

Cambodia's Ratification of the Optional Protocol to the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (OPCAT)

The Optional Protocol to the Convention against Torture (OPCAT) was adopted by the General Assembly on 18 December 2002 and came into force in international law on 22 June 2006.

OPCAT provides additional preventative mechanisms to ensure that States parties to the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment meet their commitment to prohibit torture in all its forms. These mechanisms consist of two parallel complementary bodies, one national and one international:

- At the international level, a committee of ten international experts, called the **Sub-Committee on Prevention** will undertake visits to places of detention in the territory of States parties to ensure that torture and other ill-treatment is not permitted;
- At the national level, each State party is obliged to create an **independent national mechanism for the prevention of torture** which, in parallel with the Sub-Committee on Prevention, will also undertake visits to places of detention to ensure that torture and similar practices are not permitted and to support the Government's efforts to prohibit and prevent torture.

Cambodia became a party to the Convention against Torture on 15 October 1992. Article 31 of the Constitution guarantees the Convention as part of Cambodian law and Article 38 specifically prohibits torture and other ill treatment and declares that confessions obtained through torture shall be inadmissible as evidence of guilt.

A Law incorporating the Optional Protocol into Cambodian law was promulgated on 19 January 2007. Cambodia completed the formalities for ratification on 30 March 2007 and formally became a State party to the Optional Protocol on 29 April 2007.

Like the Convention, the Optional Protocol is guaranteed under article 31 of the Constitution.

Cambodia's acceptance of the Optional Protocol obliges the Government to take certain concrete steps to bring its provisions into operation.

The first step is to create a national mechanism for the prevention of torture at the domestic level. According to the Protocol, this mechanism must be functionally independent and must conform to the *Paris Principles on the status of national human rights institutions*. Furthermore, its personnel must be professionally competent and independent of political control and must include a balance of the sexes as well as representatives of ethnic and minority groups. The Protocol sets out the

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specific rights and responsibilities that this mechanism must have to fulfil its mandate.

Under the terms of the Protocol, this mechanism must be in place on or before 29 April 2008.

At the international level, the Sub-Committee on Prevention held its first session in March 2007 and will begin country visits later in the year.

Under the terms of the Convention against Torture, Cambodia is obliged to submit regular reports to the Committee against Torture which meets twice a year in Geneva. Cambodia last reported to the Committee in 2002 and currently has three reports overdue.

*For more information on the Convention against Torture, the Optional Protocol and the work of the Committee against Torture and the Sub-Committee on Prevention, visit the OHCHR website at the following address:
<http://www.ohchr.org/english/bodies>*

*The full text of the Optional Protocol is available in English and Khmer on the OHCHR Cambodia website:
<http://cambodia.ohchr.org>*

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