



**Economic and Social
Council**

Distr.
LIMITED

E/CN.4/1999/L.92
22 April 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Agenda item 19

ADVISORY SERVICES AND TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS

Australia*, Austria, Canada, Denmark*, Finland*, Germany,
Iceland*, Italy, Japan, Netherlands*, New Zealand*, Norway,
Romania, Spain*, Sweden, United Kingdom of Great Britain and
Northern Ireland: draft resolution

1999/... Situation of human rights in Cambodia

The Commission on Human Rights,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict signed in Paris on 23 October 1991, including Part III relating to human rights,

Recalling also its resolution 1998/60 of 17 April 1998, General Assembly resolution 53/145 of 9 December 1998 and previous relevant resolutions,

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

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

Desiring that the international community continue to respond positively to assist efforts to investigate Cambodia's tragic history, including responsibility for past international crimes, such as acts of genocide and crimes against humanity,

Aware of the legitimate concern of the Government and people of Cambodia in the pursuit of internationally accepted principles of justice and national reconciliation,

Recognizing that accountability of individual perpetrators of grave human rights violations is one of the central elements of any effective remedy for victims of human rights and a key factor is ensuring a fair and equitable justice system and, ultimately, reconciliation and stability within a State,

Welcoming the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia,

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

2. Welcomes the report of the Secretary-General (E/CN.4/1999/100) concerning the role of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the important work of promoting and protecting human rights in Cambodia and encourages the Government of Cambodia to continue to cooperate with the Office, and requests the Government of Cambodia and the United Nations High Commissioner for Human Rights to enter into discussion with a view to renewing the memorandum of understanding on the programme including technical assistance of the office in Cambodia;

3. Also welcomes the report of the Special Representative on the situation of human rights in Cambodia (E/CN.4/1999/101 and Add.1), and notes

in particular his concerns about the problem of impunity, the independence of the judiciary and the establishment of the rule of law, and the need for the reform of the police and the military;

4. Urges the Government of Cambodia to undertake further necessary measures to develop an independent, impartial and effective judicial system, including the early adoptions of the draft statute on magistrates, a penal code and a code on criminal procedures, as well as the reform of the administration of justice, and appeals to the international community to assist the Government of Cambodia to this end;

5. Commends the efforts by the Government of Cambodia for the review of, and the resolve to downsize, the police and the military, urges further appropriate measures by the Government of Cambodia to carry out the effective reform aiming towards smaller, depoliticized and impartial police and military forces, and invites the international community to assist the Government of Cambodia to this end;

6. Encourages the Government of Cambodia to continue to work with non-governmental organizations in efforts to strengthen and uphold human rights in Cambodia, in recognition of the vital and valuable role played by non-governmental organizations in the development of civil society in Cambodia;

7. Notes with interest the activities undertaken by the governmental Cambodian Human Rights Committee and the National Assembly Commission on Human Rights and Reception of Complaints, encourages them to base their work on the international human rights standards, welcomes efforts to establish an independent national human rights commission, which should be based on the international standards, and requests the Office of the United Nations High Commissioner for Human Rights to provide advice and technical assistance for these goals;

8. Welcomes the decisions by the Government of Cambodia to register a number of labour unions, notes with interest the enactment of the new labour law that recognizes labour rights and the new International Labour Organization Programme to improve the implementation of the labour law in the Cambodian textiles and apparel industry, and calls upon the Government of Cambodia to continue to ensure labour rights;

9. Expresses grave concern about numerous instances of violations of human rights, including extrajudicial executions, torture, illegal arrest and

detention, and violence in relation to political activities, as detailed in the reports of the Special Representative, and calls upon the Government of Cambodia to investigate urgently and prosecute, in accordance with due process of law and international human rights standards, all those who have perpetrated these human rights violations;

10. Also expresses grave concern at the situation of impunity in Cambodia and stresses that addressing the continuing problem of impunity, including the repeal of article 51 of the 1994 Law on Civil Servants and bringing to justice those responsible for human rights violations, together with ensuring security of the person and the rights of association, assembly and expression, remains a matter of critical and urgent priority;

11. Stresses the importance of the upcoming communal elections being conducted in a free and fair manner, and urges the Government of Cambodia to prepare for the communal elections accordingly;

12. Reaffirms that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge, notes with interest the final collapse of the Khmer Rouge which has paved the way for the investigation and prosecution of their leaders, but notes with concern that no Khmer Rouge leader so far has been sentenced for his crimes;

13. Takes note with appreciation of the report submitted by the Group of Experts appointed by the Secretary-General, in response to the request by the Cambodian authorities for assistance in responding to past serious violations of Cambodian and international law by the Khmer Rouge, evaluating the existing evidence and proposing further measures as a means of bringing about national reconciliation, strengthening democracy and addressing the issue of individual accountability;

14. Strongly appeals to the Government of Cambodia to take all necessary measures to ensure that those who are most responsible for the most serious violations of human rights are brought to account in accordance with the international standards of justice, fairness and due process of law, bearing in mind the report of the Group of Experts and the Secretary-General's letter to the President of the General Assembly and the President of the Security Council dated 15 March 1999 (A/53/850-S/1999/231), and encourages the Government of Cambodia and the international community to continue to cooperate for this purpose;

15. Welcomes the recent adoption of a five-year action plan by the Government of Cambodia, in particular by the Ministry of Women's Affairs and Veterans, as well as other measures taken by the Government of Cambodia to improve the status of women, and urges the Government of Cambodia to continue to take appropriate measures, including seeking technical assistance, to eliminate discrimination against women, including in the political and public life of the country, to combat violence against women in all its forms, and to take all steps to meet its obligations as a party to the Convention on the Elimination of All Forms of Discrimination against Women;

16. Commends the efforts of the Government of Cambodia, together with non-governmental organizations and the local authorities, to improve the quality of and access to education, and calls for further measures to be taken in order to ensure the right of Cambodian children to education, especially at the primary level, in accordance with the Convention on the Rights of the Child;

17. Notes with serious concern the health status of children and the prevalence of child labour, child prostitution and trafficking in Cambodia, calls on the Government of Cambodia to ensure adequate health and safety conditions for children, to combat child prostitution and trafficking and to outlaw the worst forms of child labour and, in this context, invites the International Labour Organization to continue to extend necessary assistance;

18. Also notes with serious concern the prison conditions in Cambodia, commends the continued international assistance to improve the material conditions of detention and calls upon the Government of Cambodia to take necessary measures to improve the prison conditions, especially to provide the minimum standard of food and health care;

19. Condemns the use of racist rhetoric and acts of violence against ethnic minorities, especially Cambodians of Vietnamese ethnicity, urges an end to racial violence and vilification, urges the Government of Cambodia to take all steps to meet its obligations as a party to the International Convention on the Elimination of All Forms of Racial Discrimination and encourages the international community to provide the technical assistance for this purpose;

20. Welcomes the recent actions by the Government of Cambodia to combat illicit logging, which seriously threatens the full enjoyment of economic, social and cultural rights by many Cambodians including indigenous people, and calls upon the Government of Cambodia to take further appropriate

measures to protect those affected in the context of forestry management and land law;

21. Commends the efforts of the Government of Cambodia, the Government of Thailand and the Office of the United Nations High Commissioner for Refugees in regard to the successful completion of the voluntary repatriation of Cambodian refugees from Thailand, and encourages the Government of Cambodia to further pursue its measures towards the reintegration and rehabilitation of the returnees;

22. Notes with appreciation the use by the Secretary-General of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office in Cambodia of the High Commissioner for Human Rights as defined in resolutions of the General Assembly and the Commission on Human Rights, and invites Governments, intergovernmental and non-governmental organizations, foundations and individuals to consider contributing funds to the Trust Fund;

23. Expresses grave concern at the devastating consequences and destabilizing effects of the use of anti-personnel landmines on Cambodian society, welcomes the efforts of the Government of Cambodia to continue its work and support for the removal of these mines, including the work of the Cambodian Mine Action Centre, commends donor countries for their contributions and assistance to the Centre and urges the Government of Cambodia to give priority to banning all anti-personnel landmines;

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

25. Decides to continue its consideration of the situation of human rights in Cambodia at its fifty-sixth session under the agenda item entitled "Advisory services and technical cooperation in the field of human rights".

- - - - -