



COMMISSION ON HUMAN RIGHTS
Sixtieth session
Agenda item 19

Technical cooperation and advisory services in Cambodia

Commission on Human Rights Resolution: 2004/79

The Commission on Human Rights,

Bearing in mind its resolution 2003/79 of 25 April 2003, General Assembly resolution 58/191 of 22 December 2003 and previous relevant resolutions,

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),

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 a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,

I. KHMER ROUGE TRIBUNAL

1. *Welcomes* the Agreement reached on 6 June 2003 between the United Nations and the Government of Cambodia to set up Extraordinary Chambers exercising their jurisdiction in accordance with international standards of justice, fairness and due process as set out in article 12 of the Agreement, urges the Secretary-General and the Government of Cambodia to take all necessary measures for the early establishment of these Chambers, and appeals to the international community to provide assistance, including financial and personnel support, to the Extraordinary Chambers, in accordance with General Assembly resolution 57/228 B of 13 May 2003;

II. DEMOCRACY AND THE SITUATION OF HUMAN RIGHTS

2. *Welcomes* the generally peaceful conclusion of the general elections held in July 2003, which demonstrated the steady development of the democratic process in Cambodia, while recognizing the need further to strengthen the enforcement capacity and impartiality of the National Election Committee;

3. *Urges* the concerned parties to make every effort urgently to form a new government and to solve all related problems through peaceful and democratic means;

4. *Welcomes* the progress that Cambodia has been making in improving its human rights situation for the past decade while still concerned about continuing violations of human rights, including torture, excessive pre-trial detention, issues relating to land reform as well as violence against political and civil activists, and notes in particular the continuing problems relating to the rule of law, impunity and corruption;

5. *Urges* the Government of Cambodia:

(a) 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 address as a matter of priority, inter alia, the climate 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 enhance further its judicial reform, especially by strengthening its efforts to ensure the independence, impartiality and effectiveness of the judicial system as a whole;

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

(d) 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, sexual violence, domestic violence and sexual exploitation of women and children;

(e) 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;

III. CONCLUSION

6. *Invites* the Secretary-General and the international community, including non-governmental organizations, to continue to assist, especially in the field of capacity-building, the Government of Cambodia in improving democracy as well as in ensuring the protection and promotion of human rights of all people in Cambodia;

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;

8. *Decides* to continue its consideration of the situation of human rights in Cambodia at its sixty-first session under the same agenda item.

*58th meeting
21 April 2004*

[Adopted without a vote. See chap. XIX.- E/2004/23 – E/CN.4/2004/127]