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ADVISORY SERVICES AND TECHNICAL COOPERATION
IN THE FIELD OF HUMAN RIGHTS

Australia*, Belgium*, Canada, Costa Rica*, Denmark*, Finland*, Germany,
Greece*, Hungary*, Iceland*, Liechtenstein*, Luxembourg, Japan, Netherlands*,
New Zealand*, Norway, Portugal, Romania, Spain, Sweden*, United Kingdom of Great
Britain and Northern Ireland, and United States of America: draft resolution

2000/... Situation of human rights in Cambodia

The Commission on Human Rights,

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

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

Recalling also its resolution 1999/76 of 28 April 1999, General Assembly resolution 54/171 of 17 December 1999 and previous relevant resolutions,

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

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

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

Bearing in mind the request in June 1997 by the Cambodian authorities for assistance in responding to past serious violations of Cambodian and international law, 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) and the report of the Group of Experts appointed by the Secretary-General annexed thereto, and the ongoing discussions between the Government of Cambodia and the United Nations Secretariat on standards and procedures for bringing to justice the Khmer Rouge leaders most responsible for the most serious violations of human rights in the years 1975-1979,

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

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

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

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

2. Welcomes the report of the Secretary-General (E/CN.4/2000/108) concerning the role of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights and also welcomes the agreement by the Government of Cambodia to extend the memorandum of understanding for the office of the High Commissioner at Phnom Penh until March 2002,

enabling the Office to continue its operations and to maintain its technical cooperation programmes, and encourages the Government to continue to cooperate with the Office;

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;

4. Notes with concern the continued problems related to the rule of law and the functioning of the judiciary, including interference by the executive with the independence of the judiciary, inter alia, rearrests, and welcomes recent statements by the Government committing itself to judicial reform, the work currently being done to prepare the laws and codes which are essential components of the basic legal framework, meetings of the Supreme Council of Magistracy and the Government's decision to set up a commission on judicial reform;

5. Urges the Government of Cambodia to continue to take the necessary measures to develop an independent, impartial and effective judicial system, including through the early adoption of the draft statute on magistrates, a penal code and a code on criminal procedures, and the reform of the administration of justice, and appeals to the international community to assist the Government to this end;

6. Commends the initial efforts by the Government of Cambodia with regard to the review and the stated commitment to the downsizing of the police and the military, urges the Government of Cambodia to take further measures to carry out effective reform aimed towards professional and impartial police and military forces, and invites the international community to assist the Government to this end;

7. Also commends the vital and valuable role played by non-governmental organizations in Cambodia, inter alia, in the development of civil society, and encourages the Government of Cambodia to continue to work with non-governmental organizations in efforts to strengthen and uphold human rights in Cambodia;

8. Notes with interest the activities undertaken by the governmental Cambodian Human Rights Committee, the National Assembly Commission on Human Rights and Reception of Complaints and the Senate Commission on Human Rights and Reception of Complaints, and welcomes preliminary efforts to establish an independent national human rights commission which should be based on international standards, such as the Principles relating to the status of

national institutions for the promotion and protection of human rights (“Paris principles”), and requests the Office of the High Commissioner to provide advice and technical assistance in these efforts;

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;

10. Expresses serious concern about the continued prevalence of impunity in Cambodia, commends the initial commitment and efforts of the Government of Cambodia to tackle this question, such as amending article 51 of the 1994 Law on Civil Servants, and calls upon the Government to take further measures, as a matter of critical priority, to investigate urgently and prosecute, in accordance with due process of law and international human rights standards, all those who have perpetrated violations of human rights;

11. Welcomes the investigations into some cases of politically motivated violence, while remaining concerned at the continued reports of politically motivated violence and intimidation, and urges the Government of Cambodia to undertake further investigations in line with its stated commitments;

12. Reaffirms that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge, welcomes the final collapse of the Khmer Rouge, which has paved the way for the investigation and prosecution of its leaders, and takes note with interest of the steps taken by the Government of Cambodia to bring to justice the Khmer Rouge leaders most responsible for the most serious violations of human rights;

13. Appeals strongly to the Government of Cambodia to ensure that those most responsible for the most serious violations of human rights are brought to account in accordance with international standards of justice, fairness and due process of law, takes note with interest of the progress of the recent talks between the Government of Cambodia and the United Nations Secretariat aimed at guaranteeing such standards and procedures, encourages the Government to continue to cooperate with the United Nations with a view to reaching an early agreement, and welcomes the efforts of the Secretariat and the international community in assisting the Government to this end;

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

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

16. Commends the initiatives of and the progress made by the Government of Cambodia towards ensuring adequate health conditions, calls upon the Government to continue to take further measures to achieve this goal, with emphasis on ensuring adequate health conditions for women and children and minority groups and on the problem of the human immunodeficiency virus/acquired immunodeficiency syndrome, and encourages the international community to continue to support the Government to this end;

17. Also commends the continued efforts of the Government of Cambodia, together with non-governmental organizations and the local authorities, to improve the quality of and access to education, and calls for further measures to be taken in order to ensure the right of Cambodian children to education, especially at the primary level, in accordance with the Convention on the Rights of the Child, and requests the international community to provide assistance for the achievement of this goal;

18. Welcomes the Five-Year National Plan against Child Sexual Exploitation in Cambodia, and encourages the Government of Cambodia to ensure the necessary law enforcement and other measures in support of the Plan in order to tackle the problem of child prostitution and trafficking in Cambodia;

19. Notes with serious concern the problem of child labour, calls upon the Government of Cambodia to ensure adequate health and safety conditions for children and to outlaw, in particular, the worst forms of child labour, invites the International Labour

Organization to continue to extend the necessary assistance in this regard and encourages the Government of Cambodia to consider ratifying Convention No.182 of the International Labour Organization;

20. Also notes with serious concern the prison conditions in Cambodia, notes with interest some improvements in the prison system and the recent adoption of the Proclamation on Administration of Prisons and Prison Procedures, commends the continued international assistance to improve the material conditions of detention, and calls upon the Government of Cambodia to take the further measures necessary to improve prison conditions, especially with regard to providing the minimum standard of food and health care and meeting the special needs of women and children;

21. Urges an end to racial violence against and vilification of ethnic minorities, including the ethnic Vietnamese, and also urges the Government of Cambodia to take all steps to meet its obligations as a party to the International Convention on the Elimination of All Forms of Racial Discrimination, including through seeking technical assistance;

22. Commends the successful completion of the voluntary repatriation of Cambodian refugees from Thailand undertaken by the Government of Cambodia, the Government of Thailand and the Office of the United Nations High Commissioner for Refugees;

23. Welcomes the actions taken by the Government of Cambodia to combat illicit logging which has seriously threatened full enjoyment of economic, social and cultural rights by many Cambodians, including indigenous people, expects these efforts by the Government of Cambodia to continue, and welcomes the progress made recently on the drafting of the new land law;

24. Also welcomes the submission of the initial reports of Cambodia under the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child, asks the Government of Cambodia to follow up the recommendations made by the Human Rights Committee regarding the report submitted under the International Covenant on Civil and Political Rights, calls upon the Government to meet its reporting obligations under all other international human rights instruments, and requests the Office of the High Commissioner in Cambodia to continue to provide assistance in this regard;

25. Expresses grave concern at the devastating consequences and destabilizing effects of the use of anti-personnel landmines on Cambodian society, welcomes the ratification by

Cambodia of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction in July 1999, encourages the Government of Cambodia to continue its support and efforts for the removal of these mines and for victim-assistance and mine-awareness programmes, and commends donor countries for their contributions and assistance to mine action;

26. Expresses concern about the large number of small arms in society and commends the efforts by the Government of Cambodia to control the spread of weapons;

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

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;

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