



**OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS**



Technical cooperation and advisory services in Cambodia

Human Rights Resolution 2005/77

The Commission on Human Rights,

Bearing in mind its resolution 2004/79 of 21 April 2004 and previous relevant resolutions,

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),

Recognizing that the tragic recent history of Cambodia requires special measures to ensure the protection of human rights and the non-return to the policies and practices of the past, as stipulated in the Agreement on the Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,

Welcoming the address of His Majesty the King of Cambodia, Norodom Sihamoni, on the occasion of his coronation, which referred to the Universal Declaration of Human Rights,

I. Khmer Rouge Tribunal

1. *Welcomes* the ratification by Cambodia of the Agreement between the United Nations and the Government of Cambodia to establish the Extraordinary Chambers in the courts of Cambodia exercising their jurisdiction in accordance with international standards of justice, fairness and due process as set out in the Agreement;

2. *Urges* the Secretary-General and the Government of Cambodia to take all necessary measures for the early establishment of these Chambers, including the fulfilment of financial and legal obligations;

3. *Welcomes* the fact that a number of States have made commitments to provide assistance, including financial and personnel support, to the Extraordinary Chambers and appeals to other members of the international community to provide such support in accordance with General Assembly resolution 57/228 B of May 2003, and urges the Secretary-General to notify that the legal requirements for entry into force of the Agreement have been complied with;

II. Democracy and Situation of Human Rights

4. *Welcomes:*

(a) The formation of the new Government on 15 July 2004 based on the result of the general election held in July 2003;

(b) Cambodia's progress in improving its human rights situation for the past decade in a range of fields, in cooperation with the United Nations and non-governmental organizations, including freedom of media, freedom of religion, combating child labour and sexual exploitation, and progress to improve democratic institutions;

(c) Cambodia's agreement, through participation in the Consultative Group on Cambodia, to improve the good governance through the setting of benchmarks and regular review and actions, inter alia the passing of a draft anti-corruption law;

(d) The renewal of the Memorandum of Understanding between the Government of Cambodia and the Office of the United Nations High Commissioner for Human Rights for the implementation of a technical cooperation programme on human rights, and encourages both parties to cooperate constructively with each other for further improvement of the situation of human rights in Cambodia;

5. *Expresses concern*, while noting the efforts of the Government of Cambodia, that some human rights violations continue, especially those related to the rule of law, the judiciary, human trafficking, violence against political and civil activists, impunity and corruption;

6. *Urges* the Government of Cambodia:

(a) To continue to strengthen its efforts to establish the rule of law, including through the adoption and implementation of essential laws and codes for establishing a democratic society, and to continue to address as a matter of priority, inter alia the problem of impunity, and to enhance its efforts to investigate urgently and to prosecute, in accordance with due process of law and international human rights standards, all those who have perpetrated serious crimes, including violations of human rights;

(b) To continue to strengthen its efforts at judicial reform, especially to ensure the independence, impartiality, transparency and effectiveness of the judicial system as a whole and to combat corruption and impunity;

(c) To continue its efforts to improve human rights, especially those of women and children, and to make additional efforts, in concert with the international community, to combat key problems such as human trafficking, issues related to poverty, sexual violence, domestic violence and sexual exploitation of women and children;

(d) To strengthen its efforts for resolving equitably and expeditiously land ownership issues in a fair and open manner in accordance with the spirit of the Prime Minister's speech of 18 October 2004 as well as the Land Law;

(e) To take all steps to meet its obligations under international human rights instruments and to continue to cooperate with and support United Nations agencies, including the Office of the United Nations High Commissioner for Human Rights;

(f) To continue to create an environment conducive to the conduct of legitimate political activity as well as to support the role of non-governmental organizations in order to solidify democratic development in Cambodia;

(g) To continue its efforts to further improve good governance;

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;

9. *Decides* to continue its consideration of the situation of human rights in Cambodia at its sixty-second session.

*59th meeting
20 April 2005*

[Adopted without a vote. See chap. XIX, E/CN.4/2005/L.10/Add.1]