



**International Covenant on
Civil and Political Rights**

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Human Rights Committee

**Third periodic report submitted by Cambodia
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I. Introduction

1. The Kingdom of Cambodia has a population of approximately 15,717,674¹ in 2017 and area of 181,035 km² that consists of 1 Capital, 24 Provinces, 26 Cities, 12 Khans, 159 Districts, 1,410 Communes, 236 Sangkats, and 14,383 Villages.²

2. The Kingdom of Cambodia is a least developed country with an annual economic growth rate of 7% over two decades and continues to grow around 7.1% in 2017 and the coming years. The total revenue in 2016 was USD 20.02 billion, which the average of gross domestic product (GDP) was USD 1,435.³ These factors have made Cambodia graduate from a low-income country to a lower middle-income country where poverty rate had been reduced from 53.2% in 2004 to 13.5% in 2014.⁴

3. The Kingdom of Cambodia has accepted various principles of international human rights as a foundation for its citizens to live in peace, as stimulated in Article 31 of the Constitution of the Kingdom of Cambodia that “*The Kingdom of Cambodia recognizes and respects human rights – as enshrined in the Charter of the United Nations, the Universal Declaration of Human rights, and all treaties and conventions related to human rights, women’s rights and children’s rights. Cambodian citizens are equal before the law and enjoy the same rights, liberties and duties regardless of race, color, sex, language, beliefs, religions, political tendencies, birth origin, social status, wealth or other situations. The exercise of personal rights and liberties by any individual shall not adversely affect the rights and freedoms of others. The exercise of such rights and liberties shall be in accordance with the law.*”

4. The Article 51 (new) of the Constitution of the Kingdom of Cambodia stimulates that “The Kingdom of Cambodia adopts a policy of liberal multi-party democracy. Khmer citizens are masters of their country’s destiny. All powers shall belong to the citizens. The citizens shall exercise their powers through the National Assembly, the Senate, the Royal Government and the Jurisdictions. The powers shall be separated between the legislative power, the executive power and the judicial power.”

5. The 6th National Assembly election on 29th July 2018 was held with free, fair, transparency, and non-violence. 20 political parties joined the election, and 83.02% voters expressed their desire to continue having peace, stability, democracy and rule of law.⁵

6. Based on the Constitution of the Kingdom of Cambodia, Cambodia has practiced, since 1993, the liberal multi-party democracy, promoted rights, freedom and belief of the people and free market economy.⁶

7. The Kingdom of Cambodia is a signatory member of nine core human rights treaties in which Cambodia has acceded and ratified eight out of the nine core human rights treaties such as:

- International Convention on the Elimination of All Forms of Racial Discrimination (28 November 1983);
- International Covenant on Economic, Social and Cultural Rights (26 May 1992);
- International Covenant on Civil and Political Rights (26 May 1992);
- The Convention on the Elimination of All Forms of Discrimination against Women (15 October 1992);

¹ Population Projection of Cambodian 2013–2023 of the Ministry of Planning.

² Report of Achievements 2017 and Future Direction 2018 of the Ministry of Interior.

³ National Strategic Development Plan 2014–2018.

⁴ Report of the Ministry of Economy and Finance.

⁵ The Statement of the Ministry of Foreign Affairs and International Cooperation dated 30 December 2018.

⁶ The Office of the Council of Ministers, Report on important achievements of the Royal Government of Cambodia 2012–2016, April 2017.

- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (15 October 1992);
- The Convention on the Rights of the Child (15 October 1992);
- The Convention on the Rights of Persons with Disabilities (20 December 2012); and
- The Convention on the Protection of All Persons from Enforced Disappearance (27 June 2013).⁷

8. Pursuant to Article 40 of the International Covenant on Civil and Political Rights, the Royal Government of Cambodia shall submit a report to the United Nations Human Rights Committee. The Kingdom of Cambodia submitted its first report to the United Nations on 23 December 1998 and was studied by the Committee on 27 July 1999. The compilation of the second, third and fourth report was submitted to the United Nations in September 2012 and was studied in the 3157 session (CCPR/C/SR.3157) in March 31, 2015. The report currently submitted is in response to the final concluding observations received by Cambodia at meeting session 3157 on March 31, 2015.

II. Responding to Concluding Observations

A. Judicial Sector (Concluding Observation No. 5, 11, 14, 15, 17, 20, 23, 24, and 25)

Concluding Observation No. 5

9. In the Kingdom of Cambodia, there are schools for training of judges and lawyers in which the training programs of the two schools have included lessons on international human rights laws, in particular the international covenant on civil and political rights.

10. The Raoul Wallenberg Institute, a non-governmental organization supported by Sweden, has trained eight trainees to be trainers on international human rights laws for teaching this international laws to the judges of the Royal Academy for Judicial Professions and to lawyers of the Lawyer Training Center.

11. By 2018, the Kingdom of Cambodia had trained judges for 8 batches with 55 judges in each batch. Thus, a total of 440 judges received training on international human rights laws. Currently, more than 800 lawyers had been trained on international human rights laws, especially on civil and political rights.

12. In the Kingdom of Cambodia, the power of the rights enshrined in the international covenant on civil and political rights is incorporated into national laws which is used as a basis of the court's decisions, as stipulated in the Article 129 (new) of the Constitution of the Kingdom of Cambodia that justice is rendered in the name of Khmer people in accordance with the legal procedures and the laws in force.

Concluding Observation No. 11

13. In the Kingdom of Cambodia, all activities against the laws including human rights violations, have been investigated by a competent body to file a case to the court which is conducted pursuant to the provisions of the Code of Criminal Procedure, including:

- **Article 56.2:** A judicial police officer shall have the duty to investigate felony, misdemeanor and petty crime, identify and arrest the perpetrators and collect evidences;
- **Article 74.1:** A judicial police officer who receives a complaint must start the immediate investigation or deliver the record on the receipt of the complaint to the prosecutor to take further action;

⁷ Royal Government of Cambodia, Universal Periodic Review Report Cycle 3 on Human Rights Situation in Cambodia, October 2018.

- **Article 75.1:** In any case, the judicial police officer cannot keep any criminal case without processing even though there has been a negotiation for settlement between the offender and the victim or there has been a withdrawal of the complaint.

14. In accordance with the principle of law, when there is any crime occurred, not only on journalists, human rights defenders, civil society actors, other civil society groups, but also ordinary citizens, the competent authorities, especially the judicial police shall immediately investigate according to the functions as defined in the above provisions. However, the investigation has not immediately had positive effect on all cases since some cases have been prolonged due to the crime's complexity, and some other cases, it is difficult to find and arrest the perpetrators. However, the competent authorities still not leave such a case behind and the legal actions has still been taken as the following:

- On 31 January 2014, in Kbal Onlung village, Peam Chhkork commune, Chul Kiri district, Kampong Chhnang province, there were six suspects attacked **Soun Chan**, a reporter for MeaKear Kampuchea Newspaper, who later died in the hospital. The six suspects had fled, but they were charged of murder and were individually sentenced 13 years in a prison and each had to pay 5,000,000 Riels to the victim's family by the judgment No. 27(d) dated 11 November 2014 of the Kampong Chhnang Provincial Court.

15. On 21 October 2014 in Khsem Krao village, Ksem district, Snoul district, Kratie province, a journalist of Khmer Democracy Newspaper, named Taing Try, was murdered. The court convicted the accused person named La Narong imprisonment for 7 years for committing murder and using unauthorized weapons and had to pay 10,000,000 Riels to the victim's family by the verdict No. 14(d) dated 20 May 2014 of the Kratie Provincial Court.

- On 9 September 2012 in Thouy Ampil village, Cha-ong commune, Ochum district, Ratanakiri province, there was a murder of a journalist of Voreak Chun Khmer Newspaper, named Hang Serei Oudom. The court decided to drop a charge against Ean Bun Heng and Siv Sreyvy of a planned manslaughter under the judgment No. 25 (B) dated 28 August 2013 of the Ratanakiri Provincial Court. At the Court of Appeals, through Judgment 56 Kr, VII / T 21-11-2014, it was decided to uphold the criminal verdict of the Rattanakiri Provincial Court by arguing that there was no evidence of guilty for the two above suspects.

Concluding Observation No. 14

16. The conditions of pre-trial detention and provision of the final verdict to prisons are specified in the Code of Criminal Procedure:

- Article 203: In principle, the accused shall have freedom. In special cases, the accused can be temporarily detained under the conditions set out in this section.
- Article 204: Pre-trial detention can be only applied in case of a felony or misdemeanor charges in which the laws set the punishment of imprisonment for 1 (one) year or more.
- Article 205: Pre-trial detention can be imposed when detention is necessary:
 - (a) To stop the offense or prevent the offense from happening again;
 - (b) To prevent any interferences on witnesses or victims or to prevent any delusions between the accused and the accomplice;
 - (c) To maintain evidence or material leads;
 - (d) To ensure the preservation of the accused for the court proceeding accordingly;
 - (e) To protect the security of the accused;
 - (f) To maintain public order to avoid any chaos caused by the offense.

Concluding Observation No. 15

17. In addition to the Code of Criminal Procedure, the Kingdom of Cambodia promulgated the “Law on Juvenile Justice” on 14 July 2016. This law is aimed at ensuring the protection of the rights and interests of juvenile offenders supporting juvenile rehabilitation and integrating them into the society and the community. The law also aims to identify provisions and procedures that must be strictly abided and to clearly determine the existence of any criminal offense committed by a minor. The provisions of this law created a juvenile justice system that is to be implemented at all levels of the courts.

18. Currently, in the Kingdom of Cambodia, there is no a separate juvenile justice system yet, only a juvenile justice practice in the criminal court that authorized qualified judges specializing in juvenile field/justice to proceed the juvenile case in accordance with the procedure and child friendly manner. However, according to the Law on Organization of the Court, it also allows the establishment of other specialized courts if necessary besides the four existing specialized courts, namely criminal courts, civil courts, labor courts, and commercial courts. Therefore, the Kingdom of Cambodia may establish juvenile courts at any particular time in the future.

19. Currently, although the Law on Juvenile Justice was promulgated in July 2016, minors are still under the jurisdiction of the General Department of Prisons since the regulations and procedures on the management of juvenile detainees have still been drafting. In collaboration with the Development Partnership, UNICEF, the Royal Government has continued to reform the justice system for juvenile offenders from the detention stage, sending to the courts, sending to the prisons, the rehabilitation programs until the integration into the society and community. For the management of juvenile detainees, they have now been detained separately by sex, age, and security classification without mixing with older people.

20. For the juvenile justice reform, the Royal Government of Cambodia (RGC) has established an inter-ministerial working group consisting of Ministry of Interior, Ministry of Justice, Ministry of Social Affairs, Veterans and Youth Rehabilitation, Appeal Court and in which the working group is chaired by a Secretary of State from Ministry of Justice as the president. Under the cooperation with UNICEF, the inter-ministerial committee seeks for feasibility study to promote alternative sentencing for juvenile offenses committed by minor and have designed relevant measures and regulations for transferring the management of juvenile detainees from the Ministry of Interior to the Ministry of Social Affairs, Veterans and Youth Rehabilitation pursuant to the Law on Juvenile Justice.⁸

21. On 21 December 2018, Samdech Krolahom Sar Kheng, Cambodian Deputy Prime Minister officially launched a three year strategic and implementation plan (2018 to 2020) of the Law on Juvenile Justice. The key point of strategic and implementation plan is to raise up the understanding of benefits of implementing diversion measures and other noncustodial measures, which could possibly reduce the number of new offenses and the number of detained juveniles, and ultimately reduce the government’s burden on detention expenses.

Concluding Observation No. 17

22. In principle, the accused must be free and the provisional detention can only be done in special cases, which is the last option based on the conditions set out in article 205 of the Criminal Procedure Code. In Cambodia, perpetrator has the right to attain a lawyer in his or her own choice or by an appointment at all stages of the procedure which is determined in the Criminal Procedure Code.

23. Article 97, upon the arrest of a person, the judicial police officer informs the persons about the rights set forth in article 98 (lawyer’s assistance during arrest) of this code. Article 98 specifies that when 24 hours have passed starting from the commencement of the arrest, the person detained may ask to meet with his or her lawyer or with any persons that he/she chooses and they must not involve in the same cases.

⁸ Report of the Ministry of Interior No.2151 SChN dated on 12 December 2018.

24. At the investigating stage, pursuant to article 143, paragraphs 3 and 4, the investigating judge advises the accused to be aware of his or her rights to choose a lawyer or request for an appointed lawyer in accordance with the Law on Status of Lawyers. The accused minor must always have a lawyer. If the accused person has not selected a lawyer, then the lawyer shall be appointed in accordance with the Law on Status of Lawyers. In addition and according to article 145, when the accused has a lawyer, the investigating judge must summon the lawyer at least 5 days before the interrogation day.

25. Article 301 provides that legal assistance must be absolute in the following cases:

- Felony.
- The accused person is a minor. If the accused person has not selected a lawyer, the lawyer shall be appointed upon the initiative of the court president in accordance with the Law on Statute of Lawyers. In line with this, the Law on Juvenile Justice, Article 6 states that every minor suspected or accused of having committed an offence shall have the basic procedural rights in which the juvenile shall receive a lawyer right after being brought into the police unit (Article 18).

26. To facilitate the use and exercise of the rights to lawyers of the detained or person being charged, the Ministry of Justice with the support of the European Union has developed a draft policy on legal aid to provide effective legal aid. This draft policy on legal aid policy has been developed and discussed with all concerned stakeholders. In this respect, in order to promote the rights to legal aid of the person being charged with criminal offenses, the Ministry of Justice has cooperated with the Bar Association of the Kingdom of Cambodia to establish Bar representatives at every Municipal and Provincial Court of First Instance. Recently, Samdech Techo Prime Minister of the Kingdom of Cambodia decided to establish another legal aid mechanism of lawyer group to provide legal assistance and protection for poor women, especially vulnerable women, to ensure social justice and rule of law.

27. To promote equal rights before the law, the RGC has provided 900 million Riels in 2018 and increased up to 1,200 million Riels in 2019 to support and provide legal aid to the poor, while the Bar Association has arranged the lawyers to defend the poor at the court without any charge. At the same time, the National Council for Women's Affairs (CNCC) has received 500 million Riels annually to provide legal aid to female victims.

28. Judicial independence is guaranteed by the Cambodian Constitution as following:

- Article 128 (new): The judiciary is an independent power. The judiciary maintains the future of the people and protects the rights of the people.
- Article 130 (new): No one of the legislative, or executive bodies can take the judicial power.
- Article 132 (new): The King shall be the guarantor of the independence of the judiciary. The Supreme Council of the Magistracy shall assist the King in this matter.

29. The Law on the Organization of the Judiciary was developed with full account of fundamental principles to ensure the independence of the judiciary in accordance with international standards; based on this law, only judges who have the right to trial with independent judiciary, strictly abiding the law, and with all their devotion and self-esteem.

30. To support the process of courts and prosecutors, the provisions of this law have established an administrative unit to serve as an administrative and financial assistance to the court and prosecutor. The Ministry of Justice and administrative unit have no power to interfere with and influence on the court's trials. On the contrary, the administrative unit is only an assistant of each court and prosecutor to ensure the good functioning of these two bodies and does not affect the independence of courts.

Concluding Observation No. 23

31. In the Kingdom of Cambodia, in regard to marriage, there is no provision for discrimination based on sex, age, and income related to the fascination. The legal measures,

as well as the administrative measures put forward in relation to marriage, are aimed at protecting the rights and interests of Cambodian women without any other reasons.

32. Article 950 of the Civil Code of Cambodia states that a woman may not remarry until 120 days have elapsed from the day of the dissolution or annulment of her previous marriage. This provision does not restrict women's rights. The aim is to protect the interests of women as well as men who are about to get married, because during this period of time, women can conceive from the previous marriage that may affect new marriage, during these 120 days. In this case, if there is a recognition and consent from the woman, the woman can immediately arrange a new marriage after the previous one has been dissolved or canceled. As in paragraph 2 of Article 950 of the Civil Code, the provision of paragraph 1 above is not applicable to the case of a pregnant woman before the marriage that has been dissolved or canceled and has given birth or in the case of having a certificate of being no pregnancy from a doctor.

33. Particularly for Sub-Decree 183, 2008, which is listed that foreigners who wish to marry with Cambodian women, need to be under 50 years old and has a minimum wage of \$ 2,500. This is just a step to protect the rights and interests of women who will be getting married with foreigner. This was a lesson learned from the previous experience that Cambodian women got married with foreigners and learned painful traumas, such as following cases:

- Cambodian women who were married with some foreigners over the age of 50, were brought to serve solely as their personal servants and those foreigner men thought that these would be better than hiring another woman to be a servant. This has led Cambodian women losing their rights and freedoms;
- Some Cambodian women who married foreigners with low income were brought to be slaves at slaughterhouses, or do farming jobs without gaining any benefits, that were gravely living as slaves. However, currently with a positive progress, the RGC has waived the age requirement from the date November 16, 2018, but still keep the requirement of foreigners' income in order to insure the balance of the couple's living life. In particularly, for those women who have to live with their husbands abroad.

Concluding Observation No. 24

34. Physical punishment is an intentional violence or an unintentional assault, which is a criminal offense and is punishable by law, even if it is done by parents or guardians. However, because of the past traditional practices, some parents or guardians still take physical punishment as a means of discipline to educate their children.

35. In order to curb the physical punishment on children by parents or guardian, the RGC has introduced a Law on Domestic Violence Prevention in 2005. The purpose of this law is to introduce measures to help victims and to take a legal action against those who commit a violence, even in the form of a disciplinary action, if the form is in an incontrovertible situation.

36. In the Kingdom of Cambodia, even if parents or guardians use corporal punishment on their children at a certain levels, they will be punished according to the relevant laws without exception. In fact, on January 21, 2019, a 34 years old man, who lives in Thmey village, Kouk Khhleang commune, Sen Sok district, Phnom Penh Capital, was arrested by competent police and the case was filed to the court because that man had used corporal punishment on his 4-year-old nephew who lived with him.

37. Along with the implementation of the law, the Royal Government of Cambodia, especially the Ministry of Social Affairs, Veterans and Youth Rehabilitation and the Ministry of Women's Affairs, has co-developed the "2017–2021 Action Plan to Prevent and Respond to Violence on Children. The Action Plan set up five key strategic interventions to achieve the goals of ending violence on children, including 1) Facilitation and cooperation 2) Preliminary prevention 3) Multi-sector response services for child protection 4) Establishment and amendment of laws and policies and 5) Monitoring and evaluation. The Ministry of Education, Youth and Sport has so far examined and observed

that only a small number of education staff acted in violation to the legislations and legal frameworks related to corporal punishment and abuse on children. There are some actual cases as below:

(a) The case against an education official who works for the Kampong Chhnang Field Department of Education, Youth and Sports has been filed by students' parents on the sexual harassment. For the measures taken, the Ministry of Education, Youth and Sports has decided to place him in a vacancy with no salary while waiting for final result from the court;

(b) The case against an education official who works at the Education, Youth and Sport Field Department in Takeo province, and had punished students for wrong answers by standing and slight hitting by the ruler was filed by the parents with the claim of mental and physical compensation. For measures taken, the Ministry of Education, Youth and Sports had instructed the Education, Youth and sport Field Department in Takeo province to call that official for instruction, advice and a warning to stop the above activities;⁹

(c) One of the education staff at Svay Rieng Provincial Education, Youth and Sports Field Department who had punished students by having them undressed for making the wrong answers; In this case, the parents have filed a complaint and claimed for compensation and legal action. For the measures taken by the Svay Rieng Provincial Department of Education, Youth and Sports, that official was instructed and blamed to stop the above activities and transferred to Rumduol District Field Department of Education, Youth and Sports instead.

Concluding Observation No. 25

38. According to Article 51 (new) of the Constitution of Cambodia, all powers belong to the citizens. The citizens exercise their powers through the National Assembly, the Senate, the Royal Government and the Judiciary. To ensure proper legal and regulatory development and democratic engagement, the royal government of Cambodia has introduced a directive on procedures of drafting laws and regulations which requires all government institutions to follow, in which providing consultation for all relevant stakeholders and the citizens is a foundation procedure. Moreover, the meetings of legislative branch are held in public, meaning that the members of the National Assembly and the Senate as representatives of the people, have enough possibility to know and to join discussions of the drafts. Meanwhile, some of the main draft laws have been publicly consulted before being submitted to the legislature branch for review and approval.

39. In order to strengthen the participation in drafting legislation, the Royal Government has been implementing the Regulatory Impact Assessment Program (RIA) under ADB's assistance to assess the impacts of legislation and regulation before drafting, which requires the participation from all stakeholders, especially citizens with a clear and comprehensive study on the issues. The Ministry of Justice, under the legal and judicial reform program, will develop a legal framework on legislative drafting and development to strengthen the effectiveness and ensure the participation from all stakeholders and citizens.

B. Human Rights Work (Concluding Observation No. 6 and 29)

Concluding Observation No. 6

40. The Royal Government has agreed in principle to establish a national human rights institution through the formulation of the Law on the Establishment of a National Human Rights Committee, in accordance with the Paris Principles. The Cambodian Human Rights Committee has also coordinated to establish a joint working group of the Royal Government and civil societies, and tasked the civil society to draft the Law on the Establishment of National Human Rights Institutions.

41. The draft law has been discussed several times, but has not yet been finalized. The Cambodian Human Rights Committee-CHRC will handle it for further discussion and

⁹ Ministry of Education, Youth and Sports, Letter 78 dated 18 April 2018.

consultations with all stakeholders, especially with the Office of the United Nations High Commissioner for Human Rights in Cambodia, in order to make it consistent with the Paris Principles and also acceptable in accordance with the situation of Cambodia.¹⁰

Concluding Observation No. 29

42. Previously, CHRC has collaborated with relevant ministries, local authorities and other stakeholders in organizing the human rights seminars in various provinces throughout the country in order to mainstream and disseminate the human rights law to all trainees, law enforcement officials, local authorities, students, workers, indigenous peoples and ethnic groups. CHRC team has also educated and disseminated on ‘human rights and laws’ to high school and pedagogic students, in which from early 2017 to February 2019, 6340 students and trainees (3, 748 females) had received the education and training on ‘human rights and laws’. The CHRC team will also expand the scope of this dissemination program on human rights and laws to the citizens at communities in provinces and capital throughout the country.¹¹

43. The CHRC, as an assisting agent of the Royal Government of Cambodia in human rights field, has included in its 2019 program budgeting to disseminate all human rights reports submitted to the United Nations through the publication and presentation of these reports to civil servants, general public and all stakeholders.

C. Gender equality, discrimination based on sex and violence against women (Concluding Observations No. 7, 9 and 10)

Concluding Observation No. 7

44. The Royal Government of Cambodia has paid high attention on strengthening the effective implementation of laws and policies to ensure equity in all sectors between women and men through the establishment of institutional mechanism from a national to a sub-national level. At a national level, the Cambodian Council for Women and the Ministry of Women’s affairs have jointly acted through the gender technical working groups (TWG-G) and the gender mainstreaming action groups (GMAGs) in various ministries and institutions. At a sub-national level, the Department of Women’s Affairs, Consulting Committee for Women’s Affairs and Children in the Capital, Provinces and Cities, District, Khan; as well as the Committee in Charge of Women’s Affairs and Children in all Communes, Sangkat country wide, having the roles of upholding Women Rights and mainstreaming gender.

45. As a secretariat of the Royal Government of Cambodia, the Ministry of Women’s Affairs has paid close attention to promoting women’s participation in all sectors at both national and sub-national levels through strengthening the implementation of national policies and major measures, such as:

- Implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1992 and the Optional Protocol 2010 of the Convention Rectangular Strategy Phase 1 to 4.
- National Strategic Development Plan 2014–2018.
- Neary Rattanak IV Strategic Plan (2014–2018).
- Gender Mainstreaming Strategic Plan of Relevant Ministries (GMAPS).
- Royal Government’s Recommendation (through the Cambodia National Council for Women).
- The guideline of the Ministry of Civil Service in the selection of new civil servants women are 20% to 50%.

¹⁰ Report of the CHRC to National Committee against Torture, December 2018.

¹¹ Annual Report 2017–2018 and 02/2019 of the Cambodian Human Rights Committee.

46. Women's leadership at the national and sub-national levels in politics and in public functions has increased significantly in terms of positions and ranks, as well as in the legislative, executive and judicial branches, as shown in the tables below:

Legislative Body

| <i>Mandate and years</i> | <i>Members of the National Assembly</i> | | <i>Members of the Senate</i> | |
|--------------------------|---|--------------|------------------------------|--------------|
| | <i>total</i> | <i>women</i> | <i>total</i> | <i>women</i> |
| 2013–2018 | 123 | 25 (20.32%) | | |
| 2017 | | | 62 | 12 (19.35%) |
| 2018–2023 | 125 | 26 (21%) | | |

Executive branch

| <i>Mandate and Years</i> | <i>Vice-prime minister</i> | | <i>Senior Minister</i> | | <i>Ministers</i> | | <i>Secretary of State</i> | | <i>Under Secretary of State</i> | |
|--------------------------|----------------------------|--------------|------------------------|--------------|------------------|--------------|---------------------------|--------------|---------------------------------|--------------|
| | <i>total</i> | <i>women</i> | <i>total</i> | <i>women</i> | <i>total</i> | <i>women</i> | <i>total</i> | <i>women</i> | <i>total</i> | <i>women</i> |
| 2013 | 9 | 1 (11.1%) | 16 | 0 | 26 | 2 (7.1%) | 185 | 38 (20.54%) | 273 | 48 (17.58%) |
| 2018 | 10 | 1 (10%) | 17 | 0 | 29 | 3 (10.34%) | 279 | 45 (15.38%) | 440 | 69 (15.33%) |

Incumbent women at the sub-national Level

| <i>Governor of municipal cities and provinces</i> | | <i>Deputy Governor of capital city and provinces</i> | | <i>Governor of Cities, Districts/Khan</i> | | <i>Deputy Governor of Cities, Districts/ Khan</i> | |
|---|--------------|--|--------------|---|--------------|---|--------------|
| <i>total</i> | <i>women</i> | <i>total</i> | <i>women</i> | <i>total</i> | <i>women</i> | <i>total</i> | <i>women</i> |
| 25 | 1(4%) | 150 | 26 (17.3%) | 197 | 6 (3%) | 771 | 200 (25.9%) |

47. The numbers of women in the judicial and law systems have subsequently increased.

| <i>Year</i> | <i>Judges</i> | | <i>Prosecutors</i> | | <i>Clerk</i> | |
|-------------|---------------|--------------|--------------------|--------------|--------------|--------------|
| | <i>total</i> | <i>women</i> | <i>total</i> | <i>women</i> | <i>total</i> | <i>women</i> |
| 2013 | 265 | 37 | 147 | 15 | 630 | 139 |
| 2015 | 278 | 40 | 184 | 23 | 630 | 153 |
| 2017 | 265 | 38 | 180 | 23 | 766 | 165 |

Concluding Observation No. 9

48. In Cambodia, measures to protect rights and eliminate discrimination and violence against LGBTI persons are included in two national policies, the 4th National Strategic Plan on Gender Equality and Women Empowerment (2014–2018) called the Plan of Neary Rattanak IV and the 2nd National Action Plan on Prevention of Violence against Women (2014–2018). In 2014, the Ministry of Women's Affairs evaluated and produced gender-related reports in Cambodia, and in this report had provided an overview of the situation of Cambodian women in all aspects, especially the situation of LGBTI persons and raised some key recommendations to protect their rights.

49. In response to this situation, addressing issues of discrimination and violation on LGBTI persons is implemented in accordance with systematic and comprehensive policies and procedures, by incorporating multi-sex and gender identity into a professional program on positive children feeding since birth to less than 18 years of age.

50. A new program, Pioneering for Gender Equality, which was created and supported by UNDP and SIDA focused on promoting rights and empowering women from LGBTI community. The program is jointly created by three relevant ministries (Ministry of Education, Youth and Sports, Ministry of Public Service and Ministry of Information) to implement a number of measures to include 5 vulnerable groups of women and children,

including women from LGBTI community, Muslim women and girls, indigenous women, elderly women, women and girls with disabilities. The pushing factors and rights protective approaches for LGBTI persons are aimed at pushing behavioral change to end the stigma and violence against them.

51. The Ministry of Women’s Affairs has been preparing to include the status of LGBTI persons in the third group of vulnerable women and girls for updating on gender estimates in Cambodia in 2018. At the same time, the draft national policy on gender equality will also include the issue of vulnerable women and girls groups.

Concluding Observation No. 10

52. The Royal Government of Cambodia had launched the National Action Plan on the Prevention of Violence against Women 2009–2012, in which the Ministry of Women’s Affairs has set up an Inter-Ministry/Institution and Civil Societies Technical Working Group to respond to the gender-based violence (TWGG-GBV) with success and good results by implementing strategies such as (1) raising public awareness through the distribution of laws and dissemination of laws widely to stakeholders and partner organizations, (2) improving the supporting service systems to be more convenience to find and access supporting services more effectively. Meanwhile, the Commune/Sangkat Committees in charge of women and children’s affairs and police officers were actively involved in responding to cases of violence against women.

53. Cambodian National Council for Women coordinated in providing legal services, 87 cases, to victim women of violences through police officers of the Municipal/ Provincial Department of Women’s Affairs, including 33 case of domestic violence, 53 rape cases, and 01 case of a sexual harassment, of which the minor victims were 40 cases in 2015–2016. With good cooperation with the competent authorities and the courts, the judicial police have accelerated cases of violence against women and children, especially the case of sending a minor case to the judicial system in accordance with the legal procedures. The Ministry of Justice has continued to disseminate laws on crackdown on human trafficking and sexual exploitation and regulations related to women’s and children’s rights, registration procedure of contract on couple assets and child adoptions to judges, prosecutors, clerks, and law enforcement officials 1,700 persons (544 women) in 2016–2017.

D. Public order and national security (Concluding Observation No. 8, 12, 13, 14, 16, 18, 21, 22 and 27)

Concluding Observation No. 8

54. Cambodia is a signatory to the Convention on the Elimination of All Forms of Racial Discrimination and became a State Party on 28 November 1983.

Pursuant to Article 31 of the Constitution of the Kingdom of Cambodia and in conformity with the provisions of the above-mentioned Convention, the Kingdom of Cambodia has set racial discrimination as a crime by defining the term “racial discrimination” that refusing to supply goods or services, refusing to hire, termination of employment or removal from office on discriminatory grounds, and denying of rights by public officials on discriminatory grounds or because that person is a membership or non-membership of a given ethnic group, nationality or race are discrimination punishable by the criminal code as stated from Articles 265 to 270 of the criminal code.

55. In accordance with the principles of the above code, the Royal Government of Cambodia has made an active effort to combat discrimination of racism against foreigner minorities, especially to Vietnamese minority, who are living in the Kingdom of Cambodia.

56. So far, the competent authorities have examined the legal status of all foreign minorities who have been living in Cambodia, in which the authorities have found that most of them were Vietnamese minority who has illegally entered and lived in the country, and were sent back by the authorities to their country of origin in accordance with the provisions of the Law on Immigration of the Kingdom of Cambodia.

Concluding Observation No. 12

57. Gathering of illegal protesters on March 2, 2014, is not a rallying activity for a non-violent demonstration. The gathering is a collection of violent acts through the activities of burning public properties and private properties by protesters, incited by the leaders and ready to use the means to fight and commit such acts of destruction: stones, bricks, tubes, gas bottles are ready for attacking in that events that caused injury 16 national police forces and 01 military of police. In this event, the authorities used total forces to maintain public order and security, were not overwhelming because the thousands of violent protesters with weapons in hands and were ready to attack. In response to violent protests in these forms, the authorities had used competent forces with appropriate skills to prevent the timely prevention of public order security by not allowing the action spread widely.

58. The events on 15 September 2013, 12 November 2013, and 2–3 January 2014, caused by illegal protesters, were not peaceful demonstrations. The illegal protesters were armed with weapons, stones, bricks, batons, pipe cements injection, and gasoline bottles, etc. conducted violent acts on security forces who have duties to protect security and public order for all citizens in accordance with the duties and roles defined in the law in force.

59. However, the competent authority (Ministry of Interior) has investigated the whole case to make comparable estimations and take them as a lesson learned for future work. If this is compared, it looks as follows:

- (a) Regarding the amount of force, the protesters overwhelmed the authorities;
- (b) For the weapons, the weaponry of the authorities is more powerful, but substantially less amount, compared to the weapons of the protesters;
- (c) The power of the authorities acted while the demonstrators used violence, destroying public properties and private properties. The action of the authorities is to protect the public properties, which is the legitimate protection of the authorities, not the excessive use of force to suppress the protesters.

Concluding Observation No.13

60. The RGC has established a National Prevention Mechanism against Torture, known as “National Committee against Torture, Other Cruel, Inhuman or Degrading Treatment or Punishment” by the royal decree No. NS/RTK 0817/619 dated 22 August 2017, with 9 members and a secretariat. The committee works independently of its functions in accordance with the Optional Protocol to the Convention against Torture and is in contact with the UN Sub-Committee against Torture in the Asia-Pacific region. In compliance with the above royal decree, sub-decree No. 28, dated 27 February 2018 and the letter No. 1203 of 12 July 2018, has mandated the committee to disseminate the national and international legal regulations concerning with torture and has mandated the committee to do the inspection of prisons and temporary detention centers in the capital and provinces without any prior notices.

61. In the Kingdom of Cambodia, any confessions received by physical coercion, psychological coercion and torture shall not be used and applicable as stated in article 38 of the Constitution of the Kingdom of Cambodia and article 321 of the Criminal Procedure Code of the Kingdom of Cambodia. On the basis of these legal provisions, the judicial police have no authority to force with the physical coercion, psychological coercion, or torture suspects to receive answers, since such an answer cannot be proved as evidence, and officials who tortured the suspect, shall be punishable under the Criminal Code.

62. At the same time, the victims of torture can file a claim for compensations of damages from the perpetrators as stated in article 2 of the Criminal Procedure Code.¹² In the case of certain claims that the accused had evidences of torture, the court has always conducted investigations for the allegations and punished the perpetrators according to the acts committed as following cases:

¹² Report of the Ministry of Interior No.2151 SChN dated on 12 December 2018.

- In the first case, five judicial police officers were sentenced by the provincial court of Preah Sihanouk province on penalty of intentional injury under the Criminal Verdict No. 27 D, dated 25 July 2010.
- In the second case, two judicial police officers were convicted of intentional violence by the provincial court of Preah Sihanouk province on September 23, 2013 under the criminal verdict No.39 G.

63. Some accused claimed that they were tortured by police officer for the purpose of providing an answer, but did not have any specific evidence, and the court also could not find evidence, such case were in doubt, both in torture and in merit of the allegation, in which the courts decided to provide benefits to the accused, for instance, one of the accused, in the presence of the investigating judge of Oddar Meanchey court, said that he had been tortured by the police officer, but there was no clear evidence provided, and the judge also found no evidence to impose. So that the judge dropped the charges and released the accused.

64. At the same time, some authorities have used violence against offenders during the operation, such as on July 1, 2015 in Ta Bear Village, Bavet Commune, Bavet City, Svay Rieng Province, a police officer operated to arrest suspects who had been fighting each other. Meanwhile, a police officer, Sek Ponhaen Seth, attacked a suspected, known as Noun Sopheaktra for the injury. Sek Ponhaenuseth were charged with intentional violence and sentenced to three years in prison and compensated to 5,000,000 riels (five million Riels) under the verdict of jury No.107, dated 29 August 2016.¹³

Concluding Observation No. 14

65. To solve overcrowded problems in the prisons, the Ministry of Interior has built 12 additional buildings and transformed the existing infrastructure by installing shelves to expand the capacity to accommodate for 27 buildings, and have renovated and restored 25 buildings with the increasing the total area to 30,454 square meters. However, the construction and processing of additional buildings is only a short-term solution. Some of the long-term systemic measures that the RGC is considering are:

- Community work execution and so far the RGC has sent senior officials to study visit in Japan and Thailand.
- At the same time, a roundtable discussion with relevant institutions and development partners, such as the ICRC, UNICEF JICA, seeks to find measures to cope with overcrowded prisoner.
- Developing a database of detainee records for reinforcing and monitoring case of detainees with courts, and that can accelerate the judicial proceedings and boost for a better principle of exemption and relief of penalties.
- Establishment of the three Regional Appeal Courts to speed up judicial proceeding, reduce costs and overcrowding in prisons and correctional centers in Phnom Penh when prisoners are sent from provincial prisons waiting for a hearing at the Appeal Court in Phnom Penh.

66. For the inadequate healthcare services, the General Department of Prison has been working with the Provincial Referral Hospital, State Hospital, and the 16 May Police Hospital in Phnom Penh to provide healthcare and maternity services to detainees. In addition, the General Department of Prisons has also collaborated with NGOs and civil society organizations for the prevention of communicable diseases, such as tuberculosis, AIDS, scabies and healthcare and sanitation training in prisons.

67. Psychological problems as well as the physical health of detainees: Although the rate of detainees with mental retardation or mental health problems is still low, the General Department of Prisons recognizes a shortage of Mental Health and Psychiatry Specialists in Prisons, and lack of resources and infrastructure for nursing mental problem. In addition, the rate of self-harm is also low compared to other countries in the region and other

¹³ Point 11 and 12 of the Cambodia's responding to the three recommendations to the United Nations.

developed countries. However, the RGC continues to pay close attention to the mental health of detainees through the integration of religious programs (Buddhism, Islam, Episcopalianism), and psychological education in the education program for detainees. At the same time, the General Department of Prison has collaborated with TPO Cambodia (Mental Health Program) to help treating mental healthcare for the detainees.

68. Reducing the duration of each detainee getting outside the room for everyday exercising is not implemented in all prisons. Based on security factor, the duration for each detainee to get outside was reduced in some overcrowded prisons such as in the First Correctional Center, the Second Correctional Center and the prison in Siem Reap province, in order to facilitate detainees to get outside.

69. Regarding to corruption and mistakes made by prison guards, the competent authorities have paid high attention investigating on irregularities in some prisons nationwide, with participations from other relevant competent entities, including the general secretariat, the general department of internal auditing, the national committee for prevention of torture, and especially the UN subcommittee for prevention of torture, etc. So far, 59 prison guards are carried out the administrative fine after seeking out that they had made mistakes relevant to their roles. The general department of prisons always encourages detainees to report directly, in case there is any illegal abuse made by prison guards in each prison, to the general department, the ministry of interior or competent entities, namely the anti-corruption unit, the Cambodian human rights committee, etc.

70. Regarding to the late release of convicts who has fulfilled final court judgments, has less than 1%, as the lateness in processing the releasing documents, caused by various factors. Besides this there are some convicts who their imprisonment terms were ended and didn't immediately go home, but they have requested to extend their stay in prison before going back to their homeland; such a case has misguided that the prison authorities have abducted prisoners in an abusive manner. To abolish such late release, the general department of prison has instructed all Capital/provincial prisons and correctional centers to regularly review convict's cases and coordinate with courts to speed up the process of releasing documents on time for convicts who have implemented the final judgments of courts.¹⁴

Concluding Observation No. 16

71. The competent authorities did not arbitrary arrest or detain homeless persons, beggars, drug users, street children and sex workers, but the authorities only collecting them for the ministry of social affairs, veterans and youth rehabilitation to restore rehabilitation and health supporting with humanitarian principles. The royal government of Cambodia established the national committee to solve the above problems via a sub-decree No. 129 ANKr.BK dated 11 November 2005, to work as an agency of the royal government in:

- Establishing a joint strategy for solving problems of all kinds of these groups, including rehabilitation, integration into communities and prevention of returning to begging.
- Strengthening and expanding working networks for solving problems of all kinds of these groups at all levels in order to provide services to them as a foundation for making a living by themselves.

72. The Ministry of Social Affairs, Veterans and Youth Rehabilitation has received those persons from the collections of the competent authorities, such as homeless persons, beggars, street children and sex workers to stay in centers to provide safety, accommodation, food, healthcare, mental education, consulting, short-term professional training, rehabilitation and integration into families and communities voluntarily in conformity with the human rights and humanitarian principles, that was not the arbitrary arrest and detention. For drug users, the center received them follow the sending of courts

¹⁴ Report of the Ministry of Interior No.2151 SChN dated on 12 December 2018.

and competent authorities or received those persons who are voluntarily come to receive services in the centers.

73. The Ministry of Social Affairs, Veterans and Youth Rehabilitation as well as competent entities and civil society organizations have always inspect and investigate regularly on the processes of the centers that look after homeless persons, children in street children and sex workers, and people who use drugs in order to follow up any ill-treatments conducted by the centers' staffs. However, so far now does not have any evidences to proof any torture or ill-treatment in the centers.

74. To combat human trafficking, the royal government of Cambodia has set up a national mechanism called the national committee for combating trafficking in persons which has 21 ministries and 5 specialist units as members, and ranging from national to sub-national levels; this committee is led by a deputy prime minister, minister of the Ministry of Interior. The committee has increased cooperation with national, international, regional and sub-regional partners, civil society organizations, international organizations aiming at disseminating and educating the public on combating trafficking in persons and effectively cracking down human trafficking.

75. In 2017, the competent authorities have cracked down on 159 cases of trafficking in persons and sexual exploitation (on 92 cases, compared to 2016 increased 67 cases equals to 72.82%). In those cases the competent authorities arrested and sent 203/113 suspects (increased 90) to courts, and 61 females and 17 minors were arrested; among those suspects, there were 20 foreigners with 8 nationalities, including 3 Vietnamese, 2 English, 2 Dutch, 1 Japanese, 1 American, 1 Russian, 9 Chinese and 1 Czech. Meanwhile, in 2017, the courts had 270 cases related to trafficking in persons, with 323 accused persons (70 females); in which the courts had sentenced 129 perpetrators to imprisonment and other 45 were not sentenced to imprisonment.

76. Whereas, victims who were rescued from human trafficking and sexual exploitation in 2017 in total 345/298 (increased 47), in which 138 were children under 15 years old, 40 were age between 15–17 years old, and 167 were age up from 18 years old, among these 167 were sent to social affairs departments, 120 sent to 5 organizations and 220 sent back to their families.

77. Along with bringing perpetrators to justice, the competent authorities are also paying highly attention to the rescuing of victims who have been exploited abroad and to their repatriation as listed in the table below:

| <i>Institutions receiving suspected victims</i> | <i>Number of suspected victims</i> | | |
|---|------------------------------------|--------------|-----------------|
| | <i>Men</i> | <i>Women</i> | <i>Children</i> |
| Ministry of Social Affairs, Veterans and Youth Rehabilitation | 46 | 119 | |
| Poi Pet Drop in Center | 243 | 1 | 27 |
| Municipal/provincial social affairs departments | 238 | 197 | |
| NGO partners | 342 | 136 | 193 |
| Total | 869 | 453 | 220 |

78. Some of the suspected victims who have already been repatriated received compensation as follows:

- After the conclusion of legal complaint made in Thailand, 27 victims received the following compensations:
 - 06 victims received 3,000 Baht each from SDSW;
 - 21 victims received different compensations based on their personal injury/damage from Thai employer in 2017;
 - 12 men repatriated and received compensation from their Thai employers for 62,000 Baht each.

- 05 Cambodian women with the intervention by the Royal Embassy of Cambodia to Japan in cooperation with Japanese police in February 2018 received a total compensation of USD 102,471 from a Japanese company in Tochigi province, Japan.

79. In 2017, some suspected victims of human trafficking and who have been re-integrated into their individual families by the competent authorities are listed in the following table:

| <i>Ministry/Institution</i> | <i>Number of suspected victims</i> | | |
|---|------------------------------------|--------------|-----------------|
| | <i>Men</i> | <i>Women</i> | <i>Children</i> |
| Ministry of Social Affairs, Veterans and Youth Rehabilitation | 188 | 172 | 08 |
| Municipal/provincial social affairs departments | 13 | | |
| NGO partners | 172 | 156 | 08 |
| Total | 373 | 328 | 16 |

Concluding Observation No. 21

80. All kinds of criminal offenses that have taken place, the competent authorities, especially the judicial police officers, always investigate into those cases, collect evidences, identify perpetrators, detain and bring them to justice regardless of how immense or negligible those cases are.

81. Journalists and other civil society actors have equal rights before the law and are obligated to obey the law as other persons do. Journalists, human rights defenders and other civil society actors who have committed criminal offences have to be punished in accordance with the law as other persons do. In the Kingdom of Cambodia, expression is not a criminal offense, but the use of individual profession or personal expression as a means of conducting any act prohibited by the law is a criminal offense, which is subject to be punished by the law. Over the past years, journalists, human rights defenders and other civil society actors have been sentenced into jail and fined in line with the applicable laws in force. Such kind of conviction is absolutely not a means of frightening or deterring those journalists, human rights defenders and other civil society actors. These punishments are simply the legal measures against those who have used their profession as a means of crime commitment.

82. Under Article 305 of the Penal Code of the Kingdom of Cambodia, defamation is not subject to imprisonment. Incorporating the defamation case into the criminal offence with possible fine punishment is the determination of obligation and responsibility of offenders to acknowledge their actions. This case is in accordance with Paragraph 3, Article 19 of the International Covenant on Civil and Political Rights. It is solely not the restriction to the rights and freedom of expression.

83. The Draft Law on Cybercrime has been reviewed and revised by the Ministry of Interior in collaboration with legal experts representing the United States Department of Justice. The Draft is in good condition in line with the requirements of Article 19, Paragraph 3 and Article 22 of the International Covenant on Civil and Political Rights as well as in line with the Budapest Convention on Cybercrime (Budapest, 23.XI. 2001 Convention on Cybercrime).

84. The Ministry of Interior has initiated a draft of the Law on Associations and Non-Governmental Organizations in mid-1995 in cooperation with ministries, institutions and with technical support from legal experts, international organizations and some foreign experts. The draft law was convened four times for consultation with relevant stakeholders prior to the National Assembly adoption. Overall, this law has been made in pursuant to Cambodia's Constitution and other applicable laws in force, to the international legal instruments recognized by Cambodia as well as to international experiences, embracing a series of extensive consultations with all relevant stakeholders at many phases in accordance with the process and principles of democracy for over 20 years.

85. The Law on Associations and Non-Governmental Organizations was promulgated under the Royal Kram No. NS/RKM/0815/010 dated 12 August 2015. The law aims at the following main objectives:

- Ensuring the rights and freedoms in establishing associations and non-governmental organizations (NGOs) in the Kingdom of Cambodia, to protect their legitimate interests and to protect the public interests as well enhancing partnerships and cooperation between associations and NGOs with public authorities for the development of Cambodian society in all fields;
- Ensuring the rights and freedoms of expression and participation of citizens in political life even if they are leaders or members of Non-Governmental Organizations. Nonetheless, acting as a Non-Governmental Organization in support of or opposing any political party is prohibited by the law and other applicable legal frameworks in force.

86. Up to now, the total number of local associations and non-governmental organizations who have already been documented and registered has reached 5,507 of which 2,286 are associations and 3,221 are non-governmental organizations. As of the end of November 2018, after the law came into effect, there have been a total of 909 associations and non-governmental organizations registered with the Ministry of Interior, including 509 associations and 400 non-governmental organizations. So far, there have been about 2,000 associations and non-governmental organizations that have fulfilled their obligations in line with the principles set out in the annual report.

87. The above data precisely shows that there is no decrease in the number of local associations and non-governmental organizations. In order to promote cooperation in accordance with the principles of the rule of law as well as to facilitate the formation of associations and non-governmental organizations so that their activities are legally recognized in accordance with its statute, the Ministry of Interior organized a National Workshop on May 12, 2016 with about 500 participants from concerned ministries, government agencies, sub-national administrations, associations and Non-governmental Organizations and development Partners.

88. The Royal Government considers associations and non-governmental organizations as dynamic partners of cooperation in economic and social development in all fields. Recently, having received feedback from development partners stating that NGOs or associations have been threatened or intimidated by local authorities in their activities at the grassroots level, the Ministry of Interior hosted a Partnership Forum between the Royal Government and Civil Society Organizations (CSOs) on 21 June 2018 to review the situation of cooperation between both parties, to identify the challenges all CSOs have been facing as well as to seek effective solutions for better cooperation. There were 400 participants from all ministries and institutions of the Royal Government of Cambodia and 200 participants who are sub-national administrative officers, development partners and CSOs representatives.

89. To address the concerns, requests and recommendations proposed by civil society organizations, the Royal Government of Cambodia has set up a working group to coordinate and deal with those issues. The components of this working group are from the Ministry of Interior, the Ministry of Economy and Finance, the Ministry of Foreign Affairs and International Cooperation and the Council for the Development of Cambodia in compliance with Decision No. 84 SSR dated November 2, 2018. Meanwhile, the Ministry of Interior also issued a guideline No. 040 SNn dated October 31, 2018 on cooperation between the Royal Government, sub-national administrations and local associations and non-governmental organizations as well as local grass-root communities. The Ministry of Interior also notified municipal/provincial governing boards and chairmen of municipal/provincial command units of this guideline to ensure that associations, non-governmental organizations and local grass-roots communities are fully entitled to conducting activities in the Kingdom of Cambodia in accordance with the laws and regulations in force as well as with their respective by-laws submitted to the Ministry of Interior without informing local authorities like what they did in the past when they were

required to notify local authorities of their activities within 03 days in advance.¹⁵ In addition, the Ministry of Interior will settle the concerns, requests and recommendations proposed by associations and non-governmental organizations in collaboration with SCO representatives in compliance with the laws and regulations in force.

Concluding Observation No. 22

90. According to the law on peaceful demonstrations, demonstrators have the right to holding demonstration but do not cause violence or make any harm which affects the public order. In the event that peaceful protest turns into violence, demonstrators are held liable according to the law. Demonstrators who comply with the provisions of Article 2, Article 5, 16, and 20 of the Law on Peaceful Assembly are guaranteed by public authorities in exercising their right to protest.

Concluding Observation No. 27

91. The Royal Government has been drafting a legal framework on civil status, statistic of civil status and identification in accordance with the international obligations to which Cambodia is a signatory in order to ensure that the birth registrations fully covers all children without any prejudice to their family status. The registration will be done by the Information Communication Technology and telecommunication system that provides a reliable management of specific individual identities for the basis of full right enjoyment as enshrined in the constitution as well as enhancing the efficiency of administrative service delivery and other needy public services to the public. This work is one of the most crucial components in promoting social equity and justice especially in paying high attention to vulnerable groups, indigenous groups as well as stateless persons.

92. In the Kingdom of Cambodia, birth registration and the acquisition of Khmer nationality have to be done in accordance with the laws and legal frameworks which precisely define clear procedures. Their implementation is done without prejudice. Even a stateless child can also register its specific birth. Nevertheless, the acquisition of Khmer nationality in the present time has to abide by and comply with the conditions set forth in the laws in force of the Kingdom of Cambodia.

E. Extraordinary Chambers in the Courts of Cambodia

Concluding Observation No. 19

93. The Extraordinary Chambers in the Courts of Cambodia (ECCC) was established by the Law on the Establishment of the ECCC and the agreement between the Royal Government of Cambodia and the United Nations to try serious crime perpetrated during Democratic Kampuchea regime. Cambodia and the United Nations have backed the ECCC since its inception and will continue to support it until it finishes its mandate. All judges, co-prosecutors and legal officers at the ECCC have been working independently and independently made decision without any interference. Either Cambodia or the United Nations cannot complete or end the inquiry/proceedings conducted by the ECCC; only its judicial bodies can make a decision. In late 2018, during a meeting with UN Deputy Secretary-General Miguel de Serpa Soares, who is in charge of legal affairs, His Excellency Deputy Prime Minister Bun Chhin, Chairman of the Task Force of the Royal Government of Cambodia for the ECCC, stressed that the Royal Government of Cambodia supports and wants to see the ECCC successfully complete its mandate with decorous procedure, dignity and honor.¹⁶

¹⁵ Letter No. 2006 SChN dated 27 November 2018 issued by the Ministry of Interior.

¹⁶ EEEEC report.

F. Right to Vote of Detainee

Concluding Observation No. 26

94. In order to vote, Cambodian citizens are not in the condition of imprisonment or have not been deprived of their right to vote as stipulated in Article 46 of the Law on the Election of Members of the National Assembly (LEMNA) and the Amendment Law of LEMNA.

- For any person who has mental disorder which means that this person has lost any of his/her competence that unable him/her to think and make a decision according to their own will as ordinary citizens do. Thus, if these persons are allowed to vote, the election cannot be conducted transparently and accurately.
- In short, while drafting any law, the competent authorities are always taken into account of the reverse impact and compliance with the Constitution¹⁷ and the other treaties that Cambodia has signed.¹⁸

95. Article 31 (a) and Article 34 new of the Constitution of the Kingdom of Cambodia define the respect for civil rights and the right to vote. With regard to Article 46 of LEMNA, to be eligible to vote, every citizen must have his/her name in the voter lists and must have a Khmer identity card. In order to have his/her name in the voter list, every citizen must meet the following conditions:

- Be a Khmer national;
- Be eighteen (18) years or over on the polling day;
- Have a residence in the Commune/Sangkat where he/she is going to cast his/her vote;
- Not be in a situation of serving prison term or a situation in which his/her right to vote has been deprived;
- Not be insane or under guardianship as certified by a competent ministry or institution.

96. In the Kingdom of Cambodia, persons with mental disorder or psychiatric persons are entitled to forfeit a right to vote (Article 46 of the Law on Election of Members of the National Assembly – LEMNA – requirements to have a name in the voter lists). While having been forfeited the right to vote, the persons with mental disorder, as provided by law, shall not be criminally responsible. The law has stated like this is due to the fact that the persons with mental disorder or psychiatric persons have lost their capacity to reason, as to say they have lost the capacity of self-control on their conducts which is unable them to ensure the decision making with their true will.

97. In principle, persons who are under imprisonment conditions, as forfeited by law, are not entitled to hold all the human rights like the general citizens. Provisions related to the rights forfeiture of the persons who are under imprisonment conditions differ from state to state based on the real situation of each state.

98. In the Kingdom of Cambodia, at the present time, Law on Election of Members of the National Assembly does not allow the persons in detention to vote (Article 46 – requirements to have a name in the voter lists).

- There are some factors not allowing the persons in detention having the right to vote:
 - Prison management is not yet qualified to guarantee the security and safety;
 - Proportional election system by taking the municipal city and provinces as the polling stations is not satisfied the election in the prison;

¹⁷ Letter No. 1543 NEC dated 07 December 2018 issued by the National Election Committee.

¹⁸ Letter No. 1543 NEC dated 07 December 2018 issued by the National Election Committee.

- Preventing the politicians from taking the pardon and sentence alleviation to the convicts as party policy to attract the votes from them. Because by doing so gives the opportunity to the criminals to be easily released from imprisonment.
- Though the right to vote is temporally forfeited, the convicts still have plenty of other rights, especially the fundamental rights as stated in the Universal Declaration of Human Rights which was adopted and proclaimed by the United Nations General Assembly resolution 217 A on 10 December 1948.

G. The Right of Indigenous Peoples and Right to Land

Concluding Observation No. 28

99. The Royal Government of Cambodia has the national policy on the Indigenous Peoples Development Framework which was adopted in 2009. This policy aims to elevate the livelihood of the indigenous peoples meanwhile preserving their culture, good tradition, custom and belief.¹⁹

100. In the Kingdom of Cambodia, the indigenous people have the right to land more than the general citizens because they can gather as a community to get a collective ownership of land and can have the right to individual ownership of land as the general citizens, which are assured and protected by the Constitution of the Kingdom of Cambodia and Law on Land 2001.²⁰

101. The Royal Government of Cambodia issued the policy on land registration and right to land usage for indigenous communities on 24 April 2009 and Sub-Decree No. 83 on the Procedures of Land Registration of Indigenous Communities on 9 June 2009 which were widely consulted among national and international civil societies and especially the indigenous communities with the purpose of elevating the livelihood of the indigenous peoples, preserving their culture, good tradition, custom and believes in respecting to each indigenous group, managing the use of natural resources, which is a foundation in elevating the livelihood and life quality.

102. To grant economic land concessions, Royal Government of Cambodia has paid deep attention to the sustainable development in order to provide benefits to the citizens such as:

- Develop the activities of agricultural intensification and agri-industry;
- Increase the employment at rural area in the framework of agricultural intensification and job opportunity with various ways of making a living, production contract application and the natural resource management by appropriate ecological system;
- Provide new jobs to rural citizens in addition to their existing jobs. In fact, there are 51,319 workers who have been employed at the economic land concessions;
- Have infrastructure such as roads, schools, health centers, other services, in which the companies constructed roads in total 13,867 Km.

103. The policy implementation on social's affairs impact settlement as follows:

(a) The lower Se San 2 Dam project gave impacts on citizens of 860 families/households of 6 villages in 3 communes in which the government provided compensation policy to 814 families/households equivalent to 94.5%, and has been consulting and facilitating with the rest 46 families/households equivalent to 5.5%. Compensations provided to citizens as follows:

- Organize a new village which has adequate public infrastructure.
- Build an 80-meter-square house for each family on the land of 20 meters to 50 meters.

¹⁹ Ministry of Interior, Notification No. 2151 on 12 December 2018.

²⁰ Ministry of Interior, Notification No. 2151 on 12 December 2018.

- Provide ownership of land of 5 hectares to each family.
- Provide support for one year to each family to build a new life such as foods, oil for lighting, seeds and crop protection chemicals.
- Provide land of forestry products, burial grounds, and spiritual-offering land in respecting to their tradition.

(b) A project of oil and gas exploration and extraction found a zone which impacted on 4-hectare rice field which belongs to 3 families. The company negotiated, consulted and agreed with the impacted families by providing compensations before project execution. However, nowadays the Royal Government of Cambodia has already eliminated this project.

104. Progress of land disputes related to economic land concessions of sugarcane plantation producing sugars for exportation in 4 provinces such as Koh Kong Province, Kompong Speu Province, Preah Vihear Province and Oddar Meanchey Province.

1. *Koh Kong Province*

105. Three companies attached to economic land concessions of sugarcane plantation producing sugars for exportation in Koh Kong Province were Koh Kong Plantation Co., Ltd, Koh Kong Sugar Industry Co., Ltd, and Heng Huy Development Company. All disputes were completely solved for the 986 impacted families.

- Each of 175 families received USD 2,500 and 3 hectares of land in Dong Peng and Chi Khor Ler Commune, Sre Ombel District, and Kondoal Commune, Botum Sakor District.
- Each family of 200 families received 1.5 hectares of land in Chi Khor Ler Commune, Sre Ombel District. Each family of 175 and 200 families received budget, got a lucky draw for land lot, already possessed and used the land, and proclaimed examining zones for systematic land registration on 26 December 2018. Currently, the public administrative announcement of land titles which has been in process to verify the correctness of related information before issuing the land title ownership to the citizens.
- Each of the 585 families received 3 000 US\$ and 2 hectares of land in Dong Rek and Chi Khor Ler Commune, and Kondoal Commune, Botum Sakor District. All of the 585 families already received the compensation fund and land. At the present time, the roads have been constructed to access to land plot measurement in order to issue the land titles to the citizens.
- The disputes in Chi Khor Ler Commune, Sre Ombel District between the 26 families and Heng Huy Development Company were already resolved, and land title ownership was already issued to the 17 families. These days, the authority is processing the procedure to issue land title to the 9 remaining families.

2. *Kompong Speu Province*

106. Three companies attached to economic land concessions of sugarcane plantation, producing sugars for exportation in Kompong Speu Province were Phnom Penh Sugar Co., Ltd., Kompong Speu Sugar Co., Ltd., and Kompong Speu Plantation Co., Ltd. Working group received 3,349 files; by December 2018, 9 cases were resolved, 195 cases were coordinated, and the rest has been being studied.

3. *Preah Vihear Province*

107. Five companies attached to economic land concessions of sugarcane plantation producing sugars for exportation impacted on 287 families, and all the families filled the files in which the disputes of the 57 families were completely resolved and of the 230 families were dismissed due to the fact that those used to be resolved and were irrelevant. These days, the procedure to issue land titles to the 57 families is in process.

4. *Oddar Meanchey Province*

108. Three companies attached to economic land concessions of sugarcane plantation producing sugars for exportation returned the land to the citizens in compliance with Notification No. 283 on 13 March 2015 of the Office of the Council of Ministers. The disputes between the 412 families and the companies were completely resolved by granting 1,028.37 hectares of social land concessions in which 824 hectares for dividing land lots and 204.37 hectares for infrastructure in Sangkat Kreal, Krong Somrong. 412 families came for lucky draws in order to get land lot.²¹

III. Challenges

109. The provision of public services both the administration and the justice has not yet gain good achievements to satisfy the public such as: Institutional and legal framework building have not yet responded to the demands, and the understanding of law enforcement has not yet been utterly effective.

110. Regarding the law enforcement, the competent authorities, including the judges and the prosecutors generally rely on the spirit of national laws to precede the case and make decisions, and have not used the elements of international human rights laws yet. Even though nowadays the Kingdom of Cambodia has around 500 laws and most of them consists of the principles of human rights in compliance with the Constitution of Cambodia, human rights conventions, international covenants of human rights to which Cambodia is the party, the implementation by stakeholders is somehow not wholly satisfied; thus it shall get improved. Meanwhile the provisions of some laws are not clear and flawless, the amendments or establishment of new laws are necessary in order to respond to the demands of the society.²²

111. Since 1993, the Royal Government of Cambodia has provided extensive opportunities to National and Foreign Non-Governmental Organizations including the Office of the High Commissioner for Human Rights to Cambodia to take actions on dissemination and training of human right related issues by all means to the authorities of all levels and the citizens. Nevertheless, until now the level of understanding of the citizens and key persons on human rights has not been deeply comprehended yet. The perceptions on human rights, duties, obligations, and laws have not been consistent with the human rights demanders, users, and protectors. To exemplify, the views on the use of freedom of expression among the demanders, the users and the human rights monitors has not been totally agreed to the scope of national and international human rights laws.²³

112. The human resource development with quality, competency, productiveness to respond to the demand of the social and economic development which is the main key to support the economic growth and the competition for current time and for long term in the future is still limited.

113. Though Cambodia has achieved the primary education plan, there are challenges of the learning outcomes and the pursuit of study till secondary education which are the main foundation to master skills and the improvement of higher education quality to obtain the benefits of technological progress and the industry innovation.²⁴

114. Although the registration of indigenous community lands is behind the plan, some indigenous people who have private ownership on land have intention to request to become a community member by giving up their private ownerships on land to make a land collective ownership of the indigenous community. Meanwhile, some indigenous people

²¹ Ministry of Land Management, Urban Planning and Construction, Report on the progress of problem solving related to the economic land concession of sugarcane plantation for exportation belongs to H.E. TEP Thon on 17 January 2019.

²² Report on the Universal Periodic Review (UPR) 3rd Circle of Human Rights Situation in Cambodia 2018.

²³ Challenges in the Report on the Universal Periodic Review (UPR) 3rd Circle of Human Rights Situation in Cambodia 2018.

²⁴ The Royal Government of Cambodia, Rectangular Strategy, Phase IV, Page 14.

who are the members of the community have intention to request to leave the community and ask for a registration of private ownership on land. Some communities have asked for land in which its size is bigger than their necessary need on land usage.

IV. Royal Government's Strategies

115. The RGC is still committed to promoting human rights to be consistent with the will that Cambodia has ratified and accessed 8 among 9 core international human rights instruments, and with contents of the article 31 of the Cambodian Constitution. With this commitment, Cambodia has also been issuing some main measures by setting up some basic principles stipulated in the rectangular strategy phase IV of the RGC of the sixth legislature of the national assembly such as:

116. Modernizes state institutions and development with sustainability, equity and just through the exercise of state's political, economic and administrative authorities in leading and managing the country, especially ensuring the sustainability of the role and the process of public administration by paying attention on people's interest as a core and on national construction.

117. Enhances judicial service by improving the effectiveness of the law enforcement officials, strengthening public trust in the field of justice, and combating unfair treatment in society via:

- Strengthening law enforcement;
- Strengthening cleanliness and professional ethic of the law enforcement officials;
- Strengthening the mechanism of working discipline and modernization of judicial administration;
- Improving legal aid service; and
- Strengthening and enhancing conflict resolution mechanisms which response to the real situations of the society effectively.²⁵

118. Continues to reform legal and judicial systems by designing legal framework with sustainability to gain more trusts from the public, which includes capacity building, independence and impartiality of courts that are essential to strengthen rules of laws, segregation of powers, respect of individual rights, and justice for general population. Continue to develop new laws based on the requirement of national governance, which ensure human rights protection, democracy and rules of laws.

119. Strengthens the implementations of the existing laws to be more effective by increasing the dissemination and training programs to the law enforcement officials and disseminating and developing capacity on the international human rights laws through maintaining of peace, political stability, security and social order; improving living standards and people's welfare, and via the implementation of necessary measures towards the promotion and protection of fundamental rights and human dignity.

120. Commits to effectively implementing nationality and immigration policies in order to preserve country's sovereignty, national interests, reputation and dignity of the country, and harmony in the society, which are based on the principle of democracy and human rights, strengthening rules of law, respect of laws and the international human rights instruments, and that will ensure equal rights before the laws, rights, freedoms and obligations of individual citizens living in the Kingdom of Cambodia.

121. Continues to find justice for Cambodians through its support and mobilizing fund for the ECCC that is currently processing, in order to trial senior leaders in the Democratic Kampuchea regime from 17 April 1975 to 6 January 1979.

²⁵ Core and Environment Cover: Strengthening the Effectiveness of Work, Page 29, Rectangular Strategies Phase 4.

122. Inserts status of LGBTI into vulnerable women and girl groups for updating on gender estimation in Cambodia and developing national policy on gender equality which will be included issues of venerable women and girl groups as well.

123. Continues to solve and promote people's welfare by introducing specific policies that support the development of health sector. RGC ensures the provision of health service, which is carried out with good quality, effectiveness, fairness and sustainability by prioritizing this service to rural and remote areas and to marginalized and vulnerable groups, especially women, children and elders in order to improve people's daily health situation and welfare. Poor people shall benefit from the public healthcare service.

124. Continues to implement gender equality policy by mainstreaming gender in all sectors and programs. RGC continues to increase the efficiency of social services and justice for victims suffered from gender violence and continues to provide opportunities for female students to pursue their education until higher education at graduate and postgraduate programs along with the provisions of quality and effective health and foods. Continues to balance and strengthen women's capacity in public and private functions so that women can contribute to promote good governance at all levels. The royal government will take necessary measures especially the policy of village-commune security and implement 2nd national action plan for combating violence against women in order to reduce negative impact and improve non-violence culture, which will be part of social morale, women's values in Khmer family and instill community with dignity, family with happiness and society with harmony.

125. Continues cooperation with civil society organizations and the OHCHR in Cambodia to urge and accelerate the process of drafting the law on the establishment of the National Human Rights Institution based on the Paris principle.

126. Continues the election reform by strengthening the officials' capacities, technical work, and modernization of information and data systems to make elections more convenient, transparent, fair, and just to earn trusts from Cambodian citizens and international communities.

127. Continues to actively and deeply reform land management by focusing on the management, organization, utilization and distribution of land in order to achieve national goal for reducing poverty, food security, the protection of environment and natural resources, national defence and socio-economic development in accordance with free market principles. The RGC continues to solve land disputes more effectively and fairly based on existing laws and regulations by using both mechanisms inside and outside the court system. For the long-term goal, the royal government will speed up the allocation of social land concession to people who have no farming land by using land inventory, withheld from inactive companies that breached contracts, and the state's land remained from locations under directive no. 01 and land remained from mine clearance. The RGC continues to postpone economic land concession programs or provide permanent rental of land in order to strengthen the management of such lands in accordance with laws, regulations and contracts.

128. Has set out key targets and strategic programs:

(1) To promote public awareness on laws and disseminate to the public (social moral education and promoting of non-violent culture in society);

(2) Improve social services (multi-services provision), health service (examination), and legal service (legal service provision for sexual violation case) and enhancement of policies and laws related to women, etc.

References

- Constitution of the Kingdom of Cambodia (1993).
- Law on Organization and Functioning of the Council of Ministers (2018).
- Law on the Press (1995).
- Law on Nationality (2018).
- Law on Immigration (1994).
- Labor Law (1997) and the Amendment of This Law.
- Law on Political Parties (1997) the amendment of this law.
- Land Law (2001).
- Law on Commune/Sangkat Election (2002).
- Law on the Election of the National Assembly (1997) and the Amendment of this Law (2002).
- Law on Parliamentarians (2006).
- Law on Education (2007).
- Law on the Suppression of Human Trafficking and Sexual Exploitation (2008).
- Code of Civil Procedures (2006).
- Code of Criminal Procedures (2007).
- Civil Code (2007).
- Criminal Code (2009).
- Law on Association and Non-Governmental Organization (2015).
- Law on Peaceful Demonstration.
- Law on the Organization of the Courts (2014).
- Law on Status of Judges and Prosecutors (2014).
- Law on the Organization and Functioning of the Supreme Council of the Magistracy (2014).
- Law on General Statute of the Soldiers of the Royal Cambodian Armed Forces.
- Paris Agreement 1991.
- International Covenant on Economic Social and Cultural Rights (1992).
- International Covenant on Civil and Political Rights (1992).
- Convention on the Elimination of all forms of Discrimination against Women (1992).
- Convention on the Elimination of all forms of Racial Discrimination (1983).
- International Convention against Torture (1992).
- International Convention on the Rights of the Child (1992).
- Optional Protocols to the Convention on the Rights of the Child on the sale of children, Child Prostitution, and Child Pornography (2002).
- Optional Protocols to the Convention on the Rights of Persons with Disabilities (2006).
- Optional Protocols to the Convention against Torture (2007).
- Optional Protocols to the Convention on the Elimination of all forms of Discrimination against Women (2010).
- Rectangular Strategy Phase 3 of the RGC for the fifth Legislature of the National Assembly.

Political Platform of the RGC for the fifth Legislature of the National Assembly.

Rectangular Strategy Phase 4 of the RGC for the sixth Legislature of the National Assembly.

Royal Decree No. NS/RKT 0817/619 dated 22 August 2017 on the Establishment of the National Committee against Torture, Other Cruel, Inhuman or Degrading Treatment or Punishment (NCT).

Royal Decree NS/RKT/1213/1336 dated 9 December 2013 on the Restructuring of the Cambodian Human Rights Committee.

Sub Decree No. 129 ANKr/BK dated 11 November 2005 on the Establishment of National Committee for Homelessness.

Reports of Achievements 2017 and Future Direction 2018 of Line Ministries/Institutions.

The Ministry of Interior issued an Instruction No. 040 SCHN dated on 31 October 2018 on Cooperation between the Royal Government and Sub-National Administration with Associations and Non-Governmental Organization, and Local Communities.

The General Commissariat of National Police issued a Decision dated 25 July 2007 on Parts under the Office against Domestic Violence and Sexual Abuse.
