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### **Summary prepared by the Office of the United Nations 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 summary of 37 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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\* The present document was not edited before being sent to United Nations translation services.

## Information provided by other stakeholders

### A. Background and framework

#### 1. Scope of international obligations

1. Joint submission 2 (JS2) noted that Cambodia has not ratified the two Optional Protocols to the International Covenant on Civil and Political Rights (ICCPR-OP-1 and ICCPR-OP-2), even though it committed to do so after the 2009 UPR.<sup>2</sup> Joint Submission 7 (JS7)<sup>3</sup> and JS2<sup>4</sup> reiterated the 2009 UPR recommendation that Cambodia ratify ICCPR-OP-1. ECPAT International recommended Cambodia to sign and ratify the third Optional Protocol to the Convention on the Rights of the Child.<sup>5</sup>

2. Joint Submission 12 (JS12) recommended that the Government ratify the ILO Convention 169 as well as fulfil the UN Declaration on the Rights of Indigenous Peoples.<sup>6</sup>

#### 2. Constitutional and legislative framework

3. Human Rights Watch (HRW) noted that the human rights situation has steadily worsened, with a surge in violent incidents in 2012 as the ruling Cambodian People's Party (CPP) prepared for national elections for July 2013. A social crisis has developed as the result of systematic land expropriations by the Government, the ruling party and private actors.<sup>7</sup>

4. HRW noted that Cambodia is moving towards the restoration of a de facto one-party state. In June 2013, all opposition party members were expelled from the parliament by the CPP.<sup>8</sup> The Committee for Free and Fair Elections in Cambodia (COMFREL) stated that the new National Assembly should be strengthened and the current trend of the multi-party system moving towards a one-party system should be immediately stopped and reforms put in place by providing public finance and training to political parties, as well as legal changes allowing independent candidates to run for elections.<sup>9</sup>

5. JS2 noted that Cambodia's Constitutional Council is the supreme body through which to challenge the constitutionality of laws and state decisions affecting their constitutional rights, including human rights. However, the Council is not independent from the Government.<sup>10</sup>

6. JS2 informed that a number of laws – including the Criminal Code – contain provisions that have been or may be used to restrict human rights defenders' work by curtailing freedom of expression and related rights.<sup>11</sup> JS2 noted that new laws should also be introduced to ensure freedom of information and to protect human rights defenders' work.<sup>12</sup>

7. JS2 commended the Government's decision to suspend passing the draft Law on Associations and Non-Governmental Organizations, which would have mandated registration for civil society groups and allowed the Government to control the financing, status and activities of such groups. JS2 considered that the draft law should be abandoned.<sup>13</sup>

8. JS2 expressed concern that legislation is often approved without adequate debate in the National Assembly. In an extreme example, a new law criminalizing denial of Khmer Rouge crimes was passed by the National Assembly with little debate and after all opposition members had been expelled from the National Assembly.<sup>14</sup>

### 3. Institutional and human rights infrastructure and policy measures

9. JS2 noted that while accepting the prior UPR recommendations to establish a National Human Rights Institution (NHRI) consistent with the Paris Principles, Cambodia has made no progress in this regard.<sup>15</sup> JS7 and HRW recommended establishing an independent National Human Rights Commission in accordance with the Paris Principles.<sup>16</sup>

10. JS2 informed that both the National Assembly and the Senate have a Human Rights and Complaints Reception Committee, and the Government has its own Human Rights Committee. All three committees are widely regarded as being controlled by the Government.<sup>17</sup>

## B. Cooperation with human rights mechanisms

### 1. Cooperation with treaty bodies

11. Joint Submission 13 (JS13) stated that an Action Plan was developed to implement CRC's 2011 Concluding Observations. CRC welcomed the Constitutional Council Decision that the courts must consider the Convention on the Rights of the Child when deciding cases, but expressed concern that the provisions are rarely directly enforced.<sup>18</sup>

### 2. Cooperation with special procedures

12. JS2 noted the Government has been uncooperative with the Special Rapporteur on the human rights situation in Cambodia (Special Rapporteur on Cambodia).<sup>19</sup> HRW informed that the Special Rapporteur was subjected to orchestrated public attacks demanding an end to such UN human rights work.<sup>20</sup> HRW recommended the Government to engage seriously and constructively with the Special Rapporteur on Cambodia.<sup>21</sup>

13. CIVICUS, HRW, JS1 and JS2 recommended that the Government extend a standing invitation to all Special Procedures.<sup>22</sup> Similarly, JS1 and JS2 recommended Cambodia to approve visits by the Special Rapporteur on the Independence of Judges and Lawyers, the Special Rapporteur on Freedom of Peaceful Assembly and Association and the Special Rapporteur on Human Rights Defenders.<sup>23</sup> JS2 recommended issuing invitations also to the Special Rapporteur on Freedom of Opinion and Expression and the Special Rapporteur on Adequate Housing.<sup>24</sup> Front Line Defenders (FLD) recommended that Cambodia cooperate fully with the Special Procedures.<sup>25</sup>

### 3. Cooperation with the Office of the High Commissioner for Human Rights

14. JS2 reiterated the 2009 UPR recommendations that Cambodia cooperate with the UN to strengthen human rights. It expressed concern that the Government has at times been uncooperative with OHCHR and by reports that in 2010 Cambodia's Prime Minister informed the UN Secretary General that he wanted OHCHR in Cambodia closed.<sup>26</sup> HRW informed that in 2011, the head of the OHCHR Cambodia office departed after the Government threatened to close the OHCHR Office if he did not leave.<sup>27</sup>

## C. Implementation of international human rights obligations

### 1. Equality and non-discrimination

15. The Cambodian NGO Committee on CEDAW (NGO-CEDAW) noted that the *Chbab Srey* is a written moral code which many have criticized as a justification for discrimination against women and therefore a contributing factor to high rates of domestic violence. The Government has taken some measures to reduce the extent to which this code

is included in official curriculum. However, parents, teachers, and community leaders still sometimes perpetuate the stereotype of uneven power relationships between genders.<sup>28</sup> JS 17 noted that women entrepreneurs face gender-based barriers to starting and growing their businesses, including discriminatory property, matrimonial and inheritance laws.<sup>29</sup>

16. Joint Submission 14 (JS14) noted discrimination against lesbian, gay, bi-sexual and transgender (LGBT) persons. LGBT persons report being verbally abused, beaten up, and excluded from school activities, family gatherings, and work opportunities.<sup>30</sup> JS14 noted reports of rape and assaults by police and guards at detention centers.<sup>31</sup> Joint Submission 16 (JS16) noted that the stigma associated with LGBT deters many of them from regularly accessing available health services.<sup>32</sup> JS14 recommended that Cambodia raise awareness of rights of LGBT persons and make sure that police respond appropriately to crimes against them.<sup>33</sup>

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

17. The World Coalition Against the Death Penalty (WCADP) noted that Cambodia has not carried out any executions since 1988, it has been an abolitionist country for all crimes since 1989 and its Constitution explicitly abolished the death penalty in Article 32. WCADP urged Cambodia to ratify/accede to ICCPR-OP-2.<sup>34</sup>

18. JS2 noted that Cambodia ratified OP-CAT in April 2007, but has yet to establish an independent National Preventative Mechanism as OP-CAT requires.<sup>35</sup> HRW noted that torture continues to be frequently used by police and gendarmes to extract “confessions” from those accused of crimes. Courts routinely rely on such coerced evidence to convict suspects. Conditions in many prisons are so substandard as to constitute cruel, inhuman or degrading treatment.<sup>36</sup> HRW recommended the Government to ensure that prison conditions meet the UN Standard Minimum Rules for the Treatment of Prisoners.<sup>37</sup>

19. Joint Submission 3 (JS3) indicated that no clear definition of torture is available in law.<sup>38</sup> JS3 recommended that the Government adopt a definition of torture in conformity with CAT; ensure procedural law to enable filing cases before court; and enact legislation for compensation and rehabilitation of victims, and for witness protection.<sup>39</sup>

20. HRW informed that Cambodia failed to implement the recommendation accepted during the previous UPR to “close the so-called rehabilitation centres.” Cambodian law permits arbitrary “administrative detention” without trial in locked detention centers for up to two years. Former detainees report that instead of receiving proper treatment, they have been held without due process and subjected to physical and sexual violence, including electric shocks, beatings with electrical wire, forced labor, and harsh military drills.<sup>40</sup> HRW recommended that the Government immediately release current detainees and investigate and prosecute all cases of torture and other human rights abuses and criminal acts.<sup>41</sup>

21. Global Initiative to End All Corporal Punishment of Children (Global Initiative) reported that there has been no change in the legality of corporal punishment of children since the prior UPR.<sup>42</sup> Corporal punishment is still lawful at home and in alternative care settings. Global Initiative recalled recommendations from CRC that corporal punishment be repelled and explicit prohibition of corporal punishment enacted in all settings, including the family.<sup>43</sup>

22. NGO-CEDAW stated that domestic violence cases are increasing, as well as severity of the cases, such as lighting a spouse on fire or acid attacks. Also the number of deaths caused by domestic violence has increased.<sup>44</sup> NGO-CEDAW recommended inter alia to reduce or waive legal fees for those wishing to obtain a divorce due to issues of domestic violence and disseminate information about the free hotline number 1288 for victims.<sup>45</sup> JS8 recommended that the Government combats domestic violence and ensure that perpetrators are brought to justice.<sup>46</sup> JS17 recommended to provide livelihood options to female headed

households when their husband are sentenced to prison due to domestic violence and other crimes.<sup>47</sup>

23. JS13 noted that in relation to relevant UPR Recommendation, the National Sub-Committees on Child Labour have taken major steps to eliminate the worst forms of child labour in several provinces.<sup>48</sup> JS13 noted that in 2010, UNICEF calculated that 11.38 per cent of the total labour force in Cambodia is below 18 years old.<sup>49</sup> JS13 recommended that Cambodia immediately increase monitoring inspections of informal and regular places of work, and prosecute all employers who violate the Labor Law.<sup>50</sup> JS8 recommended that the Government further strengthen its efforts in eradicating all forms of child labour.<sup>51</sup>

24. ECPAT International noted the 2008 Law on Suppression of Human Trafficking and Sexual Exploitation, especially with regards to the prohibition of child prostitution. It recommended Cambodia to e.g. strengthen the capacity of law enforcement officials who handle cases involving child victims. Special efforts should be made to ensure the provision of adequate services to foreign children.<sup>52</sup>

25. While noting the 2011 Sub-Decree on “the Management of the Sending of Cambodian Workers Abroad through Private Recruitment Agencies”, JS10 expressed concern about trafficking and the poor living conditions of Cambodian migrant workers abroad, facing there excessive long working hours, food deprivation, physical, mental, sexual abuse and forced labor.<sup>53</sup>

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

26. JS2 noted that the rule of law remains very weak despite Cambodia’s support of 11 UPR recommendations on reform.<sup>54</sup> HRW noted that Cambodia failed to implement the recommendations on the independence of the judiciary. Fair trial standards are routinely ignored, even after 20 years of donor assistance in judicial training.<sup>55</sup> JS7 noted that although the Constitution provides for separation of powers, the executive branch dominates the judiciary. There have been a number of cases reported of interference both in the domestic courts and the Extraordinary Chambers in the Courts of Cambodia (ECCC). Regarding the ECCC Cases 003 and 004, public statements by senior Government officials have been identified as interference in the proceedings.<sup>56</sup> Joint Submission 9 (JS9) recommended that the Law on the Status of Judges and Prosecutor and the Law on the Organization and Functioning of the Courts should be passed as soon as possible.<sup>57</sup>

27. JS2 noted that the Supreme Council of Magistracy, the body constitutionally-mandated to investigate “delinquent judges”, is also controlled by the Government.<sup>58</sup> JS7 noted that although the Government has identified the need for positive legal and judicial reform strategies, the lack of coordination and the slow pace of their implementation by the Council for Legal and Judicial Reform (CLJR) have impaired movement towards a well-functioning, independent and trusted judiciary.<sup>59</sup>

28. JS2 noted that the Special Rapporteur on Cambodia recommended new laws on the status of judges and prosecutors and on the courts to ensure that the justice system functions independently.<sup>60</sup>

29. HRW noted that the ECCC (or the Khmer Rouge Tribunal) has done little to address Cambodia’s fundamental problems of impunity due to delays arising largely from active obstruction and passive non-cooperation by the Government.<sup>61</sup> HRW stated that the ECCC has so far only convicted Kaing Guek Eav alias Duch, who confessed to mass murder and torture at the infamous Tuol Sleng detention center.<sup>62</sup> HRW recommended Cambodia to cease all active and passive obstruction of ECCC investigations and judicial processes.<sup>63</sup>

30. HRW informed that the shielding of Khmer Rouge-era criminals is replicated in consistent failures since 1979 to prosecute government, military, and police authorities

against whom there is credible evidence of involvement in serious post-Khmer Rouge human rights violations.<sup>64</sup>

31. Joint Submission 18 (JS18) noted that the Law on Denial of Serious Crimes Committed during the period of Democratic Kampuchea was passed in June 2013.<sup>65</sup> JS18 recommended that the Government make an amendment to the Khmer Rouge denial law after the end of the ECCC process to ensure the freedom of expression, especially when it deals with historical facts of the Khmer Rouge regime and the rights to truth, and justice.<sup>66</sup>

32. HRW informed that more than 300 people were killed in politically motivated attacks between 1991 and 2012. In many cases the perpetrators have been promoted to high positions. This is also true of military officers who carried out a campaign of killings after the July 1997 coup. No one has been prosecuted for the attempted 1997 assassination of the opposition leader Sam Rainsy<sup>67</sup> HRW recommended the Government to investigate and prosecute longstanding cases.<sup>68</sup>

33. JS13 noted that there is still no independent mechanism to receive and address complaints from children concerning violations. The 2009 Penal Code sets the legal age of criminal responsibility at 18 years of age. In practice, police and prosecutors do not adhere to the provisions. There are estimations suggesting that up to 50% of children charged with a felony are treated as adults. Legal aid, provided largely by NGO's, is particularly scarce in rural areas. Children face the risk of violence at each stage of the process.<sup>69</sup>

34. JS13 noted that the draft Law on Juveniles in Conflict with the Criminal Code states that all juveniles under the age of 18 who are in conflict with the criminal code should be assigned specialist staff if deprived of their liberty. The draft also states that separate juvenile courts will be established in every province. JS13 recommended that the Government immediately adopt a Law on Juveniles in Conflict with the Criminal Code that adheres to international standards.<sup>70</sup>

#### **4. Freedom of expression, association and peaceful assembly, and right to participate in public and political life**

35. JS2 noted recommendations regarding greater respect for freedom of expression, but this has deteriorated since the previous UPR. Human rights defenders continue to face threats, harassment, legal action and violence, including killings.<sup>71</sup>

36. FLD noted that the Special Rapporteur on the situation of human rights defenders, has continued to raise concern regarding the situation of human rights defenders particularly those working in mass media.<sup>72</sup> In April, 2012, HRW noted that environmental activist Chhut Wutthy was shot dead after gendarmes and company security guards stopped him from documenting illegal logging activities in Koh Kong province. In May 2012, security forces shot and killed Heng Chantha, a 14-year-old girl, during a government military operation against villagers in Kratie province, who were protesting the alleged illegal seizure of their land.<sup>73</sup> HRW informed that in July 2012, the Government also imprisoned Mom Sonando - the 71-year-old owner of Cambodia's main independent radio station. After an international outcry, he was later released on appeal.<sup>74</sup>

37. CIVICUS noted that journalists are facing growing threats and informed of several killings of journalists.<sup>75</sup> HRW informed that no killings of journalists have resulted in conviction of the perpetrators. It recommended that Cambodia cease the harassment, arbitrary arrest, and physical attacks on human rights defenders, journalists, labor organizers, civil society activists, and opposition party members; and to investigate and prosecute the perpetrators of such attacks. HRW recommended the Government to ensure the right to peacefully criticize via public protest assemblies and strikes. It recommended to liberalize media ownership rules.<sup>76</sup>

38. Joint Submission 15 (JS15), Joint Submission 4 (JS4) and Joint Submission 5 (JS5) stated that the Government has failed to pass an Access to Information Law.<sup>77</sup> JS5 noted that a draft law was submitted by the political opposition in 2010, 2012 and 2013. However, the draft law was dismissed by the ruling party.<sup>78</sup> JS4 recommended that the Government pass an Access to Information Law in accordance with international standards.<sup>79</sup>

39. According to HRW, as a result of the suppression of the pluralistic media that re-emerged in the 1990s, all state and private television stations and almost all print media, domestic radio stations, and news websites are now controlled by or loyal to the CPP.<sup>80</sup> COMFREL and JS15 expressed concern in regard to equal access to media for all political parties.<sup>81</sup> COMFREL stated that all political parties should have fair and equal access to the mass media and noted a need for an independent committee on state-run television and radio stations.<sup>82</sup>

40. CIVICUS noted that the 1995 Press Law adds additional constraints to freedom of expression by journalists. The 2010 Penal Code extends the scope of defamation beyond natural persons – to criminalize comments that are held to undermine the honour or reputation of institutions. The Penal Code criminalises public insult, incitement and malicious denunciation, applying hefty monetary penalties to all.<sup>83</sup>

41. JS5 noted that Cambodia accepted the UPR recommendations to develop an action plan for ensuring free access to electronic media. However, since 2009, there have been increased attempts by the Government to censor online content and restrict Internet access. In May 2012, the Government announced that it was in process of drafting a Cyber Law. The draft Law has not been made public and there was no consultation with civil society.<sup>84</sup>

42. Cooperation Committee for Cambodia (CCC) informed that the Law on Peaceful Demonstration was promulgated in 2009 to assure freedom of expression through peaceful demonstrations. In December 2010, the Government's Ministry of Interior adopted an Implementation Guide.<sup>85</sup>

43. CIVICUS noted that Protests by communities over land and housing rights and by trade union activists have been met with increasing violence. In January 2012, military personnel, acting as security guards, opened fire on peaceful protesters who had gathered to prevent clearing of their farmland in Kratie province, injuring four people.<sup>86</sup>

44. CIVICUS noted freedom of association remains relatively protected with the Government having experienced domestic and international pressure in delaying the adoption of a restrictive NGO bill. The Civil Code adopted in 2011 already restricts civil society's activities.<sup>87</sup>

45. CIVICUS noted that since the 2009 UPR, increasing numbers of land rights activists and opposition figures have faced harassment, vexatious legal action and violence.<sup>88</sup>

46. CIVICUS noted that strikes and sometimes violent protests by Cambodia's more than 300,000 garment workers nearly quadrupled in 2012 to 134. The reaction by the authorities to these complainants, have themselves spawned further violence. In July 2012, Cambodian Confederation of Unions representative Rong Panha was savagely beaten during a labor march in Phnom Penh. Although severely injured, Rong Panha was taken away and detained for 48 hours.<sup>89</sup>

47. Khmer Kampuchea Krom for Human Rights and Development Association (KKKHRDA) noted that Khmer Krom individuals who organize peaceful meetings, political campaigns, workshops or educational courses are regularly harassed by local authorities.<sup>90</sup> Unrepresented Nations and Peoples Organisation (UNPO) remained deeply concerned about the fate of several Khmer Krom Buddhist monks, the larger Khmer Krom community and the Christian Degars, and has issued appeals addressing their continued and

systemic harassment and persecution.<sup>91</sup> Khmers Kampuchea-Krom Federation (KKF) recommended respect the freedom of expression and the basic right to conduct peaceful demonstration.<sup>92</sup>

48. COMFREL stated that the introduction of a quota-system should be considered in order to reach a more proportional representation of female elected officials at all levels. It should be required by law that at least 30 percent of candidates nominated by each political party should be women.<sup>93</sup>

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

49. HRW noted that contrary to a recommendation accepted during the previous UPR a restrictive law on demonstrations is still used to reduce freedom of assembly and association. Attempts to exercise these rights, including strikes, are often broken up violently.<sup>94</sup> The Cambodian Labor Confederation (CLC) recommended that the Government refrain from any interference in the affairs of trade union organizations and to protect them from any such interference by companies.<sup>95</sup>

50. CLC<sup>96</sup> and HRW expressed concern about physical and psychological conditions in factories.<sup>97</sup> HRW noted that two factories collapsed in May 2013, killing two workers and injuring 44 others, but no criminal charges were initiated. Instead, labor leaders have been repeatedly subject to legal harassment.<sup>98</sup> CLC recommended that the Government take immediate action to ensure that workers can work in a safe environment.<sup>99</sup>

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

51. JS1 noted that during its UPR in 2009, Cambodia accepted nine recommendations addressing land, housing, and natural resources rights, but largely failed to implement them.<sup>100</sup> HRW added that land and housing rights activists continue to be targeted with forced evictions, land disputes and land grabbing.<sup>101</sup> It stated that land crisis resulting from the Government granting enormous economic and other concessions to foreign and domestic companies. Many of the owners are high-ranking CPP officials and financiers of the party, and its election campaign in 2013.<sup>102</sup> HRW informed that on May 7, 2012, the Prime Minister issued Order 01BB, temporarily halting the granting of concessions.<sup>103</sup>

52. JS1 noted that although Cambodia has accepted UPR recommendations concerning land reform and equitable development, it noted that the Ministry of Agriculture, Forestry and Fisheries has thus far refused to disclose comprehensive information on existing Economic Land Concessions (ELCs).<sup>104</sup> Joint Submission 4 (JS4) stated that all types of information from government payrolls to licenses for exploitation of natural resources are kept secret from the public.<sup>105</sup> The Cambodian League for the Promotion and Defense of Human Rights (LICADHO) informed that as of May 2013, over 2.2 million hectares of land have been granted to private companies.<sup>106</sup> JS11 informed that ELCs were granted to private companies in areas which affected the local and indigenous peoples' livelihood.<sup>107</sup> JS1 informed that almost all ELCs granted in 2012 are in protected areas and in areas where communities, including indigenous peoples, reside. The Government rarely conducts or requires meaningful consultations with affected communities.<sup>108</sup>

53. LICADHO noted that the Prime Minister's May 2012 directive 001 establishing a moratorium on the granting of new ELCs does nothing to address past violent forced evictions and rights violations. It does not offer compensation or legal remedies and does not address ongoing abuses such as exploitative labor conditions, and environmental degradation.<sup>109</sup>

54. LICADHO indicated that the Prime Minister announced a new land titling scheme in June 2012.<sup>110</sup> JS1 stated that this was seen as successful as hundreds of thousands of families were given titles and greater security of tenure. However, disputed areas were left



outside of the scheme, and it did not address the situation of indigenous communities. Public authorities have obstructed independent NGOs and observers from monitoring implementation of the new scheme.<sup>111</sup>

55. JS1 noted that Cambodia accepted UPR recommendations concerning forced eviction and lack of compensation and inadequate relocation of evictees. It noted that Provisions in the Land Law grant ownership based on proof of possession of land for five years prior to the law coming into force. However, the Government often designates farmers who have occupied their land for years as “new comers” or “illegal squatters”, an argument that is used to evict the people without compensation.<sup>112</sup> JS12 informed that in 2011 alone, at least 60,000 people were evicted from 127 communities. HRW added that people from many other rural and urban communities continue to live under constant threat of forced eviction.<sup>113</sup> Sahmakum Teang Tnaut (STT) noted that Cambodia lacks a Relocation Policy and that relocation is conducted by various actors.<sup>114</sup> JS1 noted that communities are often relocated to areas where they have no access to clean water, sanitation and electricity.<sup>115</sup> STT informed that poor infrastructure is the most reported problem.<sup>116</sup> Joint Submission 18 (JS18) noted that dispossessing poor communities has led to an increase in poverty.<sup>117</sup>

56. On recommendations accepted by Cambodia concerning effective remedies, JS1 noted that Cambodians have few meaningful avenues for recourse and remedy against evictions. Official fees and bribes are required to get land registered or to file complaints with the courts and prevent many evictees from filing cases. The government has recently strengthened the mandate of the Cadastral Commission, which is mandated to investigate small-scale ELC disputes.<sup>118</sup>

57. LICADHO called for fair and adequate compensation to those who have already been forcibly displaced.<sup>119</sup> HRW recommended to immediately enact a complete moratorium on forced evictions and granting of land concessions until the Government has properly adopted and implemented a strict legislative framework on evictions and resettlement consistent with UN standards.<sup>120</sup>

## **7. Right to health**

58. JS13 noted that Cambodia has achieved remarkable health gains over the last five years; the maternal mortality ratio in 2010 was 206 deaths per 100,000 live births, compared to 472 in 2005.<sup>121</sup> JS16 noted that the health sector remains severely understaffed and lacks funding.<sup>122</sup> It expressed concern regarding the health of sex workers and LGBT as well as discrimination of HIV positive women and LGBT in their access to health care.<sup>123</sup> It recommended that the Ministry of Health introduce right-based, non-discriminatory guidelines and trainings for health workers to better respond to needs of LGBT and persons with HIV.<sup>124</sup>

59. JS13 noted however that the Cambodian Demographic and Health Survey reported that nationally, 40% of children under age 5 are stunted, and 14% are severely stunted. Stunting is largely the result of malnutrition, food insecurity and poor access to health care.<sup>125</sup>

60. JS13 recommended that the Government strengthen monitoring in the health system; improve health care provision for minority groups and the rural poor; and enforce the practice of the Professional Code of Conduct for health staff and investigate and punish all violations.<sup>126</sup>

## **8. Right to education**

61. FMSI noted that while Cambodia has attempted to improve the provision of education including through the Education Strategic Plan (2009-2013), children with

disabilities, ethnic minorities and indigenous children remain highly discriminated in their access to education. JS8 expressed deep concern that education is still not compulsory by law.<sup>127</sup> NGO Education Partnership (NEP) informed that dropout rates continue to be very high in primary and lower secondary education.<sup>128</sup> As outlined by UPR recommendations accepted by Cambodia in 2009, FMSI stressed that Government ensures that education is both free and compulsory for all children for the first nine years of education.<sup>129</sup>

62. FMSI noted that teachers, driven by extremely low wages and a culture of bribery, usually demand that students pay an extra fee to attend school –which was the most common reason for children dropping out of school. It noted that although the Ministry of Education has banned informal payments the overall corruption was still a serious issue and that teacher salaries remain significantly low.<sup>130</sup> NEP informed of lack of teaching hours, high rates of teachers being absent and unofficial school closure.<sup>131</sup>

63. FMSI recommended allocating additional resources for the provision of education in rural and remote areas, increase the salaries of teachers as well as the national education budget to 5% of GDP.<sup>132</sup>

#### **9. Persons with disabilities**

64. JS6<sup>133</sup> and FMSI<sup>134</sup> noted that the Law on the Protection and the Promotion of the Rights of Persons with Disabilities (PPRPD) was adopted in May 2009. JS6 stressed that the law does not address the right of women and children with disabilities and recommended that the Law should be amended in line with CRPD.<sup>135</sup> JS6 recommended that the Strategic National Action Plan for Disaster Risk Reduction 2008 – 2015 must include a strategy for protecting persons with disabilities during situations of risks and humanitarian emergencies.<sup>136</sup>

65. FMSI recommended that the Government increase its health care budget to help to reduce preventable health problems among children, especially children with disabilities and children in remote areas.<sup>137</sup>

#### **10. Minorities and indigenous peoples**

66. JS12 informed that the Land Law 2001 provides for communal land registration of indigenous community properties. There is a lack of awareness-raising on the process of self-identification and registration of collective land.<sup>138</sup> It welcomed the issuance of the 2011 inter-ministerial Circular N° 001-N° 004, banning land transactions on indigenous lands as an interim protection measure. Khmer M'Chas Srok (KMS) noted that development and investment in these areas negatively affects indigenous peoples' economy and livelihoods.<sup>139</sup> JS12 added that the circular aims at interim protection only of indigenous communities who have already requested collective titling, which appears to undermine indigenous communities' right to communal land titles.<sup>140</sup> JS1 added that as of June 2013, only eight indigenous communities have successfully been granted collective land titles. Others are forced to split up ancestral and communal lands and often lose their communal identities in the process.<sup>141</sup> JS12 stated that the Government should establish a General Secretariat to expedite collective land registration for indigenous communities.<sup>142</sup>

67. JS12 informed that indigenous people are especially affected by infrastructure developments, land and mining concessions and hydropower dam construction.<sup>143</sup> Unrepresented Nations and Peoples Organisation (UNPO) stated that no sufficient action has been taken regarding compensation for the dispossessed peoples.<sup>144</sup>

68. UNPO recommended that Cambodia formally acknowledge and confirm the indigenous status of the Khmer Kampuchea Krom peoples, as well as that of the Christian Degar Montagnards. It recommended that the Government create an effective mechanism for the settlement of outstanding land claims by indigenous groups, and compensate those

groups for the loss of their ancestral lands; and commit to investigating widespread allegations of abuse and explore possible judicial remedies.<sup>145</sup>

69. KKKHRDA was concerned that the Khmer Krom have limited access to education and to learning their mother tongue. The majority of Khmer Krom families are unable to afford their children's basic education, because they possess no required documents such as birth certificates, identity cards etc. There should be language schools to assist the growing number of Khmer Krom.<sup>146</sup>

#### **11. Migrants, refugees and asylum-seekers**

70. KKKHRDA noted that Khmer Krom are still facing practical difficulties when applying for citizenship identity cards, birth certificates, and relevant paperwork.<sup>147</sup>

71. UNPO stated that many Khmer Krom face discrimination and difficulties in obtaining refugee status or identity cards in Cambodia.<sup>148</sup> UNPO urged Cambodia to afford refugee status, and the protections it entails, to all individuals, including Khmer Krom and Degar individuals, who satisfy the internationally accepted definition of a refugee; and simplify the procedure that allows Khmer Krom refugees to apply for identification cards.<sup>149</sup>

## Notes

- <sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org).

*Civil society*

CCC-Cambodia	Cooperation Committee for Cambodia, Phnom Penh, Cambodia
CIVICUS	CIVICUS: World Alliance for Citizen Participation, Johannesburg, South Africa
CLC	Cambodian Labour Confederation, Phnom Penh, Cambodia
COMFREL	Committee for Free and Fair Election in Cambodia, Phnom Penh, Cambodia
ECPAT	ECPAT International, Bangkok, Thailand
FMSI	Marist International Solidarity Foundation, Geneva, Switzerland
Front Line Defenders	Front Line – the International Foundation for the Protection of Human Rights Defenders, Dublin, Ireland
Global Initiative	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom
HRW	Human Rights Watch, Geneva, Switzerland
INDIGENOUS	International Network for Diplomacy Indigenous Governance Engaging in Nonviolence Organizing for Understanding & Self-Determination
KKF	Khmers Kampuchea-Krom Federation, Camden, United States
KKKHRDA	Khmer Kampuchea Krom for Human Rights and Development, Phnom Penh, Cambodia
KMS	Khmer M'Chas Srok
LICADHO Canada	The Cambodian League for the Promotion and Defense of Human Rights, Phnom Penh, Cambodia
NEP	NGO Education Partnership, Phnom Penh, Cambodia
NGO-CEDAW	Cambodian NGO Committee on CEDAW, Phnom Penh, Cambodia
STT	Sahmakum Teang Tnaut, Phnom Penh, Cambodia
UNPO	Unrepresented Nations and Peoples Organization, The Hague, Netherlands
WCADP	World Coalition Against the Death Penalty, Montreuil, France
JS1	FIDH, Paris, France; and the Cambodian Human Rights and Development Association, Phnom Penh, Cambodia
JS2	Amnesty International, London, United Kingdom; and LICADO (Cambodian League for the Promotion and Defense of Human Rights), Phnom Penh, Cambodia
JS3	ALRC (Asian Legal Resource Centre), Hong Kong SAR, P.R.C.; DIGNITY (Danish Institute against Torture), Copenhagen, Denmark; Transcultural Psychological Organisation, Phnom Penh, Cambodia; CHRAC (The Cambodian Human Rights Action Committee), Phnom Penh, Cambodia
JS4	Advocacy and Policy Institute, Phnom Penh, Cambodia, endorsed by 30 NGOs (API – Advocacy and Policy Institute; ADHOC – Cambodian Human Rights and Development Association; AT – Advocacy Team of Association; CD Cam – Conservation and Development on Cambodia; CLEC – Community Legal Education Center; CEDO – Cambodia Economic Development Organization; CHRAC – The Cambodian Human Rights Action Committee; COMFREL – the Committee for Free and Fair Elections in Cambodia; CSD – Center for Social Development; EA – Equal Access; KWVC – Khmer Women's Voice Center; KID; KYA – Khmer Youth Association; HRTF – Housing Rights Task Force; MB – Mlob Baitong; NICFEC – Neutral and impartial Committee for Free and Fair Elections in Cambodia; OFC – Open Forum of Cambodia; OI – Open Institute; RAO – Rural Aid Organization; DRHAC – Democracy and Human Rights Organization in Action; Pact – Pact Cambodia; PDP Center – People Center for Development and

- Peace; Star K – Star Kampuchea; VOD-CCIM – Voice of Democracy  
Cambodian Center for Independent Media; WMC – Women’s Media  
Center; CPN – Community Peace-Building Network; KBSC – Khmer  
Buddhist Society in Cambodia; Fact – Fishery Action Coalition Team;  
NGO Forum – NGO Forum in Cambodia; TI – Transparency  
International Cambodia)
- JS5 The Cambodian Centre for Human Rights (CCHR);  
PEN International; Cambodian PEN; International Publishers  
Association (IPA); ARTICLE 19, the Cambodian Center for  
Independent Media (CCIM), the Committee for Free and Fair  
Elections in Cambodia (COMFREL) and the Southeast Asian Press  
Alliance (SEAPA)
- JS6 Cambodian Disabled People’s Organization, Phnom Penh, Cambodia  
with the following 20 organizations: Association of the Blind in  
Cambodia (ABC); Capacity Building of People with Disability in the  
Community Organization (CABDICO); Cambodian Disabled  
Independent Living Organization (CDILO); Cambodian Development  
Mission for Disability (CDMD); International Committee of the Order  
of Malta for Leprosy Relief (CIOMAL); Cambodia Trust (CT); Deaf  
Development Programme (DDP); Komar Pikar Foundation (KPF);  
Marist Solidarity Cambodia (MSC); National Centre of Disabled  
Persons (NCDP); Parents Association for Children with Intellectual  
Disabilities (PACHID); Battambang Provincial Disabled People’s  
Organization; Svay Rieng Provincial of Women with Disability  
Forum; Takeo Provincial Women with Disability Forum; Kampong  
Speu Provincial Disabled People’s Organization; Kampot Provincial  
Women and Children with Disability Forum; Kampong Cham  
Provincial Disabled People’s Organization; ROSE; Research and  
Development (ReaD); Cambodian Disabled People’s Organization  
(CDPO).
- JS7 Cambodian Human Rights Action Committee (CHRAC),  
Phnom Penh, Cambodia; and a coalition of 21 NGO members  
(ADHOC, BCV, CARAM-Cambodia, CDP, CWCC, CHHRA,  
CCPCR, CKIMHRDA, CSD, GENERGOUS, IDA, KID, KYA,  
KKKHRDA, KSA, KIND, LAC, VIGILANCE, PJJ, HROTP and  
PDP-Center)
- JS8 IIMA (International Istituto Internazionale Maria Ausiliatrice) and  
VIDES (International Volunteerism Organization for Women,  
Education), Veyrier, Switzerland
- JS9 Legal Aid of Cambodia, Phnom Penh, Cambodia; International Bridge  
to Justice, Phnom Penh, Cambodia; and Cambodian Human Rights  
Action Committee, Phnom Penh, Cambodia
- JS10 The Community Legal Education Center (CLEC), the Cambodian  
League for the Promotion and Defense of Human Rights (LICADHO),  
the Legal Support for Children and Women (LSCW) and Human  
Rights Watch (HRW)
- JS11 NGO Forum on Cambodia, Cambodia Indigenous Youth Association,  
Ponluk Khmer and Tekdeysovanphum Organizations
- JS12 Housing Rights Task Force (HRTF), World Vision Cambodia (WVC),  
Urban Poor Women Development (UPWD), Development Partners in  
Action (DPA), Equitable Cambodia and the NGO Forum on  
Cambodia (NGOF)
- JS13 NGO Coalition on the Rights of the Child (NGOCRRC), Phnom Penh,  
Cambodia, with 45 national and international child rights NGOs  
working in Cambodia.
- JS14 Rainbow Community Kampuchea (RoCK), Cambodian People Living  
with HIV/AIDS Network (CPN), Women Network for Unity (WNU),  
Community Legal Service (CLS) and CamASEAN’s Youth Future  
(CamASEAN)

- JS15 Reporters without Borders (RSF) and the Cambodian Center for Independent Media (CCIM)
- JS16 Cambodian Center for Human Rights (CCHR), Asia-Pacific Network of People Living with HIV/AIDS (APN+) and Sexual Rights Initiative (SRI)
- JS17 Youth Committee for Unity and Development (YCUUD), Phnom Penh, Cambodia, and nine youth organisation: Khmer Youth Association (KYA), Youth Resource Development Programme (YRDP), Youth Council of Cambodia (YCC), Youth for Peace (YFP), Khmer Youth for Social Development (KYSD), PDP-Center, Khmer Institute for National Development (KIND), People Health Development Association (PHD), Cambodian Indigenous Youth Association (CIYA), Cambodian Volunteer Service (CVS).
- JS18 The Peace Institute of Cambodia, Youth for Peace, Women Peacemaker, and Alliance for Conflict Transformation.

- <sup>2</sup> JS2, p. 1.
- <sup>3</sup> JS7, para. 9.
- <sup>4</sup> JS2, p. 8.
- <sup>5</sup> ECPAT International, p. 3.
- <sup>6</sup> JS2, p. 4.
- <sup>7</sup> HRW, p. 1.
- <sup>8</sup> HRW, p. 1. See also JS3, p. 1.
- <sup>9</sup> COMFREL, paras. 18 and 19.
- <sup>10</sup> JS2, p. 2.
- <sup>11</sup> JS2, p. 3.
- <sup>12</sup> JS2, p. 3.
- <sup>13</sup> JS2, p. 3.
- <sup>14</sup> JS2, p. 3.
- <sup>15</sup> JS2, p. 1.
- <sup>16</sup> JS7, para. 9 and HRW, p. 4.
- <sup>17</sup> JS2, p. 2.
- <sup>18</sup> JS13, para. 5.
- <sup>19</sup> JS2, pp. 1 and 3.
- <sup>20</sup> HRW, pp. 3 and 4.
- <sup>21</sup> HRW, p. 5. See also JS2, p. 8.
- <sup>22</sup> CIVICUS, p. 9 and JS1, para. 45.
- <sup>23</sup> JS2, p. 8, JS1 para. 45.
- <sup>24</sup> JS2, p. 8.
- <sup>25</sup> FLDs, p. 6.
- <sup>26</sup> JS2, p. 3.
- <sup>27</sup> HRW, p. 3.
- <sup>28</sup> NGO-CEDAW, para. 11.
- <sup>29</sup> JS 17, p. 3.
- <sup>30</sup> JS14, p. 1.
- <sup>31</sup> JS14, p. 3.
- <sup>32</sup> JS16, p. 19.
- <sup>33</sup> JS14, p. 6.
- <sup>34</sup> WCADP, pp. 1-2.
- <sup>35</sup> JS2, p. 2.
- <sup>36</sup> HRW, p. 2.
- <sup>37</sup> HRW, p. 5.
- <sup>38</sup> JS3, p. 3.
- <sup>39</sup> JS3, p. 4.
- <sup>40</sup> HRW, p. 2.
- <sup>41</sup> HRW, p. 5.
- <sup>42</sup> Global Initiative, p. 2.
- <sup>43</sup> Global Initiative, pp. 1-2.
- <sup>44</sup> NGO-CEDAW, paras. 4 and 5.
- <sup>45</sup> NGO-CEDAW, pp. 5 and 6.

- 46 JS8, para 35.  
47 JS17, p. 4.  
48 JS 13, para. 17.  
49 JS13, para. 15.  
50 JS13, para. 19.  
51 JS8, para 32.  
52 ECPAT pp. 1 and 5.  
53 JS10, paras, 3, 9, 13 and 25.  
54 JS2, p. 2.  
55 HRW, p. 2.  
56 JS7, paras. 14-16.  
57 JS9, paras. 31-33.  
58 JS2, p. 2.  
59 JS7, para. 8.  
60 JS2, p. 3.  
61 HRW, p. 3.  
62 HRW, p. 3.  
63 HRW, p. 4.  
64 HRW, p. 3.  
65 Joint submission 18, pp. 7-8.  
66 Joint submission 18, p. 8.  
67 HRW, p. 3.  
68 HRW, p. 4.  
69 JS13, paras. 28-29.  
70 JS13, para. 30.  
71 JS2, p. 2.  
72 FLD, p. 4.  
73 HRW, p. 1.  
74 HRW, p. 1.  
75 CIVICUS, p. 1.  
76 HRW, pp. 4 and 5.  
77 JS15, p. 7; JS5, para. 11; and JS4, page 3.  
78 JS5, para. 11.  
79 JS4, p. 4.  
80 HRW, p. 2.  
81 COMFREL, para. 10, and JS15, p. 8.  
82 COMFREL, para. 10.  
83 CIVICUS, page 1.  
84 JS5, paras. 31 - 34.  
85 CCC, p. 2.  
86 CIVICUS, paras. 4.6-4.7.  
87 CIVICUS, Paras. 4.3-4.4.  
88 CIVICUS, paras. 5.1-5.6.  
89 CIVICUS, paras. 5.7-5.11.  
90 KKKHRDA, p. 3.  
91 UNPO, p. 4.  
92 KKF, pp. 3 and 5.  
93 COMFREL, para. 22.  
94 HRW, pp 1-2.  
95 CLC, p. 3.  
96 CLC, p. 3.  
97 HRW, p. 2.  
98 HRW, p. 2.  
99 CLC, p. 4.  
100 JS1, para. 2.  
101 HRW, p. 2.  
102 HRW, p. 2.  
103 HRW, p. 2.  
104 JS1, paras. 15-18.

- <sup>105</sup> JS4, pp. 1-2.  
<sup>106</sup> LICADHO, para. 4.  
<sup>107</sup> JS11, p. 1.  
<sup>108</sup> JS1, paras. 15-18.  
<sup>109</sup> LICADHO, para. 8.  
<sup>110</sup> LICADHO, para. 9.  
<sup>111</sup> JS1, paras. 9 and 22.  
<sup>112</sup> JS1, para. 23.  
<sup>113</sup> HRW, pp. 2-3.  
<sup>114</sup> STT, para. 8.  
<sup>115</sup> JS1, para. 25.  
<sup>116</sup> STT, paras. 9-11.  
<sup>117</sup> JS18, p. 6.  
<sup>118</sup> JS1, paras. 30 and 31.  
<sup>119</sup> LICADHO, pp. 2-3.  
<sup>121</sup> JS13, para. 11.  
<sup>122</sup> JS16, para. 12.  
<sup>123</sup> JS16, paras. 17, 19 and 20.  
<sup>124</sup> JS16, para. 26 a.  
<sup>125</sup> JS13, para. 12.  
<sup>126</sup> JS13, para. 14.  
<sup>127</sup> JS8, para. 11.  
<sup>128</sup> NEP, para. 3.2.  
<sup>129</sup> FMSI, paras. 6, and 9-14.  
<sup>130</sup> FMSI, para. 9. See also JS13, para. 8.  
<sup>131</sup> NEP, paras 4.1-4.5. See also JS 17, pp. 2-3.  
<sup>132</sup> FMSI p. 6.  
<sup>133</sup> JS6, para. 6.  
<sup>134</sup> FMSI, paras. 7-9.  
<sup>135</sup> JS6, para. 12.  
<sup>136</sup> JS6, para. 8.  
<sup>137</sup> FMSI, p. 6. See also JS6, paras. 43-51.  
<sup>138</sup> JS12, p. 3. See also Indigenous Network for Diplomacy Indigenous Governance Engaging in Non-violence Organizing for Understanding and Self-determination, pp. 2-3.  
<sup>139</sup> KMS, pp. 3-4.  
<sup>140</sup> JS12, p. 4.  
<sup>141</sup> JS1, para. 29.  
<sup>142</sup> JS12, p. 4.  
<sup>143</sup> JS12, p. 4.  
<sup>144</sup> UNPO, p. 2.  
<sup>145</sup> UNPO, pp. 1, 2 and 5. See also JS12, p. 4.  
<sup>146</sup> KKKHRDA, p. 3.  
<sup>147</sup> KKKHRDA, p. 2.  
<sup>148</sup> UNPO, pp. 2-3.  
<sup>149</sup> UNPO, p. 5.
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