



OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS



Situation of human rights in Cambodia

Commission on Human Rights resolution 2003/79

The Commission on Human Rights,

Recalling its resolution 2002/89 of 26 April 2002, General Assembly resolution 57/225 of 18 December 2002 and previous relevant resolutions,

Recognizing that the tragic history of Cambodia requires special measures to ensure the protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,

I. SUPPORT OF AND COOPERATION WITH THE UNITED NATIONS

1. *Requests* the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence in Cambodia of the Office of the United Nations High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his task expeditiously;

2. *Welcomes* the report of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights (E/CN.4/2003/113), the report of the Special Representative of the Secretary-General for human rights in Cambodia

(E/CN.4/2003/114), and the use of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office in Cambodia of the High Commissioner and invites the international community to consider contributing to the Trust Fund;

3. *Encourages* the Government of Cambodia to continue to cooperate with the office and other United Nations agencies in their joint efforts to promote human rights;

II. THE ROLE OF NON-GOVERNMENTAL ORGANIZATIONS

4. *Commends* the vital role played by non-governmental organizations in Cambodia, inter alia in human rights education and training and in the development of civil society, and encourages the Government of Cambodia to continue to ensure the protection of those human rights organizations and their members and to continue to work closely and cooperatively with them;

III. ADMINISTRATIVE, LEGISLATIVE AND JUDICIAL REFORM

5. *Notes with concern* the continued problems related to the rule of law and the functioning of the judiciary, resulting from, inter alia corruption and interference by the executive with the independence of the judiciary, urges the Government to expedite legal and judicial reform, including finalizing the adoption of the laws and codes that are essential components of the basic legal framework, in particular a law on the status of judges and prosecutors, a law on the organization and functioning of adjudicate courts and an anti-corruption law, and to ensure the independence, impartiality and effectiveness of the Supreme Council of the Magistracy and of the judicial system as a whole;

6. *Welcomes* the drafts of a penal code, a code on criminal procedures, a civil code and a code on civil procedures, and the increase in the salaries and allowances of judges and prosecutors, and urges the Government to enhance the training of judges and lawyers through the Royal School for Training Judges and Prosecutors and the Centre for Lawyer Training and Professional Improvement of the Bar Association of the Kingdom of Cambodia;

7. *Urges* the Government of Cambodia to strengthen its efforts to tackle the problems related to land by enhancing transparency, giving high priority to the land management and administration reform project and undertaking a review of all land concession contracts and their implementation, and notes with concern the remaining problems of land grabbing, forced evictions and further displacement;

8. *Encourages* further efforts by the Government of Cambodia to implement expeditiously and effectively its reform programme, including the Governance Action Plan and police and military reforms, inter alia the demobilization programme;

9. *Welcomes* progress made by the Government of Cambodia towards removing all anti-personnel landmines and reducing the number of small arms in Cambodia, and encourages the continuing efforts of the Government of Cambodia and the international community to tackle these issues;

10. *Expresses serious concern* that the situation of impunity still exists in Cambodia, recognizes some actions undertaken by the Government of Cambodia to prosecute perpetrators of violations and calls upon the Government of Cambodia, as a matter of critical priority, to increase its efforts to investigate urgently and prosecute, in accordance with due process of law and international human rights standards, all those who have perpetrated serious crimes, including violations of human rights;

11. *Encourages* the Government of Cambodia to work towards free and fair general elections in July 2003 conducted in a peaceful manner, to investigate fully past incidents of intimidation, violence and killings and reports of vote-buying and to prosecute those responsible, to ensure that similar problems do not occur in connection with the general election and to pay close attention, in particular, to the safety and security of candidates and political activists, and to ensure neutrality on the part of State institutions, including an independent national election committee, proper law enforcement by the National Election Committee and the Cambodian judiciary and equitable access to all forms of media, including State broadcast media, for all parties;

12. *Notes with serious concern* the prison conditions in Cambodia, notes with interest some important efforts to improve the prison system, recommends the continuation of international assistance to improve the material conditions of detention and calls upon the Government of Cambodia to take further measures to improve the conditions of detention, including considering the introduction of non-custodial sentencing as an alternative to imprisonment, to provide proper food and health care to prisoners and detainees, to meet the special needs of women and children, and to restore access to prisons and inmates for lawyers, family members and human rights organizations in accordance with relevant regulations in force;

IV. HUMAN RIGHTS VIOLATIONS AND VIOLENCE

13. *Expresses grave concern* about the continued violations of human rights, including torture, excessive pre-trial detention, violation of labour rights and forced evictions, as well as political violence, including killings of political activists, involvement by police and military personnel in violence and the apparent lack of protection from mob killings, notes that some progress has been made by the Government of Cambodia in addressing these issues, and urges the Government to take all necessary measures to prevent such violations, including consideration of the establishment of an independent board of inquiry on the issue of mob killings;

14. *Urges* the Government of Cambodia to take all steps to prevent racial violence against members of any ethnic group, to combat discrimination in all its manifestations against them and to protect their rights, as well as to meet its obligations as a party to the International Convention on the Elimination of All Forms of Racial Discrimination, inter alia by seeking technical assistance;

V. KHMER ROUGE TRIBUNAL

15. *Reaffirms* that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge, and acknowledges that the final collapse of the Khmer Rouge and the continued efforts of the Government of Cambodia have provided the basis for the restoration of peace and stability with the aim of achieving national reconciliation in Cambodia and the investigation and prosecution of the leaders of the Khmer Rouge;

16. *Welcomes* the efforts aimed at concluding an agreement between the United Nations and the Government of Cambodia to set up Extraordinary Chambers to try, in accordance with international standards of justice, fairness and due process, those most responsible for the crimes and serious violations of Cambodian penal law, international humanitarian law and custom and international conventions recognized by Cambodia committed during the period of Democratic Kampuchea;

VI. PROTECTION OF WOMEN AND CHILDREN

17. *Welcomes* the efforts and progress made to improve the status of women, and urges the Government of Cambodia to take further appropriate measures to combat violence against women in all its forms and to take all steps to meet its obligations as a party to the Convention on the Elimination of All Forms of Discrimination against Women, including by seeking technical assistance;

18. *Commends* the efforts of the Government of Cambodia to impede the spread of HIV/AIDS, and encourage them to continue to focus on the problem;

19. *Welcomes* the series of efforts by the Government of Cambodia to combat human trafficking, while noting with serious concern the growth of human trafficking and sexual exploitation of women and children internationally, and requests the Government and the international community to strengthen their concerted efforts comprehensively to address these problems;

20. *Notes with serious concern* the problem of child labour in its worst forms, calls upon the Government of Cambodia to take immediate and effective measures to protect children from economic exploitation and from performing any work that is likely to be hazardous, or to interfere with their education, or to be harmful to their health, safety, or morals, by the enforcement of Cambodian laws on child labour, existing labour laws and anti-trafficking law provisions on behalf of children and prosecuting those who violate these laws, invites the International Labour Organization to continue to extend the necessary assistance in this regard, and encourages the Government to consider ratifying the 1999 Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, Convention No.182 of that organization;

21. *Welcomes* the increased budget allocation in the areas of education and health and encourages timely disbursement and further efforts by the Government of Cambodia to improve the health conditions of children and their access to education, to promote free and accessible birth registration and to establish a juvenile justice system;

VII. CONCLUSION

22. *Encourages* the international community to assist the Government of Cambodia in its efforts to implement the present resolution;

23. *Requests* the Secretary-General to report to the Commission on Human Rights at its sixtieth session on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

24. *Decides* to continue its consideration of the situation of human rights in Cambodia at its sixtieth session under the agenda item entitled "Advisory services and technical cooperation in the field of human rights".

*62nd meeting
25 April 2003*
[Adopted without a vote.]

See chap. XIX. - E/CN.4/2003/L.11/Add.7]