

The Universal Periodic Review Factsheet: Judicial Reform

Introduction to the UPR

- [The Universal Periodic Review \(UPR\)](#), established in 2006, is a process to evaluate the human rights records of all UN Member States and operates on the principles of universality, non-discrimination, and equality.
- The UN Human Rights Council (HRC) carries out the review, which involves an interactive dialogue between the State under review, the 47 current HRC Member States, and observer States.
- Cambodia has undergone two UPRs, the first in 2009 and the second in 2014; at its last UPR, Cambodia accepted 163 recommendations, meaning it has committed to implement them, and noted 42. It will have its next review in 2018.

Concerns Related to Judicial Reform

- The judiciary is under the control of the Ministry of Justice and so does not operate independently; its decisions more often reflect the will of the ruling party rather than the application of law.
- Corruption in the courts is rampant; bribery is common at all levels, creating a culture of impunity for the wealthy and well-connected, and judicial appointments are often given to the highest bidder rather than the most qualified candidate.
- The courts are often used as a political tool to quash voices of dissent, with journalists, protesters, and human rights activists frequently arrested during protests and kept in detention.
- There is no juvenile justice system, meaning that minors are tried as, and detained with, adults.

Important UPR Recommendations on Judicial Reform

- **118.83** Establish a judicial reform which provides, inter alia, mechanisms to guarantee an independent justice and the effectiveness of the bodies responsible for combating corruption (recommended by Belgium).
- **118.93** Put in place a juvenile justice system adapted to the needs of juvenile delinquents, particularly so that minors are not detained with adults (recommended by Djibouti).
- **118.97** Make further efforts, including in a financial sense, to ensure the smooth implementation and successful conclusion of the Khmer Rouge Tribunal, in cooperation with the international community (recommended by Japan)

Recommendations for the RGC

- ✓ Engage with all stakeholders – including legal professionals, OHCHR, the international community, NGOs, CSOs, and others – in the implementation of recommendations;
- ✓ Establish clear indicators, in conjunction with civil society, to determine progress for each accepted recommendation; and
- ✓ Ask for technical assistance and support, when necessary, from OHCHR and relevant stakeholders during the implementation process.