



人权理事会
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技术援助和能力建设

柬埔寨的人权状况

柬埔寨人权状况特别报告员的报告^{*}, ^{**}

概要

本报告是柬埔寨人权状况特别报告员威迪·蒙丹蓬提交的第二份报告。报告的主题是“里程碑事件与基准”。特别报告员在报告当中以国际人权机构的建议为基础，制订了促进在该国落实人权的主要基准。此外，报告以该国自1990年代所见证的三个具有里程碑意义的事件为基础：1991年《巴黎和平协定》；柬埔寨人权状况特别报告员任务授权几近30载；2022年6月进行的最近一次市镇/分区选举。报告为筹备2023年全国选举提供了具有前瞻性的建议。

* 因提交方无法控制的情况，经协议，本报告迟于标准发布日期发布。

** 本报告附件不译，原文照发。



一. 导言

1. 本报告是柬埔寨人权状况特别报告员威迪·蒙丹蓬提交的第二份报告。本报告的主题是“里程碑事件与基准”。本报告根据柬埔寨的国际义务以及国际人权机构提出的建议，制定了促进在该国落实人权的 20 项基准(见附件一)，从而为开展技术合作提供了切入点。此外，本报告系以该国自 1990 年代以来见证的三个具有里程碑意义的事件为基础：1991 年《巴黎和平协定》；柬埔寨人权状况特别报告员(最初称为“秘书长特别代表”)任务授权几近 30 载；2022 年 6 月举行的最近一次市镇/分区选举。特别报告员谨向一年来与其进行交流的各方——政府、非政府、政府间以及个人对话者，并就联合国人权事务高级专员办事处(人权高专办)在金边和日内瓦提供的大力支持，深表感谢。本报告所涉时期为 2021 年年中至 2022 年 6 月初。

二. 系统方法

2. 特别报告员强调采取以国际标准为基础的具有建设性和独立性的处理方法，与此同时尊重当地人的意见建议。特别报告员可以获得多种信息，并牢记有必要按照联合国各项规程交叉核实信息，平衡利用各种不同信息源。联合国国家工作队存在，尤其是人权高专办驻该国办事处的存在，对于帮助监测人权状况和接触受人权状况影响的各方以便证实信息和跟进案件，必不可少。与此同时，须保护信息源免遭报复。尽管自 2021 年开始任职以来，由于冠状病毒病(COVID-19)疫情，特别报告员尚未访问过该国，但本报告中分享了收集到的线上信息和其他信息，以协助促进和保护人权。特别报告员计划于 2022 年 8 月首次访问柬埔寨。

3. 最近一个重要的事态发展是，人权事务委员会在《公民及政治权利国际公约》之下审议了柬埔寨的人权记录，随后发布了一系列结论性意见。¹ 该委员会的建议属不证自明之理，为本报告提供了一个关键的契合点，使为改善该国状况而提出的建议得以相辅相成。值得注意的是，该委员会的结论补充了特别报告员在 2021 年提交人权理事会的第一份报告²中和在 2022 年初口头介绍最新情况时已经表达的诸多实质性关切，而反过来，特别报告员也补充了该委员会为在国家 and 地方各级推进落实人权而确定的优先要务。逐步发展而成并在本报告下文当中讨论的各项基准，很多来自委员会的建议，与特别报告员的结论是一致的。

三. 具有里程碑意义的事件

4. 不久前刚刚渡过了 1991 年《巴黎和平协定》签署三十周年纪念日。不应忘记的是，虽然该国在经历了十多年的战争和悲剧后，和平的希望已成现实，但仍有待实现民主和所有人权。上述协定特别呼吁在民主环境中实现多元化。³

¹ [CCPR/C/KHM/CO/3](#).

² [A/HRC/48/79](#).

³ Sothirak Pou and others, “The Paris Peace Agreements: looking back and moving forward” (2021)。

5. 特别报告员的职能即源于《巴黎和平协定》，并得到一系列跨时久远的联合国决议的支持。上述决议见本报告附件二。

6. 自 1990 年代以来，该国在一些方面取得了令人瞩目的发展。疫情之前的年增长率为 7%，且该国现已升级为中等偏下收入国家。该国是几乎所有核心人权条约的缔约方。该国几乎全民接种了疫苗，从而在应对疫情方面表现良好。此外，由于社会具有复原能力，后疫情时代可能会出现社会经济领域的快速复苏。该国普遍享有宗教自由。

7. 上述发展与 2022 年的市镇选举有着密切的联系。下一节将更详细地讨论最近发生的这一具有里程碑意义的事件。

四. 市镇选举

8. 史为今鉴，着眼未来。

A. 后见之明

9. 2022 年市镇选举前，曾于 2017 年举行过选举。2017 年的情况显示，政治多元化呈雨后春笋之势，各种政党竞相争夺选票。

10. 意义重大的，是赢得了大约 50% 选票的执政党柬埔寨人民党相比，主要的反对党柬埔寨救国党赢得了大约 43% 的选票。随后，形势急转直下，令人不安地从多元翻转为垄断。2017 年晚些时候，柬埔寨救国党被告上法庭，罪名是密谋推翻柬埔寨人民党所控制的政府。柬埔寨救国党否认上述指控，但最高法院判其败诉，并下令解散该党。该党赢得的大部分席位被重新分配，主要分给了柬埔寨人民党。此外，柬埔寨救国党近 120 位领导人和成员被禁止从政五年。在 2018 年举行的国民议会选举中，柬埔寨人民党赢得了全部 125 个席位，导致一党执政。接下来的几年中，统治精英巩固权力，导致垄断影响之下的系统性失衡和个人专权化。民主多元主义的竞技场因而遭到严重破坏。强加的一党执政恣意践踏了政治草坪，而被视为反对政权者则面临着泥潭和流沙。

11. 与 2022 年市镇选举相关联的是，下文提到的看似数量众多的政党，形式大于实质，因为在该国，高层的控制依然在很大程度上占主导地位。上述控制影响着国家机器，例如媒体以及选举、司法和其他机制，也影响着国家资源，影响到整个政治连同选举领域的可信度和正直度。

B. 剖析之见

12. 市镇选举植根于参与政治事务权。从下文所述的事态发展中，可以看出自 2022 年初以来最近一次市镇选举的情况。

13. 截至 2022 年 5 月，共有 45 个政党，其中有 17 个政党登记参选。⁴ 32 名政治反对派成员已恢复原职，其政治权利也得到恢复。约有 86,000 名候选人，其中女

⁴ 见下表和“柬埔寨人权状况报道(2021 年 10 月 4 日至 2022 年 2 月)”，由位于日内瓦的柬埔寨常驻代表团提供，2022 年 2 月，第 13 页。

性约 28,000 人。⁵ 候选人角逐大约 11,600 个市镇政务会委员席位。在所有市镇均有候选人参选的政党是柬埔寨人民党。从柬埔寨救国党前成员中产生的烛光党在大多数市镇，但非全部市镇，有候选人参选。目前，烛光党是柬埔寨人民党最大的竞争对手。柬埔寨救国党剩余的领导人发出呼吁，要求公众参与 2022 年的市镇选举。

14. 根据下表中全国选举委员会提供的清单，柬埔寨人民党在约 1,650 个市镇有约 28,000 名候选人，而烛光党在约 1,620 个市镇有约 24,000 名候选人。柬埔寨人民党的女性候选人约有 7,200 人，而烛光党约有 5,500 名女性候选人。一个耐人寻味的动态是，与此前的市镇选举相比，登记的选民人数增加了约 100 万，从 2017 年约 800 万增加到 2022 年约 900 万。竞选活动于 5 月 21 日至 6 月 3 日进行，选举日为 6 月 5 日，随后于 6 月 6 日宣布初步结果。

15. 列出的观察员数量众多。柬埔寨青年联盟联合会派出了大约 39,815 名观察员，柬埔寨妇女促进和平与发展协会派出了大约 26,102 名观察员。⁶ 众所周知，这些团体与执政党以及相关精英人物有着密切的联系。颇受好评的自由公平选举委员会派出了 1,949 名观察员。有一些国际观察员，但并非来自联合国。政治体系的高层发出讯息，敦促举行自由且公平的选举，并指出公务员应保持中立，但下文盘点了实地情况。

⁵ 见下表。

⁶ <https://www.nec.gov.kh/khmer/content/5800>(仅以高棉语提供)。

2022 年市镇选举政党登记情况



KINGDOM OF CAMBODIA

NATION RELIGION KING

NATIONAL ELECTION COMMITTEE

SECRETARIAT GENERAL

N^o 038 NEC/SG

Phnom Penh 29 April 2022

Press Release

**Official Results of Registration of Political Party's Candidates Lists
Running for the 5th Mandate of the Commune/Sangkat Councils Election**

According to the official report of registration of candidate lists of the political party from the Provincial/Capital Election Commissions, 17 political parties and with a total of **86,092** candidates, **27,813** of whom are female have been registered for the 5th Mandate of Commune/Sangkat Councils Election 2022 as follows:

No.	Political Parties	Number		Candidate	
		Capital/Province	Commune/Sangkat	Total	Female
1	Cambodian People's Party	25/25	1,652/1,652	28,008	7,259
2	Candlelight Party	25/25	1,623/1,652	23,939	5,564
3	Funcinpec Party	24/25	680/1,652	9,952	3,899
4	Khmer National United Party	25/25	596/1,652	8,815	4,047
5	Cambodian National Love Party	18/25	315/1,652	5,050	2,122
6	Cambodian National's Party	20/25	245/1,652	3,956	2,185
7	Cambodian Youth Party	18/25	114/1,652	1,824	852
8	Cambodian Reform Party	12/25	59/1,652	978	373
9	Khmer Will Party	10/25	58/1,652	1,050	529
10	Kampucheaniyum Party	10/25	38/1,652	658	242
11	Grassroots Democracy Party	15/25	32/1,652	481	153
12	Khmer United Party	9/25	30/1,652	457	248
13	Beehive Social Democratic Party	10/25	23/1,652	392	181
14	Cambodian Indigenous Peoples Democracy Party	3/25	19/1,652	202	41
15	Ekpheap Cheat khmer Party	4/25	14/1,652	178	64
16	Reaksmey Khemara Party	3/25	6/1,652	88	34
17	Khmer Economic Development Party	3/25	4/1,652	64	20
Total				86,092	27,813



16. 选举日前夕的一些事态发展包括：

(a) 选举过程更计算机化，其间遇到了一些困难；⁷

(b) 系统不允许柬埔寨人从国外投票。这实际上剥夺了在邻国工作的数百万柬埔寨移徙工人的权利。此种不正常现象呼唤对选举制度进行改革；⁸

(c) 存在的一个关键缺陷是，法律当中未规定由全国选举委员会对政治资金的流动和使用情况进行核查，从而导致过程不透明，影响了选举制度的公平性和公开性；

(d) 有一个问题，即：全国选举委员会(及其他机制)的成员是否与执政党关系太过密切？一系列不平衡的法律进一步加剧了上述情况。将在下文第五节进一步详细讨论；

(e) 数量众多的候选人，尤其是烛光党候选人，在 2022 年遭到除名，因而在令人质疑的情况之下无法参选。截至 2022 年 5 月，已有约 200 名潜在候选人被除名。⁹ 全国选举委员会确实提供了候选人在被除名之前提出上诉的可能性，但是该制度于当权政党有利。在选举前数月内，出现了一系列关于被视为隶属于政治反对派的候选人遭到骚扰、威胁和恐吓的投诉。人权高专办在选举数日前曾就此发表了一份表示关切的声明；¹⁰

(f) 2022 年对政治反对派成员进行了若干次集体审判，不仅阻止了若干被剥夺权利的反对派成员参选，而且窒息了政治进程背后的环境，也扼杀了以公开且包容的方式开展竞选的可能性。下文第五节将进一步介绍上述审判。

17. 在选举当日，即 2022 年 6 月 5 日，投票率高达约 80%。据全国选举委员会称，有资格投票的选民总数为 920 万，其中约有 710 万投了票。当地媒体报道称，88,050 名政治代表、74,885 名本土观察员和来自各种组织的 110 名国际观察员观察了选举。¹¹

18. 6 月 7 日的初步结果显示，柬埔寨人民党赢得了大约 80% 的选票，获得大约 9,400 个席位。烛光党赢得了大约 19% 的选票，获得近 2,200 个席位。少数几个其他党派，包括“争取柬埔寨独立、中立、和平与合作民族团结阵线”、高棉民族团结党和高棉民族之爱党赢得了大约 20 个席位。大多数(约 1,650 个)市镇领导人职位由柬埔寨人民党获得。

⁷ 见 https://www-nec-gov-kh.translate.goog/english/content/clarification-filling-and-using-minute-ballot-counting-form-1102-polling-station-commissions?_x_tr_sl=id&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=sc.

⁸ 见 <https://opendevelopmentcambodia.net/news/no-provision-for-cambodians-to-vote-from-abroad-says-nec/#!/story=post-159813>.

⁹ <https://cambojanews.com/more-candlelight-party-commune-candidates-cut-from-election/>.

¹⁰ <https://www.ohchr.org/en/news/2022/06/comment-un-human-rights-office-spokesperson-liz-throssell-human-rights-concerns-ahead>. 另见 <https://cambojanews.com/in-unusual-move-nec-cuts-entire-candlelight-candidate-list-in-one-phnom-penh-commune/>，于 2022 年 5 月 15 日访问。

¹¹ 见 <https://www.khmertimeskh.com/501089435/nec-releases-new-voter-turnout-rate-for-local-election/>.

19. 2022 年市镇选举基本上以和平方式进行，未出现重大的侵权指控。在政治参与和选举结果中隐现一缕多样性的微光，为反对派赢得为数有限的席位打开了大门。但是，整个局势仍受制于公民空间和政治空间有限，而在该国占主导的权力垄断现象又加剧了上述情况。据报告，选举期间出现了若干违规情况，涉及在一些地区施加负面压力以影响投票进程，包括官员在多个投票站逗留不去、对选民的姓名进行记录、提供交通工具将选民送到投票站以及登门造访以影响选民的选择。¹² 一些参选人员向全国选举委员会提出了投诉，要求进行调查。

20. 本报告初稿是在选举后仅一两天完成的，最后结果尚未揭晓(应于 6 月 26 日出结果)。有鉴于此，这些结论是暂行结论。特别报告员希望在下一份报告中就所汲取的经验教训发表更多的看法。

五. 基准

21. 特别报告员制定了 20 项基准，以帮助促进在该国落实人权。上述基准涵盖了一系列公民、政治、经济、社会和文化权利。附件一详述了与人权事务委员会建议之间的联系，并就实施的时间框架提出了建议(主要是在 2022-2023 年期间)。上述基准可详细阐述如下。

A. 停止实施并着手改革严苛的法律

22. 政治空间和公民空间狭促，是该国当前面临的主要挑战。其部分原因在于，各种严苛的法律对公民权利和政治权利造成妨害，使已确认存在的权力垄断现象愈加巩固。上述法律在范围上往往过于宽泛——这也是过度立法的一个特征，并对其为依据被起诉者处以过高的罚款和制裁。从本质上讲，上述法律是以法律形式将统治强加于该国，须暂停施行并进行改革。相关清单很长，其中包括人权事务委员会最近明确提到的一些法律。¹³ 举例来说，2020 年的《紧急状态下的国家行政管理法》(亦称《紧急状态法》)允许当局宣布进入紧急状态，为期三个月，且可以延续。该法将掌控局势的权力集中于行政部门手中，并拟予对诸如表达和集会自由等一系列广泛的人权施加限制。迄今为止，该法尚未适用于 COVID-19 疫情，因为后者在 2021 年《防止 COVID-19 及其他严重且危险传染病蔓延的预防措施法》适用范围内。较新的法律在范围和内容上也很严苛，不仅被用来处理健康相关问题，而且被用来让批评政府政策者噤言。这项“COVID-19 法”赋予当局以广泛的权力，可以限制旅行、实行封锁和隔离，还可以限制表达自由、和平集会自由和工作的权利。违反该法者将被处以最高 20 年的监禁和高额罚款。根据所收到的资料，在该法之下，已有数百人被逮捕，一些人已遭到正式指控。

23. 同样应慎用的法律工具包括《刑法典》中的下列例子：(a) 关于公开诽谤和相关程序的第 305 和第 309 条；(b) 关于公开侮辱和诽谤的第 307 条；(c) 关于捏造信息的第 425 条；(d) 关于与外国势力勾结的第 443 条；(e) 关于阴谋反政府和

¹² 见：柬埔寨促进和保护人权联盟，2022 年 6 月 7 日《关于 2022 年市镇选举期间人权状况的初步报告》。该报告评论称，没有独立的国际观察员。

¹³ [CCPR/C/KHM/CO/3](#)。

合谋叛国的第 453 条；(f) 关于煽动实施可能使国家陷入动乱之行为的第 494 和第 495 条。尤其是，关于煽动问题的条款已成为当局借以打击“假新闻”以及错误信息或虚假信息的一项重要工具。

24. 另一方面，柬埔寨的媒体数量的确众多，但重要的不仅仅是数量。不断有报告称，被视为对当局持批评态度的记者和媒体工作人员遭到骚扰。据柬埔寨记者联盟协会报告，2021 年针对记者的袭击事件约有 96 起¹⁴，2022 年 1 月至 3 月有 23 起¹⁵。一系列法律妨碍表达自由。这其中包括《国家电信法》、《互联网法令》以及最近发布的巩固单一互联网网关的二级法令——该法令意味着对互联网内容进行广泛监控且当局得以任意切断信息的流动。面对来自全球和本土的批评之声，网关法的实施最近被暂停，但尽管如此，该法以及其他法律须彻底废除。

25. 在结社自由和职场权利方面，尽管该国已于 2019 年修订了工会法，但表达、集会和结社的空间仍受到自上而下实行控制、予以禁止的总体政治氛围制约。这一点在下文第 28 段所述最近的金界控股一案中可见一斑。该案事涉针对罢工者采取任意行动。

26. 从民间社会角度看，柬埔寨的确有大量非政府组织和协会——官方估计约有 6,000 家实体。¹⁶ 但是，围绕人权宣传和环境相关问题开展工作的非政府组织在当局面前往往境遇艰难，原因在于后者广泛监控并大力施压。有一部很有名的关于非政府组织的法律，即《协会和非政府组织法》，制约着民间社会的工作。目前正在开展对话，可能有助于改革该法。关于政治参与问题的法律将在下文讨论。从另一个角度讲，该国还需有一部保护个人数据的法律。

B. 释放遭羁押的人权维护者和持不同政见者，并撤销对他们的指控

27. 过去一年全年发生了若干起任意逮捕、拘留和起诉人权维护者及其他被视为对权力基础持批评态度者的事件。2022 年初，有报告称 2 名人权维护者、至少 30 名持不同政见者和 5 名记者及相关媒体工作人员仍被羁押。¹⁷

28. 最能说明情况的，莫过于被视为与权力基础对立者所面临的一系列法庭案件。最冷酷无情的案件，是一位患有自闭症谱系障碍的 16 岁男孩因据称侮辱权力基础而被国家当局羁押数月的案件。¹⁸ 他在被逮捕或审讯过程中以及遭羁押期间无法接触家人，且他遭监禁可能是因为其父反对统治精英阶层，而其母则参与了一项代表政治犯行动的民间社会运动。宣判他有罪的法庭本应下令对其病情进行独立评估。

¹⁴ 见 <https://www.camboja.net/wp-content/uploads/2022/05/Final-of-Cambodian-Journalism-Situation-Report-2021-HIGH.pdf>.

¹⁵ 见 <https://www.camboja.net/wp-content/uploads/2022/04/Quarterly-Report-Jan-Mar-2022-EN-Final.pdf>.

¹⁶ 《柬埔寨人权状况报道》(2021 年 10 月 4 日至 2022 年 2 月)，第 10 页。

¹⁷ 人权高专办根据监测工作获得的信息。

¹⁸ <https://www.ohchr.org/en/press-releases/2021/09/cambodia-un-experts-deeply-disturbed-detention-boy-autism-line-criticism>.

29. 最新的案件发生在 2021 年底，涉及任意逮捕和拘留金界控股赌场的若干工会成员和工人，因为他们为主张自己作为工人的权利、反对不公平的解雇和其他不平之事，而进行了长达数月的和平罢工。¹⁹ 包括联合国、民间社会和记者在内的人权观察员遭遇阻碍，无法透明地对局势进行监督。

30. 一个相关情况是，2021 年接近年底时，若干遭羁押的人权维护者和环境保护者被释放，但尽管如此，针对他们的指控并未撤销，他们仍处于法院监督及其他“法律与秩序”限制之下。很多人遭长期羁押，且在获释前被处以强制性罚款。若政治氛围此前、当时和现在能更容忍不同意见，他们根本就不应被起诉。

C. 恢复各种政治党派，重新赋予其选举权，并确保举行自由且公平的选举

31. 该问题与备受抨击的解散柬埔寨救国党一事密切相关。近年来，还有其他政党也莫名其妙遭到解散或封杀。例如，柬埔寨民族心党已被除名，而其主席现正被起诉，据称是因为伪造指纹。²⁰ 撰写本报告时，他正处于审前拘留当中。上文所述市镇选举吹响了号角，不仅呼唤重新赋予党员资格和政治权利，而且呼唤作为 2023 年全国选举的前奏对自由且公平选举所面临的挑战进行测试。

32. 一些法律在这方面具有相关性。《政党法》2017 年修正案的相关事态发展赋予当权的政治党派以优势，使之可以任意解散政党，并禁止政党与任何被判犯有刑事罪行者有关联。这使得被判定有罪的反对派政治人物无法与其政党之间再有任何关系。同一部法律 2019 年的另一项修正案打开了大门，恢复了遭禁政治人物的政治权利，允许其重返政坛。在此过程中，该修正案将很多权力赋予了行政部门的高层，以确保遭禁的反对派成员在这样恢复权利的情况下会对那位傀儡首脑感恩戴德。此外，目前正发生着影响法律、政策和实践的王朝动态。

33. 有关选举进程的法律引起了畸变。2015 年，出台了《国民议会议员选举法》和《全国选举委员会法》，其中有条款限制非政府组织在监督选举方面的作用。《国民议会议员选举法》2017 年修正案为将遭禁的柬埔寨救国党席位重新分配给其他政党，尤其是柬埔寨人民党，提供了借口。

34. 经于 2015 年修订的《市镇/分区政务委员会选举法》为过于广泛地禁止和处罚在竞选期间被当局视为造成公共秩序混乱或是实施侵权、威胁和暴力行为的候选人打开了大门。最近一项禁止双重国籍者担任政治职务的宪法修正案也是在针对目前流亡海外的柬埔寨政治人物。²¹ 显然有必要改革上述法律，以满足此项基准和其他基准对将人权基本要素纳入民主进程的期望。

¹⁹ 见 <https://news.un.org/en/story/2022/01/1109172>。

²⁰ 见 <https://www.khmertimeskh.com/501038833/cnhp-leader-vows-to-challenge-legal-action-over-fraudulent-thumbprints/>。

²¹ 见 <https://www.loc.gov/item/global-legal-monitor/2021-12-21/cambodia-ninth-amendment-to-constitution-passed-banning-dual-citizenships-in-countrys-four-highest-offices/#:~:text=Article%20Cambodia%3A%20Ninth%20Amendment%20to,%2FRKM%2F1121%2F016>。

D. 停止对政治反对派进行集体审判，并保障有参与民主和多元政治的空间

35. 集体审判，尤其是对主要反对党的成员和被视为与占主导的权力基础对立者的集体审判，引起了极大的关切，也扼杀了政治多元化的可能性。与此相关的是，若干特别程序任务负责人于 2020 年 1 月 17 日发表声明，对反对派主要领导人根索卡(Kem Sokha)的叛国罪审判表示关切。上述审判因 COVID-19 疫情而暂停，至今仍未结束。审判已于近期恢复进行。²²

36. 第一次集体审判导致前柬埔寨救国党 9 位高级领导人于 2021 年 3 月 1 日被缺席判定根据《柬埔寨刑法典》第 27 条和第 451 条指控的“企图实施重罪”和“攻击和危害柬埔寨王国机构”相关罪名成立，并被处以重刑，其中包括另一位主要反对派领导人桑兰西。2021 年近年底时，对政治反对派成员的集体审判在部分由于疫情原因暂停后恢复进行。审判涉及 150 多人。他们或被认为是当前权力基础的政治反对派，或确实是当前权力基础的政治反对派。其困境可以追溯到大约五年前的局势。

37. 第二次集体审判导致据称与柬埔寨救国党有关联的 21 人于 2022 年 3 月 17 日被判定有罪，其中包括被判处 10 年监禁的 7 位领导人和被判处 5 年监禁的 14 位支持者和亲属。涉及 60 名被告的第三次集体审判自 2020 年 11 月 26 日以来一直在进行，将于 2022 年 6 月 14 日宣布判决。第四个案件涉及 76 名被告，继在 COVID-19 疫情高峰期暂停后尚未恢复审理。

38. 上述审判中固有的违规现象包括缺乏可信证据、不尊重公平审判权利和正当程序保障，以及几名所谓的被告系在缺席情况下受审，有违人权保障。因此，评论者将上述审判称之为“审判秀”和“政治迫害”。²³

E. 确保司法系统及检察官和律师等相关人员的独立性和透明度

39. 这是一个长期存在的问题，几十年前在联合国关于柬埔寨的早期决议中就曾提及。不过，近年情况有所变化，即一些司法系统及相关人员与当权政党有着密切的联系。例如，他们可能是该党各种重要委员会的成员。独立且公正的形象和实质因而受损。人权事务委员会曾明确地着重指出这种矛盾态度。²⁴ 于 2014 年颁布了三部法律，为向司法及相关机构进行行政渗透打开了大门。上述法律即《法院组织法》、《法官和检察官地位法》以及《最高司法行政官委员会组织和运转法》。

40. 一个相关的问题是，司法系统及相关人员在帮助调查侵犯人权案件和伸张正义方面的潜在作用仍未实现。下文讨论的各种谋杀和强迫失踪案件与此有关。

²² 见 <https://thediplomat.com/2022/01/cambodia-resumes-treason-trial-of-opposition-leader-kem-sokha/>.

²³ 见 <https://www.nytimes.com/2022/03/17/world/asia/cambodia-trial-hun-sen.html>.

²⁴ CCPR/C/KHM/CO/3.

F. 改善监狱系统超负荷状况，更多采取非羁押措施，尤其是就审前情况而言

41. 监狱中被羁押者和狱囚的处境一直令人关切，如今因疫情又雪上加霜。柬埔寨的监狱中有近 40,000 名在押人员，过度拥挤率超过 300%，使得保持社交距离几乎不可能。安全措施须符合世界卫生组织的指导原则。²⁵

42. 从本质上讲，以质量为本的刑事司法框架，须要系统地采取一系列羁押替代措施，尤其是就被审前拘留者、罪行不重者以及诸如慢性病患者、青少年、孕妇和携孩子一道被羁押者等脆弱的被羁押人员而言。特别报告员在与司法部、内政部和律师协会的讨论当中了解到，近期在法律改革和刑事司法系统方面有了一些改进，目的在于提供更多的法律援助并为替代性争端解决办法创造条件。一审法院积压的案件现正在清理当中。此外，还就假释出台了新规定，为实行非羁押措施、保释和审前释放打开了大门。

43. 不过，监狱在押人员数量之多，尤其是处于审前阶段的在押人员数量之多，依然是一个主要的关切问题。刑事司法系统有待进行实质且重大的改进，以解决超负荷问题，更多采取非羁押措施。此外，应为接触被羁押者，至少为联合国接触被羁押者提供便利，以使其可在完全保密的情况下接受访谈。

G. 就涉毒案件探索更多的改过自新措施，而非惩处性制裁措施

44. 鉴于监狱中的大多数被羁押人员系因毒品相关指控而在押，有必要探索更多的改过自新措施，而非惩处性制裁措施。这涉及到其他问题，例如有必要对 2012 年《药物管制法》进行审查，因为该法目前导致太多实施监禁情况，而不是导致采取诸如以社区为基础的看护和改过自新等替代措施。有时候，被认为涉毒者(通常来自贫困社区)遭到羁押，尽管并没有令人信服的证据。从性别角度看也存在问题：柬埔寨所有狱囚中有 57% 系因毒品相关指控在押，而女囚中有 73% 系因毒品相关指控而入狱。²⁶

H. 切实跟进涉及柬埔寨人和外国国民的强迫失踪案件及其他主要侵权情事，尤其是以克服有罪不罚的氛围为目的

45. 该国仍有若干案件有待予以切实调查和解决。有 2016 年的甘磊(Kem Ley)案——甘磊是一名重要的政治评论员，遭枪杀。有最近的辛坤(Sin Khon)案——辛坤是柬埔寨救国党的支持者，在可疑情况下被砍死。人权事务委员会也提到了该案。²⁷ 尽管现已有人因谋杀而被逮捕，但其犯罪背后的动机仍然不明，意味着可能是政治暗杀。

²⁵ 世卫组织：《监狱和其他拘留场所的 COVID-19 防范、预防和控制》，<https://apps.who.int/iris/bitstream/handle/10665/336525/WHO-EURO-2020-1405-41155-55954-eng.pdf?sequence=1&isAllowed=y>。于 2022 年 5 月 15 日访问。

²⁶ 大赦国际提交人权事务委员会的材料：https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fICO%2fKHM%2f42320&Lang=en，第 7 页，于 2022 年 5 月 15 日访问。

²⁷ CCPR/C/KHM/CO/3，第 20、第 38 和第 39 段。

46. 就非国民而言，有特别报告员在此前报告当中提及的万查勒(Wanchalearn Satsaksit)遭强迫失踪案——万查勒是泰国的民主活动人士，在其位于金边的公寓外遭绑架，命运未卜，下落不明。应针对此种令人生畏的情况展开切实、公正且及时的调查。

I. 关注负债越来越严重从而导致失去当作小额贷款抵押品的土地并削弱粮食安全的问题

47. 过去五年间，负债越来越严重的问题一直是一个主要问题。尤其成问题的是，农村人口失去当作小额贷款抵押品的土地。贷方是小额信贷机构，通常与外部资金有关联。该问题不仅引起了民间社会的关注，也引起了世界银行的关注。

48. 该国现有一些解决该问题的法律，例如关于信用风险和贷款问题的法令。²⁸ 但是，因贷款相关抵押而陷入失去土地陷阱的穷人，其困境是严重的，考虑到 COVID-19 疫情所带来的债务和剥夺日益严重，尤其如此。这意味着，政府有必要采取更直接的行动，对消极的金融实践进行监管，并对贷方进行监督。

49. 从另一个角度看，粮食安全问题也出现了，不仅与疫情有关，也是乌克兰发生的战争所致。价格上涨且短缺加剧，令人不安，需由政府向弱势群体提供具体的支持。

J. 在疫情造成中断之后，改善受教育机会并使教育恢复进行，尤其要以克服富人和穷人之间的线上差距并促进相关的正规和非正规教育计划为目的

50. 疫情之前，该国在受教育机会方面表现良好，尤其是在小学层面。但是，疫情不仅迫使学校在 2020 年至 2021 年期间关闭近一年，迫使教育转到了线上，而且还将经济弱势群体的子女逼退。富人和穷人之间存在着线上鸿沟。

51. 最近的一项研究揭示了疫情期间学生在学习方面经历的损失。²⁹ 这种情况呼唤当局更积极地应对，以便在安全条件下复课，包括让辍学者有机会上学，还呼唤当局视教育为国家可持续发展资本的一个重要支柱加以重视。教育应辅之以广泛的社会保护方案和资源，以促进受教育机会、入学和完成学业。

K. 怀着社会福利方面的公共支出近年来一直在减少的意识，向社会福利部门划拨更多资源

52. 疫情使所有国家资源紧张，一项主要挑战是尽量划拨现有资源来实现经济、社会和文化权利。在柬埔寨，对社会福利部门的支持仍过于有限，教育预算的减少是一个亟待解决的主要关切问题。

²⁸ 见 <https://thediplomat.com/2022/05/is-cambodias-government-ready-to-tackle-the-problems-in-its-microfinance-sector/>.

²⁹ 见 <https://www.unicef.org/cambodia/press-releases/new-research-confirms-cambodian-children-experienced-extensive-learning-loss-during>.

53. 据联合国儿童基金会(儿基会)称,在教育领域,预算拨款占名义国内生产总值的百分比从2020年的3.4%下降到2021年的2.9%,而在医疗领域,这一比例在2020年和2021年稳定在1.9%(不包括COVID-19疫情爆发后的重大实际支出)。³⁰

L. 确保向特殊群体提供全面且对性别问题有敏感认识的保护和援助,包括妇女、儿童、残疾人、移徙工人、土著人民、少数民族以及男女同性恋、双性恋、跨性别者和间性者群体在内

54. 因篇幅有限,特别报告员谨援引其2021年关于特殊群体的报告当中所述详细信息。³¹上述群体在其背后的特征和所面临的挑战方面,明显存在着交集。

《防止家庭暴力和保护受害者法》有待改革,以便能以更体恤受害者的方式予以应对,避免再次造成创伤。此外,妇女入职关键岗位方面,例如入职司法系统,也还有更大的空间。

55. 就父母管教子女而言,体罚依然合法,对儿童实施家庭暴力现象因之而加剧。现在担心的是,因疫情缘故会出现越来越多的利用这一点的情况。

56. 另一方面,关于儿童触犯法律问题,有一部2016年《少年司法法》,但该国尚未设家庭法院,甚至尚未专设少年法官。作为恢复性司法的组成内容,有必要在家庭和社区支持下,从羁押转而采用替代办法。在这方面,特别报告员了解到,设立了一个青少年改造中心,目的是帮助免于对儿童实施羁押。该中心需有标准操作程序,以确保营造儿童友好型环境,同时还需提供教育和培训。与此同时,应进一步去机构化,更多采用以社区为基础的改造办法。任务负责人在这一年会见的非政府组织也呼吁对可能处于移民拘留之中的移民儿童的情况进行审查,还呼吁继联合国关于被剥夺自由儿童的报告发布后开展后续审查。³² 提倡制定一项禁止在家庭环境中体罚儿童的法律。该法的制定应与符合《儿童权利公约》的儿童保护法齐头并进。

57. 此外,柬埔寨一直在努力修订本国关于残疾人的法律。一个主要考虑因素是残疾人在知情情况下参与修订进程,以及将合理便利原则纳入法律和实践。一项经常被忽视的挑战是社会心理残障者的问题,以及采取人道手段使之得以在无强制手段情况下在社会中生活的必要性问题。

58. 该国有多种多样的土著民族,并为这些社群制定了具体的国家政策。这一年中暴露出的一个问题是与“软性所有权”挂钩的土著土地问题——在地方主管部门登记为“软性所有权”(不等同于完全所有权)的土著土地被当作贷款抵押品。³³ 一个后果是,此种情况导致在未能偿还债务时失去土地,从而使相关社群被剥夺了本应属于共同所有的土地。

³⁰ 见儿基会,《国家办事处2021年度报告》,可在以下网址查阅:

<https://www.unicef.org/media/115856/file/Cambodia-2021-COAR.pdf%2013%20May%2022>.

³¹ A/HRC/48/79,第52至第64段。

³² A/74/136.

³³ 见 <https://www.amnesty.org/en/documents/asa23/5183/2022/en/>和 <https://opendevelopmentcambodia.net/topics/land-tenure-and-titling/>.

59. 该国一些土著民族也属于少数群体，但还有一些少数群体，例如越南裔和穆斯林社群，并非土著。获得基本的生活必要条件，例如出生登记、教育、工作机会和公民身份，是反复出现的问题。在这一年中，特别报告员对从洞里萨湖流离失所的越南裔的困境感到关切，并倡导最好采取不驱逐策略，尤其是在疫情期间。

60. 在男女同性恋、双性恋、跨性别者和间性者问题上，存在着一些歧视和暴力侵害情况，例如从小就遭受欺凌。该国参与普遍定期审议，为可能实行改革打开了大门。首先，存在着颁布一部涵盖性取向和性别认同并有助于保护男女同性恋、双性恋、跨性别者和间性者权利的反歧视法的可能性；其次，该国须有一部承认性别认同的法律——对于跨性别群体而言，这是一个关键问题；第三，存在着探索出台一部法律承认同性婚姻的空间。

M. 使当地社群能切实参与保护自然资源，尤其是参与土地持有、土地产权以及相关的国有土地私有化问题，还须有防止往往与权力基础相关联的既得利益渗透的保障

61. 在不断增长的经济中争夺土地和资源，是近年来最明显的冲突点之一，对森林和自然资源的保护造成了挑战。这一年中，在金边周围以及农村地区发生了几起事件，基本上都与相关社群和外来者之间的分歧有关。建筑施工及相关现代化举措也可能对环境造成损害，除非开发过程中存在制衡。

62. 自然资源问题，尤其是土地持有、土地产权以及相关的国有土地私有化问题，须有当地社群的切实参与，还须有防止往往与权力基础相关联的既得利益渗透的保障。应有防止驱逐的保障——保障措施应以“须经事先在知情情况下自主表示同意”原则是与传统社群就土地使用问题进行谈判的基础为前提，还应有防止侵占者强占土地的有效措施。

N. 制定全面的减缓和适应计划，以应对气候变化

63. 气候变化在利用和保护环境方面给柬埔寨造成了重大挑战。在联合国开发计划署《2020年人类发展报告》当中，该国的“人类发展指数”在189个国家中排名第144位。³⁴ 特别报告员呼吁采取更多行动防止导致全球变暖的碳排放和碳足迹，并鼓励使用化石燃料替代品并采取相关适应措施。该国制定了《柬埔寨气候变化应对计划(2014-2023年)》，最近又于2021年制定了一项旨在2050年前实现碳中和的长期战略。和所有国家一样，应在对民众的广泛参与给予应有考虑的情况下采取更多适应措施，包括改善城乡规划并出台相关激励措施。

O. 避免强迫将已成为国际承认之难民的柬埔寨国民从其他国家遣返，并释放所有被驱逐出境的被羁押人员

64. 柬埔寨难民在违背自己意愿的情况下被从国外驱逐或驱回柬埔寨，并在抵达之际遭羁押，此种情况非常令人关切。过去一年中，有4位柬埔寨异见人士在被

³⁴ 见《2020年人类发展报告》的国家简报，可在以下网址查阅
<https://hdr.undp.org/sites/default/files/Country-Profiles/KHM.pdf>

从某邻国送回柬埔寨后遭羁押。据推测，周边多国之间有将被视为与原籍国当权者对立者从潜在庇护国驱逐出境的非正式安排。

65. 鉴于其本身是《关于难民地位的公约》缔约国，该国应避免强迫将已成为国际承认之难民的柬埔寨国民从其他国家遣返，³⁵ 并应释放所有具有难民地位的被羁押人员。

P. 确保在应对所举报的以借助网上骗局和其他形式欺骗贩运人口和强迫劳动形式呈现的现代奴役情况时，以对受害者更友好的方式执法并在国内和国际上合作打击犯罪

66. 过去一年间，有报告称跨境黑帮在遍布各类外国投资的地区活动更加猖獗。人们受到网上骗局和其他形式欺骗的诱惑，陷入贩运人口和强迫劳动情况当中。这种现代奴役形式，尤其是被民间社会称之为“奴隶大院”的奴役形式，与官场和既得利益存在关联。³⁶ 该国已有一部打击贩运的法律，应以对受害者友好的方式予以大力强制执行。鉴于该现象具有跨境性质，有必要在打击犯罪方面更多开展国内和国际合作。

Q. 采取措施防止和消除腐败，尤其是与权力基础有关联者的腐败，以提高透明度并加强问责

67. 审查该国的记录时，曾在多处提出过腐败问题。根据某项指数，该国在 180 个国家中排名第 157 位，表明情况晦暗。³⁷ 此种情况无疑与集权有关，恩惠浸淫在利益交换当中，从权力阶梯的顶端渗漏到底部。就此可提出很多改进建议，但加入《联合国反腐败公约》，即已为该国提供了为提高透明度而须要采取的一系列行动。其中包括以下要求：保护举报人和证人/受害人；调查向政党提供的捐款；调查全国选举和市镇选举之间的相互影响问题；确保政治人物及其直系亲属公示其资产。这一点与有必要就获取公共信息问题出台一部法律之间存在关联。

R. 证明本国致力于在确保包括民间社会在内的一系列广泛的利益攸关方参与情况下建立国家人权机构，并给出具体的时间框架

68. 与政府存在关联的柬埔寨人权委员会已经在对一项有关建立国家人权机构的法案进行监督，而人权高专办也通过各种磋商活动参与该进程。最近，还与东南亚国家联盟(东盟)国家和相关人权机构举行了一次分享和学习研讨会。就该问题制定一部法律的进程面临着两个主要挑战：国家人权机构必须以利益攸关方的广泛参与为坚实基础，且有各种民间社会行为体更充分地参与，从而体现《关于促进和保护人权的国家机构的地位的原则》(《巴黎原则》)。从本质上讲，这个新兴机构的独立性是关键，而其独立性意味着不受行政控制，也意味着组成多元、

³⁵ 另见：联合国难民事务高级专员公署，《人们被迫逃离：历史、变迁和挑战》(牛津，牛津大学出版社)，2022 年及相关参考文件。

³⁶ 见 <https://thediplomat.com/2022/03/cambodia-told-to-shut-down-slave-compounds-after-warnings-from-asian-embassies/>。

³⁷ 见 <https://www.transparency.org/en/cpi/2021>。

工作有效。此外，尤其是鉴于主要的非政府组织因政治和公民空间萎缩而对整个进程持怀疑态度，有必要开放上述空间，以便推广一种氛围，使民间社会能有信心参与为建立国家人权机构而采取的各项步骤。

S. 采取后疫情时代的复兴措施，包括按照国际标准在消除贫困、获得医疗保健和接种疫苗、就业机会、教育以及其他社会保护措施等方面采取复兴措施，以帮助有需要的群体

69. 有必要关注经济、社会和文化问题，以确保复苏和复兴。在后疫情阶段，复苏和复兴应以人为本，并以该国是《经济社会文化权利国际公约》缔约国这一事实为指引。疫情已使人们认识到，现金转账在疫情期间帮助了人们，而扩大实施现有的针对境内流离失所贫困人口的计划，在过去和现在都是必要之举。生活的其他方面，例如医疗保健、受教育机会、粮食安全、通过技能再培训和技能提升获得就业机会，以及上文已提到的特定群体的脆弱性，还有贫困人口、非正规工人和失业人员等问题，也有必要切实涵盖其中。³⁸ 因此，目前正在起草一部社会保护法、一部新的残疾人法、一部儿童保护法和一份实现全民医保的国家路线图。上述所有文书均须以人权为坚实基础，尤其是以不歧视原则为基础。

T. 在技术合作与能力建设方面，支持国际社会作出贡献帮助柬埔寨，也支持柬埔寨为国际社会作出贡献

70. 关于一个更具国际性和历史性的问题：就负责审理 1970 年代中期红色高棉种族灭绝统治时期的柬埔寨法院特别法庭而言，已作出三项有罪判决，其中有两名被判定有罪者已经死亡。唯一尚在的既决犯乔森潘已就其判决提出上诉。另有三起案件最近已结案。就其余职能相关安排达成的协议，现正为特别法庭最后阶段工作及其遗产定下基调。³⁹ 一个主要关切领域是确保为受害者伸张正义。采用“民事方”之举在使受害者得以参与法庭诉讼方面发挥了宝贵作用。此外，还创造性地借助发展计划提供了补救。该法庭的档案需要妥善保管，向研究人员开放，并在历史教学方面发挥作用，以便从 1970 年代及其后的悲剧中汲取的经验教训不会被遗忘。

71. 在技术合作和能力建设方面，该国在过去三十年间从相关投入中受益匪浅。汲取的第一条经验是，外部援助对于帮助重建国家的基础和国家的运转至关重要，但有必要进行盘点，以确保外部援助不会加剧民主赤字和人权缺陷，尤其是在政治和公民空间方面。

72. 第二，一些领域已在获得新的支持，可进一步推进。尤其是，该国在第三轮普遍定期审议中接受的 173 项建议，例如更广泛地进行出生登记，提供了在联合国国家工作队一项新的战略发展框架帮助下合作的前景。⁴⁰ 另一个有希望的领域

³⁸ 见 https://www.iseas.edu.sg/wp-content/uploads/2022/03/ISEAS_Perspective_2022_40.pdf。另见 <https://www.worldbank.org/en/news/press-release/2022/01/31/productivity-diversification-domestic-investment-are-key-to-cambodia-s-economic-recovery>。

³⁹ 见 <https://www.eccc.gov.kh/en/articles/call-contribution-ideas-extraordinary-chambers-courts-cambodia-eccc-residual-functions>。

⁴⁰ 见 A/HRC/41/17 和 A/HRC/41/17/Add.1, 第 2 段。

是，按照有关被剥夺自由儿童问题的全球研究提出的建议，积极处理被剥夺自由儿童问题，并改善司法系统和社会制度，以便在妥善顾及性别敏感性的情况下满足各种困境中儿童的需要。民间社会也应得到帮助，尤其是在就数字安全以及防止监控和骚扰提供援助和能力建设方面。

73. 第三，柬埔寨有条件作为技术合作的内容帮助其他国家。举例来说，柬埔寨已为国际维和贡献了人力(男女皆有)。最近，柬埔寨在抗击疫情的斗争中，向一个东盟邻国运送了数卡车的医疗援助。柬埔寨有着丰富的排雷经验，可与其他国家分享。事实上，技术合作与能力建设应被视为双向流动，互惠互利，有助于建立伙伴关系并避免出现依赖综合症。

六. 结论和建议

74. 特别报告员在报告当中盘点了各种具有里程碑意义的事件，包括最近一次市镇选举在内，并以帮助在该国加速落实人权为目的制定了主要基准。特别报告员强调提出以下建议，呼吁具有前瞻眼光的各类主要行为体怀着同情的态度致力于此。

75. 特别报告员建议柬埔寨政府应：

(a) 铭记本国在各项人权条约下的义务和在普遍定期审议下的承诺，落实所有人权，并作出特别报告员所列 20 项基准之下建议作出的调整；

(b) 纠正 2022 年市镇选举方面的不足之处；

(c) 开放政治和公民空间，为 2023 年全国选举做准备，尤其要确保真正实行多党制、举行自由且公平的选举、对滥用权力进行制衡并为民众参与和分享权力提供保障；

(d) 释放被羁押的人权维护者、持不同政见者、记者和媒体工作人员以及其他倡导人权和民主者，撤销针对他们的法庭案件，并停止对其进行骚扰或攻击；

(e) 暂停实施并改革违背人权的法律、政策和实践，包括《紧急状态法》，《防止 COVID-19 及其他严重且危险传染病蔓延的预防措施法》（《防止 COVID-19 法》），各种阻碍表达自由、其他自由和非政府组织工作的法律，以及关于政党和相关选举的法律；

(f) 怀着对性别问题敏感性和各种关切交叉性的认识，处理特定群体的脆弱性问题，并解决暴力侵害和歧视问题，

(g) 公平分配资源，以帮助疫情后恢复；

(h) 对政治多元主义采取开放态度，并确保权力和职能分离，尤其是以保护司法系统免受行政渗透为目的；

(i) 在促进和保护人权方面，包括在人权教育和有关该国历史的质量为本教育方面，与民间社会和联合国切实合作；

(j) 向本国能够提供附加价值的其他国家提供技术帮助和能力建设。

76. 特别报告员建议民间社会及其他利益攸关方应：

- (a) 继续倡导促进和保护人权，并在这一过程中结成网络；
- (b) 监督该国落实公民、政治、经济、社会和文化权利等所有人权的情况，尤其是落实本报告中着重提出的各项基准的情况；
- (c) 作好监督 2023 年全国选举的准备，并确保透明；
- (d) 代表受害者倡导主张和采取行动，包括妥善虑及保护受害者免因要求补救和追责而遭受报复；
- (e) 促进人权教育和对该国历史的了解。

77. 特别报告员建议联合国和国际社会应：

- (a) 虑及本报告所列各项基准，支持并监督切实落实所有人权；
- (b) 利用影响力促使开放政治和公民空间，以与实行多元化、多党制、自由且公平的选举、制衡、民众参与、分享权力且权力与职能分离的民主政治相适应；
- (c) 支持符合国际标准的疫情后恢复措施，尤其是着眼于在该国包容而切实地推行社会保护措施；
- (d) 协助民间社会促进和保护人权，并提供技术帮助，例如在数字安全方面；
- (e) 对迄今向柬埔寨提供的技术合作和能力建设进行盘点，防止提供过程中出现滥权、滥享行为，并在牢记历史遗产需作为未来的建设性催化剂代代传播的情况下，在国际社会能为保障和平、民主、人权和可持续发展带来附加价值的领域继续努力。

Annex I

20 Benchmarks on Human Rights Implementation in Cambodia: Special Rapporteur on the situation of human rights in Cambodia Annual Report 2022

No.	Recommendations by human rights mechanisms	Benchmark	Timeframe for achievement
1.	<p>The State party should review and amend its laws on states of emergency and COVID-19, in order to ensure their full compliance with the requirements of article 4 of the Covenant, as interpreted in the Committee’s general comment No. 29 (2001) on derogations from provisions of the Covenant during a state of emergency and the Committee’s Statement on derogations from the Covenant in connection with the COVID-19 pandemic. The State party should guarantee that any measure introduced to protect the population in the context of a state of emergency, including a pandemic, are temporary, proportionate and strictly necessary, and subject to judicial review. The State party should ensure that the review and amendment of such legislation involves an open, transparent and meaningful consultation process with a wide range of stakeholders, including civil society organisations. (CCPR/C/KHM/CO/3, para. 11)</p> <p>The Committee reiterates its previous recommendation on freedom of expression and urges the State party to take immediate measures to ensure that everyone can freely exercise the right to freedom of expression, in accordance with articles 19 of the Covenant and the Committee’s general comment No. 34 (2011) on freedoms of opinion and expression. In doing so, the State party should:</p> <p>...</p> <p>(d) Review and revise its current and pending legislation, including the Sub-Decree on National Internet Gateway and the amendments to the Press Law and the draft laws on cybercrimes and on access to information, to avoid the use of vague terminology and overly broad restrictions;</p> <p>(e) Ensure that in the formulation and enforcement of its legislation, including Ministerial Sub-Decrees, any restrictions on the exercise of freedom of expression and association comply with the strict requirements of articles 19 (3) and 22 of the Covenant. (CCPR/C/KHM/CO/3, para. 35)</p> <p>In accordance with article 21 of the Covenant and in light of the Committee’s general comment No 37 (2020) on the right of peaceful assembly, the State party should:</p> <p>(a) Expedite its efforts to revise its current and pending legislation, including the amendments to the Law on Associations and Non-Governmental Organisations, and on the draft Law on Public Order; as well as its practices, to ensure that individuals fully enjoy, both in law and in practice, their right of peaceful assembly; and to ensure there is a meaningful, open and transparent</p>	<p>Desist from applying and Reform draconian laws:</p> <p>Review and amend draconian instruments, and avoid adopting new laws and policies of a politically cloistering kind.</p>	2022–2023
	<p>Reform existing legislation in relation to COVID 19 to ensure accordance with international instruments.</p>		
	<p>Revise laws and practices impeding civil and political rights, including freedom of expression peaceful assembly and association</p>		

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	<p>consultation with civil society organisations and any other relevant stakeholders in all revision exercises;</p> <p>(b) Ensure that any restrictions on the right of peaceful assembly, including through the application of administrative and criminal sanctions against individuals exercising that right, comply with the strict requirements of article 21 of the Covenant</p> <p>...</p> <p>(CCPR/C/KHM/CO/3, para. 35)</p>		
2.	<p>The Committee reiterates its previous recommendation on freedom of expression and urges the State party to take immediate measures to ensure that everyone can freely exercise the right to freedom of expression, in accordance with articles 19 of the Covenant and the Committee's general comment No. 34 (2011) on freedoms of opinion and expression. In doing so, the State party should:</p> <p>(a) Refrain from prosecuting and imprisoning journalists, human rights defenders and other civil society actors as a means of deterring or discouraging them from freely expressing their opinions.</p> <p>...</p> <p>(c) Decriminalize defamation and bring any other relevant provisions of the Criminal Code; and of the Law on Telecommunication into line with article 19 of the Covenant</p> <p>...</p> <p>(CCPR/C/KHM/CO/3, para. 35)</p> <p>The Committee reiterates its previous recommendation on freedom of expression and urges the State party to take immediate measures to ensure that everyone can freely exercise the right to freedom of expression, in accordance with articles 19 of the Covenant and the Committee's general comment No. 34 (2011) on freedoms of opinion and expression. In doing so, the State party should:</p> <p>(a) Refrain from prosecuting and imprisoning journalists, human rights defenders and other civil society actors as a means of deterring or discouraging them from freely expressing their opinions;</p> <p>(b) Prevent acts of harassment, intimidation and arbitrary restrictions or arrests of journalists, activists, human rights defenders who merely criticize public officials or government policies;</p> <p>...</p> <p>(CCPR/C/KHM/CO/3, para. 35)</p>	<p>Release detained human rights defenders and political dissidents and drop the charges against them:</p> <p>Strengthen the capacity of independent media, particularly in terms of investigative reporting and political analysis</p> <p>Respect human rights defenders and civil society actors</p> <p>Refrain from prosecuting, harassing and attacking journalists and advocates/defenders of human rights, of environmental protection and of democracy, and Counter impunity</p>	2022–2023

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	<p>In accordance with article 21 of the Covenant and in light of the Committee’s general comment No 37 (2020) on the right of peaceful assembly, the State party should:</p> <p>...</p> <p>(d) Prevent all forms of harassment and intimidation against members of civil society organisations, trade unions and political parties and ensure that they can freely exercise their work and activities. (CCPR/C/KHM/CO/3, para. 37)</p> <p>The Committee urges the State party to take all necessary measures to combat the culture of violence and impunity prevalent in the State party, and for the protection of human rights defenders, including indigenous leaders, peasant activists engaged in defending the economic, social and cultural rights of their communities against any intimidation, threat and violence, whether perpetrated by State security forces and agents or non-State actors. It also calls on the State party to ensure that all alleged cases of repression and abuse are promptly and thoroughly investigated, and that alleged perpetrators are prosecuted and appropriately punished, if found guilty. The Committee requests the State party to provide, in its next periodic report, detailed information on the progress made in preventing and punishing the repressions and abuses.</p> <p>(E/C.12/KHM/CO/1, para. 41)</p>		
3.	<p>The State party should bring its electoral regulations and practices into full compliance with the Covenant, including article 25, inter alia by:</p> <p>...</p> <p>(d) Ensuring the full and meaningful enjoyment of electoral rights by everyone, including opposition political candidates; and that all political parties can conduct an equal, free and transparent electoral campaign.</p> <p>...</p> <p>(f) Strengthening the judicial and electoral mechanisms to ensure a fair electoral process, particularly in time for the 2022 commune elections and the 2023 national elections.</p> <p>(CCPR/C/KHM/CO/3, para. 39)</p>	Restore and re-enfranchise a variety of political parties, and Ensure free and fair elections	2022–2023
4.	<p>The State party should bring its electoral regulations and practices into full compliance with the Covenant, including article 25, inter alia by:</p> <p>(a) Ending all acts of harassment, intimidation, arbitrary arrests, and acts of violence against members and supporters of opposition parties;</p>	End mass trials of political opposition and Guarantee space to engage in democracy and political pluralism:	2022–2023

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	<p>(c) Ending all mass trials against members of the opposition and ensuring that all proceedings brought against them, as well as against human rights defenders, conform to all procedural guarantees of the Covenant;</p> <p>...</p> <p>(e) Guaranteeing the freedom to engage in pluralistic political debate, including by facilitating peaceful demonstrations and meetings and by refraining from using criminal laws to suppress such right or to exclude opposition candidates from electoral processes</p> <p>...</p> <p>(CCPR/C/KHM/CO/3, para. 39)</p>	<p>Release those who are detained or in prison for their political affiliations</p>	
5.	<p>The State party should take all necessary measures to safeguard, in law and in practice, the full independence, impartiality and safety of judges and prosecutors. The State party should take specific measures to prevent judges from being influenced in their decision-making by any form of political pressure, including by ensuring that procedures for the selection, appointment, suspension, removal and disciplining of judges and prosecutors are in compliance with the Covenant and relevant international standards. (CCPR/C/KHM/CO/3, para. 33)</p>	<p>Ensure independence and transparency of the judiciary and related personnel such as prosecutors and lawyers</p>	2022–2023
6.	<p>The State party should intensify its efforts to ensure that the conditions of detention are in full compliance with relevant international human rights standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). It should, in particular:</p> <p>(a) Significantly reduce overcrowding in prisons, particularly through the wider application of non-custodial measures as an alternative to imprisonment. (CCPR/C/KHM/CO/3, para. 25)</p> <p>The State party should take effective legal and other measures to ensure that pre-trial detention is only used as an exceptional measure for a limited period of time, particularly in relation to mothers with young children; and intensify the use of alternative measures to pre-trial detention. The State party should ensure that all legal safeguards are guaranteed in practice to all persons deprived of their liberty from the very outset of their detention, including by formally adopting the draft Legal Aid Policy so as to ensure that legal assistance is available to all individuals charged with a crime. (CCPR/C/KHM/CO/3, para. 27)</p>	<p>Improve the overload of the prison system and Adopt more non-custodial measures, especially in relation to pre-trial cases:</p> <p>Improve the promotion of the rule of law and Strengthen access to legal aid and assistance</p>	2022–2023

No.	Recommendations by human rights mechanisms	Benchmark	Timeframe for achievement
	The State party should intensify its efforts to ensure the effective implementation of the Law on Juvenile Justice and that children in conflict with the law are treated in a manner commensurate with their age. The State party should also ensure that pre-trial detention of minors is strictly used in exceptional cases only as a last resort. The State party should consider undertaking a thorough review of cases of children in conflict with the law who will be transferred to the new Youth Rehabilitation Centre in order to evaluate an alternative to detention. (CCPR/C/KHM/CO/3, para. 41)	Outline foreseen implementation of the Law on Juvenile Justice to ensure compliance with international standards	
7.	The State party should: (a) Pursue a comprehensive review of relevant laws, policies and practices vis-à-vis drug-dependent persons, particularly those deprived of their liberty in compulsory drug rehabilitation centres, with a view to bringing them into full compliance with the Covenant. (CCPR/C/KHM/CO/3, para. 29)	Explore more rehabilitative measures rather than retributive sanctions for drug related cases	2022–2023
8.	Concern of the Special Rapporteur expressed in his UNHRC 2021 written report and 2022 oral update	Follow-up effectively on cases of enforced disappearance and other key violations concerning Cambodians and foreign national(s), especially to overcome the atmosphere of impunity	2022–2023
9.	The Committee recommends to the State party to strengthen its strategic interventions in response to the alarming situation of increasing food insecurity. The Committee requests the State party in its next periodic report to provide detailed information on the results of these strategic interventions. (E/C.12/KHM/CO/1, para. 28) Concern of the Special Rapporteur expressed in his UNHRC 2022 oral update: the situation is aggravated by recent rise in oil prices and potential food famine due to the war in Ukraine.	Give attention to increasing indebtedness, leading to loss of land as collateral of loans inked with microfinance, and diminishing food security	2022–2023
10.	The Committee recommends that the State party ensure adequate budget allocation for all levels of education especially basic education, and the transparency of the allocation and disbursement system for the implementation of the right to education. The Committee also recommends that the State party expand non-formal education programmes, particularly for out-of-school girls. (art. 13) (E/C.12/KHM/CO/1, para. 43)	Improve access to and resumption of education, after the disruption caused by the pandemic, essentially to overcome the online gap between those who have and those who have not, and to promote related formal and non-formal education programmes.	2022–2023

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11.	<p>The Committee draws the attention of the State party to its statement on “An evaluation of the obligation to take steps to the ‘maximum of its available resources’ under an Optional Protocol to the Covenant” (E/C.12/2007/1), and recommends that the State party increase its national spending on social services and assistance such as housing, food, health and education so as to achieve, in accordance with article 2, paragraph 1, the progressive realization of the economic, social and cultural rights provided for in the Covenant. The Committee further recommends that the State party allocate sufficient funds for the implementation of its poverty eradication strategy, and ensure the full integration of economic, social and cultural rights in the strategy, as recommended by the Committee in its Statement on “Poverty and the International Covenant on Economic, Social and Cultural Rights” (E/C.12/2001/10). (E/C.12/KHM/CO/1, para. 27)</p> <p>The Committee urges the State party to extend the coverage of the social safety nets by developing targeted measures to address the situation of disadvantaged and marginalized individuals and groups, in particular the homeless in urban centres, victims of trafficking, children living on the streets or in conflict with the law, and poor people and households. The Committee further urges the State party to consider establishing a universal social assistance programme to guarantee the enjoyment of the right to social security for everyone in the State party. (arts. 9, 10 and 11) (E/C.12/KHM/CO/1, para. 44)</p>	<p>Allocate additional resources to the social sector, bearing in mind that public expenditure on this front has been declining in recent years:</p> <p>Develop and adopt social protection law in keeping with international standards</p> <p>Develop and adopt a comprehensive social safety net programme with targets for disadvantaged and marginalized individuals</p>	<p>Progressively linked with SDGs 2015–2030</p>
12.	<p>The State party should:</p> <p>(a) Adopt comprehensive legislation prohibiting discrimination, including multiple, direct and indirect discrimination, in all spheres, in both the public and the private sectors, on all the grounds prohibited under the Covenant, including race, colour, sex, political or other opinion, national or social origin, sexual orientation and gender identity, disability, or any other status, and ensure access to effective and appropriate remedies for victims of discrimination;</p> <p>(b) Take effective measures to combat discrimination and exclusion against ethnic minorities, in particular Khmer Krom and Cambodians of Vietnamese origin, including by ensuring that they have access to identity documents;</p> <p>(c) Prevent discrimination and violence against lesbians, gays, bisexuals and transgender persons, as well as against persons with disabilities, including by conducting public awareness-raising campaigns to combat their social stigmatization. (CCPR/C/KHM/CO/3, para. 15)</p> <p>The State party should strengthen the measures aimed at ensuring gender equality, including by:</p> <p>(a) Ensuring that legislation and policies on gender equality are effectively implemented and reviewing the 1997 Labour Law with a view to ensuring the implementation of the principle of equal pay for work of equal value and guaranteeing full protection of domestic workers;</p>	<p>Ensure comprehensive and gender sensitive protection and assistance to special groups, including women, children, persons with disabilities, (migrant) workers, indigenous peoples, minorities and LGBTI communities:</p> <p>Demonstrate commitment to addressing all forms of gender-based violence and to promoting the rights of women and gender equality.</p> <p>Adopt child protection law consistent with international standards</p> <p>Develop and adopt law and policy to protect LGBTI from discrimination and violence, Initiate law and policy to recognize gender identity, and Enact law on same-sex marriage</p>	<p>2022–2023</p>

No.	Recommendations by human rights mechanisms	Benchmark	Timeframe for achievement
	<p>(b) Raising public awareness of the principle of equality between women and men and the need to eliminate gender stereotypes, and ensuring that media outlets promote positive images of women as active participants in public and political life;</p> <p>(c) Intensifying its efforts to achieve, within specific time-frames, the full and equal participation of women in political and public life, including in the National Assembly, ministerial positions, regional and local municipalities, and the judiciary, particularly in decision-making positions. (CCPR/C/KHM/CO/3, para. 17)</p> <p>The State party should:</p> <p>...</p> <p>(e) Ensure that in the context of the COVID-19 pandemic, indigenous peoples have access to information and health care services, including testing, treatment and vaccines. (CCPR/C/KHM/CO/3, para. 41)</p>		
13.	<p>The State party should:</p> <p>(a) Develop and adopt a legal framework to recognize and protect the rights of indigenous peoples, including a simplified procedure for obtaining communal land titles;</p> <p>(b) Ensure full and meaningful consultation with indigenous peoples in matters concerning their rights, in particular their right to free, prior and informed consent, including when granting development projects that may affect their land rights;</p> <p>(c) Continue its efforts to prevent conflicts over land use, including by providing guarantees in relation to land traditionally owned and/or occupied by indigenous peoples;</p> <p>(d) Ensure that indigenous peoples are not relocated without following all legal and procedural safeguards, including the provision of comparable alternatives and adequate compensation. (CCPR/C/KHM/CO/3, para. 41)</p> <p>The Committee urges the State party to review its policy regarding the conversion of protected zones into economic concessions, by conducting environmental and social impact assessments including consultations with relevant stakeholders and communities with due regard to their right to participate in informed decisions that affect their lives. The Committee strongly recommends that the granting of economic concessions take into account the need for sustainable development and for all Cambodians to share in the benefits of progress rather than for private gain alone. The Committee requests the State party to give, in its next periodic report, detailed information on the progress made in the implementation of these policies. (E/C.12/KHM/CO/1, para. 15)</p>	<p>Enable effective participation of local communities related to protection of natural resources, in particular, land holdings, land titling, and related privatization of State land as well as guarantees against the seepage of vested interests often linked with the power base:</p> <p>Establish safeguards against evictions premised on the principle of “free, prior and informed consent” as the basis for negotiations concerning land usage interlinked with traditional communities thereon, with effective measures against land grabs by encroachers</p>	2022–2023

No.	Recommendations by human rights mechanisms	Benchmark	Timeframe for achievement
14.	<p>The Committee urges the State party to implement the 2001 Land Law without further delay and to ensure that its policies on registration of communal lands do not contravene the spirit of this law. The Committee emphasizes the need for carrying out environmental and social impact assessments and consultations with affected communities with regard to economic activities including mining and oil explorations, with a view to ensuring that these activities do not deprive the indigenous peoples of the full enjoyment of their rights to their ancestral lands and natural resources. The Committee encourages the State party to consider ratifying ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries. (E/C.12/KHM/CO/1, para. 16)</p> <p>The Committee urges the State party to adopt as a matter of priority, a National Housing Policy that would upgrade poor urban settlements and ensure security of tenure, with clear institutional responsibilities at the national, provincial and local levels, and adequate financial resources for its effective implementation.</p> <p>(E/C.12/KHM/CO/1, para. 29)</p> <p>The Committee urges the State party to implement a moratorium on all evictions until the proper legal framework is in place and the process of land titling is completed, in order to ensure the protection of human rights of all Cambodians, including indigenous peoples. The Committee recommends that the State party undertake urgent consultations with all stakeholders in order to reach a definition of “public interest” to complement the 2001 Land Law and develop clear guidelines for possible evictions. The Committee also urges the State party clearly to identify the demarcation of State public land and State private land. The Committee strongly recommends that the State party, as a matter of priority, undertake open, participatory and meaningful consultations with affected residents and communities prior to implementing development and urban renewal projects and to ensure that persons forcibly evicted from their properties be provided with adequate compensation and/or offered relocation that complies with the guidelines adopted by the Committee in its general comment No. 7 (1997) on forced evictions and guarantee that relocation sites are provided with basic services including drinking water, electricity, washing and sanitation, as well as adequate facilities including schools, health care centres and transportation at the time the resettlement takes place. The Committee also draws the attention of the State party to the guidelines on Development-based Evictions and Displacements (A/HRC/4/18), prepared by the Special Rapporteur on adequate housing. (E/C.12/KHM/CO/1, para. 30)</p>	Establish comprehensive mitigation and adaptation programmes to counter climate change	Progressively linked with SDGs 2015–2030

No.	Recommendations by human rights mechanisms	Benchmark	Timeframe for achievement
15.	Concern of Special Rapporteur expressed in his UNHRC 2022 oral update	Eschew forced return of its nationals from other countries when and where they are internationally recognized refugees, and Release all deported detainees with this status	2022–2023
16.	<p>The State party should ensure the effective enforcement of the Law on Suppression of Human Trafficking and Sexual Exploitation and that cases of trafficking in persons are thoroughly investigated, that those responsible are prosecuted and, if found guilty, are sentenced appropriately, and that victims are provided with full reparation and appropriate protection and assistance. The State should eliminate all forms of forced labour and exploitation of children, particularly in the brick industry, including by strengthening the capacity of labour inspectors to carry out their duties effectively in the sectors where such practices are prevalent. (CCPR/C/KHM/CO/3, para. 31)</p> <p>The Committee recommends that the State party intensify its efforts to combat trafficking in human beings, especially women and children, for purposes of sexual exploitation and forced labour, inter alia by prosecuting and convicting offenders of the law against trafficking, supporting programmes and information campaigns to prevent trafficking, providing mandatory training for law enforcement officials, prosecutors and judges on the anti-trafficking legislation and increasing the provision of medical, psychological and legal support for victims. (E/C.12/KHM/CO/1, para. 26)</p>	Ensure more victim-friendly law enforcement and national-cum-international anti-crime cooperation in response to reported situations of modern slavery in the form of human trafficking and forced labour via online scams and other forms of deception.	2022–2023
17.	<p>The State party should increase its efforts to prevent and eradicate corruption and impunity at all levels. It should ensure that all cases of corruption, including those related to land issues, illegal logging and contracts for development projects, are independently and thoroughly investigated, that those responsible are duly tried and adequately punished, and that victims receive full reparation. The State party should ensure adequate protection for whistle-blowers, witnesses and victims of corruption, including by adopting the draft Law on Reporting Persons and the draft Law on Witnesses, Experts and Victims, after open, transparent and meaningful consultations with civil society and other relevant stakeholders. (CCPR/C/KHM/CO/3, para. 9)</p>	Adopt measures to prevent and eliminate corruption, especially in regard to those who are related to the power base, to improve transparency and accountability	2022–2023
18.	<p>Recalling the Committee’s previous recommendations, the State party should further advance the creation of a national human rights institution, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). The State party should carry out an open, transparent and meaningful consultation process on the draft law ensuring the participation of a wide range of stakeholders, including civil society organisations. (CCPR/C/KHM/CO/3 para. 7)</p>	Demonstrate commitment and concrete timeframe for the establishment of a National Human Rights Institution, in accordance with the Paris Principles, ensuring participation of wide range of stakeholders, including civil society	2022–2023

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19.	Concern of Special Rapporteur expressed in his UNHRC 2021 written report and 2022 oral update	Adopt Post-Covid Revival Measures, including on anti-poverty, access to health care and re-vaccination, employment opportunities, education and other social protection measures, to help needy groups in keeping with international standards	Progressively linked with SDGs 2015–2030.
20.	Response to UNHRC Resolution 2021 on Cambodia requesting the Special Rapporteur to pay attention to technical cooperation and capacity building Need to identify areas for international contribution to help Cambodia, for instance, capacity development on digital security for NGOs, and Cambodian contribution to help the international community, for instance, knowledge transfer to other countries on de-mining and UN peacekeeping.	Support international contribution to help Cambodia and Cambodian contribution to help the international community in relation to technical cooperation and capacity building	Progressively linked with SDGs 2015–2030

Annex II

UN resolutions on Cambodia since 1992

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
1.	19-Feb-1993	Human Rights Commission E/CN.4/RES/1993/6	19. Advisory services and technical cooperation in the field of human rights	<p>6. Requests the Secretary-General to appoint a special representative:</p> <p>(a) To maintain contact with the Government and people of Cambodia;</p> <p>(b) To guide and coordinate the United Nations human rights presence in Cambodia;</p> <p>(c) To assist the Government in the promotion and protection of human rights;</p> <p>(d) To report to the General Assembly at its forty-eighth session and the Commission on Human Rights at its fiftieth session under the agenda item entitled “Advisory services in the field of human rights”;</p> <p>8. Requests the Secretary-General to communicate the contents of the present resolution to, and seek the consent and cooperation of, the newly elected Government of Cambodia to facilitate the tasks of the Special Representative and the Centre for Human Rights in the fulfilment of their respective mandates;</p>
2.	07-Feb-1994	General Assembly A/RES/48/154	114 (c). Human rights situations and reports of special rapporteurs and representatives	<p>3. Welcomes the appointment by the Secretary-General of a Special Representative to undertake the tasks set out in paragraph 6 of Commission on Human Rights resolution 1993/6;</p> <p>4. Requests the Secretary-General to provide all necessary resources, from within existing resources, to enable the Special Representative to fulfil those tasks expeditiously;</p> <p>5. Also requests the Secretary-General to report to the General Assembly at its forty ninth session on the role of the Centre for Human Rights in assisting the Cambodian Government and people in the promotion and protection of human rights and on any recommendations made by the Special Representative on matters within his mandate;</p>
3.	04-Mar-1994	Human Rights Commission E/CN.4/RES/1994/61	19. Advisory services and technical cooperation in the field of human rights	<p>2. Also welcomes the appointment by the Secretary-General of a Special Representative to undertake the tasks set out in Commission on Human Rights resolution 1993/6, paragraph 6;</p> <p>3. Takes note with satisfaction of the exchange of letters between the Secretary General and the Royal Government of Cambodia concerning the consent of the Government for the fulfilment of the activities of the Centre for Human Rights and the mandate of the Special Representative in Cambodia;</p> <p>4. Notes with interest the programme of activities of the Centre for Human Rights in Cambodia, as described in the report of the Special Representative of the Secretary General (E/CN.4/1994/73 and Add.1);</p>

No.	Date	Resolution No.	Item No	On Special Representative/Rapporteur
4.	23-Dec-1994	General Assembly A/RES/49/199	100 (c). Human rights situations and reports of special rapporteurs and representatives	<p>5. Requests the Secretary-General to assure the promotion and protection of the human rights of all people in Cambodia and to ensure sufficient resources, from within existing overall United Nations resources, for the full implementation of the mandate of the Centre for Human Rights and that of the Special Representative;</p> <p>8. Takes note with interest of the report of the Special Representative of the Secretary-General on the situation of human rights in Cambodia (E/CN.4/1994/73) and his recommendations and conclusions (E/CN.4/1994/73/Add.1), in particular the identification of priority areas requiring urgent attention, namely:</p> <ul style="list-style-type: none"> (a) The devotion of proper resources to hospitals, schools, courts and for the defence of cultural treasures, especially Angkor Wat; (b) The support of the National Assembly Human Rights Commission, including financial assistance for a proper secretariat, equipment and training; (c) The enactment of laws and related activities in especially urgent areas; (d) The implementation of training programmes aimed at the promotion and protection of civil rights; (e) The ensuring of true independence of the judiciary; <p>10. Also requests the Centre for Human Rights, in cooperation with the relevant specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Royal Government of Cambodia, in the priority areas identified by the Special Representative, paying particular attention to women and vulnerable groups, including children and refugees;</p> <p>12. Requests the Secretary-General to renew the mandate of the Special Representative as set out in Commission on Human Rights resolution 1993/6, paragraph 6;</p> <p>14. Requests the Special Representative of the Secretary-General to report to the Commission on Human Rights at its fifty-first session and to provide an interim report to the General Assembly at its forty-ninth session;</p> <p>Taking note also of Commission on Human Rights resolution 1994/61 of 4 March 1994 and recalling General Assembly resolution 48/154 of 20 December 1993 and previous relevant resolutions, including Commission on Human Rights resolution 1993/6 of 19 February 1993, which recommended the appointment of a Special Representative in Cambodia and the subsequent appointment by the Secretary-General of a Special Representative,</p> <p>5. Takes note with appreciation of the report submitted by the Special Representative of the Secretary-General on the situation of human rights in Cambodia and endorses his recommendations and conclusions, including those aimed at:</p>

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				<p>(a) Ensuring the independence of the judiciary and the establishment of the rule of law;</p> <p>(b) The promotion and protection of civil rights;</p> <p>(c) The promotion of multi-cultural tolerance and acceptance of ethnic diversity within Cambodia;</p> <p>6. Requests the Special Representative, in collaboration with the office in Cambodia of the Centre for Human Rights, to undertake an evaluation of the extent to which the recommendations made by the Special Representative in his report mentioned in paragraph 5 above, and those contained in his first report, are followed up and implemented;</p> <p>7. Requests the Secretary-General to provide all necessary resources, from within the regular budget of the United Nations, to enable the Special Representative to continue to fulfil his tasks expeditiously;</p> <p>10. Expresses grave concern about the serious violations of human rights as detailed by the Special Representative in his report and encourages the Government of Cambodia to investigate thoroughly allegations of human rights abuse and to prosecute those who are guilty of human rights offences in accord with due process of law;</p> <p>11. Also expresses grave concern about the outrages committed by the outlawed Khmer Rouge, including the massacre of approximately fifty villagers in Battambang Province in October 1994, the numerous recent incidents of kidnapping of villagers, the taking and killing of foreign hostages and other deplorable incidents detailed in the report of the Special Representative;</p> <p>20. Requests the Centre for Human Rights, in cooperation with the relevant specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Government of Cambodia, in the priority areas identified by the Special Representative, paying particular attention to women and vulnerable groups, including children and refugees;</p> <p>21. Requests the Secretary-General to report to the General Assembly at its fiftieth session on the role of the Centre 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;</p>
5.	03-Mar-1995	Commission on Human Rights E/CN.4/RES/1995/55	19. Advisory services and technical cooperation in the	Recalling Commission on Human Rights resolution 1994/61 of 4 March 1994, General Assembly resolution 49/199 of 23 December 1994, and previous relevant resolutions, including Commission on Human Rights resolution 1993/6 of 19 February 1993, in which it requested the Secretary-General to appoint a special representative in Cambodia, and the Secretary-General's subsequent appointment of a special representative,

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
			field of human rights	<p>5. Notes with appreciation the programmes of activities of the Centre for Human Rights in Cambodia, as described in the report of the Special Representative of the Secretary-General;</p> <p>7. Requests the Special Representative, in collaboration with the office in Cambodia of the Centre for Human Rights, to undertake an evaluation of the extent to which the recommendations made in his report, and those contained in his previous reports, are followed up and implemented;</p> <p>8. Requests the Secretary-General to renew the mandate of the Special Representative as set out in paragraph 6 of Commission on Human Rights resolution 1993/6;</p> <p>9. Also requests the Secretary-General to provide all necessary resources from within the regular budget of the United Nations to enable the Special Representative to continue to fulfil his tasks expeditiously;</p> <p>11. Expresses grave concern about the atrocities committed by the Khmer Rouge, including the massacre of approximately 50 villagers in Battambang Province in October 1994, the numerous incidents of kidnapping of villagers, attacks on tourists, including the taking and killing of foreign hostages, and other deplorable incidents detailed in the reports of the Special Representative;</p> <p>14. Expresses concern at the serious violations of human rights as detailed by the Special Representative in his reports, and further encourages the Government of Cambodia to investigate thoroughly allegations of human rights abuse and to prosecute those who are guilty of human rights offences in accordance with the due process of the law and international standards relating to the administration of justice;</p> <p>15. Takes note of the concern expressed by the Special Representative in his report at the widely reported allegations of threats to members of the National Assembly and recommends that the Government of Cambodia take all necessary steps to ensure that members of the National Assembly can work in an environment free from intimidation;</p> <p>22. Requests the Centre for Human Rights, in cooperation with the relevant United Nations specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Government of Cambodia, in the priority areas identified by the Special Representative, paying particular attention to vulnerable groups, including women, children and minorities;</p> <p>25. Requests the Special Representative of the Secretary-General to report to the Commission on Human Rights at its fifty-second session and to provide an interim report to the General Assembly at its fiftieth session;</p> <p>26. Requests the Secretary-General to report to the Commission on Human Rights at its fifty-second session on the role of the Centre 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;</p>

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
6.	28-Feb-1996	General Assembly A/RES/50/178	112 (b). Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms	<p>Taking note also of Commission on Human Rights resolution 1995/55 of 3 March 1995,⁴¹ and recalling General Assembly resolution 49/199 of 23 December 1994 and previous relevant resolutions, including Commission on Human Rights resolution 1993/6 of 19 February 1993,⁴² in which the Commission recommended the appointment of a special representative for Cambodia, and the subsequent appointment by the Secretary-General of a special representative,</p> <p>5. Takes note with appreciation of the most recent report submitted by the Special Representative of the Secretary-General on the situation of human rights in Cambodia,⁴³ and endorses his recommendations and conclusions, including those aimed at ensuring the independence of the judiciary and the establishment of the rule of law, good governance, freedom of expression and the promotion of an effectively functioning multi-party democracy;</p> <p>7. Requests the Special Representative, in collaboration with the office in Cambodia of the Centre for Human Rights, to continue his evaluation of the extent to which the recommendations made by the Special Representative in his report,⁴⁴ and those contained in his previous reports, are followed up and implemented, and strongly encourages the Government of Cambodia to continue to cooperate with the Special Representative;</p> <p>8. Requests the Secretary-General to provide all necessary resources, from within the regular budget of the United Nations, to enable the Special Representative to continue to fulfil his tasks expeditiously;</p> <p>10. Expresses grave concern about the atrocities that continue to be committed by the Khmer Rouge, including the taking and killing of hostages, and other deplorable incidents detailed in the reports of the Special Representative;</p> <p>11. Also expresses grave concern about the serious violations of human rights as detailed by the Special Representative in his report, and calls upon the Government of Cambodia to prosecute in accordance with the due process of the law and international standards relating to human rights all those who have perpetrated human rights violations;</p> <p>12. Expresses particularly grave concern at the comments made by the Special Representative concerning the reluctance of the courts to charge members of the military and other security forces for serious criminal offences, and encourages the Government of Cambodia to address this problem, which in effect places persons in authority above the principle of equality before the law;</p>

⁴¹ See Official Records of the Economic and Social Council, 1995, Supplement No. 3 and corrigenda (E/1995/23 and [Corr.1](#) and [2](#)), chap. II, sect. A.

⁴² Ibid., 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

⁴³ See [A/50/681](#).

⁴⁴ See [A/50/681](#).

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
				<p>21. Requests the Centre for Human Rights, in cooperation with the relevant specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Government of Cambodia, in the priority areas identified by the Special Representative, paying particular attention to vulnerable groups, including women, children and minorities;</p> <p>22. Requests the Secretary-General to report to the General Assembly at its fifty-first session on the role of the Centre 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;</p>
7.	19-Apr-1996	Commission on Human Rights E/CN.4/RES/1996/54	19. Advisory services and technical cooperation in the field of human rights	<p>Recalling Commission on Human Rights resolution 1995/55 of 3 March 1995, General Assembly resolution 50/178 of 22 December 1995 and previous relevant resolutions, including Commission on Human Rights resolution 1993/6 of 19 February 1993, in which it requested the Secretary-General to appoint a special representative in Cambodia, and the subsequent appointment of a special representative,</p> <p>1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the Centre 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, from within existing resources, for the enhanced functioning of the operational presence in Cambodia of the Centre for Human Rights;</p> <p>4. Commends the work of the former Special Representative of the Secretary-General, Mr. Michael Kirby, in promoting and protecting human rights in Cambodia;</p> <p>5. Takes note with appreciation of the latest report of the Special Representative on the situation of human rights in Cambodia (E/CN.4/1996/93), and endorses his recommendations and conclusions, including those aimed at ensuring the independence of the judiciary and the establishment of the rule of law, good governance, freedom of expression and the promotion of an effective functioning multi-party democracy;</p> <p>6. Welcomes the appointment by the Secretary-General of Mr. Thomas Hammarberg as his new Special Representative;</p> <p>7. Requests the Special Representative, in collaboration with the office in Cambodia of the Centre for Human Rights, to continue his evaluation of the extent to which the recommendations made by the Special Representative in his report, and those contained in his previous reports, are followed up and implemented;</p> <p>8. Requests the Secretary-General to provide all necessary resources, from within the regular budget of the United Nations, to enable the Special Representative to continue to fulfil his tasks expeditiously;</p>

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
				<p>12. Expresses grave concern about the atrocities that continue to be committed by the Khmer Rouge, including the taking and killing of hostages and other deplorable incidents detailed in the reports of the Special Representative;</p> <p>13. Also expresses grave concern about the serious violations of human rights as detailed by the Special Representative in his reports, and calls upon the Government of Cambodia to prosecute, in accordance with due process of the law and international standards relating to human rights, all those who have perpetrated human rights violations;</p> <p>14. Expresses particularly grave concern at the comments made by the Special Representative concerning the reluctance of the courts to charge members of the military and other security forces for serious criminal offences, and encourages the Government of Cambodia to address this problem, which in effect places persons in authority above the principle of equality before the law, as a matter of urgent priority;</p> <p>21. Requests the Centre for Human Rights, in cooperation with the relevant specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Government of Cambodia, in the priority areas identified by the Special Representative, paying particular attention to women, children, disabled persons and minorities;</p> <p>23. Requests the Secretary-General to report to the Commission on Human Rights at its fifty-third session on the role of the Centre for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;</p>
8.	03-Mar-1997	General Assembly A/RES/51/98	110 (b). Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms	<p>Taking note also of Commission on Human Rights resolution 1996/54 of 19 April 1996,⁴⁵ and recalling General Assembly resolution 50/178 of 22 December 1995 and previous relevant resolutions, including Commission on Human Rights resolution 1993/6 of 19 February 1993,⁴⁶ in which the Commission recommended the appointment of a special representative for human rights in Cambodia, and the subsequent appointment by the Secretary-General of a special representative,</p> <p>1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the Centre for Human Rights of the Secretariat, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources, from within existing resources, for the enhanced functioning of the operational presence in Cambodia of the Centre;</p> <p>4. Commends the work of the former Special Representative of the Secretary-General, Mr. Michael Kirby, in promoting and protecting human rights in Cambodia, and welcomes the</p>

⁴⁵ See Official Records of the Economic and Social Council, 1996, Supplement No. 3 (E/1996/23), chap. II, sect. A.

⁴⁶ Ibid., 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

No.	Date	Resolution No.	Item No	On Special Representative/Rapporteur
				<p>appointment by the Secretary-General of Mr. Thomas Hammarberg as his new Special Representative;</p> <p>5. Takes note with appreciation of the report of the Special Representative, E/CN.4/1996/93 and endorses his recommendations and conclusions, including those aimed at combating child prostitution and trafficking and ensuring the independence of the judiciary and the establishment of the rule of law, freedom of expression and the promotion of an effective, functioning multi-party democracy;</p> <p>6. Requests the Special Representative, in collaboration with the office in Cambodia of the Centre for Human Rights, to continue his evaluation of the extent to which the recommendations made by the Special Representative in his report, and those contained in reports of his predecessor, are followed up and implemented;</p> <p>7. Requests the Secretary-General to provide all necessary resources, from within the regular budget of the United Nations, to enable the Special Representative to continue to fulfil his tasks expeditiously;</p> <p>14. Expresses serious concern at the comments made by the Special Representative concerning the continuing problem of impunity, whereby the courts in several areas are reluctant or unable to charge members of the military, police and other security forces for serious criminal offences, and encourages the Government of Cambodia, as a matter of urgent priority, to address this problem, which in effect places the military and police above the principle of equality before the law;</p> <p>15. Expresses grave concern about the atrocities that continue to be committed by the Khmer Rouge, including the taking and killing of hostages and other deplorable incidents detailed in the reports of the Special Representative and his predecessor;</p> <p>16. Also expresses grave concern about the serious violations of human rights as detailed in the reports of the Special Representative and his predecessor, and calls upon the Government of Cambodia to prosecute in accordance with the due process of the law and international standards relating to human rights all those who have perpetrated human rights violations;</p> <p>24. Requests the Centre for Human Rights, in cooperation with the relevant specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Government of Cambodia, in the priority areas identified by the Special Representative, paying particular attention to vulnerable groups, including women, children, disabled persons and minorities;</p> <p>26. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the role of the Centre for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;</p>

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
9.	11-Apr-1997	Commission on Human Rights E/CN.4/RES/1997/49	19. Advisory services and technical cooperation in the field of human rights	<p>Recalling its resolution 1996/54 of 19 April 1996, General Assembly resolution 51/98 of 12 December 1996 and previous relevant resolutions, including Commission resolution 1993/6 of 19 February 1993, in which it requested the Secretary-General to appoint a special representative in Cambodia, and the subsequent appointment of a special representative,</p> <p>1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the Centre 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, from within existing resources, for the enhanced functioning of the operational presence in Cambodia of the Centre for Human Rights;</p> <p>4. Takes note with appreciation of the report of the Special Representative on the situation of human rights in Cambodia (E/CN.4/1997/85), in particular his concerns about the rule of law, the independence of the judiciary, the problem of impunity, the ill-treatment of prisoners, labour rights, child prostitution and trafficking, freedom of expression and the promotion of an effective functioning multi-party democracy;</p> <p>6. Notes with concern the lack of response by the Government of Cambodia to several of the recommendations contained in the Special Representative's previous report (E/CN.4/1996/93) and urges that it respond as soon as possible, and requests the Special Representative, in collaboration with the office in Cambodia of the Centre for Human Rights, to continue his evaluation of the extent to which the recommendations made by the Special Representative in his report, and those contained in his previous report, are followed up and implemented;</p> <p>7. Requests the Secretary-General to provide all necessary resources, from within the regular budget of the United Nations, to enable the Special Representative to continue to fulfil his tasks expeditiously;</p> <p>8. Notes with serious concern the Special Representative's strong criticism of the system of justice in Cambodia, urges the Government of Cambodia to increase its efforts to create a functioning and impartial system of justice, including convening the Supreme Council of Magistracy, and, in the area of prisons, strongly urges the Government of Cambodia to institute a system to guarantee the essential sustenance of prisoners and to continue its efforts to improve the physical environment of prisons;</p> <p>9. Expresses serious concern at the comments made by the Special Representative concerning the continuing problem of impunity whereby the courts are reluctant or unable to charge members of the military, police and other security forces with serious criminal offences, and encourages the Government of Cambodia, as a matter of critical and urgent priority, to address the problem of impunity, including the repeal of article 51 of the 1994 Law on Civil Servants, which in effect places the military and police and other government officials above the principle of equality before the law;</p>

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
				<p>10. Expresses grave concern about numerous instances of violations of human rights, including extrajudicial executions, torture, including rape, illegal arrest and detention, as detailed in the reports of the Special Representative and his predecessor, and calls upon the Government of Cambodia to prosecute, in accordance with due process of the law and international standards relating to human rights, all those who have perpetrated human rights violations;</p> <p>12. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the Centre for Human Rights, to examine any request by Cambodia for assistance in responding to past serious violations of Cambodian and international law as a means of bringing about national reconciliation, strengthening democracy and addressing the issue of individual accountability;</p> <p>25. Requests the Centre for Human Rights, in cooperation with the relevant specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Government of Cambodia, in the priority areas identified by the Special Representative, paying particular attention to vulnerable groups, including women, children, disabled persons and minorities;</p> <p>27. Requests the Secretary-General to report to the Commission on Human Rights at its fifty-fourth session on the role of the Centre 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;</p>
10.	27-Feb-1998	General Assembly A/RES/52/135	112 (b). Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms	<p>Taking note of Commission on Human Rights resolution 1997/49 of 11 April 1997,⁴⁷ and recalling General Assembly resolution 51/98 of 12 December 1996 and previous relevant resolutions, including Commission on Human Rights resolution 1993/6 of 19 February 1993,⁴⁸ in which the Commission recommended the appointment of a special representative for human rights in Cambodia, and the subsequent appointment by the Secretary-General of a special representative,</p> <p>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, to ensure adequate resources for the enhanced functioning of the operational presence in Cambodia of the Office of the High Commissioner and to enable the Special Representative to continue to fulfil his tasks expeditiously;</p>

⁴⁷ See Official Records of the Economic and Social Council, 1997, Supplement No. 3 (E/1997/23), chap. II, sect. A.

⁴⁸ Ibid., 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
				<p>3. Takes note with appreciation of the report of the Special Representative on the situation of human rights in Cambodia, E/CN.4/1997/85, in particular, his concerns for a legislative framework for the forthcoming national elections and his concerns about the problem of impunity, the independence of the judiciary and the establishment of the rule of law, the use of torture, the administration of prisons and the ill-treatment of prisoners and child prostitution and trafficking;</p> <p>4. Notes with concern the lack of response by the Government of Cambodia to several of the recommendations contained in the previous reports of the Special Representative, and urges that it respond as soon as possible;</p> <p>5. Expresses grave concern about numerous instances of violations of human rights, including extrajudicial executions, torture, including rape, illegal arrest and detention, as detailed in the reports of the Special Representative and his predecessor, and calls upon the Government of Cambodia to prosecute, in accordance with due process of the law and international standards relating to human rights, all those who have perpetrated human rights violations;</p> <p>6. Also expresses grave concern about the serious violations of human rights committed during the armed violence of early July 1997 and in its aftermath, as reported by the Special Representative and by the office in Cambodia of the United Nations High Commissioner for Human Rights in its memorandum on summary executions, torture and missing persons, and urges the Government of Cambodia as a high priority to investigate thoroughly and impartially and to bring to justice those responsible for such serious crimes;</p> <p>8. Notes with serious concern the comments of the Special Representative concerning corrupt practices within the judicial system and in the prison administration, and strongly urges the Government of Cambodia to address the problem of corrupt practices and to increase its efforts to create a functioning and impartial system of justice, including convening the Supreme Council of Magistracy, to institute a system to guarantee the essential sustenance of prisoners and to continue its efforts to improve the physical environment of prisons;</p> <p>9. Stresses that addressing the continuing problem of impunity, as detailed by the Special Representative, including the repeal of article 51 of the law on civil servants of 1994 and bringing to justice those responsible for human rights violations, together with ensuring security of persons and rights of association, assembly and expression, is a matter of critical and urgent priority and essential to the creation of an atmosphere conducive to the holding of free, fair and credible elections;</p> <p>15. Endorses the comments of the Special Representative that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge and that their crimes, including the taking and killing of hostages, have continued to the present, and notes with concern that no Khmer Rouge leader has been brought to account for his crimes;</p>

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
11.	17-Apr-1998	Commission on Human Rights E/CN.4/RES/1998/60	19. Advisory services and technical cooperation in the field of human rights	<p>23. Requests the Secretary-General to report to the General Assembly at its fifty-third session on the role of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;</p> <p>Recalling also its resolution 1997/49 of 11 April 1997, General Assembly resolution 52/135 of 12 December 1997 and previous relevant resolutions, including Commission resolution 1993/6 of 19 February 1993, in which it requested the Secretary General to appoint a special representative in Cambodia, and the subsequent appointment of a special representative,</p> <p>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 enhanced 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;</p> <p>5. Takes note with appreciation of the report of the Special Representative on the situation of human rights in Cambodia (E/CN.4/1998/95), in particular his concerns about the problem of impunity, the independence of the judiciary and the establishment of the rule of law, the use of torture, the administration of prisons and the ill-treatment of prisoners, and child prostitution and trafficking;</p> <p>6. Expresses grave concern about numerous instances of violations of human rights, including extrajudicial executions, torture, including rape, illegal arrest and detention, and violence in relation to political activities, including those of March 1997 and July 1997, 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 the law and international standards relating to human rights, all those who have perpetrated human rights violations;</p> <p>7. Also expresses grave concern at the situation of impunity in Cambodia and stresses that addressing the continuing problem of impunity, as detailed by the Special Representative, 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 persons and the rights of association, assembly and expression, remains a matter of critical and urgent priority and essential to the creation of an atmosphere conducive to the holding of free, fair and credible elections;</p>

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
				<p>17. Notes with concern the Special Representative's comments about the judicial system and the prison administration, and strongly urges the Government of Cambodia to increase its efforts to create a functioning and impartial system of justice, including convening the Supreme Council of Magistracy, to institute a system to guarantee the essential sustenance of prisoners and to continue its efforts to improve the physical environment of prisons;</p> <p>19. Endorses the comments of the Special Representative that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge and that their crimes, including the taking and killing of hostages, have continued to the present, and notes with concern that no Khmer Rouge leader has been brought to account for his crimes;</p> <p>23. Requests the Secretary General to report to the Commission at its fifty fifth session on the role of the Office of the 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;</p>
12.	08-Mar-1999	General Assembly A/RES/53/145	110 (b). Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms	<p>Taking note of Commission on Human Rights resolution 1998/60 of 17 April 1998⁴⁹, and recalling General Assembly resolution 52/135 of 12 December 1997 and previous relevant resolutions, including Commission on Human Rights resolution 1993/6 of 19 February 1993,⁵⁰ in which the Commission recommended the appointment of a special representative in Cambodia, and the subsequent appointment by the Secretary-General of a special representative,</p> <p>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 in Cambodia of the Office of the United Nations High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his tasks expeditiously;</p> <p>3. Takes note with appreciation of the report of the Special Representative on the situation of human rights in Cambodia, E/CN.4/1998/95. and notes in particular his concerns about political violence, the problem of impunity, the independence of the judiciary and the establishment of the rule of law, the use of torture, the administration of prisons and the ill-treatment of prisoners, child labour, child prostitution and trafficking, workers' rights and the freedom to form independent trade unions, media freedom and the situation of women, including violence against women, and minorities;</p>

⁴⁹ See Official Records of the Economic and Social Council, 1998, Supplement No. 3 ([E/1998/23](#)), chap. II, sect. A.

⁵⁰ *Ibid.*, 1993, Supplement No. 3 and corrigenda ([E/1993/23](#) and [Corr.2, 4 and 5](#)), chap. II, sect. A.

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
				<p>10. Expresses grave concern about numerous instances of violations of human rights, including extrajudicial executions, torture, illegal arrests and detention, and violence in relation to political activities, as detailed in the reports of the Special Representative, including those that occurred in March and July 1997 and during the recent election campaign and its immediate aftermath, and calls upon the Government of Cambodia to investigate urgently and prosecute, in accordance with due process of the law and international standards relating to human rights, all those who have perpetrated human rights violations;</p> <p>11. Also expresses grave concern at the situation of impunity in Cambodia, and stresses that addressing the continuing problem of impunity, as detailed by the Special Representative, 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 the security of persons and the rights of association, assembly and expression, remains a matter of critical and urgent priority;</p> <p>13. Condemns the use of racist rhetoric and acts of violence against ethnic minorities, especially Cambodians of Vietnamese ethnicity, as detailed in the report of the Special Representative, and urges all political parties in Cambodia to abstain from statements or activities that could be interpreted as incitement against ethnic minorities;</p> <p>14. Notes with serious concern the comments of the Special Representative about the judicial system and the prison administration, strongly urges the Government of Cambodia to continue its efforts to create a functioning and impartial system of justice and to implement the Prison Regulations signed in March 1998, and welcomes the cooperation of the Government of Cambodia with international efforts to improve the judicial system;</p> <p>16. Endorses the comments of the Special Representative that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge, and notes with concern that no Khmer Rouge leaders have been brought to account for their crimes;</p> <p>24. Requests the Secretary-General to report to the General Assembly at its fifty fourth session on the role of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;</p>
13.	28-Apr-1999	Commission on Human Rights E/CN.4/RES/1999/76	19. Advisory services and technical cooperation in the field of human rights	<p>1. Requests the Secretary General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence in Cambodia of the Office of the United Nations High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his tasks expeditiously;</p>

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
				<p>3. Also welcomes the report of the Special Representative on the situation of human rights in Cambodia (E/CN.4/1999/101), 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;</p> <p>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;</p> <p>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 High Commissioner 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;</p>
14.	15-Feb-2000	General Assembly A/RES/54/171	116 (b). Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms	<p>Bearing in mind the letter dated 15 March 1999 from the Secretary-General to the President of the General Assembly and the President of the Security Council A/53/850-S/1999/231;⁵¹ and the report of 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 law⁵².</p> <p>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 and to enable the Special Representative to continue to fulfil his tasks expeditiously;</p> <p>2. Takes note with appreciation of the report of the Secretary-General, A/54/353. And notes in particular the concerns of the Special Representative about the problem of impunity, the need to promote and protect the independence of the judiciary and to establish the rule of law, and the need for the reform of police and the military;</p> <p>8. Expresses grave concern about numerous instances of violations of human rights, including extrajudicial executions, torture, illegal arrests and detention, as detailed in the reports of the Special Representative, and notes some progress made by the Government of Cambodia in addressing these issues;</p>

⁵¹ See Official Records of the Security Council, Fifty-fourth Year, Supplement for January, February and March 1999, document [S/1999/231](#).

⁵² Ibid, annex.

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
				26. Requests the Secretary-General to report to the General Assembly at its fifty-fifth session on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;
15.	26-Apr-2000	Commission on Human Rights E/CN.4/RES/2000/79	19. Advisory services and technical cooperation in the field of human rights	<p>1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence in Cambodia of the Office of the United Nations High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his tasks expeditiously;</p> <p>3. Also welcomes the report of the Special Representative of the Secretary-General for human rights in Cambodia (E/CN.4/2000/109) and notes in particular his concerns about the problem of impunity and the need to promote and protect the independence of the judiciary and to establish the rule of law;</p> <p>9. Expresses grave concern about continued violations of human rights, including torture, extrajudicial killings, excessive pre-trial detention, violation of labour rights, illegal confiscation of land and forced relocation, as well as the apparent lack of protection from mob killings as detailed in the reports of the Special Representative, and notes some progress made by the Government of Cambodia in addressing these issues; 28. Requests the Secretary-General to report to the Commission at its fifty-seventh session on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;</p>
16.	28-Feb-2001	General Assembly A/RES/55/95	114 (b). Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms	<p>1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence in Cambodia of the Office of the United Nations High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his tasks expeditiously;</p> <p>4. Commends and expresses its deep appreciation for the work of the former Special Representative of the Secretary-General for human rights in Cambodia, Thomas Hammarberg, in promoting and protecting human rights in Cambodia;</p> <p>5. Welcomes the appointment by the Secretary-General of Peter Leuprecht as his new Special Representative for human rights in Cambodia, and requests the Special Representative, in collaboration with the Office of the High Commissioner, to continue the work of his predecessors</p>

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				<p>by evaluating the extent to which the recommendations in his forthcoming reports, and those contained in the reports of his predecessors, are followed up and implemented, while maintaining contact with the Government and people of Cambodia;</p> <p>13. Expresses grave concern about continued violations of human rights, including torture, extrajudicial killings, excessive pre-trial detention, violation of labour rights, illegal confiscation of land and forced relocation, as well as the apparent lack of protection from mob killings, as detailed in the report of the Special Representative to the Commission on Human Rights at its fifty-sixth session,⁵³ and notes some progress made by the Government of Cambodia in addressing these issues;</p> <p>33. Requests the Secretary-General to report to the General Assembly at its fifty-sixth session on the role and achievements of the Office of the High Commissioner 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;</p>
17.	25-Apr-2001	Commission on Human Rights E/CN.4/2001/82	19. Advisory services and technical cooperation in the field of human rights	<p>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 and to enable the Special Representative to continue to fulfil his tasks expeditiously;</p> <p>3. Also welcomes the report of the Special Representative of the Secretary-General for human rights in Cambodia (E/CN.4/2001/103), commends the Government of Cambodia for its openness and spirit of cooperation during the visits of the Special Representative and encourages the Government to continue its cooperation at all levels of government, and supports the Special Representative's appeal to increase international assistance to Cambodia and to continue working towards the reduction of poverty;</p> <p>13. Expresses grave concern about the continued violations of human rights, including torture, excessive pre-trial detention, violation of labour rights and forced evictions, as well as the apparent lack of protection from mob killings as described in the report of the Special Representative, and notes some progress made by the Government of Cambodia in addressing these issues;</p> <p>14. Notes with concern the continued reports of violence and intimidation related to political activity as described in the report of the Special Representative, welcomes the investigations by the Cambodian authorities into some cases of violence and urges the Government to undertake further investigations, in line with its stated commitments, and to take appropriate measures to</p>

⁵³ [E/CN.4/2000/109](#).

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18.	28-Feb-2002	General Assembly A/RES/56/169	119 (b). Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms	<p>prevent violence and intimidation related to political activity in the future, particularly in the run-up to the communal elections;</p> <p>29. Requests the Secretary-General to report to the Commission at its fifty-eighth session on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;</p> <p><i>Part I – Support of and cooperation with the United Nations</i></p> <p>1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence in Cambodia of the Office of the United Nations High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his tasks expeditiously;</p> <p>3. Also welcomes the report of the Special Representative,⁵⁴ commends the Government of Cambodia on its openness and spirit of cooperation during the visits of the Special Representative, encourages the Government to continue its cooperation at all levels of government, supports the appeals of the Government and the Special Representative to increase international assistance to Cambodia and to continue working towards the reduction of poverty, commends the international community for the interest and support demonstrated at the Consultative Group Meeting on Cambodia, held in Tokyo on 12 and 13 June 2001, and encourages donor countries and other relevant parties to follow up their pledges of assistance and commitments;</p> <p><i>Part III – Human rights violations and violence</i></p> <p>1. Expresses grave concern about the continued violations of human rights, including torture, excessive pre-trial detention, violation of labour rights and forced evictions, as well as political violence, police involvement in violence and the apparent lack of protection from mob killings, as detailed in the reports of the Special Representative, notes some progress made by the Government of Cambodia in addressing these issues, and urges the Government to take all necessary measures to prevent such violations;</p>

⁵⁴ See [A/56/209](#).

<i>No.</i>	<i>Date</i>	<i>Resolution No.</i>	<i>Item No</i>	<i>On Special Representative/Rapporteur</i>
				<p>Part VIII – Conclusion</p> <p>1. Requests the Secretary-General to report to the General Assembly at its fifty-seventh session on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;</p>
19.	26-Apr-2002	Commission on Human Rights E/CN.4/RES/2002/89	19. Advisory services and technical cooperation in the field of human rights	<p>Part I – Support of and cooperation with the United Nations</p> <p>1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence in Cambodia of the Office of the United Nations High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his tasks expeditiously;</p> <p>3. Also welcomes the report of the Special Representative (E/CN.4/2002/118), encourages the Government of Cambodia to continue its cooperation at all levels of government, supports the appeals of the Government and the Special Representative to increase international assistance to Cambodia and to continue working towards the reduction of poverty, and encourages donor countries and other relevant parties to follow up their pledges made at the Consultative Group Meeting held in Tokyo in June 2001;</p> <p>Part VII – Conclusion</p> <p>25. Requests the Secretary-General to report to the Commission at its fifty-ninth session on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative of the Secretary-General for human rights in Cambodia on matters within his mandate;</p>
20.	26-Feb-2003	General Assembly A/RES/57/225	109 (b). Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms	<p>Part I – Support of and cooperation with the United Nations</p> <p>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 office and to enable the Special Representative to continue to fulfil his tasks expeditiously;</p>

No.	Date	Resolution No.	Item No	On Special Representative/Rapporteur
				<p>3. Also welcomes the report of the Special Representative,⁵⁵ encourages the Government of Cambodia to continue its cooperation at all levels of Government, supports the appeals of the Government and the Special Representative to increase international assistance to Cambodia and to continue working towards the reduction of poverty, and encourages donor countries and other relevant parties to follow up their pledges made at the Consultative Group Meeting on Cambodia, held at Phnom Penh on 20 and 21 June 2002;</p> <p>Part V – Conclusion</p> <p>2. Requests the Secretary-General to report to the General Assembly at its fifty-eighth session on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;</p> <p>Part I – Support of and cooperation with the United Nations</p> <p>1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence in Cambodia of the Office of the United Nations High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his task expeditiously;</p> <p>2. Welcomes the report of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights (E/CN.4/2003/113), the report of the Special Representative of the Secretary-General for human rights in Cambodia;</p> <p>Part VII – Conclusion</p> <p>23. Requests the Secretary-General to report to the Commission on Human Rights at its sixtieth session on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;</p>
21.	25-Apr-2003	Commission on Human Rights E/CN.4/RES/2003/79	19. Advisory services and technical cooperation in the field of human rights	

⁵⁵ [A/57/230](#).

No.	Date	Resolution No.	Item No	On Special Representative/Rapporteur
22.	22-Dec-2003	General Assembly A/RES/58/191	117 (b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms	<p>Part I – Support of and cooperation with the United Nations</p> <p>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 of the office and to enable the Special Representative to continue to fulfil his tasks expeditiously;</p> <p>2. Welcomes the report of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights,⁵⁶ the report of the Special Representative of the Secretary-General for human rights in Cambodia⁵⁷ and the use of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office, and invites the international community to consider contributing to the Trust Fund;</p>
23.	23-Sep-2004	Commission on Human Rights E/CN.4/RES/2004/79	19. Advisory services and technical cooperation in the field of human rights	<p>Welcoming the report of the Secretary-General (E/CN.4/2004/104) as well as the report of the Special Representative of the Secretary-General for human rights in Cambodia (E/CN.4/2004/105),</p> <p>Part III – Conclusion</p> <p>7. Requests the Secretary-General to report to the Commission at its sixty-first session on the role and achievements of the Office of the High Commissioner assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative of the Secretary-General for human rights in Cambodia on matters within his mandate;</p>
24.	20-Apr-2005	Commission on Human Rights E/CN.4/RES/2005/77	19. Advisory services and technical cooperation in the field of human rights	<p>Welcoming the report of the Special Representative of the Secretary-General for human rights in Cambodia (E/CN.4/2005/116), as well as the report of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion of human rights (E/CN.4/2005/111),</p>

⁵⁶ [A/58/268](#).

⁵⁷ See [A/58/317](#).

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Part III – Conclusion				
7. Invites the Secretary-General, agencies of the United Nations system present in Cambodia, as well as the international community, including non-governmental organizations, to continue to work with the Government of Cambodia in improving democracy as well as ensuring the protection and promotion of the human rights of all people in Cambodia, including by providing assistance, inter alia in the fields of:				
(a) Drafting various laws necessary for protecting and promoting human rights;				
(b) Capacity-building for strengthening legal institutions, including improving the quality of judges, prosecutors, lawyers and court staff;				
(c) Capacity-building for strengthening national institutions for criminal investigation and law enforcement as well as providing equipment necessary for these ends;				
(d) Assisting assessment of progress on human rights issues;				
8. Requests the Secretary-General to report to the Commission at its sixty-second session on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative of the Secretary-General for human rights in Cambodia on matters within his mandate;				
25.	29-Jun-2006	Human Rights Council A/HRC/DES/1/102		1. Decides to extend exceptionally for one year, subject to the review to be undertaken by the Council in conformity with General Assembly resolution 60/251, the mandates and the mandate-holders of all the Commission's special procedures, of the Sub-Commission on the Promotion and Protection of Human Rights as well as the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII) (1503 procedure), as listed in the annex to the present resolution;
Annex				
IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251: EXTENSION BY THE HUMAN RIGHTS COUNCIL OF ALL MANDATES, MECHANISMS, FUNCTIONS AND RESPONSIBILITIES OF THE COMMISSION ON HUMAN RIGHTS				
Special Representative of the Secretary-General for human rights in Cambodia				
26.	18-Sep-2008	Human Rights Council A/HRC/RES/9/15	10. Technical assistance and capacity-building	Bearing in mind also the report by the Special Representative of the Secretary General for human rights in Cambodia (A/HRC/7/42) and the recommendations contained therein and the report of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights (A/HRC/7/56),

No.	Date	Resolution No.	Item No	On Special Representative/Rapporteur
				<p>Part III – Conclusion</p> <p>8. Takes note of the work conducted by the Special Representative of the Secretary-General on the situation of human rights in Cambodia and of the reengagement of the Office of the United Nations High Commissioner for Human Rights with the Government of Cambodia;</p> <p>9. Decides to extend by one year the mandate of the special procedure on the situation of human rights in Cambodia through the appointment of a special rapporteur to carry out the former functions of the Special Representative to the Secretary-General, and requests the Special Rapporteur to report on the implementation of his/her mandate to the Council at its twelfth session and to engage in a constructive manner with the Government of Cambodia for the further improvement of the situation of human rights in the country;</p>
27.	12-Oct-2009	Human Rights Council A/HRC/RES/12/25	10. Technical assistance and capacity-building	<p>II. Democracy and situation of human rights</p> <p>4. Welcomes:</p> <p>(a) The cooperation extended by the Government of Cambodia and the constructive dialogue with the Special Rapporteur during his first mission in Cambodia;</p> <p>(b) The report of the Special Rapporteur on the situation of human rights in Cambodia (A/HRC/12/40) and the recommendations contained therein;</p> <p>Part III – Conclusion</p> <p>8. Takes note of the need to continue close consultations between the Government of Cambodia and the Special Rapporteur on the situation of human rights in Cambodia towards the further improvement of the situation of human rights in the country and of the continuous technical cooperation of the Office of the High Commissioner with the Government of Cambodia;</p> <p>9. Decides to extend by one year the mandate of the special procedure on the situation of human rights in Cambodia, and requests the Special Rapporteur to report on the implementation of his mandate to the Council at its fifteenth session and to engage in a constructive manner with the Government of Cambodia for the further improvement of the situation of human rights in the country;</p>
28.	08-Oct-2010	Human Rights Council A/HRC/RES/15/20	10. Technical assistance and capacity-building	<p>II. Democracy and situation of human rights</p> <p>4. Welcomes:</p> <p>(a) ---</p> <p>(b) The cooperation extended by the Government of Cambodia and the constructive dialogue with the Special Rapporteur on the situation of human rights in Cambodia during his missions in Cambodia;</p>

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				<p>(c) The report of the Special Rapporteur on the situation of human rights in Cambodia⁵⁸ and the recommendations contained therein;</p> <p>Part III – Conclusion</p> <p>8. Takes note of the need to continue close consultations between the Government of Cambodia and the Special Rapporteur on the situation of human rights in Cambodia towards the further improvement of the situation of human rights in the country and of the continuous technical cooperation of the Office of the High Commissioner with the Government of Cambodia;</p> <p>9. Decides to extend by one year the mandate of the special procedure on the situation of human rights in Cambodia, and requests the Special Rapporteur to report on the implementation of his mandate to the Council at its eighteenth session and to engage in a constructive manner with the Government of Cambodia for the further improvement of the situation of human rights in the country;</p>
29.	26-Sep-2011	Human Rights Council A/HRC/RES/18/25	10. Technical assistance and capacity-building	<p>II. Democracy and situation of human rights</p> <p>4. Welcomes:</p> <p>(a) ---</p> <p>(b) The cooperation extended by the Government of Cambodia and the constructive dialogue with the Special Rapporteur on the situation of human rights in Cambodia;</p> <p>(c) The report of the Special Rapporteur on the situation of human rights in Cambodia⁵⁹ and the recommendations contained therein;</p> <p>Part III – Conclusion</p> <p>8. Takes note of the need to continue close consultations between the Government of Cambodia and the Special Rapporteur on the situation of human rights in Cambodia towards the further improvement of the situation of human rights in the country and for the continued technical cooperation between the Office of the High Commissioner and the Government of Cambodia;</p> <p>9. Decides to extend by two years the mandate of the special procedure on the situation of human rights in Cambodia, and requests the Special Rapporteur to report on the implementation of his mandate to the Council at its twenty-first and twenty-fourth sessions, and to engage in a constructive manner with the Government of Cambodia for the further improvement of the situation of human rights in the country;</p>

⁵⁸ [A/HRC/15/46](#).

⁵⁹ [A/HRC/18/46](#).

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30.	20-Sep-2013	General Assembly A/HRC/24/29	10. Technical assistance and capacity-building	<p>5. Welcomes the reports of the Special Rapporteur on the situation of human rights in Cambodia⁶⁰ and the recommendations contained therein, and takes note of the need to maintain close and respectful consultations between the Government of Cambodia and the Special Rapporteur towards further improvements in the situation of human rights in the country and for the continued technical cooperation between the Office of the United Nations High Commissioner for Human Rights and the Government of Cambodia;</p> <p>22. Decides to extend by two years the mandate of the Special Rapporteur on the situation of human rights in Cambodia, and requests the Special Rapporteur to report on the implementation of his mandate to the Council at its twenty-seventh and thirtieth sessions and to engage in a constructive manner with the Government of Cambodia for the further improvement of the situation of human rights in the country;</p>
31.	2-Oct-2015	Human Rights Council A/HRC/RES/30/23	10. Technical assistance and capacity-building	<p>5. Also welcomes the reports of the Special Rapporteur on the situation of human rights in Cambodia⁶¹ and the recommendations contained therein, takes note of the need to maintain close and respectful consultations between the Government of Cambodia and the Special Rapporteur towards further improvements in the situation of human rights in the country and for the continued technical cooperation between the Office of the United Nations High Commissioner for Human Rights and the Government, and encourages the Special Rapporteur and the field office of the Office of the High Commissioner in Phnom Penh to continue to exchange information in order to assist in the effective implementation of their respective mandates, bearing in mind their independence;</p> <p>25. Decides to extend by two years the mandate of the Special Rapporteur on the situation of human rights in Cambodia, and requests the Special Rapporteur to report on the implementation of her mandate to the Council at its thirty-third and thirty-sixth sessions, and to engage in a constructive manner with the Government of Cambodia for the further improvement of the situation of human rights in the country;</p>
32.	5-Oct-2017	Human Rights Council A/HRC/RES/36/32	10. Technical assistance and capacity-building	<p>6. Welcomes the reports of the Special Rapporteur on the situation of human rights in Cambodia⁶² and the recommendations contained therein, also welcomes the conclusion in December 2016 of a new memorandum of understanding for the implementation of a technical cooperation programme on human rights between the Government of Cambodia and the field office in Phnom Penh of the Office of the United Nations High Commissioner for Human Rights to extend the mandate of that office for another two years, takes note of the need to maintain close and respectful consultations between the Government of Cambodia and the Special Rapporteur towards further improvements in the situation of human rights in the country and for the continued technical cooperation between the Office of the High Commissioner and the</p>

⁶⁰ [A/HRC/21/63](#) and [A/HRC/24/36](#).

⁶¹ [A/HRC/27/70](#) and [A/HRC/30/58](#).

⁶² [A/HRC/27/70](#), [A/HRC/30/58](#), [A/HRC/33/62](#) and [A/HRC/36/61](#).

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				Government, and encourages the Special Rapporteur and the field office in Phnom Penh to continue to exchange information in order to assist in the effective implementation of their respective mandates, bearing in mind their independence;
				7. Encourages the enhancement of cooperation between the Government of Cambodia and the Office of the High Commissioner, as specified in the memorandum of understanding between the Government and the field office in Phnom Penh of the Office of High Commissioner, and calls upon the Government to implement the recommendations made by the Special Rapporteur, taking into account the national context of Cambodia;
				29. Decides to extend for two years the mandate of the Special Rapporteur on the situation of human rights in Cambodia, and requests the Special Rapporteur to report on the implementation of her mandate to the Human Rights Council at its thirty-ninth and forty second sessions, and to engage in a constructive manner with the Government of Cambodia for the further improvement of the situation of human rights in the country;
33.	09-Oct-2019	Human Rights Council A/HRC/RES/42/37	10. Technical assistance and capacity-building	6. Also welcomes the reports of the Special Rapporteur on the situation of human rights in Cambodia ⁶³ and the recommendations contained therein, and invites the Government of Cambodia to engage with the Special Rapporteur on the best ways to implement them;
				7. Further welcomes the conclusion in October 2018 of a new memorandum of understanding for the implementation of a technical cooperation programme on human rights between the Government of Cambodia and the field office in Phnom Penh of the Office of the United Nations High Commissioner for Human Rights to extend the mandate of that office for another two years, takes note of the need to maintain close and respectful consultations between the Government of Cambodia and the Special Rapporteur towards further improvements in the situation of human rights in the country and for the continued technical cooperation between the Office of the High Commissioner and the Government, and encourages the Special Rapporteur and the field office in Phnom Penh to continue to exchange information in order to assist in the effective implementation of their respective mandates, bearing in mind their independence;
				8. Commends the positive cooperation between the Government of Cambodia and the Office of the High Commissioner, particularly for the protection of land rights for indigenous peoples, encourages the enhancement of cooperation between the Government and the Office of the High Commissioner, as specified in the memorandum of understanding between the Government and the field office in Phnom Penh of the Office, and calls upon the Government to implement the recommendations made by the Special Rapporteur, taking into account the national context of Cambodia;

⁶³ [A/HRC/39/73](#) and [Add.1, A/HRC/42/60](#) and [Add.1](#).

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				<p>26. Gives attention to the conclusions and recommendations of the reports of the Special Rapporteur⁶⁴ and her statement of May 2019, which calls for the release of Kem Sokha and the swift conclusion of the investigation into his case, takes note that nine members of the former opposition party have received the right to conduct their political activities due to the amendment to the law on political parties in January 2019, strongly encourages the Government of Cambodia to ensure political rights to all, to make continuous efforts to solve the issue of the ban on political activities of senior members of the opposition party, and to expand democratic space for political activists, civil society and the media, including members of opposition parties, to actively, peacefully, responsibly and openly participate in inclusive political debate, and strongly encourages all parties to prioritize national reconciliation, peace and stability;</p> <p>28. Takes into account the conclusions and recommendations made by the Special Rapporteur in her report⁶⁵ in relation to the process and the result of the national elections held in 2018, while taking into account the high voting rates, regrets the large number of invalid votes cast in the elections, and urges the Government of Cambodia to fully respect, protect and promote the civil and political rights of all Cambodians in order to steadily promote nation-building with the support of a wide range of Cambodians;</p> <p>35. Decides to extend for two years the mandate of the Special Rapporteur on the situation of human rights in Cambodia, and requests the Special Rapporteur to report on the implementation of her mandate to the Human Rights Council at its forty-fifth and forty eighth sessions, and to engage in a constructive manner with the Government of Cambodia for the further improvement of the situation of human rights in the country;</p>
34.	14-Oct-2021	Human Rights Council A/HRC/RES/48/23	10. Technical assistance and capacity-building	<p>5. Also welcomes the support, cooperation and constructive dialogues of the Government of Cambodia with the Special Rapporteur on the situation of human rights in Cambodia, including his unfettered access to the country, and the reports of the Special Rapporteur⁶⁶ and the recommendations contained therein, and invites the Government to continue to engage with the Special Rapporteur on the best ways to implement them, taking into account the national context of Cambodia;</p> <p>22. Gives attention to the report of the Special Rapporteur⁴ in which the mandate holder welcomed the release of Kem Sokha, albeit with judicial supervision, while noting that United Nations human rights experts had expressed their concern over his trial; strongly encourages the Government of Cambodia to ensure the prompt, transparent and fair trial in accordance with the State's international human rights obligations, notes that the right to conduct political activities of the 26 members of the former opposition party has been reinstated, and that several members of the opposition have created new political parties as a result of the amendment to the law on</p>

⁶⁴ [A/HRC/39/73/Add.1](#) and [A/HRC/42/60](#).

⁶⁵ [A/HRC/39/73/Add.1](#).

⁶⁶ [A/HRC/45/51](#) and [Add.1](#).

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				<p>political parties adopted in January 2019; strongly encourages the Government to ensure political rights to all to make continuous efforts to solve the issue of the ban on political activities of the remaining senior members of the opposition party, and to expand democratic space for political activists, civil society and the media, including members of opposition parties, to actively, peacefully, responsibly and openly participate in inclusive political debate, and strongly encourages all parties to prioritize national reconciliation, peace and stability;</p> <p>25. Takes into account the conclusions and recommendations made by the Special Rapporteur in the addendum to her report submitted to the Human Rights Council at its thirty-ninth session in relation to the process and the result of the national elections held in 2018,5 while taking into account the high voting rates of 83.02 per cent, regrets the 8.5 per cent of invalid votes cast in the elections, and calls upon the Government of Cambodia, in view of the upcoming elections, including the 2022 communal elections and the 2023 general election, to advance dialogue and reconciliation with relevant lawful stakeholders in order to ensure that the elections are free, fair and inclusive and representative of all Cambodians, and to protect and promote the civil and political rights of all Cambodians in order to steadily promote nation-building with the support of a wide range of Cambodians;</p> <p>32. Decides to extend for two years the mandate of the Special Rapporteur on the situation of human rights in Cambodia, and requests the Special Rapporteur to report on the implementation of his mandate to the Human Rights Council at its fifty-first and fifty-fourth sessions, including to make recommendations on technical assistance and capacity-building for the protection and promotion of human rights in the country, and to provide the Council with a one-time oral update at its forty-ninth session, without setting a precedent;</p>

Annex III

Government interlocutors meeting held June 2021 to May 2022

1. H.E. Samdech Krolahom Sar Kheng, Deputy Prime Minister, Minister of Interior
2. H.E. Mr. Keo Remy, President of the Human Rights Committee
3. H.E. Mr. Sokkhoeurn An Ambassador and Permanent Representative to UN at Geneva
4. H.E. Dr. Mam Buheng Minister of Health – Cambodia
5. H.E. Mr. Vong Sauth, Secretary of State of the Ministry of Social Affairs, Veterans and Youth Rehabilitation
6. H.E. Prak Sokhonn, Secretary of State Minister of Foreign Affairs and International Cooperation
7. H.E. Ly Chantola, President of the Bar Association of the Kingdom of Cambodia
8. H.E. Mrs. Or Vandine, Secretary of State of the Ministry of Health
9. H.E. Mr. Phan Phalla, and H.E. Mr. HEM Vandy, Secretaries of State of the Ministry of Economy and Finance
10. H.E. Mr. Prach Chan, Chairman of the National Election Commission (NEC)
11. H.E. Mr. Ith Sam Heng, Ministry of the Labour and Vocational Training
12. H.E. Chin Malin, Secretary of State, Ministry of Justice
13. H.E. Ms. Long Sophally, Under-Secretary of State of Ministry of Women's Affairs
14. H.E. Mr. Luy David, Secretary of State of Ministry of Foreign Affairs and International Cooperation
15. H.E. Mr. Nim Toth, Secretary of State of Ministry of Social Affairs, Veterans and Youth Rehabilitation

The Special Rapporteur also met with representatives of the international community, the UN Country Team and national and international NGOs.