



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the third periodic report of Cambodia*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Bearing in mind the previous recommendations of the Committee (CCPR/C/KHM/CO/2, para. 5), please provide specific examples of the application of the Covenant in national courts, as well as additional information regarding training on and awareness-raising regarding the Covenant among judges, lawyers, prosecutors, parliamentarians and government officials. Please indicate whether the State party intends to ratify the first Optional Protocol, on individual communications, and accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

2. In light of the previous recommendation of the Committee (CCPR/C/KHM/CO/2, para. 6), please provide additional information on the status of efforts to create a national human rights institution that is fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). In particular, please provide further information on the status of the draft law on the establishment of a national human rights institution, the reasons for the continued delays in the establishment of such an institution, the current situation in relation to civil society consultation, and when it is expected that such an institution will be in place.

Anti-corruption measures (arts. 2 and 25)

3. Please provide information on the measures taken by the State party to address corruption, including in public procurement and taxation. Please provide information on the implementation of the 2010 anti-corruption law, including on the work of both the National Council against Corruption and the anti-corruption unit. Please provide information on the number of complaints, investigations, prosecutions and convictions for corruption, as well as on any preventative measures that are in place.

States of emergency (art. 4)

4. Please provide information regarding the law on the management of the nation in a state of emergency, promulgated in 2020, including detailed information on its provisions, sanctions for violating the law, the possibility of judicial oversight of its application, and its compatibility with the Covenant and the Constitution and other national legal standards. Please explain whether these legal provisions have been applied as a response to the coronavirus disease (COVID-19) pandemic, including whether there have been derogations from any rights under the Covenant. Bearing in mind the Committee's general comment No. 29 (2001) on derogations from provisions of the Covenant during a state of emergency,

* Adopted by the Committee at its 129th session (29 June–24 July 2020).



please provide information on whether any such derogations met the strict requirements of proportionality to the exigencies of the situation, relating to duration, geographical coverage and material scope, as well as whether other States parties were notified through the Secretary-General of the United Nations.

Fight against impunity, and past human rights violations (arts. 2, 6, 7 and 14)

5. Bearing in mind the Committee's previous recommendations (CCPR/C/KHM/CO/2, paras. 11 and 19), please provide information on what steps the State party has taken to guarantee remedies for grave human rights violations that have occurred since the signing, in 1991, of the Agreements on a Comprehensive Political Settlement of the Cambodia Conflict (Paris Peace Agreements), and to address impunity in order to fulfil its obligations under the Covenant.

6. Bearing in mind the Committee's previous recommendations (CCPR/C/KHM/CO/2, para. 19), please provide more detailed information on how the independence and efficacy of the Extraordinary Chambers in the Courts of Cambodia are ensured. Please also discuss how the jurisprudence of the Extraordinary Chambers is integrated into the national legal system.

Non-discrimination (arts. 2 and 25)

7. In light of the Committee's previous recommendations (CCPR/C/KHM/CO/2, paras. 7–9), please describe the legislative and other measures taken during the current reporting period to combat discriminatory laws and social practices based on sex, sexual orientation, gender identity, race and ethnicity, religion, disability and indigenous status. Please include information on steps taken to collect information on minority and marginalized groups and their needs and to develop comprehensive anti-discrimination legislation, including provisions that prohibit discrimination on all relevant grounds, and measures taken to ensure equal access to government services.

Violence against women (arts. 2, 3, 6, 7 and 26)

8. Bearing in mind the previous recommendations of the Committee (CCPR/C/KHM/CO/2, para. 10) please discuss the measures taken by the State party to address violence against women, including the reported high degree of societal tolerance for such human rights violations, and the culture of victim-blaming for violence. In this regard, please provide more information on: (a) the results of the second national action plan on the prevention of violence against women (2014–2018) and whether there is currently a national plan to combat violence against women in place; (b) the compatibility of the 2005 law on the prevention of domestic violence and protection of victims with the provisions of the Covenant, including in relation to its focus on non-judicial mediation and the legal definition of domestic violence; and (c) the number of complaints, investigations, prosecutions and convictions for all forms of violence against women within the reporting period; and (d) measures in place to protect victims.

Right to life (arts. 6 and 24)

9. Please respond to reports of extrajudicial killings, including of opposition leaders, human rights defenders, journalists and persons involved in protests over land rights. Please provide information on the number of investigations, prosecutions and convictions for such categories of killings during the reporting period. Please also provide detailed information on the status of high-profile cases, including information on: (a) whether an independent inquiry has been initiated into the circumstances of the murder of Kem Ley on 10 July 2016; and (b) how many of those charged in the murder of journalist Soun Chan have been apprehended or detained.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and treatment of persons deprived of their liberty (arts. 6, 7, 9 and 10)

10. In light of the Committee's previous recommendation (CCPR/C/KHM/CO/2, paras. 13 and 17), please discuss the State party's efforts to combat the practice of torture and

other cruel, inhuman or degrading treatment or punishment, including whether the State party intends to enact specific legislation on torture that will clarify and strengthen its legal definition. In this regard, please provide information on: (a) how full independence from the Ministry of the Interior is ensured for the National Committee against Torture, Other Cruel, Inhuman or Degrading Treatment or Punishment; (b) the total number of complaints, investigations, prosecutions and convictions for torture, ill-treatment and deaths in detention within the reporting period, including any cases taking place in police custody and mandatory drug treatment centres; (c) the number of judicial proceedings in which forced confessions have been excluded from evidence within the reporting period; and (d) the alleged practices of physically compelling individuals to thumbprint documents and to take mandatory urine tests.

11. In light of the previous recommendations of the Committee (CCPR/C/KHM/CO/2, para. 14), please provide further information on efforts to reduce severe overcrowding and improve poor conditions within the prison system, including lack of access to food, clean water and medical care. Please respond to allegations that the national anti-drug campaign launched in 2017 has led to exponential increases in the prison population and worsened overcrowding during the reporting period. Please provide information on: (a) what, if any, human rights-compliant alternatives to detention, including non-custodial sentences for non-violent offences, have been used, including to address overcrowding in prisons; (b) any measures taken to address corruption and abuse by “room leaders” and official staff in the prison system; and (c) the use of presumptions, such as those relating to association with individuals who possess drugs and the presence of drug paraphernalia, in arrest decisions.

12. Please provide information on whether the State party’s COVID-19 response has addressed risks to detained populations, including among the most vulnerable detainees, and whether there have been any outbreaks of the virus in the prison system or other places of detention, and, if so, what the government response has been.

Deprivation of liberty (arts. 9, 10 and 14)

13. Please respond to reports that a large proportion of the prison population is being held in pretrial detention, that a large proportion of women detainees, including those with young children, are held in such conditions, that pretrial detainees are incarcerated with convicted detainees, and that pretrial detention is used for extended periods of time.

14. Please respond to reports that fundamental procedural safeguards, including the use of arrest warrants and the rights of detained individuals to be informed of the charges against them, to have prompt access to a lawyer, to have access to a medical assessment and to be brought before a judge in a prescribed time frame, are not consistently upheld within the State party. In this regard, and bearing in mind the Committee’s previous recommendations (CCPR/C/KHM/CO/2, para. 17), please provide additional information on efforts to increase legal aid, including information on the exact status of the national policy on legal aid, and on how continued barriers to access such support will be addressed.

15. Bearing in mind the Committee’s general comment No. 35 (2014) on liberty and security of person, please discuss whether individuals who are caught using drugs have been subjected to mandatory drug treatment and deprivation of their liberty without their free, informed consent following the launch of the national anti-drug campaign in 2017. If so, please provide information on the number of individuals held in such programmes and the conditions in the centres. Please inform the Committee as to whether persons in such programmes are free to leave when they choose, and, if not, what the legal basis is for such deprivation of their liberty. Finally, please provide an overview of how the due process rights of those who are subjected to State-mandated drug treatment are respected, including with regard to the degree of judicial oversight.

Elimination of slavery, servitude and trafficking in persons (arts. 2, 7, 8 and 26)

16. Please elaborate on the steps taken to address all forms of exploitation, including trafficking and labour exploitation, within the State party, including cases affecting women and children. In this regard, please: (a) provide details on the number of complaints, investigations, prosecutions and convictions for trafficking and labour exploitation,

including situations of debt bondage in brick kilns, fisheries and plantations; (b) respond to reports that efforts to eliminate these phenomena have led to the imprisonment of women who have acted as surrogates or engaged in prostitution; and (c) discuss whether the State party has addressed increased vulnerability to trafficking and exploitation in the context of the COVID-19 situation, including among migrants.

Judicial independence (art. 14)

17. Following the Committee's previous recommendations (CCPR/C/KHM/CO/2, para. 20), please provide information on steps taken to address corruption within the judiciary and to ensure full judicial independence from the executive branch. Please provide details on any work undertaken by the anti-corruption unit to address judicial corruption, and clarify the status of the judicial integrity study. Also, please indicate whether the State party intends to take measures to ensure public access to full transcripts of judicial decisions.

Freedom of expression, association and assembly (arts. 19–22)

18. Please respond to reports of the systemic violation of the freedom of expression within the State party. In this regard, please include information regarding: (a) the shutdown of multiple national and international media outlets, including the closure of 17 news websites in the 48 hours before the 2018 elections; (b) the use of criminal and civil legal action to suppress the freedom of expression of national and foreign individuals, including human rights defenders and journalists such as Ros Sokhet, Sok Oudom, Rath Rott Mony, Uon Chhin, Yeang Sothearin, Aun Pheap and Zsombor Peter, and organizations, including Radio Free Asia and the *Cambodia Daily*; (c) reports of violations of online freedom of expression, such as the blocking of websites that are critical of the Government, the harassment and intimidation of online activists and the threat, and use, of criminal charges for online content, including in the period preceding the 2018 election.

19. Please provide information regarding reports of further derogations from obligations under the Covenant regarding freedom of expression in the context of the COVID-19 pandemic. In this regard, please provide information regarding: (a) the revocation of the licences of media outlets publishing information about the pandemic; (b) the arrest of individuals for expressing views that are critical of the Government's COVID-19 response; and (c) reports that journalist Sovann Rithy was arrested for directly quoting Prime Minister Hun Sen with regard to COVID-19, and provide information on the status of the charges against him.

20. Please provide information on the State party's legal framework on freedom of expression, including online expression. Please provide information on: (a) whether there are plans to revise provisions in the Criminal Code that penalize defamation, public insult, incitement and insult, bearing in mind the Committee's previous recommendations (CCPR/C/KHM/CO/2, para. 21); (b) the revision of the Criminal Code in 2018 to include a lèse-majesté offence, and the compatibility of such changes with provisions in the Covenant; (c) the compatibility with provisions of the Covenant of powers afforded by the 2015 law on telecommunications and the 28 May 2018 proclamation (prakas) by the Ministry of the Interior, the Ministry of Information and the Ministry of Posts and Telecommunications on controlling websites and social media; (d) the current status of draft legislation relating to freedom of expression, including efforts to revise the 1995 press law, the draft law on access to information and the draft law on cybercrime.

21. Please provide information on efforts within the State party to protect and promote the right to freedom of assembly and association. Please provide information with regard to: (a) whether provisions contained in a 2017 circular requiring three days' prior notification from civil society organizations before holding events are still being implemented despite the formal revocation of the circular and whether monitoring of assemblies continues; (b) reports that peaceful assemblies, such as one the Prey Lang Community Network sought to hold, have been restricted in contravention of the law on peaceful demonstration and that excessive force has been used to disperse protests, including reported lethal use of force during land protests in Sihanoukville Province; (c) reports that individuals, including human rights defenders and opposition figures, such as Tep Vanny and Meach Sovannara, have faced criminal charges for exercising their right to

freedom of association and assembly; (d) reports that the trade union law does not provide protections for workers and civil servants, that certain trade unions face legal challenges to their operations and that there have been instances in which trade union activists have been threatened or attacked.

22. Please discuss the compatibility with the Covenant of the 2015 law on associations and non-governmental organizations, and the status of amendments to the law following consultative meetings held by the joint working group of the Government and civil societies.

Right to vote and take part in public life (arts. 2, 10 and 25)

23. Please respond to reports alleging the suppression of the right of Cambodian citizens to vote, and the lack of free and fair elections in 2018. In this regard, please provide information on: (a) the November 2017 Supreme Court decision to dissolve the Cambodia National Rescue Party and the subsequent reallocation of their seats to the ruling party without further elections, and its compatibility with the Covenant; (b) the impact of this ruling on political pluralism in the 2018 elections, and the compatibility with provisions in the Covenant of the Cambodian People's Party gaining every seat; (c) the reform of provisions of the law on political parties allowing the Government to dissolve political parties and ban party members, and the compatibility of such provisions with the Covenant; and (d) attempts to punish individuals who did not vote.

24. Please respond to reports alleging persecution of members of the Cambodia National Rescue Party and its supporters by the ruling party. In this regard, please provide information on multiple instances of criminal charges, including of insult, incitement and treason, against members of the opposition, such as Kong Mas and Kem Sokha, and respond to complaints that passports belonging to Cambodia National Rescue Party members and activists were revoked. Please also respond to reports of political opponents being threatened and subjected to violence and intimidation, including in the period before the 2018 elections.

Rights of the child (arts. 23, 24 and 26)

25. In light of the Committee's previous recommendation (CCPR/C/KHM/CO/2, para. 15), please provide additional information on reforms to the juvenile justice system. Please include further details about how the State party intends to ensure full and effective implementation of the 2016 law on juvenile justice. Please also comment on whether minors continue to be housed with adult prisoners and whether they are held in pretrial detention.

Indigenous peoples (arts. 2 and 25–27)

26. Bearing in mind the previous recommendations of the Committee (CCPR/C/KHM/CO/2, para. 28) please discuss the protections in place to ensure the rights of indigenous persons in Cambodia. In particular, please provide information regarding: (a) reports that indigenous populations have been relocated without sustainable access to durable, long-term solutions and essential services; (b) efforts to protect and ensure the right of indigenous peoples to own and occupy their traditional lands through the simplification of the existing communal land titling procedure; and (c) the measures the State party has taken to provide indigenous populations with comprehensive protection from COVID-19.