



General Assembly

Distr.
GENERAL

A/HRC/WG.6/6/KHM/1
16 September 2009

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Working Group on the Universal Periodic Review
Sixth session
Geneva, 30 November-11 December 2009

**NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15 (A)
OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1***

Cambodia

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

I. METHODOLOGY AND CONSULTATION PROCESS

1. Cambodia's National Report has been prepared in line with the General Guidelines for the Preparation of Information under the Universal Periodic Review (UPR) contained in the Document A/HRC/6/L.24. In the process of producing the Report, the National UPR Working Group has been established under the coordination of the Cambodian Human Rights Committee. It has conducted several meetings and consultations, with relevant national agencies/ministries. At the last meeting, the consultation was conducted jointly with the participation by a number of non-governmental organizations (NGOs) active in the promotion of human rights in Cambodia (the names and comments of those NGOs are attached in Annex I)

II. COUNTRY'S BACKGROUND

2. Cambodia is a country that has emerged from its past period of tragedy, hardship and suffering. The conflicts and civil war had plagued Cambodia with the total destruction and the break-down of all social fabrics including education, health and social protection services. The loss of qualifications and devaluation of human capital through the Khmer Rouge regime left Cambodia with untold sufferings and uncalculated consequences.

3. As such, it has been a long way for the country to recover from its legacy by overcoming all those challenges toward the processes of peace building, national reconciliation, reconstruction and development. Only until 1991 Cambodia started rebuilding itself from ashes. Even with the building of a foundation from then, and after the general elections in 1993 following the Paris Peace Accords of 1991, the country has encountered constraints over its progress in establishing institutions, economy and other infrastructures due to the protracted political environment, in many years thereafter.

4. In this context, the assessment of Cambodia human rights should take into account the retrospective of the past situation along with efforts it has then made at the early stage after the Paris Peace Agreements toward the process of ensuring peace and stability, of reconstruction and development of Cambodia with the support by the international community and through the evolving process of internal politics of a national reconciliation based on the win-win policy of the Royal Government in late 1990s.¹

5. In sum, over the nearly past three decades, Cambodia has gone through a period of major political developments in which it has shown the courage and perseverance as a Nation that has gone through three difficult phases toward the process of the country's developments and reconstruction including in the field of Human Rights as follows:

First Phase: The historical period where the nation was liberated from the genocidal regime on January 7, 1979, which is characterized as a major change in the modern history of Cambodia as the people has emerged from a tragic past period ruled by the Khmer Rouge regime.

Second Phase: The achievements of the Paris Peace Accords on October 23, 1991 have laid down a framework for recognition of Cambodia as a fully legitimate and sovereign State. As a Nation, Cambodia went through a political process of national reconciliation, thus bringing about the general elections with the assistance of the United Nations toward

the establishment of a Constitutional Assembly, and the re-establishment of the Kingdom of Cambodia under the leadership of **the former King Norodom Sihanouk**.

Consequently, the Constitutional Assembly was created by the general and free elections through the secret ballots that led to the creation of the National Assembly and the Royal Government of Cambodia in its first legislature. Thereafter, the 1993 Constitution was established with the adoption of multiparty system and pluralism in the country's governance.

Third Phase: Through the win-win policy of **Samdech Akka Moha Sena Padei Techo Hun Sen**, the Royal Government has achieved full peace in 1998, thus concentrating its efforts on the process of political and economic development. Cambodia has well prepared for the second National Assembly elections in late 1990s (1998) on its own. This election had made the world known of the democratic progress in Cambodia along with its continued commitments and progress of human rights.

6. Cambodia is, at present, known for its records of important accomplishments in many areas including in the fields of political, economic, social and cultural rights through its process of democratisation. The country has organized several democratic elections (at national, provincial, local levels through all its relevant institutions), and has achieved a remarkable success in performing its economic growth over the last five years. Much of what it has achieved thus so far is attributed to political stability and security of the country.

7. The current political stability, achieved and consolidated through persevering efforts after the conflicts allows Cambodia to embark on its continued reforms programs in all sectors, to rebuild institutional capacities, strengthen socio-economic infrastructure, and create a highly conducive climate to attract investments from both domestic and overseas sources with strong economic growth and poverty reduction.

8. In spite of the impact of the global financial crisis, the Government has continued the deepening of overall reforms and the creation of objective conditions for the further recovery and development of the country. The Royal Government has guaranteed the rights and freedom and continued its commitments to achieving the best attainable human rights of the Cambodian citizens as enshrined in the Constitution and in pursuance to the Universal Declaration on Human Rights, International Conventions and Covenants on Human Rights and other relevant international instruments. In this context, the institutional capacity of the Government agencies has been gradually strengthened, including the National Human Rights Institution. It has extended partnership and cooperation with NGOs and relevant agencies for the promotion and protection of the human rights. Human Rights remain a fundamental principle which has been embodied in the main policies as well as in relevant plans/programs for the continued development of the country.

III. GENERAL SITUATION

A. Geography

9. Cambodia is located in South East Asia bordering with Thailand, Vietnam, and Lao, and with land area of 181.035 square kilometres. Cambodia is divided into Phnom Penh Municipality, 23 provinces, 26 cities, 159 districts, 8 Khans, 1,417 communes and 204 precincts which consist of 13,764 villages.

B. Population

10. At present Cambodia has the population of 13.4 millions, 51.5 per cent female, the urban Population is 19.4 per cent and the rural population is 80.6 per cent. This population census has shown that the average increase rate of Cambodian people during the last decade is about 1.54 per cent. The population density in 2005 is 75 persons per square kilometre and in 2010 it will be 86 persons per square kilometre.

11. Foreign residents in the Kingdom of Cambodia are: Vietnamese, Chinese, Chams, Thais, Europeans, Africans, Laotians, Japanese, Koreans, etc., and Ethnic groups are: Kouy, Steurng, Tumpun, Phnong, Prouv, Kroeng, Pour, Kareth, SaOrch, Kachhork, KraOrl, Rorbel, Tha'Morn, and Charay. These groups have been living, working, and making their livings in a free manner.

C. Religions

12. Article 43, paragraph 3, of the Cambodian Constitution stated that "Buddhism is the religion of the State" which is being practiced by the majority Cambodians. Besides this, there exist other religions namely Christianity, Islam, Caodaism, Animism etc... are being practiced by the people according to their beliefs and traditions, including those of individual ethnic groups without any discrimination.

D. Languages

13. The Official language is Khmer language. Foreign languages such as English, French, Chinese, Japanese, Korean, Thai, and Vietnamese etc... are being used and spoken in the Kingdom of Cambodia without any discrimination.

E. Economy

14. During 2 years 2007-2009, the economy has grown on the average of 10 per cent per Year, the inflation rate is under 5 per cent and the exchange rate is normally stable. The income per capita per person has been increased from US\$ 290 to US\$ 589. The poverty rate is decreased by 1 per cent per year.

F. Political Philosophy

15. The Kingdom of Cambodia is the Constitutional Monarchy that adopts the multi-parties democracy system as stipulated in article 1 and article 51 of the Constitution of the Kingdom of Cambodia in 1993.

G. The Structure of the State

16. The Kingdom of Cambodia is an Independent, Sovereign, Peace, Neutral, and Non-Aligned country. Cambodia has three separate powers which are comprised of Legislative branch, Executive branch, and Judiciary branch.

- **Legislative Branch:** represented by the Senate and the National Assembly. The National Assembly is established by the general and free elections through secret ballots to carry out the mandate of 5 years. The Senate was established in 1999 by

appointments and through the indirect general election. The number of members of the Senate shall not exceed half members of the National Assembly. The Senate has a mandate of 6 years;

- **Executive Branch:** represented by the Royal Government led by the Prime Minister accompanied by a number of Deputy Prime Ministers, Senior Ministers, Ministers, and Secretary of Sates as members. Prime Minister leads the government; he is the member of the National Assembly coming from the winning party. Other members of the government are selected from the members of the National Assembly or outside the National Assembly but they must be from the political parties which have won seats in the National Assembly;
- **Judiciary Branch:** Judicial power refers to the all-level courts that have independent authorities of ensuring the laws and relevant legal frameworks for the protection of all rights and freedoms of the people of Cambodia.

IV. DEVELOPMENT OF INSTITUTIONAL FRAMEWORKS OF HUMAN RIGHTS

A. Human Rights and Receipt of Complaints Commission of the Senate

17. This Commission is established as one of the nine Commissions of the Senate with the duties to protect the legal rights of the citizens. On behalf of the Senate, the Commission performs roles and responsibilities to address the requests/complaints of the people whose rights have been violated. This Commission has the rights to examine and investigate complaints lodged by the people and reports it to the government for solving the problems. In 2009, the Senate received 24 complaints (out of those complaints, 6 cases against the verdicts of Courts, 11 cases against the Provincial Authorities, 7 cases are being settled between citizens themselves).

B. Human Rights and Receipt of Complaints Commission of the National Assembly

18. This Commission is established as one of the nine Commissions of the National Assembly. As Representatives of the people, the Commission is entrusted with the duties to protect Human Rights and address requests/complaints of the citizens who were violated from various entities as does the Commission on Human Rights and Receipt of Complaints of the Senate. The Complaints received 126 cases in the first Semester of 2009. Among them, 87 cases are involved in land disputes and 39 cases are related to the Court's decisions and other issues.

C. Cambodia Human Rights Committee (CHRC)

19. The Cambodian Human Rights Committee is the body of the Government that is assigned with duties to promote Human Rights and rule of law in Cambodia. The Committee was formed by the Royal Decree No. NS/RKT/0100/008 dated 18/01/2000 and the Royal Decree No. NS/RKT/0209/163 dated February 13, 2009 on the amendment of article 2 and 5 of the Royal Decree No. NS/RKT/008 dated January 18, 2000 on the establishment of the Cambodian Human Rights Committee, which has the roles and functions to investigate and remedy all sorts of complaints, gather information related to the implementation of Human Rights, organize

Training, and Dissemination of Human Rights and prepare Human Rights reports for the United Nations. In 2007, the Cambodian Human Rights Committee has received 810 complaints, 625 of which being examined; The Committee is continuing to work on 185 complaints, whereas it had investigated 171 cases, issued letters of interventions for 89 cases and had assisted in the settlement of 07 cases.

D. Office of the UN High Commissioner for Human Rights in Cambodia

20. In term of international cooperation, it is quite obvious that the country has been making efforts by engaging itself in the promotion and protection of human rights under the UN framework. Since the end of peace process of 1993, Cambodia had extended its cooperation with the UN on human rights through the installation of the United Nations Office for Human Rights (UNOHR) in Cambodia along with periodic mandate by Special Representatives of the Secretary General. The engagements with the UN on Human Rights have even continued with the regular extension of the mandate both, of the Special Representatives of the UN Secretary General and the Human Rights Office in Cambodia.

21. Since November 2003, the Royal Government of Cambodia has continued to extend the operation of the Office of the UN High Commissioner on Human Rights in Cambodia in order to contribute to the promotion and protection of human rights in Cambodia, especially in the areas of capacity building. The continued appointment of a Special Rapporteur for Human Rights in Cambodia with one year duration of his duties to help assist the country in human rights is a clear indication of the sincere efforts and firm commitments of the Royal Government of Cambodia toward the policy on human rights.

E. Local and International NGOs (Non-governmental organization)

22. In Cambodia, civil societies have been increasingly developed with their active participation in the promotion of economic-social agenda, democracy and human rights of all spheres. NGOs are established with its own organization, to implement relevant program and activities which are granted by the government to operate extensively in the country. At present, Cambodia has nearly 2,000 local and international NGOs which are carrying out their operations in many fields and sectors; and 60 of those NGOs are performing in Human Rights fields. 23 NGOs have been formed as association, namely the Cambodian Human Rights Action Committee whose role is to promote and protect Human Rights such as in the area of education, dissemination, training for armed forces.

F. Toward the Establishment of National Human Rights Institution

23. On 26-27 of September 2006 the Royal Government of Cambodia as represented by the Cambodian Human Rights Committee, and in cooperation with the Working Group for Human Rights Mechanism of ASEAN, had organized a Conference on the establishment of the National Human Rights Institution in Siem Reap province. It had agreed in principle that this institution is to be created based on the Paris Principles. The Joint Working Group between the Government and CSOs are drafting the law on this matter at the current stage.

G. Extraordinary Chambers in the Courts of Cambodia (Khmer Rouge Tribunal)

24. In 2003 the Royal Government of Cambodia and the United Nations has reached an Agreement concerning the Prosecution under Cambodian Law of Crimes committed during the Period of Democratic Kampuchea. As a result of this, the Extraordinary Chambers in the Courts in Cambodia has been established for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea (Extraordinary Chambers or ECCC). It has started the operation since 2006 in Cambodia. In a Joint Statement of 23 February 2009, issued at the meeting between High Representatives of the Royal Government of Cambodia and the United Nations, it was welcomed the significant achievements made by ECCC after the first commencement of the public hearings in the first trial before the ECCC and recognized the important progress toward addressing impunity for crimes of the former Khmer Rouge. It is hoped that the ECCC will become a model court for future judicial systems.

V. LEGAL AND JUDICIAL REFORMS

25. The Royal Government has concentrate its efforts on improvement of the legal and judiciary systems through its reform process, mainly on the enactment of laws, setting out of the strategies and taking of necessary step and measures to strengthen the capacity, independence, and neutrality of the Courts system which represents one of the important priorities and the challenges toward the process of strengthening the rule of law.

26. Cambodia has made significant progress in adopting and ratifying various legislations. In the Third Legislature, a total number of 140 laws were promulgated (including three major codes – the Criminal Procedure Code, the Civil Procedure Code and the Civil Code. A large number of legal texts and other regulations adopted in the past decade are largely related to political, economic, social and cultural sectors² which have contributed to the realization of the enjoyment of basic human rights of relevant fields. Similarly, in order to enhance the Courts systems, especially through the strengthening of their capacity and responsibilities, the Royal Government has established the Royal Academy of Courts whose functions are to train and enhance the capacity of the judges and prosecutors.²

27. The Royal Government will continue its reforms program and strategies on legal and judiciary systems in order to achieve the following seven goals:

- Protecting human rights and individual freedom;
- Modernizing the laws;
- Providing access to the citizens in terms of receiving the information and Courts;
- Enhancing the court cases and related services for better quality;
- Expanding the Judiciary services including courts power and prosecutorial services;
- Introducing the disputes settlement outside the Courts systems;
- Expanding the legal institutions and Courts to fulfil its mandates successfully.

28. Laws and various normative acts have been disseminated extensively for implementation under the leadership of the Council of Legal and Judicial Reform. They were printed in the Royal Gazettes being monthly published. Besides, a large number of important laws have been circulated through various ministries, cabinets, municipalities, provinces; and they are also published in the media, radio, television, public forums and other training workshops. The laws enforcement systems are established as a mechanism to enforce the laws relevant to promotion and protection of human rights. The Council of Ministers meets on a regular schedule (once a week on every Friday) to examine and set out the plans of actions for their effective implementation. In the past, the government had amended article 51 of the Law on Civil Servants for the convenience of accusing the civil servants who break the laws. The Legislative Branch has an important role in examining the laws enforcement by calling for members of the government for questioning. The prosecutorial body assumes a role on all criminal acts, by acting as a special mechanism entrusted with duties to inspect the laws enforcement and human rights violations through letters of charges to the Courts.

29. There are two levels of Courts in the Kingdom of Cambodia:

- The Courts of First Instance (Provincial/Municipal Level) and the Military Court are the primary Courts for the first trial. Each Court of first instance is competent in the territory of particular provinces/municipalities nationwide; whereas the Military Court located in Phnom Penh has its competency in the whole territory of the Kingdom of Cambodia;
- The Appeal Court and the Supreme Court are the Appellate Courts located in Phnom Penh; both institutions have their jurisdiction in the whole territory of the Kingdom of Cambodia. All the above mentioned Courts have a major role in settling with all cases/lawsuits involving administration or legality. Nevertheless, the Military Court is competent only on any military-related offences as defined by law.

30. In order to reduce the expenses, especially the burden of the Courts, the Royal Government has established the Judicial Services Centres as pilot projects at district level (for some districts). The Ministry of Justice and the Ministry of Interior are acting as the project implementer in a number of provinces (Kompong Speu, Kompong Chhnang, Siem Reap, Battambang, Mondulhiri, and Rattanakiri). Meanwhile 08 Commune Councils at rural areas are being trained on legal matters with the new practices to tackle minor disputes for the people outside the Courts.

VI. IMPLEMENTATION OF LAWS AND INTERNATIONAL TREATIES

31. In the context of international obligations, the Kingdom of Cambodia is a State Party to most of major international human rights and humanitarian instruments globally as well as at regional settings. This year, the country has fulfilled its obligation by submitting its national reports to a number of international treaty bodies, namely the Committee on Economic, Social and Cultural Rights (CESCR), the Committee on the Rights of the Child (CRC), the Committee on Racial Discrimination. The draft of the next Report on the Convention of Elimination of Discrimination against Women is now being prepared.

A. Economic, Social and Cultural Rights

32. Cambodia believes that all human rights are indivisible, interdependent and interrelated. The value of democracy and human rights should be built and promoted through the principle of universality, along with the historic condition taking into account the historical, political, economic, social and cultural reality of the country and its particularity. As a party to the Covenant of Economic, Social and Cultural Rights (CESCR), Cambodia attaches high importance to economic, social and cultural sector which have been defined in article 35-36 of the Constitution. In this regard, after the conflicts, the Government spared no efforts to promote the realization of all the spectrums of human rights in its society through the development agendas of the Government known as Political Platforms of various kinds (comprehensive and sectoral). The implementation of the Rectangular Strategy during the Third Legislature (from 2003-2008) has resulted in major achievements. This has had a positive impact on the enhanced social fabrics, the culture of peace, security, social safety, democracy and thus has contributed to the advancements of human rights in Cambodia.

1. Poverty Reduction

33. Cambodia places special emphasis on the poverty reduction as a major effort for promoting and protecting human rights, given that 90 per cent of the poor live in rural areas after a long period of conflicts. Therefore attention has been given to address poverty as one of most priorities in the implementation of the Government strategic policy documents namely the Rectangular Strategy and National Strategic Development Plan (NSDP) for 1996-2010 which are designed as a pro poor focus instrument to speed up development, especially in rural areas. The Government has thus made steady progress in ensuring macro-economic climate in support poverty reduction.

34. As a result, poverty reduction was recorded in steady progress at a rate of over 1 per cent percentage per annum, and there is an improvement of main social indicators, especially in education, health and gender equity.³ Based on the growth highlighted above, the income per capita in 2008 is around 625 US\$, which increased in average of 9.5 per cent per annum starting from 1999. By the way, the Royal Government has strived to ensure that macro-economic climate remains healthy to support poverty reduction. Measure also have been taken to address the totality of its pro-poor policies along with the efforts made by the government in all other sectors that have positive impacts on poverty situation – an important factor that contributes to the improvement of human rights of relevant fields.

2. Rights to Work and Rights to Participate in Trade Unions

35. The Constitution of Cambodia provides for “both males and females of Cambodian citizens to have the rights to select their own works in accordance with their capacity and with the needs of the society” (art. 36.1). The Royal Government has made efforts in providing job opportunities for the Cambodian people, especially for the poor to work either inside or outside the country.⁴ Technical and vocational education programs and other similar training projects have been established and promoted for the most vulnerable groups of people in order to meet the need of the labour markets.

36. Rights to work and the selection of jobs in the Kingdom of Cambodia are practiced without any discrimination as stipulated in article 12 of the Labour Law. Cambodia provides for guidelines to be established to protect the foreign residents working in Cambodia.⁵

37. Efforts have been made in reducing the proportion of child labour for dangerous jobs through the carrying out of various projects and programs. In addition, a five year Plan from 2006-2012 on the elimination of the severest form of child labour, have been partly implemented and other regulations pertaining to child labour and labour related issues are being drafted for that purpose. The implementation of the above strategic Plan is based on the following principles and purposes: a) Job creation; b) Guarantee of good work conditions for workers; b) Preparation and implementation of the law on the Social Security for workers; d) Development of Human Resources;

38. At present Cambodia have made progress in creating 38 technical training centres and vocational training centres namely: 6 higher education and vocational centers; 1 middle level technical centre; 5 vocational centres in Phnom Penh; 26 vocational centres in municipalities/provinces in 21 municipalities/provinces with 69, 471 taking various courses.

39. In order to uplift the living conditions of the people, the Royal Government has taken step to establish programs for the citizens to acquire the expertise/techniques and skills that would have proper jobs/businesses in line with the progress of the society and market demands. The Royal Government also supports the creation of the trade unions and the participation of individuals in the trade unions which is protected by the Constitution.⁶

40. The Royal Government has paid attention to the management and utilization of local labourers/workers. In 2007 Cambodia has 2,368 enterprises which have 440,500 labourers/workers, a number that has increased 2 times as compared to 2005 (there were 1,229 enterprises and 277,942 workers). The Ministry of Labour had informed the owners of enterprises to respect the Labour Law, and other regulations related to the hygiene and work security and to create the health clinic, emergency room with sufficient medicines and adequate light in the workplace.⁷

41. However the country still faces constraints (such as unemployment) due to the following challenges:

- The legacy of prolonged civil war for more than 2 decades;
- The investments for this period are concentrated only for the development in cities and major towns; and they are not yet encouraged to invest in the rural areas;
- Production, businesses, and agriculture at the rural areas are often met with natural disasters.
- Labour costs in rural areas are cheaper than in cities and major towns;
- The citizens still lack skills and techniques in line with the change in labour markets.

3. Ownership and Land Reform

42. The Kingdom of Cambodia has provided every race with full rights to ownership or co-ownership of property, which is guaranteed by the Constitution.⁸ At the same time, the Royal Government has taken steps and measures of providing the social assistance to help address the poverty reduction through land program. To this end, the Royal Government has distributed land to citizens who really in need of land through the framework involving the building of a new village, new settlements, including the implementation of land that have been cleared of mines, establishment of regulations of grabbed land for the poor.

43. The Government attaches high importance to land reforms for sustainable socio-economic development, mindful of historical, political, economic and social dimension of the issue. Emphasis is therefore placed on strengthening security of land tenure (both state land and private land) through land registration for systematic and sporadic land titling procedures in order to provide land titles to people as well as institutions entitled to tenure rights. Major efforts have been made in overcoming and attaining this priority with the continued work of addressing those challenges ahead in the agenda of the government.⁹

44. The Royal Government has set out a number of institutional and legal frameworks, including:

- Sub-Decree No. 118 on the management of State land and instruction dated November 8, 2007 on the programs for the distribution of social land concessions;
- Instruction No. 02 dated February 26, 2007 on the issue of illegal grabbing of State land. All citizens who live in Cambodia have the rights before the laws to protect them from forced eviction in all manners. In the case that the State needs the land for public interest, the State has to compensate properly to the citizens being affected;¹⁰
- Procedures of registration of land of indigenous communities;

45. The Royal Government recognizes the rights of traditional land use for indigenous peoples, including the demarcation of the boundary of the villages with the approvals of local communities and authorities concerned, thus allowing the Provincial Development Committee and existing Village Committee to jointly cooperate in monitoring the land use and setting out measures to ensure that the use of the natural resources is consistent with sustainability.

46. The Royal Government has issued the guidelines by recent Sub-Decree (this year) for land registration and the rights to ownership of the land belonging to the minority communities in the Kingdom of Cambodia. This guideline provides ownership for the minority community to own and use the land for agricultural production to support their livelihoods and also to provide supplies to the markets.¹¹

47. The Royal Government has equally made significant progress in the clearance of landmine planted during the conflicts of decades in the country. Mine victims have decreased significantly from 4,000 in 1996 to 900 victims in 2005 and to 352 victims in 2007. Those programs and efforts on demining have made progress not only in addressing the humanitarian issue, but also contributing to the economic and social development under the strategic policy of the

government over the years. Besides, in 2006 the Government has sent hundred of Cambodia deminers, to participate in the peacekeeping operations in a number of countries (such as in Sudan; and it is prepared to send them to Chad and Congo) under the humanitarian framework of the United Nations and the Organization of Francophonie respectively.

4. Social Security

48. Rights to social security are protected by law. The law defines the Social Security Allowances for labourers and employees of private companies, including allowances for retirements, work related risks and other allowances that will be determined by the Sub-Decree.

49. In order to implement the Social Security Regime under the Labour Law, the Royal Government of Cambodia (RGC) has established the National Social Security Cash Box by the Sub-Decree No. 16 dated March 2, 2007. This National Social Security Cash Box is established as the public body under the supervision of the Ministry of Labour and Vocational Training and the Ministry of Economy and Finance. It has the duty to manage the Social Security Regime, to guarantee all allowances for members to assist them with their difficulties relating to their old age, despondency, demise, and other work related risks or in the event of illness and maternity.¹² Besides the National Social Security Cash Box, the Royal Government has also paid attention to the Social Security Regime for former State officials and the old- aged persons.

50. In short, during the third legislature, the Royal Government succeeded in rescuing, and providing support to a large number of vagrants, vulnerable people including women and children, people with disability and the victims of human trafficking and natural disasters. Appropriate measures have been taken to mitigate the influx and misery of homeless into urban centres. The Government has cooperated with national and international organizations as well as other relevant institutions and civil societies to provide employment opportunities for, and to reduce the vulnerability of the poor. The efforts have been made in relation to the policy of social safety net to improve the well being of people, for example, by increasing pensions and other benefits for the retired civil servants and veterans.

51. Certain legislations on this social area were also envisaged, while others are being in progress. For example, a draft law for inter-country child adoption and a draft law on the Protection and Enhancement of Amputees Rights have been prepared for the adoption by the National Assembly in the near future. Cambodia has offered the opportunity to the vulnerable groups such as the veterans to form their association for protecting their interests.¹³

5. Rights to Health Care

52. In the health sector, the Royal Government gives priority to the timely prevention and tackling of all kinds of epidemic diseases, people's healthcare and nutrition; and it regards people's well-being as the prerequisite to human resource and sustainable socio-economic development. Efforts have been made to improve the overall people's welfare, especially for the poor, women and children by providing support to improve health services with ensured cost-effectiveness, quality and accessible prevention and treatment as well as by strengthening institutional capacity on financial planning, implementing strategic polices for effective human resource management.

53. As a result, child mortality rate drops from 95 in 2000 to 66 per 1,000 in 2005. The under-five year mortality rate also declines during the same period. Maternal mortality rate also declines from 472 to 437 out of 100,000 births. Health care and rural sanitation services as well as the supply of clean water in rural areas are below the targets set in the Millennium Development Goals (MDGs). It was notably reported that HIV prevalence at only 0.9 per cent is less than half of 1.9 per cent assumed earlier for 2005.

54. Other important developments during the last two years include: a new Health Sector Plan for 2008-2015 has been developed to continue the old one; budget allocations and disbursement for the health sector have registered growth and stability; about 130 NGOs are involved in supporting the health sector, and most of them operating in remote areas;¹⁴

55. Within the last year period, it is estimated that there had been total of 8,745,641 clients of medical consultation. Out of this number, 6,607, 178 new cases of diseases were found. There had been 495,690 inpatients, among which 72,820 received operations. The mortality rate in hospital is in decline with 1.76 per cent. In 2007, 20 provinces/municipalities throughout the country, (excluding Phnom Penh municipality, Prey Veng, Stung Treng, and Oddar Meanchey provinces), had carried out the national programme of 6 vaccination injections for infants under one year old in a total number of 1,129,342 and TB vaccination for 239,487 children, polio vaccination for 57,660 children. Cambodia has an impressive achievement of TB case detection rate and cure rate (from 70-80 percent respectively) through the implementation of the TB program supported by Japan over the past decade. Interim indicators since 2005 suggest that health access and delivery have continued to improve and Cambodians now have much better health centre; and child nutrition has continued to improve.¹⁵

56. Over the years the Royal Government has carried out the health programs with the funding and technical support and assistance from a number of organizations such as UNFPA, UNICEF (United Nations Children's Fund), WHO (World Health Organization), AUSAID (Australian Aid), UNAIDS (United Nations Program on HIV/AIDS), WFP (World Food Programme), JICA (Japanese International Cooperation Agency). Cambodia highly appreciates the close partnership which has been extended by the international community in addressing health sectors.

6. Rights to Education

57. Cambodia recognizes the importance of education as a major tool for national development. The rights to education are promoted and protected by the Constitution. For this purpose, the Government of the Third Legislature has published the "Educational Strategic Plan for 2006-2010" which is a component of the Government's "Rectangular Strategy" and the "National Strategic Development Plan 2006-2010". The objective of this strategy is to ensure that all Cambodian children and adults have equal rights and opportunities in receiving the basic formal and informal education without discrimination against races, colours, gender, languages, religions, political tendencies, origin and social status. Morally, this strategic plan is connected to the education of the culture of peace, respect for human rights, legal and democratic principles and justice by fighting against violence, drug use, children and women trafficking and all types of discriminations in the society. These reflect the notion of "Education for All and All for Education" which illustrated the implementation of chapter 6 of the Constitutional law on the equal rights of all people.

58. In undertaking this strategy, the Royal Government has made significant progress in ensuring equity in the 9-year basic education for all children. The number of schools has increased by 30 per cent from 6,963 in 2003-2004 to 9,108 in 2006-2007 academic years. Enrolment rate also climbs in all levels of schooling. The number of scholarships provided to poor students at secondary level rises to 45,754, of which female students account for 63.2 per cent. The number of teaching staff has increased from 73,642 in 2003-2004 to 78,606 in 2006-2007 academic years. (Further statistic data is attached in Annex II).

7. Freedom of Religion and Beliefs and Diversity

(a) Religions and Beliefs

59. Religious and cultural issues are the bedrock for building and strengthening the very vital "social capital" that no amount of economic or social development can alone create or sustain. As a country of tolerance, endowed with its rich cultural heritage and tradition, the Government has made great efforts and progress in promoting the various cultural programs and social harmony among people with broader participation of stakeholders without any discrimination against races, colours, religion or backgrounds.

60. The Royal Government has offered a broad freedom in the practice of religion and beliefs: At present, Cambodia possesses 4,331 pagodas in total; among those there are 4,184 Mahanikaya Pagodas and 147 Dhamayut pagodas. Number of monks in total is 56,040; among those 54,784 monks belong to Mahanikaya sect (30,741 novices and 2,403 Phikhus) together with 1,256 monks belonging to Dhamayut sect (732 novices, and 524 Phikus).¹⁶

61. For Christianity, there are 237 churches, 887 praying halls, 199 Christianity teaching schools with 112,398 Christian followers. For Islam, there are 254 mosques, 8 praying halls, 177 Islam teaching schools with 463,732 Muslims. For Chinese Mahayana, there are 80 temples, 37 praying halls, and 102,371 Mahayana followers. For Caodaism, there are 3 temples with 2,058 followers. For Bahai, there are 7 temples with 6,995 followers.

(b) Cultural Diversity

62. Constitutionally Cambodia prohibits any discrimination on grounds of race, religion, sex or birthplace in its society. The Article 31-2 of its Constitution states that "Every citizen shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, colour, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status." This stipulation provides guarantees for equality before law and equality of opportunity for all citizens including the affirmative action that applies for the minority and other disadvantaged groups. In compliance with the Convention on the Elimination of all Forms of Racial Discrimination, to which it is a Party, Cambodia has submitted its subsequent National Report to its relevant Treaty Body, this year.

63. Cambodia is mostly a homogenous society. But it attaches high importance to the promotion of respect for diversity; especially respect for the rights of persons belonging to minorities as it believes that the situation of various specific groups in the society and particularly of minorities is an essential part of the democratic development in every country. To this end, a practical step was taken with the establishment of the National Council on Ethnic

and Demographic Issues at the Council of Ministers which is acting as a body for consultation and coordination between government institutions and non-governmental organizations with the priority objective of designing and implementing the national policies for addressing the ethnic programs and interests.

B. Civil and Political Rights

64. Cambodia adopts the principles of democracy, multi-parties and pluralism in its political system of governance, since the first general elections supervised by the United Nations Transitional Authority of Cambodia (UNTAC) in 1993. The 1993 Constitution of the Kingdom of Cambodia provides fundamental rights that guarantee the equality of its peoples before the law.¹⁷ The Constitution also provides the guarantees for the protection of law and the protection of liberty; it prohibits all kind of discrimination, including the protection of other rights such as the freedom of speech and expression, free movement, rights to form associations or assembly, rights to religion and beliefs, to property and security, among others.

65. Since the departure of UNTAC, Cambodia has undergone a process of change in its political transformation from a post conflict country into a new stage of strengthening democracy in the country. The institutional and legal frameworks governing the political functions and structures have been improved and enhanced over the years though the process of active participation of political parties and other actor, including civil societies in the political life. Cambodia has well managed to organize the three general elections and two communal elections on its own, after the departure of UNTAC, with a broader participation of the people and other stakeholders in the ballots to enhance the democratic process.

66. Cambodia has also made progress in the consolidation of democracy at the grassroots levels through the implementation of the program of decentralization and de-concentration. This political agenda is a component being further implemented under the Strategic Plan of the Government at present.

67. On 3 February 2002, it heralded another milestone for Cambodia since all legal entities/ individuals participated actively in the Commune/Sangkat council election nationwide. The second Commune elections held in 2008 have made further progress toward the Government efforts to strengthen the democracy at the community level. The elections have demonstrated the enhanced and effective capacity of the government to ensure peace and security in an electoral environment with successful achievements and progress for democracy. This also shows the progress in the political maturity of the people.

68. The Commune/Sangkat council election shows three basic important principles: Firstly, Cambodia has made progress in ensuring the promotion of empowerment of people to the local community through the implementation of decentralization policy of the government. The local people are the ones who own the power of delegation to their representatives to take part in the decision making of all the development process in the community. Secondly, the governance of Commune/Sangkat is the joint responsibility and management and commune/Sangkat. Thirdly, the local election has brought about a democratic progress for all political parties to fairly compete and to win trust from the people vote. This political mechanism will strengthen not only the democracy at the community level but also further strengthen the political stability and security, in general. Those are important elements to attract private investment and to take step

forwards for Cambodia towards the long-term and sustainable development. The Commune/Sangkat Council elections have also revealed the positive development of the capacity of the Royal Government in consolidating democracy and improving the respect for human rights.

69. In undertaking the policy of decentralization, recently in May 2009, Cambodia, has made another step in holding the Capital, Provinces/Municipalities/, District /Khan Councils elections. This clearly demonstrates that Cambodia has committed to the strengthening of democracy in Cambodia which is now taking roots at all community levels.

1. Rights to Life

70. Rights and freedom to life are the basic rights and freedom for all mankind in the world since people was born. Therefore, the government of People's Republic of Kampuchea recognized the rights to life and the freedom of Cambodian people, mindful of their own tragic experience in the past as a survival society from the Democratic Kampuchea regime in 1979 (the Pol Pot regime) . To protect this rights and freedom and in view of its tragic history of recent past, Cambodia has eliminated the Capital Punishment through the adoption of the 1993 Constitution which underlines the consistent policy and the commitments of the Royal Government toward human rights instruments of relevant areas.

2. Freedom of Expressions

71. Cambodia adheres to the concept of freedom of expression which is the basic foundation for democracy, multi-parties system and pluralism.

72. The Constitution of the Kingdom of Cambodia states that: "Khmer citizens shall have freedom of expression, press, publication and assembly. No one shall exercise this right to infringe upon the rights of others, to affect the good traditions of the society, to violate public law and order and national security." (Art. 41). Furthermore, in the political platform of the Government, the freedom of press and freedom of expressions have been largely put into practice by stating that: "The Royal Government of Cambodia encourages the implementation the freedom of press, freedom of employment, freedom of expressions, rights to have the demonstration, rights to run a peaceful demonstration, the freedom of attending the rally within the legal framework. Authorized provision is a driving force for a free development with conscience and political belief of the open society. " The rights include the freedom to research and publicize information orally or in the form of written or other means without setting any limitations upon.

3. Freedom of Assembly

73. The Royal Government of Cambodia encourages the people to organize all public forums under the Constitution. Individuals are allowed by the Royal Government of Cambodia to establish associations or organizations, although the law has not yet been adopted. Relevant documents for such establishment should be deposited at the Ministry of Interior. In Cambodia, civil societies have been increasingly developed and participate actively in the promotion of national economic-social agenda, democracy and human rights. Many human rights activist Organizations such as the NGOs Committees on Human Rights, ADHOC, LICAHDO, especially National Democratic Institute (NDI), International Republican Institute (IRI) are

freely operating in all provinces/municipalities of the Kingdom. On the institutional aspects, Cambodia has established a National Human Rights Committee attached to the Government to coordinate and cooperate with national agencies and other stakeholders to address all challenges of human rights. In the law-making competency, there is also a Human Rights Commission which was established since the first legislature.

4. Freedom of Press

74. The freedom of press is guaranteed by Law of the Press. Under the political strategic plans of the Government and the law in force, freedom and rights to expression of media have been recognized nationwide in Cambodia since 1992 and have been progressively promoted thereafter.

75. In Cambodia there are two means of disseminating news: printing and broadcasting. The business operation on this field is required to seek permission from Ministry of Information. In order to guarantee their freedom of expression, opinion, publication and dissemination, press representatives are allowed to form associations of their own. As such, many of them have already come into operation namely Press Associations, Press Alliances, and Press Clubs. To ensure their credibility as well as all authorized freedom, in accordance with the law of press, the association has set up a Code of Conduct. Nowadays, the freedom of printing media in both national and international languages has improved and developed remarkably with diversity of views and opinions expressed in the Cambodian society. In fact, there are nearly 600 newspapers, journals and magazines that people can have access to, and enjoy reading at present throughout the country.

76. As for broadcasting, in total, there are seven TV stations under operation: one state TV station, two semi-state stations and four private stations. Moreover, there are two Cable TV stations operating in Phnom Penh today. There are about 40 radio stations, among those two are state owned radio stations and the rest are private owned radio stations.

5. Rights to Be Free From Torture

77. Cambodia is a State Party to the Convention against Torture (CAT) and the Optional Protocol to the Convention (OPCAT). As such the Government has made practical steps and efforts to implement the Convention and its Protocol. The Ministry of Justice has issued a letter No. 509 RBV 6106 dated 13 September, 1993 giving instructions to prosecutors at all provinces/municipalities to inspect the prisons and detention centres in compliance with the Convention against Torture (CAT) and any other forms of punishment on those who commit cruel acts. Criminal who commits tortures shall be tried in compliance with the criminal law, and at the same time, the compensation is required to pay to the victim. Obviously, 26 prisons staff/officials were punished and warned by Ministry of Interior for having physical abuse and degrading/insulting prisoners.

78. As a new State Party to OPCAT, Cambodia continues to work for the establishment of a National Preventive Mechanism in compliance with the Instrument. On 22 and 23 January 2009, the Ministry of Interior convened a workshop on the implementation of the Optional Protocol to the Convention against Torture in Cambodia.¹⁸ It was also given an opportunity for relevant agencies and other stakeholders to study in detail and clarify the requirements for the

establishment of a National Preventive Mechanism (NPM) under that Protocol. The workshop led to a common understanding that while the effort of the Royal Government to establish such a mechanism was to be commended, more time is needed to establish a mechanism that will be fully compliant with the OPCAT and the Paris Principles. At this initial stage, the Government has issued a Sub-Decree to establish the NPM.

VII. WOMEN AND CHILD'S RIGHTS

A. Woman's Rights

79. Progress has been made in such cross-cutting areas as gender. Women are regarded as the backbone of the national economy and society. The Royal Government has exerted all efforts to promote the status of women through the continued implementation of “Neary Rattanak” or “Women as Valuable Gems” to deliver value and hope to Cambodian women with emphasis on gender equity in economic development.

80. Along with this line, steps have been taken to tackle violence against women, as the Law on the Prevention of Domestic Violence and the Protection of Victims was adopted in 2005 and implemented through a National Plan of action. The Law effectively and timely provides legal protection to victims, of which women and children account for the majority. The Royal Government has exerted all efforts to fight women and children trafficking since 2006. The Law on Anti-trafficking was also passed in 2008 and the enforcement of it is now being carried out forward. The National Plan of preventing domestic violence is being prepared to promote awareness and the implementation of women-related laws.

81. Priority is now given by the Royal Government to the implementation of this Gender Mainstreaming Strategy-phase II, which aims at promoting women's capacity building, enhancing women's ability to participate in education and health sector, and economic resources, eliminating negative perception and attitudes towards women, and promoting women's participation in public affairs. This policy is aimed at ensuring an equitable contribution of active women's rights to the national development.¹⁹

82. The Royal Government of Cambodia has provided women the equal rights between men and women, and has taken a number of steps and measures to empower women rights at the community level (at commune/Sangkat and villages) with the aim, among others, to promote women equality within women and children committee at commune/sangkat levels; to empower women leadership at grassroots level (namely at the villages); and to endorse 40 per cent of women being involved in the village development sub-committee. At the same time, at community level, the Royal Government of Cambodia has given favourable condition to women to obtain high position in leadership and the management level.

83. During the fourth legislature of the National Assembly, the Government has assigned one woman as a deputy prime minister. The Royal Government has set the principle that: “Through all the selection and recruitment process of new officials, there must be 50 per cent of women candidates selected or recruited.”

84. The Kingdom of Cambodia considers maternal leave as a vital social function. It clearly states in article 46-2 of the constitution that: “A woman shall not lose her job because of

pregnancy. Woman shall have the right to take maternity leave with full pay and with no loss of seniority or other social benefits”.

85. Particularly, for civil servants working in civil service, some special measures have been taken by the Royal Government of Cambodia (RGC) to provide support and assistance to women on maternal leaves. Within the period of delivery, the mother can take leave for three months with full payment together with some other additional benefits.

86. The Kingdom of Cambodia provides equal rights between men and women in receiving education by all means and all forms and in all situations as it states in article 65 of the Constitution that: “The State shall protect and upgrade citizens’ rights to quality education at all levels and shall take necessary steps for quality education to reach all citizens. The State shall respect physical education and sports for the welfare of all Khmer citizens.”

87. Men and women have the same rights in their education and their profession. To ensure the rights to equality, the Government has set out all measures to educational institutions at all levels ranging from pre-school, general education, higher education, and vocational training schools. Article 63-1 of the Constitution state that: “Khmer citizens of either sex shall enjoy the right to choose any employment according to their ability and to the needs of the society.” This principle provides equal rights to men and women in performing their job, both in private and public sectors. The above principle is applied in an appropriate legal action to ensure rights to employment for women based on the equality basis between men and women.²⁰

88. In the Kingdom of Cambodia, rights to obtain equal wages for men and women in performing the same kind of jobs has been guaranteed by article 36-2 in the constitution: “Khmer citizens of either sex shall receive equal pay for equal work.” This principle is another measure taken to give favourable condition to women to obtain pay or wage the same as what men do in performing the same kind of jobs in the same conditions.”²¹

B. Child’s Rights

89. The Kingdom of Cambodia shows its commitment to protecting the interest and the rights of the children as stated in article 47 and 48 of the Constitution. The country is a state party to the Convention on the Rights of the Child. In this context, Cambodia had already submitted its Report to the Committee on the Rights of the Child in February 2009. As a practical measure, the Government has incorporated the relevant concepts of the Convention into a number of Laws it has adopted for implementation, namely Labour Law, Criminal Law in Transitional Period, Crime Procedure Code, Civil Code, Law on the Crackdown of Human Trafficking and Sex Exploitation etc.).

90. The efforts have been made in enforcing the laws and other regulations as regard to child protection with the four basic rights of child: rights to life, rights to the protection, rights to the participation, and rights to development which are consistent with the international instruments, including the UN Conventions on the Rights of the Child, to which Cambodia is a State Party.

91. The Department of Anti-Human Trafficking and Juvenile Protection of the Ministry of Interior has worked cooperatively with the coordination committee of UNICEF, World Vision, Save the Children _Norway, and UNOHCHR to implement the Program called the

implementation of law against sex abuse, sex trade, women and child trafficking (LEASETC). Those partnership include, for example, a series of courses for training that have been conducted to enhance the capacity for provincial/municipal police sub-commissioners and police experts (in total of 600), 1,500 of justice police, and 294 special police. The aim of trainings was to upgrade the skill of investigation, seeking evidences, providing assistance, interview procedure, and filing a case being sent to the Court.²²

92. Children were invited to attend some national and international forums and consultative discussions organized by the National Council for Children, NGOs, and a number of other international organizations. The seminars and meetings conducted were related to the promotion of activities against child sex abuse and child trafficking, under the framework of Sub-Great Mekong Regional Child Forum, Consultative workshop on violence on children, as well as at other regional level of governments forums such as the 5th Ministerial consultative meeting on Children in Eastern Asian region held in Beijing, China.

93. Infants and children under five-years-old mortality rate have remarkably decreased from 2000 to 2005.²³ These disabled children are those who are portfolio, blind, deaf and their intellectual abnormality. There are 13, 598 disabled children living in communities in 11 provinces. From the statistics provided by nine NGOs, it was indicated that there are 194 disabled children living in the NGOs operated Centres. Those disabled children having portfolio, blind, CP, deaf from birth, abnormal physical body, and brain problem.

94. Beside those state owned centres, there are many other centres supported by NGOs which operate as partners with the Ministry of Social Affairs, Veterans, and Youth Rehabilitation to provide assistance to poor children, street children, and abandoned children. There are 179 centres being under the management of NGOs. Those centres provide temporary shelters, education service, child care service, with program of training on general knowledge and vocational skills. They have been integrated back into the community.²⁴

95. Despite progress in educational field, there are still many challenges to overcome: the lack of school buildings in some areas (in remote areas and other areas faced with hardship condition); the process of educational reform is still slow; the lack of teachers (remote areas and other areas faced with hardship condition); some teachers are not teaching the subjects they major in and some others do not have pedagogical skills; there are no dormitory for newly appointed teachers who are required to work in the remote areas and other areas faced with hardship condition.

VIII. CONSTRAINTS AND CHALLENGES

96. Despite remarkable progress in key reforms aimed at strengthening good governance, the quality, efficiency and delivery of the public service still remain to be the challenges. Further, emerging from the past as a post conflict country, Cambodia is still qualified among LDCs countries. The country is a small scale economy. The base of economic growth of Cambodia relies mainly on four pillars, namely garment, tourism, construction, and agriculture sector which are still too narrow to ensure the fulfilment of the enjoyment of all human rights. Although the Government has managed to reduce poverty rate from 47 per cent (1993) to 35 per cent (2004) (and further estimates indicate decrease in poverty rate to 32 per cent in 2007), through high economic growth and pro-poor policies, the rural poverty rate remains high. The gap between the rich and the poor, especially urban-rural inequality remains a challenge.²⁵ It is therefore

acknowledged that there are bold undertakings ahead, in addressing the constraints and shortcomings, in order to further advance all fields of human rights.

97. Land concentration and landless people are on a rising trend, adversely impacting on the equity and efficiency of land use. On the other hand, large areas under economic land concessions have not been utilized efficiently as targeted, needing strict government measures to tackle them.

98. The social safety net for workers and the poor has not yet become an efficient system.

99. The quality of education at primary, secondary and tertiary levels is low. The production and trafficking of illegal drugs has become a social problem which harms welfare of the Cambodian youth at present and in the future.

100. The provision of quality public health services is still limited. In spite of numerous achievements in the health sector, the maternal mortality rate is still high. The progress in promoting health care services, sanitation and clean water in rural areas needs to be further speeded up in order to meet the targets as set in the Millennium Development Goals (MDGs).

101. The judiciary has not yet gained full confidence from the public. The development of legal Framework has not yet been comprehensive, while law enforcement is still needed for the improvement.

102. Lack of education, domestic violence and human trafficking are the major factors that handicap women from realizing their full potential in contributing to socio-economic development.

103. In general, institutional capacity of the Government is still limited due to low salary and incentive schemes. The cooperation between government agencies is still inadequate, while some legal and regulatory frameworks contain loopholes, along with the shortage of resources to carry out its policies.

104. In addition, the current global financial crisis as well as other international pressures and crisis, have had impacts on the Government efforts to sustain and carry on its overall agenda. Consequently, these have affected on human rights. The Royal Government recognizes those difficulties and the needs for it to redouble the efforts in taking all kinds of proper measures and resources to ensure the advancement and respect for human rights of their people, especially in the economic, social, and cultural areas.

105. Now as the country is moving ahead with the new Government of the last year elections, the Prime Minister of the Kingdom of Cambodia has laid out its policy for, and is committed to continued efforts in implementation of, the “Rectangular Strategy-Phase II” for Growth, Employment, Equity and Efficiency in Cambodia which is the “Socio-economic policy agenda” of the “Political Platform” of the Royal Government of the Fourth Legislature of the National Assembly. The National Development Strategic Plan (NDSP) has equally been extended for its execution from 2006-2013, enabling the current Government to accomplish its term of reform during this fourth legislature.

106. The primary aim is to advance the development process in all spheres, to further address the poverty reduction, as the Government strives to reach the target set by the UN Millennium Development Goals (MDGs) and thereby to further realize the objectives for the advancement of economic, social and cultural rights of the Cambodian people. By the same token, the Government places emphasis on the continued strengthening of good governance and judicial reform as prerequisite to ensure sustainable development, equity, and social justice.

IX. COUNTRY STRATEGIES AHEAD

107. The Royal Government will continue to strengthen the rule of law, good governance, promote the respect for law, and ensure the effective and equal enforcement of laws for all citizens by strengthening the legislative, executive and judicial bodies so that they could effectively fulfil their roles and duties with accountability in accordance with the will and aspirations of the people. The Royal Government will continue to fight against violations of law, impunity, corruption, violence, human and drug trafficking, crimes, and all kinds of discrimination through the deepening of comprehensive state reforms.

108. The Royal Government will continue to ensure full justice for the Cambodian people through the established Extraordinary Chambers in the Courts of Cambodia under Cambodian laws to try the top Khmer Rouge leaders for the crimes committed during the Democratic Kampuchea regime.

109. The Royal Government will continue to pursue sound, equitable and efficient management, distribution, and utilization of land by strengthening land registration and grant land titles to assure the security of land tenure; eradicate the anarchic and illegal land encroachment (including in lakes, forests, flooded forests, beaches, mountains and islands); prevent the concentration of unused or unproductive land; and resolve land disputes in a transparent and just manner. It will conduct rigorous studies before granting economic land concessions and strengthening concession management in accordance with laws, regulations and contracts. The Royal Government promotes the distribution of land under the framework of social land concessions to poor people without land as well as increasing public investments to create favourable living conditions for those who have been granted new land. The Royal Government will pursue the demarcation of Khum/Sangkat administrative borders and will design a national development strategy for cities and urban centres. It will continue to implement the policy of tax exemptions on agricultural lands used by households.

110. The Royal Government is firmly committed to achieving the objective of “Education for All” by creating favourable environment to ensure equal access by all Cambodian children and youth to a quality education, regardless of their social status, geographical area, ethnic group, religion, gender or physical disability. The Royal Government is determined to achieve the objectives—all children are able to finish primary school by 2010 and 9-year basic education by 2015—by bringing more schools close to the people.

111. The Royal Government will further promote development of health sector to enhance efficiency, equity and sustainability of health services for people. The Royal Government will increase the health budget and continue to build more referral hospitals, health centres and health posts. The Royal Government will improve social services for vulnerable groups such as the poor, victims of natural or other disasters, neglected elderly, orphans, homeless people and

people with disability, etc., in order to improve their living conditions and create a favourable environment to connect them to the mainstreams of socio-economic development. Also, the Royal government will create a favourable environment for vulnerable groups to increase access to education, skills training and employment opportunities. It will strive to implement the policy of upgrading the living standards and increasing the participation of veterans and retired civil servants, especially at the grassroots level. To achieve this long-term goal, the Royal Government will establish a social security system for government officials, members of the armed forces, workers, employees and Cambodians from all walks of life as envisioned in the Financial Sector Development Strategy 2006-2015.

112. The Royal Government will continue to improve working conditions for workers and employees governed by the provisions of the Labour Law to be in line with the pace of socio-economic development and international labour standards, in particular, to continually review requests to increase the minimum wage and to reduce working hours in light of prevailing national and international economic environment, market competition and the need to enhance a favourable climate for investment. At the same time, the Royal Government will strengthen the freedom of Trade Unions in order to ensure that they represent the legitimate interests, and truly function for improving their plight and working conditions, of workers and employees.

113. The Kingdom of Cambodia appreciates the support provided by the international community to Cambodia on human rights. It is hoped that all friendly countries and international Organizations, including civil societies (NGOs) shall share with us their good experiences and practices with recommendations during this UPR process and thus provides us with further technical assistance so as to enhance the institutional capacity of human rights in Cambodia and thus to advance the democratic society for the sake of peace, stability, progress and prosperity.

Notes

¹ The UN departure did not resolve all the problems, including national reconciliation inside the country. The achievements of full peace and stability of Cambodia have been made possible over the last decade due to the win-win policy of the Royal government.

² These laws comprise, among others: Suppression of Gambling, Land Management, Urbanization and Construction (23/05/1994), Organization and Functioning of the Council of Ministers (19/07/1994), Investment (04/08/1994), Immigration (26/08/1994), Co-statutes of Civil Servants (21/10/1994), Organization and Functioning of the Supreme Council of Magistracy (22/12/1994), Commercial Procedures and Registration (03/05/1995), Commercial Chambers (16/05/1995), Statutes of Bar (15/06/1995), Press (18/07/1995), Retirement Pension and Benefits for Soldiers of the Royal Cambodian Armed Forces with Incapability (18/10/1995), Suppression of Kidnapping, Trafficking, Sale and Exploitation of Human Persons (29/02/1996), Law on Nationality (20/08/1996), Environmental Protection and Natural Resources Management (18/11/1996) Drug Control (09/12/1996), Management of Pharmaceuticals (09/12/1996), Labour Law (10/01/1997), Law on the Elections of the Members of the National Assembly (1997-2002), Law on the Election of Commune Councils 2001.

At present Cambodia have 185 judges, of which 21 are females and 163 are practicing judges, 17 being females. There are 34 prosecutors. There are 53 deputy prosecutors and 52 practicing prosecutors, of which one is female. There are 2 Prosecutor Generals, 1 female and 2 deputy Prosecutor Generals. Until 2009 Cambodia has 656 lawyers (of which 113 are females, 487 are practicing lawyers, 90 are females; and 74 lawyers who are under the courses, 10 females).

³ Preliminary derived analysis of data from the smaller scale 2007, Cambodia Socio-Economic Survey estimates of more than 1 percentage point per year. Poverty level has declined at all sub-national levels: in Phnom Penh (0.8 per cent from 4.6 per cent), other urban areas (21.9 per cent from 24.7 per cent) and rural areas (34.7 per cent from 39.2 per cent), decreasing by about 16 per cent). On present trend, much more concerted efforts would be needed to reduce overall poverty levels to 25 per cent by 2010 and 19.5 per cent by 2015. Urgent measure are necessary to be

taken to ensure safety nets for the most vulnerable through subsidies and targeted labour intensive work and food for work programs. In general, the poverty reduction rate has declined from 35 per cent in 2004 to around 30 per cent in late 2007.

⁴ With the RGC assistance, there is an increase in the number from 9,526 Cambodians to be working abroad in 2007 as compared to 2006 figure of 3,636.

⁵ Article 261 in the labour Law states in: “No foreigner can work without the labour ID card and registered book issued by the Ministry of Labour”.

⁶ This right is guaranteed and protected by article 36.5 of the Constitution: “Cambodians (males and females) have the rights to create trade unions and participate in the trade unions”. Article 271 of the Labour Law stated that: “All labourers regardless of sex, age, nationality have the rights to participate in the professional trade unions of their free choice”.

⁷ Cambodia extends its bilateral cooperation on sending workers to foreign countries (such as Thailand, Malaysia, and South Korea) with the aim of strengthening capacity, skills and trainings. Cambodian workers in Malaysia accounts for 10,670 workers, Thailand account for 6,114 workers, and the Republic of Korea account for 4,038 persons. Meanwhile, the Royal Government had cooperated with Thailand to identify and issue ID cards for Cambodian workers who worked illegally in Thailand to become legal workers for 46,300 workers.

⁸ According to article 44 of the Constitution, “All persons, individually or collectively, shall have the right to ownership. Only natural persons or legal entities that have Khmer nationality shall have the right to own land. Legal private ownership shall be protected by law. The right to confiscate properties from any person shall be exercised only in public interest as provided for under the law and shall require fair and just compensation”. Foreigners who have no Khmer nationality shall not be allowed to have the right to own land.

⁹ The required policy and legal framework for effective implementation of the Land Law has been developed and approved over the year in view of historical, political, economic, and social dimension of land issue, such as: Sub Degree on State Land Management; Guiding Circular Illegal Land Occupancy of State Land; Prakas on Identification, Mapping, Classification of State Land; the Inter-Ministerial Prakas on Strengthening of Cadastral Commission; Joint Prakas on the Mechanism for Agricultural Dissemination Service Delivery for Social-Land-Concession Using Farmers; Joint Guidelines on Strengthening of Performance of all level of Cadastral Commissions; etc. Further, other related works are under way such as drafting the Policy on Land Evaluation.

¹⁰ Article 5 of Land Law stated that: “No person may be deprived of his ownership, unless it is in the public interest. An ownership deprivation shall be carried out in accordance with the forms and procedures provided by law and regulations and only after the payment of just and equitable compensation.”

¹¹ The indigenous minorities who benefited from this policy of this land ownership are Phnong, Kouy, Cha’s ray, Kroeng, Proav, Snang, Kraol, Meorl, Kra Chus, Pour, Khoun, Chornng, Stouy, Sa’Ouch, Rodeor, Khek, Ro’Ang, Spoung, Loern, SamRe, and other indigenous peoples of about 1 per cent of the total population. In compliance with the act issued by the Ministry of Labour and Vocational Training, the labourers and employees will receive: Medicare for injuries caused by work accidents at hospitals or at the contracted health clinics of the National Social Security Cash Box free of charge, Allowances for provisional loss of work competency including wages while being treated in hospitals and holidays after treatment specified by doctors. Retirement benefits funds that will be provided for work accidents that causes the loss of work competency from 20 per cent upward. Allowances for the death of the person who is the victim of work accidents; allowances for the body cremation of a person who is the victim of work accidents.

¹² In compliance with the act issued by the Ministry of Labour and Vocational Training, the labourers and employees will receive: Medicare for injuries caused by work accidents at hospitals or at the contracted health clinics of the National Social Security Cash Box free of charge, Allowances for provisional loss of work competency including wages while being treated in hospitals and holidays after treatment specified by doctors. Retirement benefits funds that will be provided for work accidents that causes the loss of work competency from 20 per cent upward. Allowances for the death of the person who is the victim of work accidents. Allowances for the body cremation of a person who is the victim of work accidents.

¹³ The Social Security System provides support with the allowances for retired government officials, namely for those who are professionally disabled, maternity holidays, illness, work accidents, and demise. Up to 2007 there are 26,486 retirees (3,527 dead), 6,217 have lost their professionalism (1,376 dead), wives of retirees are 9,341 and

children of retirees are 17,594. The Royal Government spent annual budget of 28,043,225,700 Riels for the Social Security Regime. Up to 2007 all types of veterans are 89,184 and their children 305,553 that the Royal Government has to allocate the national budget of 52,028,763,852 Riels to assist them and are giving them with Social Land Concession; build 240 houses for them by arranging them as a model village at a bordering region of Kampot and Kompong Speu provinces. In particular the Royal Government has spent US\$ 1 million to build houses for amputees in Siem Reap province as well. Veterans include handicaps, retirees, those who lost their work competency, and families of the dead soldiers are about 90,000 including 30,000 dependents that the Royal Government has to provide with the Social Security Regime to support their livelihoods. At present, the Royal Government has constantly improved the policies toward the veterans in accordance with the national budget such as: provide first time support allowances for handicaps; provide monthly wage for the families of the dead who still have parents or caretakers, wife or husband of 3200 Riels per person.; modifying the monthly wages for wife or husband of the handicaps, retirees, and those who lost their work competency from 3,000 Riels to 6,000 Riels; provide 20,000 Riels of livelihood allowances per month for handicaps, retirees, and those who lost their work competency from July 2008 to December 2009. In the 4th mandate of the National Assembly the Royal Government has pushed to establish the Social Security Regime for Veterans as well. The Royal Government has also paid attention to the Social Security for the vagabond wanderers and beggars through the creation of a National Committee and Sub-National Committee to tackle the problems of vagabond wanderers and beggars that the Ministry of Social Work, Veterans, and Youth Rehabilitation had created 6 points of strategies and plans of actions for solving the relevant problems based on humanitarian basis. In the past 5 years, 4,784 insane vagabond wanderers were gathered and provided with provisional shelters in the Social Centers. They are provided with educational services and health care, short course training for skills and psychological support including financial support so that they can reintegrate themselves into their own communities. At the same time the Royal Government has also paid attention to the Social Security for handicaps. The Kingdom of Cambodia have 11 Rehabilitation centers for handicaps and 2 workshops which are being active that have provided 19,853 artificial legs, 64,317 artificial arms, 9,551 shouldered canes, 4,985 armed canes, and provide treatment by movements for 57,227 handicaps. 59,240 handicaps had received skills training from these centers without payment and they were provided with accommodation and travel expenses as well. The Royal Government had set up 7 Handicaps Vocational Training Centers. 4,061 handicaps are being trained with 15 diversified skills. The Centers have also trained 1,147 handicaps for collective work programs. At present 3,015 handicaps possess their own businesses and others have received jobs in various private companies. Policy for the old-aged persons has been established and undertaken. “The First October Old Person Day” is observed to pay gratitude for old persons. There are 331 old person associations for mutual help at various communities.

¹⁴ Public health facilities are comprised of 8 National hospitals, 77 Operational Districts, 73 referral hospitals, 949 health centers, 105 health posts, all of which make up a total of 9661 beds for patients treatment. In the Kingdom of Cambodia, there are 2,162 medical doctors, 1,267 medical assistants, 42 medical professors, 5 doctors of pharmacists, 429 pharmacists, 110 secondary pharmacists, 33 primary pharmacists, 175 doctors of dentists, 67 dentists, 23 primary dentists, 84 massage therapists, 3,464 secondary nurses, 1,845 secondary midwives, 33 primary midwives, 409 secondary laboratory technicians, 23 primary laboratory technicians, 6 scientists, 3 anesthetists, 1,223 other personnel, and 414 non-medical skilled staffs).

¹⁵ In 2007, private health services consists of polyclinics, medical cabinets, health care clinics, dental clinics, medical laboratories, pharmacy, Sub-pharmacy (A), Sub-pharmacy (B), maternity clinic, clinics for ears, nose, throat, and eyes treatments, and traditional herbs nationwide amounted in total to 4,563 places of which 1,736 places are legal and 2,827 are illegal (most of them are just outpatients consultation rooms, sub-pharmacy (B), eye labs, and traditional herbs treatment. On a separate basis, in Phnom Penh municipality, in 2007, private health services (medical cabinets, dental cabinets, massage therapy room, health care clinics, laboratories, maternity clinic, in-patient clinics, and polyclinics) constitute a total of 869 places among which 413 are legal and 455 are illegal (most of them are dental cabinets).

¹⁶ This statistical data is obtained from Ministry of Religion and Cults on pagodas and monks nation wide 2008-2009 dated on 7 June, 2009).

¹⁷ Article 35 and 36 of the constitution state that: “Khmer citizens of either sex shall have the right to actively participate in politics.” “Citizens of either sex of at least eighteen years old, have the right to vote. Citizens of either sex of at least twenty five years old, have the right to stand as candidates for the election.” “Khmer citizens of either sex of at least forty years old, have the right to stand as candidates for the election as the members of the Senate”.

¹⁸ The Workshop was held with the participation of representatives of the Sub-committee on the Prevention of Torture, and supported by the Cambodia Office of the High Commissioner for Human Rights and the Danish based Rehabilitation and Research Centre for Torture Victims.

¹⁹ Based on the principle of equality, the RGC has made its continuous efforts to undertake a number of measures to implement it in line with other provisional laws. This is to ensure the growth and progress of women in all fields ranging from political, economic, social and cultural aspects with the aim to provide women with full human rights and the freedom determined in article 35-1 of the Constitution: “Khmer citizens of either sex shall have the right to participate actively in the political, economic, social and cultural life of the nation. Any suggestions from the people shall be given full consideration by the grant of the State.” Article 2 of the Civil Code state that: “ This code defines the principle to ensure dignity of individual with equality between men and women and the right to own property as stipulated in the Constitution.” The RGC always pays attention on all measures in order to speed up the implementation of this principle in its political platform to ensure the increase of the participation from women to reach the maximum level in all institutions at national, provincial and local levels.”

²⁰ Obviously, in 2008 there were 1, 556 enterprises having in total 674, 673 staffs and, among those, there were 601, 753 female staffs.

²¹ Rights to equality between men and women within the family in Cambodia are protected under the laws (art. 29 of the Law on Marriage and Family state that: “In family, a husband and wife are equal in all aspects”; also the details of the rights are stipulated in many provisions of the Civil Code (art. 974).

²² At the same time, the video documentary was made called “The Victim”, and it was broadcasted on TV. The department provides a hotline service 24 out of 24 hours receiving incoming call in two languages, English and Khmer, and 800 incoming calls were made in average per year. Moreover, up to 2007, the department has set up a special interview room called “Child Friendly Interview Room” using installed video camera at 10 provincial/ municipal police commissions aiming to get rid off fear of the child victim when conducting an interview with them.

²³ The infant mortality rate has decreased from 95 in 2000 to 66 in 2005 among 1000 new births survival rate. At the same time, the mortality rate of children under 5 years old has increased from 124 out of 1000 new births in the same year. The decrease of the mortality rate of infants and children resulted from many factors including the decrease of a number of new born babies delivered per woman in average, the decrease of poverty rate, the better of nutrition situation of children and mothers, the obtaining of water sanitation, and living with hygiene, the increase of vaccination provided, plus better health care service.

²⁴ According to the statistics, there are 6, 383(2,453 females) orphans and infants abandoned by their parents are living under the management of those NGOs; they have been assigned to live in home-based family having one babysitter working as a care taker.

²⁵ A recent data indicates 30 per cent of people are still living under poverty line in Cambodia.
