia, adopted 2012, published 102nd ILC session (2013), 4th para., available from [http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3084119:NO](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3084119:NO).
- <sup>99</sup> CRC/C/KHM/CO/2, para. 59.
- <sup>100</sup> A/HRC/19/44, p. 18.
- <sup>101</sup> A/HRC/21/63, p. 2.
- <sup>102</sup> A/HRC/24/36, para. 70; see also A/HRC/24/32, para. 10.
- <sup>103</sup> A/HRC/21/63, para 25; see also A/HRC/24/32, paras. 10 and 17.
- <sup>104</sup> A/HRC/21/63, para. 26; see also A/HRC/24/32, paras. 9–20.
- <sup>105</sup> A/HRC/21/63, para. 26.
- <sup>106</sup> A/HRC/24/36, para. 59.
- <sup>107</sup> A/HRC/21/49, p. 28; see also CRC/C/KHM/CO/2, paras. 61 and 62; A/HRC/21/63, para. 27.
- <sup>108</sup> CRC/C/KHM/CO/2, paras. 61 and 62.
- <sup>109</sup> A/HRC/21/63, para. 28; see also A/HRC/24/32, para. 14.
- <sup>110</sup> CRC/C/KHM/CO/2, para. 53.
- <sup>111</sup> *Ibid.*, para. 55.
- <sup>112</sup> *Ibid.*, para. 53.
- <sup>113</sup> *Ibid.*, para. 54.
- <sup>114</sup> *Ibid.*, para. 65.
- <sup>115</sup> UNESCO submission to the UPR on Cambodia, para. 12.
- <sup>116</sup> CRC/C/KHM/CO/2, para. 66.
- <sup>117</sup> UNESCO submission to the UPR on Cambodia, para. 47.
- <sup>118</sup> CERD/C/KHM/CO/8-13, para. 20.
- <sup>119</sup> UNESCO submission to the UPR on Cambodia, para. 17.
- <sup>120</sup> *Ibid.*, para. 39.
- <sup>121</sup> *Ibid.*, para. 57.
- <sup>122</sup> CRC/C/KHM/CO/2, para. 52.
- <sup>123</sup> CERD/C/KHM/CO/8-13, para. 16.
- <sup>124</sup> *Ibid.*, para. 17.
- <sup>125</sup> UNHCR submission to the UPR on Cambodia, pp. 1 and 2.
- <sup>126</sup> *Ibid.*, p. 4.
- <sup>127</sup> *Ibid.*, pp. 4 and 5.
- <sup>128</sup> *Ibid.*, pp. 5 and 6.
- <sup>129</sup> CRC/C/KHM/CO/2, para. 37.
- <sup>130</sup> CAT/C/KHM/CO/2, para. 24.
- <sup>131</sup> CRC/C/KHM/CO/2, para. 75; CERD/C/KHM/CO/8-13, para. 14; see also UNHCR submission to the UPR on Cambodia, pp. 3 and 4.
- <sup>132</sup> CRC/C/KHM/CO/2, para. 26.
- <sup>133</sup> UNESCO submission to the UPR on Cambodia, para. 35.
- <sup>134</sup> *Ibid.*, para. 55.