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**SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF THE
ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

Cambodia*

The present report is a summary of 23 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

* The present document was not edited before being sent to the United Nations translation services.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations

1. Joint submission 2 (JS2) recommended ratification of the Optional Protocol to the International Covenant on Civil and Political Rights.² Amnesty International (AI) noted that Cambodia had ratified the Optional Protocol to the Convention against Torture (CAT) but had yet to establish the required independent national preventative mechanism. According to AI, the Government had engaged in discussions about such a mechanism.³

B. Constitutional and legislative framework

2. AI noted that article 31 of the 1993 Constitution gave the force of law to the Universal Declaration of Human Rights and international human rights treaties. This was reaffirmed in a landmark ruling on 10 July 2007 by the Constitutional Council, which instructed courts to consider “international conventions that Cambodia has recognized” as domestic law alongside the Constitution and other laws.⁴

3. According to JS2, the Constitutional Council is the supreme body through which citizens should be able to challenge the constitutionality of laws, regulations and state decisions that affect their constitutional rights, but the procedures involved in making such challenges prevent citizens from accessing the Council. Further, the Constitutional Council was not independent from the Government.⁵

4. According to AI, the pace of long-awaited judicial reform has been slow and incomplete. Neither the new Penal Code nor the anti-corruption law had been promulgated by April 2009. Joint Submission 1 (JS1) recommended the anti-corruption law be adopted as a matter of priority, with its implementation supported by an independent and non-partisan anti-corruption commission.⁶ Other laws cited by AI as being in the drafting stage were the Law on Court Functioning and the Law on Judges and Prosecutors.⁷ The Cambodian Human Rights Action Committee (CHRAC) noted that 140 laws had been passed and promulgated in the third legislature of the National Assembly, including three major codes – the Criminal Procedure Code, the Civil Procedure Code and the Civil Code.⁸

5. AI further indicated that a law on associations (NGO law) was being drafted, citing the Prime Minister’s announcement in September 2008 of his intention to ensure its passage, partly to increase control over NGO funding and objectives. NGOs in Cambodia have expressed serious concern that the law will place further restrictions on their activities.⁹ Front Line (FL) noted that the new NGO Law would introduce tighter regulations for NGOs based on the pretext that terrorist financing was being provided through NGOs.¹⁰

6. AI noted NGOs’ criticism against a new anti-trafficking law for focusing on the arrest and detention of sex workers instead of traffickers.¹¹

7. Friends-International (F-I) recommended that the Draft Law on Drug Control provide for specific protection measures relating to minors. It further recommended that the Government retract article 71(4) of the draft law, which confers powers to a guardian, relative or authority to refer, or arrest and refer, a person who is drug dependent to a hospital or drug treatment facility.¹²

8. Joint Submission 5 (JS5) noted that the Constitution recognized the rights of persons with disabilities in Article 74. The National Assembly was considering the adoption of the national law on disabilities, first drafted in 2002.¹³

C. Institutional and human rights infrastructure

9. JS2 noted that the National Assembly and the Senate each had a Human Rights and Complaints Reception Committee, and the Government had its own Cambodian Human Rights Committee. These bodies were able to conduct investigations, but had failed in providing protection and redress to victims or in bringing perpetrators to justice. They were widely regarded as being politically controlled.¹⁴

10. JS2 recommended establishing an independent national human rights commission in line with the Paris Principles.¹⁵ AI indicated that a proposal for the establishment of a national human rights institution (NHRI), independent of the Government, has been under discussion since 2006. In December 2008, Government and civil society representatives met and agreed to establish a timetable for consultation on an enabling law, drafted by an NGO working group, to put to the National Assembly. The mandate and powers of a Cambodian NHRI have yet to be agreed upon. AI further indicated that given the well-documented lack of independence of Government institutions in Cambodia, there was widespread scepticism regarding the Government's political will to agree to an NHRI which would live up to the Paris Principles, despite a commitment by the Prime Minister.¹⁶

D. Policy measures

11. Joint Submission 4 (JS4) noted that under the Government's Rectangular Strategy and National Strategic Development Plan, 15 government institutions had developed gender mainstreaming actions plans and 23 established gender mainstreaming action groups to institutionalize the development and monitoring of ministry-specific gender mainstreaming strategies and plans, and advocate for the integration of gender-responsive measures into sector policies and programmes.¹⁷

12. According to JS5, in 2008, the Cambodian Ministry of Education, Youth and Sport (MoEYS), published its *Policy on Education for Children with Disabilities*. This document, shaped by the *Child Friendly Schools Policy (2007)*, is currently being implemented throughout the country. If implemented and adequately funded, it would result in schooling for children with disabilities comparable to worldwide standards, it said.¹⁸

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

13. JS2 noted that Cambodia hosted a country office for the OHCHR, which plays an important role in monitoring human rights. Cambodia had benefited also from the mandate of the Special Representative of the Secretary-General for human rights in Cambodia, which regularly made independent assessments of and recommendations for improving the human rights situation.¹⁹ JS1 recommended full cooperation with the new mandate-holder.²⁰

14. AI noted that Cambodia agreed to receive a visit by the United Nations Sub-Committee on Prevention of Torture during 2009.²¹ JS2 recommended inviting the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.²²

B. Implementation of international human rights obligations

1. Equality and non discrimination

15. JS4 noted that Article 31 of the Cambodian Constitution fully acknowledged equal rights of men and women to participate actively in the social, economic, and cultural life of the nation without discrimination.²³ However, despite legal provisions and mechanisms, Cambodian women had yet to fully enjoy the same status as men.²⁴

2. Right to life, liberty and security of the person

16. The Cambodian League for the Promotion and Defense of Human Rights (LICADHO) noted that the use of torture, most commonly by the police in order to secure confessions from criminal suspects, remained institutionalized throughout the country. State torturers continued to enjoy impunity, in violation of Cambodia's commitments under CAT.²⁵ While noting the reduction in serious physical torture in jail, Cambodia Defenders Project (CDP) noted that there were still instances of physical torture, and mental torture, not perceived as torture, was still used to obtain confessions.²⁶

17. JS1 noted that human rights defenders such as community leaders and other advocates for community rights were subject to arrest and detention, particularly when involved in land and resources disputes. Release from detention was often dependent upon detainees agreeing to discontinue their activities. Human rights activists faced intimidation and accusations of incitement from Government authorities who considered them to be instigating community efforts to resist land grabs and other abuses.²⁷ JS1 recommended that perpetrators of harassment and violence against human rights defenders be brought to rigorous investigation and the full extent of the law applied.²⁸ AI also noted that community representatives, in urban and rural areas, faced arrest and further legal action, including prosecution.²⁹

18. F-I noted that Cambodian law enforcement officials routinely detained vulnerable children living on the streets during "clean-up" operations, mostly in the tourist towns of Phnom Penh and Siem Reap. Children were detained in administrative detention facilities for periods ranging from a few days to several weeks and were not brought before a competent judge prior to detention. Moreover, children detained administratively had no access to legal assistance and their detention was not subject to judicial review, making it easy for them to victim to all forms of abuse.³⁰ Human Rights Watch stated that police arbitrarily rounded up sex workers, homeless children and families, beggars, and people who use drugs and detained them in government-run "rehabilitation" centres, where they are subject to physical mistreatment and lack of food and medical care.³¹

19. Noting the high level of domestic violence affecting 20 to 25 per cent of Cambodian women, JS1 added that rape and other sexual assaults remained a serious problem, with state authorities often seeking to resolve complaints through compensation rather than criminal prosecution. Victims were often unable to bring civil claims against perpetrators due to the fees imposed by the courts.³² JS2 recommended that domestic violence laws be strengthened and fully implemented through a sub-decree which would allow their effective use in combating abuse.³³

20. The Global Initiative to End All Corporal Punishment of Children cited research demonstrating a high prevalence of corporal punishment of children, which it noted was lawful in the home although prohibited in schools and in the penal system. There was also no explicit

prohibition in alternative care settings,³⁴ it noted, recommending the introduction of legislation prohibiting corporal punishment in all settings, including the home.³⁵

21. According to F-I, accused children (often as young as 14) and youths are not segregated from convicted adults in detention facilities across the country, making them particularly vulnerable to abuse.³⁶ F-I further noted that conditions of detention in facilities hosting juveniles did not fulfil the Standard Minimum Rules for the Administration of Juvenile Justice: sleeping quarters lack the most basic necessities and hygiene standards are close to inexistent - youths sleep directly on concrete flooring in cramped dormitories and receive only two light meals a day, without the minimum necessary daily nutrients.³⁷

22. According to Human Rights Watch (HRW), prisons are overcrowded, with inadequate food, water, health care and sanitation,³⁸ with LICADHO citing in particular the conditions at Prey and Koh Kor Centres.³⁹

23. F-I noted that Cambodia had ratified the Hague Convention on Inter-Country Adoptions in 2008 following severe allegations of widespread trafficking of children destined for adoption. However it had so far failed to effectively comply with core Hague Convention requirements. Private orphanages continued to exist without proper monitoring, as did the commerce of children. In the past few years, all major receiving States placed a moratorium on adoptions from Cambodia. Since the moratoria, the number of child “abandonment” cases had dropped manifold.⁴⁰

3. Administration of justice, including impunity and the rule of law

24. While noting Government frameworks and strategies for judicial reform, the Cambodian Human Rights Action Committee (CHRAC) stated that the reform process had moved very slowly, with little progress in substance.⁴¹ The Amendment of the Law on the Organization and Functioning of the Supreme Council of Magistracy, which was proposed by the National Assembly in 2002, Law on the Status of Judges and the Law on the Organization and Functioning of the Court were still under the review of the Ministry of Justice and Council of Minister’s Council of Jurist.⁴² AI recommended completing the judicial reform process and enacting key pieces of legislation in accordance with international standards; and ensuring the independence of the Supreme Council of Magistracy, the body charged with guaranteeing the independence of the judiciary, by excluding members of the executive and legislative branches of government.⁴³

25. JS2, CHRAC and FIDH expressed concern that since its establishment in 2006, the Extraordinary Chambers in the Courts of Cambodia (ECCC) has faced persistent allegations of corruption and political interference.⁴⁴ Similar concerns on the lack of independence of the ECCC were also made by CHRAC.⁴⁵ FIDH stated that although it was the first international criminal jurisdiction to recognize the rights of victims to participate as civil parties, the ECCC had in practice undermined the rights of victims.⁴⁶ The International Center for Transitional Justice (ICTJ) recommended to the Government to take immediate steps to publicly reaffirm its independence, and to refrain from actions that are or could be perceived as attempts to influence the judicial process. Cambodian staff members should be free to make confidential complaints to an internationally supervised mechanism, and officials implicated in corruption allegations should be fully investigated and removed if found to have engaged in corrupt practices.⁴⁷ AI noted that the first substantive hearing in the ECCC’s first trial began on 30 March 2009.⁴⁸

26. Fédération internationale des ligues des droits de l'homme (FIDH) noted that key institutions, including the judiciary, the Constitutional Council and the Supreme Council of Magistracy, lacked independence and did not exercise control over the executive. Judges were often corrupt or followed blindly the orders of the executive out of fear of repression and negative consequences on their professional development.⁴⁹ According to LICADHO, corruption and political interference in the police and judiciary were the major obstacles to the rule of law in Cambodia. The gravest of crimes – including murder, torture, rape, and trafficking of women and children – frequently go unpunished if the perpetrators have money or influential connections.⁵⁰ Similar concerns on the absence of an independent judicial system were also raised in Joint Submission 3 (JS3), which noted that the court system has been used as a tool by land-grabbers to legitimize forced evictions and falsely prosecute housing rights defenders.⁵¹ CHRAC cited the judicial control mechanism within the Ministry of Justice as cause for additional concerns in relation to interferences into the independence of the judiciary.⁵²

27. According to FIDH and several other organizations, impunity in Cambodia remained a grave concern.⁵³ Several attacks against human rights defenders, local activists, community and trade union leaders go unpunished and the authorities seem unwilling to conduct proper and impartial investigations and bring to justice those responsible.⁵⁴ AI noted how the killing of a prominent trade unionist illustrated many shortcomings of the criminal justice system. It stated that torture, political interference and intimidation of witnesses led two men to spend five years in prison for the killing, despite having alibis. They were finally released on bail on 31 December 2008 after Appeals Court judges ordered a new investigation into the murder. Meanwhile, the perpetrators of the killing remained at large.⁵⁵

28. JS1 noted that state officials who had killed people in their private life or during the conduct of their duties rarely faced investigation or prosecution with their superiors stepping in to protect them, and a general reluctance amongst security forces and the judiciary to intervene. Extensive corruption within the security forces and judiciary, and political interference increasingly insulated the majority of perpetrators from being brought to justice.⁵⁶

29. According to AI, rapists often enjoyed impunity due to poor law enforcement, corruption in the courts and a widespread lack of confidence that the stronger party in any legal dispute could be effectively challenged in court. Prosecution of suspected offenders is uncommon.⁵⁷

30. CDP noted that in practice, no accused could have access to his/her lawyer while in police custody.⁵⁸ CDP recommended that the Criminal Procedure Code be amended to ensure access to a lawyer immediately after arrest for every accused person, and that the prison shall provide a private room for a lawyer to meet his/her client.⁵⁹

31. CPD noted that under the new Criminal Procedure Code, the court can detain suspects for 18 months in pre-trial detention in felony cases.⁶⁰ The accused may be kept in jail for a month even after being found not guilty, while awaiting any appeal to be made by the prosecutor.⁶¹

4. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

32. The European Centre for Law and Justice noted reports that a government directive on controlling external religions was aimed at reducing Christian evangelical influence in the largely Buddhist country amid allegations of believers using gifts to covert children.⁶²

33. JS2 stated that over the last four years freedom of expression and assembly in Cambodia had been consistently restricted.⁶³ It added that journalists, editors and other media persons had been subjected to assault, threats, and lawsuits for criminal defamation and/or disinformation.⁶⁴ JS2 further stated that the Government had used the full force of the criminal law on incitement, defamation and disinformation to restrict opinions being expressed on sensitive issues, including territorial borders, corruption and land grabbing.⁶⁵ It expressed concern that a recent report by the Ministry of Information stated plans to strengthen its controls and extend the Press Law, criticized for being incompatible with the ICCPR, to the Internet.⁶⁶ According to HRW, the Cambodian Government controls all television and most radio stations and regularly suspends, threatens, or takes legal action against journalists or news outlets that criticize the Government. Freedom of speech is hampered by provisions in Cambodian law that allow individuals to be criminally prosecuted for peaceful expression of their views, HRW added. Reporters risk dismissal, physical attack, and even death for covering controversial issues. The Government confiscates, bans, or suspends controversial publications.⁶⁷

34. JS1 noted a steady erosion of citizens' rights to organize and take part in protests, with Government authorities seeking to reduce the space for dissent. Authorities had increasingly been refusing or delaying response to requests for permission to hold peaceful demonstrations and, of 155 demonstrations, peaceful protests over land seizures and workers strikes in 2008, 108 were forcibly suppressed by security forces, it added. It recommended that the freedom of expression and assembly as guaranteed by the Constitution be fully respected.⁶⁸

35. Khmer Kampuchea Krom Human Rights Association (KKKHRA) noted that the authorities continued to crack down on Khmer Krom Buddhist monks whenever they demonstrated to promote human rights for the Khmer Kampuchea Krom people. In many cases, once a Khmer Krom monk had been involved in a demonstration, he was excommunicated from his religious communities. Peaceful demonstrations were also interrupted violently.⁶⁹

36. According to JS2, the Government has undermined democracy by using the criminal law and amendments to the internal rules of parliament to render representatives of the people fearful to debate and make laws. The number of parliamentarians speaking out in parliament has decreased over the last four years, it noted.⁷⁰

37. AI recommended publicly condemning attacks against human rights defenders, and making public commitments that human rights defenders or other individuals will not be arrested purely for engaging in the peaceful exercise of their rights to freedom of expression, association and assembly.⁷¹

38. JS2 noted that access to information was severely restricted in Cambodia. The Government's decision-making process was shrouded in secrecy, and private interests violently blocked investigative reporters.⁷² Reporters Without Borders expressed similar concerns.⁷³ JS2 expressed concern about the Government's approach to the internet and its plans to restrict its use.⁷⁴

39. JS4 noted that men represented 77 per cent and women only 23 per cent of total public sector employment and there were even fewer women in senior positions. In the judicial branch, female judges accounted for only 8.5 per cent and 2.7 per cent of prosecutors and prosecutors-general. There had, however, been a remarkable increase in women representatives directly elected to institutions such as the National Assembly and Commune (Sangkat) Councils.⁷⁵

5. Right to work and to just and favourable conditions of work

40. Joint Submission 5 (JS5) noted that for teachers in Cambodia, conditions of service were demanding and remuneration was poor. Elementary school teachers were often under pressure to work a double shift to cope with the demand on schools.⁷⁶

41. JS4 noted that given the low level of education and skills, garment factories were a notable source of employment for rural women. However, factory management and union leaders were mostly men. Health and safety conditions in the workplace were constantly reported as not meeting basic standards.⁷⁷ JS4 estimated that on average women were paid 30 per cent less than men for commensurate work. It said that no mechanism existed for women to challenge such discrimination and no specific policy or law existed to ensure equal opportunity to promotion, job security and other benefits for women⁷⁸

42. JS4 referred to reports on working conditions of girl child domestic workers, which were found to be very harsh, with long working hours of an average of 13.5 per day. JS4 indicated that a substantial number of these child domestic workers never received salaries as these were directly paid to their relatives. These informal workers were entitled to neither legal nor social protection under the current labour legislation, exposing them to unmonitored exploitations.⁷⁹

43. FL noted that many restrictions remained on the activities of trade unions in Cambodia and that trade union leaders faced grave risks in carrying out their work to protect workers' rights.⁸⁰ It cited reports that since June 2003, four union leaders had been shot dead, 23 union leaders had survived assassination attempts or been attacked, intimidated, harassed, dismissed, arrested or detained as a result of their trade union activities; and 17 union leaders had been blacklisted.⁸¹ The International Trade Union Confederation noted that trade unionists also faced false accusations to bring them before the courts, wage deductions and exclusions from promotion. The Government very rarely prosecuted or took measures against an employer for anti-union practices.⁸²

6. Right to social security and to an adequate standard of living

44. The Cambodian Government's public expenditure is only 3.5 per cent of GDP, the lowest level of all low-income countries, imposing a serious limitation on the resources invested in social spending and the progressive realization of economic, social and cultural rights, as noted by the Center for Economic and Social Rights (CESR).⁸³ CESR noted that one in five Cambodians lived under the national food poverty line, unable to afford the minimum essential calorie requirement of 2,100 calories/day.⁸⁴ According to CESR, more children living in rural areas suffer from malnutrition compared to those living in urban areas, and are consequently more likely to die before the age of five.⁸⁵

45. CESR made reference to stark disparities in accessibility and availability of health services across Cambodia's provinces, raising concerns about the Government's efforts to meet the duty of non-discrimination. CESR also referred to evident disparities in vaccination coverage of infants and children across Cambodia's regions.⁸⁶ JS4 noted that Cambodia had among the highest rates of maternal mortality and mortality of infants under the age of five in the region. Although contact with professional healthcare services during pregnancy and childbirth increased between 2000 and 2005, there was no significant decrease in the maternal mortality rate.⁸⁷

46. Joint Submission 6 (JS6) indicated that a high proportion of the population fell within the age group of 15-24 years, and faced concerns with regards to sexual and reproductive health. Sexually transmitted diseases, unwanted pregnancies and HIV/AIDS remained the biggest threats to youth due to lack of information, knowledge, services and education. It recommended launching awareness campaigns, adequate provision of condoms, and access to safe and anonymous testing and treatment.⁸⁸
47. According to CESR, almost 80 per cent of Cambodia's urban population lived in slums, in conditions that do not meet the requirements of adequate housing.⁸⁹ It further noted that the vast majority of the population lived in rural areas (85 per cent), but less than 20 per cent of this population has access to improved sanitation facilities.⁹⁰
48. JS3 noted that the rate and scale of land-grabbing and forced evictions has increased in recent years. In Phnom Penh, between 2004 and 2008, 14,300 families were displaced. In total, approximately 133,000 Phnom Penh residents, or 11 per cent of the city's population have been evicted since 1990. Rural landlessness, often caused by forced evictions, rose from 13 per cent in 1997 to between 20 and 25 per cent in 2007.
49. The causes of evictions, JS3 added, include the granting of economic land concessions, extractive industry licenses/concessions, infrastructure development, so-called "city beautification", private development projects, including tourist industry development, and land speculation. Authorities have refused to issue titles to households despite evidence of valid possession rights.⁹¹ JS1 further noted the extremely meagre provision of social land concessions, citing figures that the private companies received 222,539 hectares of land through the economic land concession strategy in contrast to the 2,075 hectares provided to poor and landless Cambodians through social land concessions.⁹²
50. JS1 noted two mechanisms for resolving disputes over land in Cambodia: the Cadastral Commission which has responsibility for resolving land disputes where the disputed land is not legally registered; and the national court system where disputes over the registered land are heard.⁹³ JS1 stated that wealthy and powerful parties to land disputes increasingly used the court system to criminalize their opponents, changing the character of these disputes from civil cases into criminal cases.⁹⁴ JS3 further noted that the land registration and titling system under the donor-funded Land Management and Administration Project (LMAP), which commenced in 2002, had thus far failed to provide secure tenure to many of the most vulnerable households.⁹⁵
51. JS3 further noted that evictions were carried out in the absence of exceptional circumstances, and very often for private developments or land speculation for private profit. Feasible alternatives to eviction were not explored. Those affected by evictions had had no opportunity for genuine participation and consultation beforehand.⁹⁶ According to JS3, evictions were often carried out violently by police, military police and with the use of private armed forces, despite prohibitions under the 2001 Land Law. Forced evictions frequently began in the middle of the night or the early hours of the morning. In rural areas, families were deprived of farming land for livelihoods as well as shelter. In urban areas, people were either evicted without any form of compensation, or offered inadequate cash payments and/or woefully inadequate resettlement on the outskirts of the city without access to basic services and facilities.⁹⁷ Community members and representatives involved in land disputes were arrested and prosecuted, or threatened with the same, as a means of intimidating poor communities and undermining their efforts to retain their land and property, JS3 stated.⁹⁸

52. CESR noted that the proportion of people with access to safe drinking water in urban areas had been declining, despite rising national wealth.⁹⁹ It further noted that there were stark disparities in access to safe water across Cambodia's provinces, suggesting an inequitable allocation of resources.¹⁰⁰

7. Right to education and to participate in the cultural life of the community

53. According to CESR, although primary school enrolment rates had increased, Government expenditure per student had fallen, with potentially negative implications for the quality of education.¹⁰¹ According to JS5, fewer girls than boys were enrolled in elementary schools and girls accounted for more drop-outs.¹⁰² CESR noted that gender disparities increased at secondary and tertiary levels, with much lower rates of participation for girls.¹⁰³

54. JS5 also made reference to the evident reluctance of some families to provide their scarce funds for the education of a disabled child, particularly a girl child, notably, in remote and very poor areas.¹⁰⁴

55. CESR noted that many adults had no education at all, and there were wide rural-urban and gender disparities in access to education.¹⁰⁵

8. Minorities and indigenous peoples

56. JS3 noted that the 2001 Land Law recognized collective ownership rights of indigenous communities over their land, including all of the rights and protections of ownership enjoyed by private owners.¹⁰⁶ JS1 noted however that only two village communities, both in the Ratanakiri province, had been granted communal land titles until the present. Indigenous peoples have experienced serious problems with powerful individuals and private companies seizing land, and natural resources, it added.¹⁰⁷ JS3 stated that the Government had failed to uphold legal protections for indigenous communities in the Land Law, and had illegally granted economic land concessions and mining licences over indigenous land, leading to the displacement of communities and hindering their access to forests traditionally used as a source for food and other basic needs.¹⁰⁸

57. As noted by KKKHRA, the Cambodian law on Nationality and the Constitution state that the Khmer Kampuchea Krom people (KKKP) with Cambodian residence or background could obtain full Cambodian citizenship. However, in reality, the Cambodian government did not provide the KKKP with sufficient documentation necessary to establish citizenship.¹⁰⁹ Without citizenship, the KKKP and other marginalized communities could not receive proper documentation and identification, and this often resulted in situations of 'statelessness'.¹¹⁰ It stated that the KKKP and other minority groups lived in a state of insecurity, without full rights, with their children unable to attend school and without the right to occupy property or land, or the right to vote.¹¹¹

58. KKKHRA indicated that as of 2005, KKKP fleeing from a neighbouring country no longer received refugee status from UNHCR, a result of the claim by the Cambodian government that every Khmer Krom moving from there to Cambodia would be recognized as Cambodian citizens and receive full rights and protection.¹¹² The Unrepresented Nations and Peoples Organization recommended that Cambodia acknowledge the indigenous status of the KKKP and the Christian Montagnards and end the forceful repatriation of Khmer and Montagnard refugees from Cambodia to a neighbouring country.¹¹³

9. Migrants, refugees and asylum-seekers

59. According to HRW, Cambodia continued to violate its obligations under the 1951 Refugee Convention by forcibly returning Montagnards from a neighbouring country before they were able to apply for refugee status with the Office of the United Nations High Commissioner for Refugees (UNHCR). HRW further noted that Cambodians who helped Montagnards exercise their right to seek asylum were subject to arrest.¹¹⁴

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

60. JS5 noted that Government agencies together with local teachers and national and international organizations working with Cambodians with disabilities had achieved a commendable record for public education initiatives. Anecdotal evidence suggested that there was a discernible change of attitudes towards disability among Cambodians, both the general population and among those in a position to shape policy. However, much remained to be done to inform people, especially in remote rural areas, about the need and value of education, the right to free schooling and the rights of people with disabilities.¹¹⁵

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

61. JS2 recognized the Government's stated intention to continue negotiating for the creation of an ASEAN Human Rights Body, its promise to create a national human rights commission and to decriminalize defamation.¹¹⁶

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

62. JS2 noted the need for capacity building and technical assistance to empower the Government to work with NGOs, to engage further with United Nations mechanisms, set up an independent national human rights commission, reform flawed legislation, and provide training to the judiciary, law enforcement personnel and local authorities on the importance of applying freedom of expression and assembly principles.¹¹⁷ JS2 noted that civil society would benefit from further capacity building and technical assistance to make it more effective in promoting and protecting freedom of expression, assembly and other human rights.¹¹⁸

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.

Civil society

AI	Amnesty International (London, UK) *
CESR	Center for Economic and Social Rights*
CHRAC	Cambodian Human Rights Action Committee (Phnom Penh, Cambodia)
CDP	Cambodian Defenders Project (Phnom Penh)
ECLJ	European Centre for Law and Justice, Strasbourg, (France)*
F-I	Friends – International (Phnom Penh, Cambodia)
FIDH	Fédération internationale des ligues des droites de l'Homme (Paris, France)*
FL	Front Line: the International Foundation for the Protection of Human Rights Defenders (Dublin, Ireland)*
GIEACPC	Global Initiative to End All Corporal Punishment of Children*
HRTF	Housing Rights Task Force
HRW	Human Rights Watch (New York, USA)*
ICTJ	International Center for Transitional Justice*
ITUC	International Trade Union Confederation (Brussels, Belgium)

- JS 1 Joint Submission by Cambodian Human Rights and Development Association (ADHOC) (Phnom Penh, Cambodia) and Asian Forum for Human Rights and Development (FORUM-ASIA) (Bangkok, Thailand)*
- JS 2 Joint Submission by Advocacy and Policy Institute (API) (Phnom Penh, Cambodia), Asian Legal Resource Centre (Hongkong, China)*, Cambodian Human Rights and Development Association (ADHOC) (Phnom Penh, Cambodia), Cambodian Association for Protection for Journalists (CAPIJ) (Phnom Penh, Cambodia), Cambodian Center for Human Rights (CCHR) (Phnom Penh, Cambodia), Cambodian Center for the Protection of Children's Rights (CCPCR) (Phnom Penh, Cambodia), Cambodian Independent Teachers Association (CITA) (Phnom Penh, Cambodia), Cambodian Independent Civil Servants Association (CICA) (Phnom Penh, Cambodia), Cambodian League for the Protection and Defence of Human Rights (LICADHO) (Phnom Penh, Cambodia), Center for Social Development (CSD) (Phnom Penh, Cambodia), Coalition of Cambodian Apparel W.D.U. (C-CAWDU) (Phnom Penh, Cambodia), Center for Civil and Political Rights (CCPR-Centre) (Geneva, Switzerland), Committee for Free and Fair Elections in Cambodia (COMFREL) (Phnom Penh, Cambodia), Community Legal Education Center (CLEC) (Phnom Penh, Cambodia), Free Trade Union of Workers of the Kingdom of Cambodia (FTUWKC) (Phnom Penh, Cambodia), Independent Democratic of Informal Economic Association (IDEA) (Phnom Penh, Cambodia), International Federation of Human Rights (FIDH) (Paris, France)*, Khmer Kampuchea Krom Human Rights Association (KKKHRA) (Phnom Penh, Cambodia), Khmer Youth Association (KYA) (Phnom Penh, Cambodia), Legal Aid of Cambodia (LAC) (Phnom Penh, Cambodia), Neutral & Impartial Committee for Free and Fair Election in Cambodia (NECFEC) (Phnom Penh, Cambodia), People Center for Development and Peace (PDP-Center) (Phnom Penh, Cambodia), Project Against Domestic Violence (PADV) (Phnom Penh, Cambodia), Southeast Asian Press Alliance (SEAPA) (Bangkok, Thailand), and Star Kampuchea (Phnom Penh, Cambodia)
- JS3 Joint submission by Centre on Housing and Evictions (COHRE)*, Bridges Across Borders South-East Asia (BABSEA) and Cambodian League for the Promotion and Defence of Human Rights (LICADHO)
- JS4 Joint submission by Gender and Development for Cambodia (GAD/C), SILAKA, Development and Partnership for Action (DPA), NGO-FORUM on Cambodia, Dan Church Aid (DCA), OXFAM/GB, International Cooperation Peace and Development (PYD)
- JS5 Joint Submission by Franciscans International (FI) and Marist Foundation for International Solidarity (FMSI)
- JS6 Joint Submission by People Health Development (PHD) and Sexual Rights Initiative (SRI)
- KKKHRA Khmer Kampuchea Krom Human Rights Association
- LICADHO Cambodian League for the Promotion and Defense of Human Rights (Phnom Penh, Cambodia)
- RSF Reporters Without Borders*
- UNPO Unrepresented Nations and Peoples Organization.

² JS2, p. 9.

³ AI, p. 3.

⁴ AI, p. 3. See also JS2, paras. 7 and 11, JS3, p. 3.

⁵ JS2, para. 14.

⁶ JS1, para. 23.

⁷ AI, p. 4. See also JS2, para. 18.

⁸ CHRAC, para. 4.

⁹ AI, p. 4. See also JS2, Para. 18 and FL, p. 4.

¹⁰ FL, p. 3. See also HRW, pp. 1-2.

¹¹ AI, p. 4.

¹² F-I, paras. 3-6

¹³ JS5, para. 4.

¹⁴ JS2, para. 16.

¹⁵ JS2, para. 39. See also FIDH, p. 5.

¹⁶ AI, p. 4

- ¹⁷ JS4, p. 1.
- ¹⁸ JS5, para. 6.
- ¹⁹ JS2, para. 13.
- ²⁰ JS2, para. 39.
- ²¹ AI, p. 3.
- ²² JS2, para. 39.
- ²³ JS4, p. 1.
- ²⁴ JS4, p.1.
- ²⁵ LICADHO, paras. 3 and 16-20. See also HRW.
- ²⁶ CDP, para. 18.
- ²⁷ JS1, para. 17. See also FL, pp. 1-2.
- ²⁸ JS1, para. 19.
- ²⁹ AI, p. 6. See also FL, p. 2.
- ³⁰ F-I, para. 10.
- ³¹ HRW, p. 2. See also LICADHO, paras. 9-11.
- ³² JS1, para. 20.
- ³³ JS1, para. 21.
- ³⁴ GIEACPC, p. 2.
- ³⁵ GIEACPC, p. 1.
- ³⁶ F-I, para. 14.
- ³⁷ F-I, para. 16.
- ³⁸ HRW, p. 2. See also LICADHO, paras. 9-11.
- ³⁹ LICADHO, paras. 12-15.
- ⁴⁰ F-I, para. 7.
- ⁴¹ CHRAC, para. 3.
- ⁴² CHRAC, para. 7.
- ⁴³ AI, p. 7.
- ⁴⁴ JS2, para. 17; CHRAC, para. 20; FIDH, p. 4. See also CDP, paras. 1-2. See also HRW, p. 2, ICTJ, paras. 2 and 5-11.
- ⁴⁵ CHRAC, para. 20.
- ⁴⁶ FIDH, p. 4. See also HRW, p. 2, ICTJ, paras. 2 and 5-11.
- ⁴⁷ ICTJ, para 16.
- ⁴⁸ AI, p. 4.
- ⁴⁹ FIDH, p. 1. See also HRW, p. 2.
- ⁵⁰ LICADHO, para. 22.
- ⁵¹ JS3, pp. 6-7.
- ⁵² CHRAC, para. 10.
- ⁵³ FIDH, pp. 2-3. See also JS1 and AI.
- ⁵⁴ FIDH, pp. 2-3.
- ⁵⁵ AI, p. 5.

⁵⁶ JS1, para. 22. See also LICADHO para. 22.

⁵⁷ AI, p. 7. See also CHRAC, para. 16.

⁵⁸ CDP, para. 5.

⁵⁹ CDP, para. 8.

⁶⁰ CDP, para. 11.

⁶¹ CDP, para. 22.

⁶² ECLJ, p. 3.

⁶³ JS2, para. 23.

⁶⁴ JS2, para. 30.

⁶⁵ JS2, para. 24. AI, p. 6. See also JS2, para. 27.

⁶⁶ JS2, p. 7.

⁶⁷ HRW, p. 1. See also RWB pp 1-2.

⁶⁸ JS1, paras. 15-16. See also AI, p. 6 and JS2, paras. 34 and 36.

⁶⁹ KKKHRA, p. 3.

⁷⁰ JS2, paras. 28 and 30

⁷¹ AI, p. 8. See also LICADHO, paras. 4-8.

⁷² JS2, para. 32.

⁷³ RWB, pp. 1-2.

⁷⁴ JS2, para. 38.

⁷⁵ JS4, p. 3.

⁷⁶ JS5, para. 21.

⁷⁷ JS4, p. 2.

⁷⁸ JS4, pp. 3-4.

⁷⁹ JS4, p. 2.

⁸⁰ FL, p. 3.

⁸¹ FL, p. 3.

⁸² ITUC, p. 2.

⁸³ CESR, paras. 17-18.

⁸⁴ CESR, para. 14.

⁸⁵ CESR, para. 15.

⁸⁶ CESR, paras. 4 -5.

⁸⁷ JS4, p. 4.

⁸⁸ JS6, para. 2.

⁸⁹ CESR, para. 9.

⁹⁰ CESR, para. 11. See also JS3, p. 4.

⁹¹ JS3, p. 5. See also FIDH, p. 1, HRW, p. 3.

⁹² JS1, para. 3-5.

⁹³ JS1, para. 10.

⁹⁴ JS1, paras. 11-12. See also CHRAC, para. 14.

⁹⁵ JS3, p. 4.

⁹⁶ JS3, p. 6.

⁹⁷ JS3, p. 6. See also UNPO, pp. 1-2, AI, p. 8, JS1, paras. 5-6 and 8, AI, p. 5, and FIDH, p. 2.

⁹⁸ JS1, paras. 11-12. See also CHRAC, para. 14.

⁹⁹ CESR, para. 12.

¹⁰⁰ CESR, paras. 12-13.

¹⁰¹ CESR, para. 6. See also KKKHRA, p. 3

¹⁰² JS5, para. 9.

¹⁰³ CESR, para. 8. See also JS4, p. 4

¹⁰⁴ JS5, para. 9.

¹⁰⁵ CESR, para. 7.

¹⁰⁶ JS3, p. 4.

¹⁰⁷ JS1, paras. 13-14.

¹⁰⁸ JS3, p. 5.

¹⁰⁹ KKKHRA, p.1.

¹¹⁰ KKKHRA, p.2.

¹¹¹ KKKHRA, p. 2. See also UNPO, p. 2.

¹¹² KKKHRA, p. 2.

¹¹³ UNPO, p. 3.

¹¹⁴ HRW, p. 3.

¹¹⁵ JS5, para. 15.

¹¹⁶ JS2, para. 37.

¹¹⁷ JS2, para. 40. See also para. 39 (xv).

¹¹⁸ JS2, para. 40.
