



General Assembly

Distr.: General
4 September 2019

English only

Human Rights Council

Forty-second session

9–27 September 2019

Agenda items 10

Technical assistance and capacity-building

Report of the Special Rapporteur on the situation of human rights in Cambodia: comments by the State

Comments by the State*

* The present document is being issued without formal editing.

GE.19-15098(E)



* 1 9 1 5 0 9 8 *

Please recycle 



Comments on Factual Errors on the Report of the Special Rapporteur on the Situation of Human Rights in Cambodia dated on 25 June 2019

The Secretariat has the honour to transmit to the Human Rights Council the comments by the Royal Government of Cambodia on the Report of the Special Rapporteur on the situation of human rights in Cambodia and its addendum.

Anti-Corruption Unit (ACU)

Paragraph 58, 1st Sentence

Anti-Corruption Unit is of the view that a UN institution should not use any corruption assessment by those other than that of the UN body that is in charge of corruption, i.e. UNODC or that of UNCAC implementation assessment. As far as the TI's Corruption Perception Index is concerned, UNODC has never recognized and accepted such index reporting. Hence, any suggestion for giving priority to anti-corruption should not be based on other reasoning, not the TI figure. ACU deems the sentence should be written as follows: **Based on people's complaints and many requests in the Cambodian society both within the CSO and the Government, anti-corruption work is considered as one of the priority targets and thus it should be reflected in CSDGs.**

Ministry of Women's Affairs

Paragraph 22.

An underlying principle of the SDGs is to 'leave no one behind'. There are two dedicated goals on combating inequality and discrimination (Goal 5 on achieving gender equality *and empower all women and girls* and Goal 10 on reducing inequalities within and between States) while SDG 16 identifies the promotion and enforcement of non-discriminatory laws and policies as a means of implementation toward to sustainable development (16b)....

Paragraph 59.

This is important given that judicial institutions are themselves key to ensuring accountability in society and have an important role when it comes to prosecutions related to corruption. Confidence in the state and state mechanisms can drop when there is no or limited access to remedies and instruments on accountability. The Special Rapporteur recommends the Government to include the judicial integrity study in the JMIs for 2019-2021 (JMIs for 2019-2023) and for the Ministry of Justice....

Paragraph 73.

Improving the enjoyment of political rights is an end in itself, but it is also important to meeting Cambodia's development commitments to implement the 2030 Agenda. So much so is clearly recognized in SDG 16 and its target of ensuring participatory decision-making at all levels (SDG16.7). *It is also noteworthy that the proportion of female government officials in ministries/agencies has been raised by 1%, increasing from 40% in 2016 to 41% in 2018. (Source: Cambodia's Voluntary National Review 2019. Page 39 at 16.7.1).* In this regard, the CSDG framework would benefit from a clearer reflection of the human rights aspects of the 2030 Agenda...

Ministry of Labor and Vocational Training:

No comment

Ministry of Post and Telecommunication:

No comment

Ministry of Information

Paragraph 60.

“...Respect for press freedom is fundamental in this regard yet Cambodia score increasingly poorly on press freedom indices with the range of laws, such as Prakas on Social Media and the lese majeste provision in the Criminal Code referred to above, deployed to prosecute expression. Charges against two former RFA journalists remain. The Special Rapporteur is also concerned that restrictions on media affect not only press freedom but social accountability more generally...”

1. **“...Respect for press freedom is fundamental in this regard yet Cambodia score increasingly poorly on press freedom indices with the range of laws, such as Prakas on Social Media and the lese majeste provision in the Criminal Code referred to above, deployed to prosecute expression...”**

Clarification

Related to this point, the Ministry of Information would like to certify that this Inter-Ministerial Proclamation (Prakas) is not a new provision and it is not made to restrict the freedom of expression either. The Prakas aims to define the shared responsibility between relevant ministries on the issue, namely the Ministry of Information, the Ministry of Interior and the Ministry of Post and Telecommunication. In fact since the emergence of Internet and in particular the social media there was no clear indication of who is responsible on this matter.

If we look at the realities on the ground since the adoption of this Prakas, no any attempt was made against any user of the social media in Cambodia, nor any account had been blocked or used the application of this Prakas.

In addition, concerning the lese-majeste issue, it is clearly stipulate against any insult toward the King. “Insult” cannot be considered “Freedom of Expression” in Cambodia nor in any civilized society.

2. **“...The Special Rapporteur is also concerned that restrictions on media affect not only press freedom but social accountability more generally...”**

Clarification

The Ministry of Information would like to clarify on the issue based on three aspects below:

1. Legal Aspects:

The Constitution of the Kingdom of Cambodia:

Article 31: [“The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, the covenants and conventions related to human rights, women’s and children’s rights. Every Khmer citizen shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligation regardless of race, color, sex, language, religious, belief, political tendency, birth origin, social status, wealth or other status.”]

Article 35: [“Khmer citizens of either sex shall have the rights to participate actively in political, economic, social and cultural life of the nation...”]

Article 41: [“Khmer citizens shall have freedom of expression, press, publication and assembly...”]

Law on Press, Article 2, states that “the Press has the right to maintain the confidentiality of its sources;” Article 3: “To maintain the independence of the press, pre-publication censorship shall be prohibited;” Article 18: “Foreigner can own or possess 20% of the total Khmer language newspaper;” Article 20: “No person shall be arrested or subject to criminal charges as the result of the expression of opinions.”

2. Media in Cambodia

By this first semester of 2019, registered media organizations at the Ministry of Information, owned and possessed by Cambodians and foreigners such as: 445 newspapers; 195 magazines; 21 newsletters; 449 websites and online TV; 116 printing houses; 22 foreign media agencies; 220 FM radios; 01 AM radio; 210 Analogue TV; 05 Digital TV; 212 Cable TV; 03 OTT; 02 Satellites TV; which show the growth of the media in Cambodia.

3. National and International Journalist in Cambodia

There are over 5,000 journalists being operated the media activities in the Kingdom of Cambodia; in which there are about 500 international journalists include journalists of RFA and VOA as well. The 41 news associations, 22 foreign media agencies of which has its permanent representative office in Cambodia; they have been given fully right to operate their media activities freely without bother and intimidation.

In this regard, with purpose to promote freedom of expression, freedom of press and to enhance good governance with good quality, transparency and accountability; the Royal Government has entrusted the Ministry of Information to lead and draft Access to Information Law. In drafting this law, the Ministry of Information has also cooperated with UN Agencies such as Office of the United Nations High Commissioner for Human Rights (OHCHR) and UNESCO office in Phnom Penh; representative of civil society and academia such as Advocacy and Policy Institute (API), Cambodia Center for Independent Media (CCIM), Club of Cambodia Journalists (CCJ), Cambodia Human Rights Action Committee (CHRAC), Department of Media and Communication (DMC) and Women Media Center of Cambodia (WMC). This draft has been completed discussion and consultation by the Technical Working Group and received highly appreciation from the representative of UNESCO office in Cambodia that this draft has high standard in Asia-Pacific region and applicable as model for other countries. Now, this draft is being reviewed at inter-ministerial level and the Ministry of Information hope this draft will be soon approved by Executive Institution and Legislative Institution.

In overall, the Royal Government of Cambodia always promote this important task of journalist and promote freedom of expression, freedom of press in Cambodia and considered journalists as indispensable partner and be a bridge to pass true information from government to citizens and from citizens to government on the basis of collaboration and taking responsibility to media ethics in order to build a society with full of peace and long-term development.

Cambodian Human Rights Committee and the Ministry of Justice

1. The reallocation of party's seats

According to Article 150 (new) (2) of the Constitution, the NEC is an institution mandated to organize, manage and administer the Election of Senate and the Election of Members of the National Assembly and other elections. The NEC shall exercise its mandate in an independent and neutral manner so as to ensure that the election is conducted in a free and fair manner pursuant to the principle of multi-party liberal democracy.

Article 76 (new) of the Constitution stipulates that members of the National Assembly shall be elected by free, equal, direct election and secret ballot. Moreover, Article 27 of the Law on the Election of Members of the National Assembly (from here onward LEMNA) further stipulates that the political party that has been registered in accordance with the LPP shall have the right to register its political party and the list of candidates running for the election to be members of the National Assembly.

Re-allocation of seats of dissolved party shall be undertaken pursuant to the LPP in the legislature of the National Assembly. The NEC shall comply with the provisions stipulated in Article 138 (bis) of the LEMNA, which stipulates that, in the mandate of the National Assembly, if any political party declares to give up on their seats or has been dismissed from political party registration or has been dissolved according to the LPP, the list of its candidates and representatives will become invalid and disqualified. In that event, the NEC will distribute those vacant seats within at most 7 days to other political parties who participated in the national election.

2. Recent amendment of the constitution and criminal code of Cambodia: Insulting the King

Since 1993, Cambodian constitution has been amended several times based on the urgent need of Cambodia's society. However, the recent amendment is very crucial and right time to protect our national interest and defense our sovereignty and national integrity, being threatened by the foreign interference, and thus ensuring state survival.

For us we don't see the amendments restrict the rights and freedom of expression as among those amendments were:

- *Requirement that political party and each individual place the national interest first*
- *Opposition to foreign country's internal interference*
- *Penalty handed to those who insult the king*

Cambodia's Constitution clearly states that RGC has an obligation to uphold Cambodia's sovereignty and independence. The Constitution also sets forth that Cambodia adopts pluralistic multi-party democracy. In this regard, Khmer citizens and all Cambodian political parties regardless of their political tendencies must contribute to defending Cambodia's sovereignty and independence and to advancing Cambodia's national interests, not those of foreign countries.

The amendments aimed to enhance the multi-party democracy regime, strengthening the rule of law, national interest and the interest of the people, defending neutrality, independence, territory, and opposing internal interference in Cambodia's affairs.

On the penal code amendment, it is to make insulting the monarchy punishable by up to five years in prison and a fine of up to \$2,500 for an individual or \$12,500 for a legal entity. The Constitution explicitly sets forth that the King is inviolable. In addition, monarchy is part of Cambodia's national motto [Nation-Religion-King]. Therefore, it is the government's vital duty to defend this inviolability. The new rules are lenient, compared to similar rules in countries such as Thailand, Malaysia, and Saudi Arabia as well as some European countries, taking some examples as the following:

- *In UK, anyone appealing the abolition of monarchy could face a life imprisonment. [Law on Treason entering into force in 1848]*
- *In Netherland and Norway, any insult to the constitutional monarchy or the King is punishable of up to 5 years jail term.*

This amendment is conducted for the benefit of Cambodia and in accordance with Cambodian context and perception based on the constitutional principles, international standard and sharing similarity with other modern states. Laws and policies are not perfect and often are work in progress. They need to be discussed, revisited, amended, re-evaluated and adapted to the development within society. Thus, there will always be imperfections. In conclusion, the benefits of the amendment and revision of legal framework will outweigh the imperfection. Latter should be addressed, and the significant development and opportunity embrace.

So far, three individuals were arrested and charged of insulting the king under this law. The act of using the social media to insult the king is not the exercise of freedom of expression that is protected by the law, but it is a criminal act and the perpetrators must be criminally liable.

3. Amendment of Law on Political Party

Cambodia adheres to a multi-party democratic system. The evidence is more than obvious with numerous political parties during the last five general elections: 20 for the 1993 general election; 39 for the 1998 election; 23 for the 2003 election; 11 for 2008 election, 8 for 2013 election and 20 for 2018 election.

Cambodia undertook the amendment of the Law on Political Party based on the principles laid in its constitution. From a legal perspective, the amended law applied indiscriminately to every political party and bears all the basic requirements that any democratic countries should adhere to. Nothing in the amended law is threatening the fabric of multi-party system

set up by the constitution. As in all democratic countries, the amended law is aimed at preventing abuses that are not in accordance with fundamental democratic principle such as incitation to racial hatred, defamation, destruction of the social fabric of the nation. It is inviolably duty of the government to protect the sanctity of its existing institutions.

What Cambodia did in term of amending its own political party law is not an odd with international practices. For that matter, the EU, through the Venice commission, has adopted in 1999 its “Guidelines on Prohibition and Dissolution of Political Parties and Analogous Measures.” The prohibition or dissolution of political parties can be envisaged if necessary to protect a democratic society, when for example a party advocates violence in all forms such as racism, xenophobia and intolerance. We see the same practices and stipulations in some countries in Europe such as in French, Danish and Portuguese Constitutions and Laws and also in some other countries in Asia namely Indonesia, Malaysia and Philippines...etc.

4. Newly-created political parties in 2018 elections

Cambodia noted with deep regret the Special Rapporteur's comments on the newly-established political parties in the 2018 elections. Such a reference implies the discrimination of the political and civil rights of the Cambodian people to participate in political life, including the creation of a political party, which are well guaranteed in the Constitution. In the 2018 elections, 19 political parties did oppose the ruling party, Cambodian People's Party (CPP). It is about a true democratic contest with real contenders to the present ruling party. Some parties, which are long-standing opponents to the CPP, did not have much success in the past because they refuse to resort to the CNRP's ultra-nationalistic and racist populism rhetoric promoting social hatred and division.

While there is a lack of opposition party in the parliament due to the result of democratic election held in July last year and in order to further promote democracy and the rule of law in Cambodia, the Royal Government has set up participatory consultative mechanisms with all political parties in Cambodia known as Supreme Consultative Council to collect multifaceted inputs for the benefit of national construction. This council replaces the existence of opposition in parliament as it creates a public consultative forum within the process of legal and policy formulation and implementation and also check-and-balance platform with government through their monitoring mechanism, criticism, comments and recommendations provided to the government to be addressed.

5. The Release of Kem Sokha

On 9 September 2018, the Court of First Instance issued an order to release Mr. Kem Sokha under judicial supervision with some conditions, meaning that he was no longer under pre-trial detention within the maximum period of 18 months in prison.

Currently, the case is in charged by the investigating judge of Phnom Penh Court of First Instance, an independent body which cannot be interfered by any institution as guaranteed by the Constitution. According to this procedure law, Kem Sokha is not under house arrest as claimed and alleged by some other groups because he has fully right to leave his home within the permitted perimeters, use phone, meet or communicate with family, lawyers or any persons who are not prohibited by court.

6. Legal action against the members of former opposition party

Actually the recent legal action against the members of former opposition party by the local and court authority is an attempt to enforce the rule of law against the violators, who try to exempt themselves from law and justice on the ground that they are simply promoting different voices in different ways with a malicious intention. Political rhetoric with full of incitement, hatred, discrimination, violence, harassment, abuses, social riot appeal, call for support of illegal movement and organization and rebellion against legitimately elected government made by those members of former opposition party so far is not the right to freedom of expression and opinion, but an illegal act and must face criminal liability in accordance with the criminal law of Cambodia. If this trend left unchecked it will end up in the way that freedom of expression and opinion is distorted and twisted to undermine rule of law, human rights and democracy at once and for all.

As a democratic country upholding human rights and adhering to rule of law, all Cambodian citizens are equally treated before the law regardless of their political affiliation, profession, social status or their past. Each and every person is legally accountable not because of who they are but because of what offences they have committed.

7. Treaty Body Reporting and UPR

Government attaches great importance to each treaty body reporting mechanism and UPR and will continue to uphold the principles of the UPR with its non-confrontational, non-politicized and non-selective approach. However, we resolutely oppose the practice of using human rights as a pretext to interfere in internal affairs of others and to undermine their sovereignty and territorial integrity.

After the adoption of the report of the 3rd cycle review, Cambodian Human Rights Committee and OHCHR in Cambodia will work together to co-organize workshops and other program activities to disseminate all accepted recommendations to all relevant line ministries and institutions for implementation. Cambodian Human Rights Committee will also monitor the implementation of those recommendations and report back to the council either in the mid-term review if possible or in the next cycle review.

For other treaty body reports that are under the responsibility of other line ministries, CHRC will also try to communicate and coordinate with them, so that they can complete and submit the report within the timeframe provided.

8. Lengthy pre-trial detention and arbitrary confinement of prisoners

In principle, the charged person shall remain at liberty. However, the charged person may be provisionally detained under the conditions stated in Article 205 of the criminal code and the decision on the pre-trial detention is under the competent authority of the investigating judge in compliance with the criminal code (Articles 203 to 222). According to Article 208 of the criminal code, this provisional detention is six-month and can be extended twice, for a maximum period of six months each time. The length of detention as determined by the investigating judge shall be used to conduct the investigation in accordance with the Code of Criminal Procedure for a period of up to 18 months.

The period of provisional detention in felony cases as stipulated in the criminal code is similar to the period of detention for felony cases in some countries in the world. In the case of the French provisional detention for serious felony, the maximum period can be up to 24 months or more.

Lengthy trial detentions are a direct result of large amount of cases and a low number of judges, prosecutors, and defense attorneys while law enforcement agencies are making more arrests, particularly drug related offenders.

Lengthy pre-trial detention and arbitrary confinement of prisoners after their sentences have been completed at times took place because the final court judgments have not been communicated to the prison authorities. Prison directors are instructed to work closely with the court to notify beforehand those whose sentences are reaching their final days to issue releasing papers on time.

9. Prison Reform: Overcrowding prisoners, Torture and ill-treatment in prison.

Due to increasing number of arrests and prosecutions as a result of the Royal Government's antidrug campaign since the beginning of 2017, the number of inmates has increased accordingly from 20,997 in December 2016 to 28,391 in December 2017, a year-on-year increase by 35%. As of May 28, 2018, the total number of inmates was 29,829, out of which the number of convicted inmates with final judgment papers is only 7,684 (26%).

Like many developing countries, Cambodia is in the stage of conducting its penal reform including prison reform. To address this issue, the Royal Government is also considering alternative to imprisonment and community-based treatments of offenders starting with juvenile delinquents (the "Tokyo Rules and Penal Code 2009").

The act of torture and ill-treatment of detainees are serious violations under the Cambodian criminal law and the perpetrator including law enforcement personnel are subject to criminal liability. The Royal Government has taken serious prevention actions so far through training

and law dissemination among law enforcement personnel as well as enforcement against perpetrators. In relation to pre-trial detention and its extension, it is upon the prerogative of the judiciary to decide in accordance with the provisions stipulated in the criminal code. Final court judgments are now shared with the prison authorities.

Cambodia became the first ASEAN state to ratify the United Nations Optional Protocol to the Convention Against Torture (OPCAT) on March 30, 2007 which in turn established an official mechanism for the prevention against torture in 2009, namely the National Mechanism for the Prevention Against Torture and its secretariat in 2010. Since OPCAT was ratified, Cambodia has been visited twice by the Subcommittee for the Prevention of Torture (SPT) in 2009 and 2013. In addition to good measures to prove that rights of detainees are being protected the Royal Government has allowed the UN special rapporteur Prof. Rhona Smith to visit places of detention on numerous occasions prior to 2018.

Article 38 of the Constitution and Article 321 of the criminal code nullify confessions derived from ill treatments or torture by the authority in the court of law. Articles 210 –215 of the CCKC, Article 25 and Article 81 of the 2011 Law on Prison as well as the prison regulations handbook all prohibit torture on all forms committed by competent officers who have the duty of care for detainees designated to them.

The government also pays much attention on the rights of the detainees through the regular inspection and monitoring of the prison situation in all provinces done by the Cambodian Human Right Committee. Through this monitoring mission, the committee has also intervened several cases related with issue of improper treatment and violence against detainees and also disseminated the domestic and international rules and regulations related with the rights of detainees among all stakeholders through the meeting with prison officials, court officials, local authorities, police and detainees.

10. Judicial Reform: Corruption, Integrity and Independence of Judiciary

According to the Article 128 (new) and Article 130 (new) of the Constitution, judicial power is an independent power, that no organ of legislative power or executive power can exercise any judicial power.

To ensure the independence of judicial power, the Constitution requires to establish three fundamental organic laws namely, (i) the Law on the Organization of the Court, (ii) the Law on the Status of Judges and Prosecutors, and (iii) the Law on the Supreme Council of Magistracy. These three fundamental laws were adopted by the National Assembly and promulgated by the King on July 16, 2014, reflecting Cambodia's strong commitment to promote the independence and effectiveness of the judicial power.

Adjudicative function is the core function of judicial independence and is exercised through Judges. Independence of judiciary means primarily not to influence the process how a judge arrives at the decision and prohibits contesting a judge's decision other than a formal appeal by the parties. The Constitution, the Law on the Status of Judges and Prosecutors and the Law on Supreme Council of Magistracy safeguard judicial independence and protect judge, in theory, against political interference.

Based on the Constitution, the King is the guarantor of the independence of the judiciary, and the Supreme Council of Magistracy (SCM) assists the King in this task. The SCM is presided over by the King and other 11 members, mostly are judges and prosecutors or former judges and prosecutors. This composition of the SCM is similar to the composition of the Supreme Council of Magistrates of France before its reform in 2013 (Referring to French Law related to the Supreme Council of Magistracy, number 0168, dated July 23, 2010.) Members of the SCM, who are judges and prosecutors, are representative of their peers nationwide are mandated to assist the King in ensuring the independence of judicial power, especially for tasks related to the appointment and disciplinary actions against judges and prosecutors.

The three fundamental laws and some other substantive laws establishes the mechanism to guarantee the independence of judiciary by regulating case proceeding, decision making process, resources, performance of key actors, organization and functioning of the court. By definition, judicial independence refers to the independent mechanism in case proceeding and decision making. It is not about independence of individual persons or actors in the court, who as mere human beings by nature are not independent and sometimes bias. Therefore,

those individual actors in judiciary still can uphold their political rights as guaranteed under Article 35 of the Constitution, which allow them to participate in political activities and to join any political parties they chose. Moreover, the three fundamental laws governing the justice system do not prohibit such right. However, according to the Law on the Status of Judges and Prosecutors, specifically in sections 9, 10 and 11 related with duties, disciplinary sanctions and judicial charges of judges and prosecutors, they must be neutral and abide by the rules and procedures in case proceeding and decision-making process when they are in office, failing which they will be subject to disciplinary sanctions.

To improve the court quality and integrity in applying the laws and regulations, the reform is also working on the reviewing of the four fundamental laws (criminal code, criminal procedure code, civil code and civil procedure code) regulating court performance and proceeding to conform with the international standard and the local context of Cambodia as those laws had been drafted by the foreign experts in the past 10 years and some concepts brought in by those foreign experts are not applicable according to the context of Cambodia.

In the framework of law and judicial reform, the Royal Government has a strong commitment to promote the independence of judicial power and improve justice services to gain support and confidence from citizens. However, the recent legitimate law enforcement actions against some law-breaking individual politicians, political parties, media outlets and NGOs have always been politicized under the banner of human right and democracy which linked them to the issue of independence of judiciary. Without due consideration of legal and factual perspectives, some countries have criticized the above-said measures and pressured the government to interfere into the internal affairs of the court, which is a clear violation of democratic principle of separation of power guaranteed in our Constitution.

We noted with regret that their reactions are politically motivated and prejudicially biased with double standards, considering their different treatment towards the former Cambodia's opposition party and various countries on similar issues of democracy and respect for human rights. However, we have no choice and law enforcement was the only legitimate and necessary way to defend Cambodia's independence and sovereignty. Cambodia needs peace, stability and development. Our bitter experience of wars and genocide with foreign meddling for nearly three decades has made us fully conscious of the imperative need to maintain our hard-earned peace and stability and to strengthen the rule of law in order to ensure that our rapid national development will continue unimpeded and the past tragedies will not be repeated in our society.

Ministry of Health

A. Identification of Indicators, Indicator Targets and Provision of Data

Page 8, Paragraph 28

The Special Rapporteur notes that Sustainable Development Goal 3.8 (SDG3.8) “providing access to affordable essential medicines and vaccines for all” of the Cambodian Sustainable Development Goals (CSDGs) does not reflect the human rights aspects.

Response:

Cambodia focuses its efforts on providing healthcare services nationwide, which is reflected in the key indicators of the Annual Health Progress Report set forth in the Health Strategic Plan 2016-2020 and in the National Strategic Development Plan 2019-2023. SDG3.8 is comparable with CSDG3.9 that has two representing indicators.

B. Treatment of Drug-users

Page 13, Paragraph 44

The Special Rapporteur notes that the CSDGs exclude Amphetamine-type Stimulants.

Response:

- This is because indicators are restricted.
- The reason for excluding Amphetamine-type Stimulants and choosing opium/heroines instead is because users of the latter are facing higher risks of blood-transmitted diseases such as HIV, hepatitis, and so on.
- The Ministry of Health has included opium/heroines and Amphetamine-type Stimulants in its Health Strategic Plan 2016-2020 with precise indicators.
- The aforesaid remarks made by the Special Rapporteur seem to contradict her note in Paragraph 46 in which she welcomes the Royal Government's efforts to improve the availability of methadone treatment for opiate users and the prioritisation of community-based treatment and also welcomes the Ministry of Health's Clinical Guidelines on Minimum Packages of Activities for Health Centres, the training for community-based counsellors and the emphasis on reintegrating the person into their community. This means that the Royal Government, particularly the Ministry of Health focuses its attention on increasing treatment services for all types of drug users set forth in the Clinical Guidelines on Minimum Packages of Activities.

Page 13, Paragraph 46

The Special Rapporteur visited the community-based treatment services offered at Meanchey District Referral Hospital and welcomes the Royal Government's efforts to improve the availability of methadone treatment and the prioritisation of community-based treatment, although notes this is not fully reflected in the CSDGs.

Response:

The remarks made by the Special Rapporteur contradict her welcome to the Royal Government and the Ministry of Health in which she welcomes the Royal Government's efforts to improve the availability of methadone treatment and the prioritisation of community-based treatment, which affirms that the Royal Government, particularly the Ministry of Health has fully implemented the Sustainable Development Goals with the aim of covering services globally and strengthening the prevention and treatment of drug-users as indicated in SDG3.5.

Ministry of Planning**A. General comment:**

The Ministry of Planning (MOP) has reviewed the report and noticed that the report, while acknowledging the effort of MOP, raised two issues related to MOP, the formulation of CSDGs that some SDG indicators related to the human rights are not included and the limitation of data that does not allow for full identification of those at risk of being left behind. As mandated, MOP wishes to clarify that MOP takes an inter-ministerial coordination role in the process of SDG localization and CSDG formulation. The selection of indicators are based on two criteria: data availability to support the indicator measurements and the discretion of line ministries. Nevertheless, CSDGs can be revised in the future when supporting data become available.

B. Specific comments**Paragraph 19, last sentence to be changed to:**

Cambodia has submitted the Voluntary National Review 2019 (VNR 2019) to the UN on time and presented it in the HLPF on 16 July 2019, during which the UN and others countries appreciated and congratulated the RGC for great achievements in CSDG implementation.

Paragraph 22, line 12 to the end: “Further data is expected....address these constraints” to be changed to:

Further data is expected from Household Socio-Economic Survey (HSES) 2019, Inter-Censal Agricultural Survey (ICAS) 2019 and Demographic and Health Survey (DHS) 2020. However, during her discussion with the Ministry of Planning and the National Institute of Statistics (NIS), the Special Rapporteur learnt that the census, CSES, ICAS and CDHS would provide some levels of data disaggregation necessary to identify and quantify those in danger of being left behind. Limited data disaggregation exists and this is due, in part, to technical constraints on the Ministry and the NIS. In line with SDG 17.17, the Special Rapporteur recommends enhanced capacity-building support to address these constraints.

Paragraph 26, last part of the first sentence to be changed to:

.....and the Ministry of Planning released it at both national level, in a public event on 11 March 2019, and sub-national level, at three regional events on 15 March, 18 March, and 21 March 2019. In addition, the Ministry of Planning has cooperated with the Council of Ministers through the Civil Society Alliance Forum (CSAF) to disseminate CSDGs 2016-2030 to all civil societies in Cambodia, starting from June 2019.

Paragraph 27, line 5 says: Of the 12 SDG targets under SDG 16, the CSDGs produce only three. We would suggest to add:

“Of the 12 SDG targets under SDG 16, the CSDGs produce only three because of available data, while others Cambodia can measure through indirect indicators”

Paragraph 28, 29, 30:

Notice: Cambodia has achieved “no food hunger” before the end of CMDGs targeted in 2015, and data are not available for other poverty indicators of SDGs.

Paragraph 31: the first two lines about revising CSDGs, especially CSDG 16, following the VNR 2019:

Notice: During the HLPF on 9-18 July 2019 where Cambodia presented the VNR 2019, Cambodia did not receive specific comments related to CSDG 16. In fact, the HLPF appreciated and congratulated the RGC for great achievements in CSDGs implementation with clear targets and vision set in CSDGs. Cambodia will disseminate widely the results of Cambodia VNR presentation at the HLPF, including CSOs audience.

Paragraph 36: the first line to be changed to:

...further to 13.5 per cent in 2014 and to below 10 per cent in 2019; while the near-poor population is also declining. At the same time, the Gini Coefficient has gradually dropped from 0.38 in 2004 to 0.29 in 2014 and 0.28 in 2017, indicating declining income inequality among Cambodian population.

Further notice: The remaining sentences in Par 36 are based on figures that are not official. MOP does not produce statistics on near-poor population.

Ministry of Social Affairs, Veterans and Youth Rehabilitation

Paragraph 47: “however, the special rapporteur also highlights her concerns of involuntary internment of drug-users.....”

Regarding that the drug center for rehabilitation received drug users referred by families or relatives base on guideline of center that follow by Law On Drug Control that in case the persons are situating in serious drug addictions and is threatening obviously that will serious dangerous soon for direct person drug addiction or others person and that person drug addiction is situating in lack enable to show intentions for treatment and rehabilitation that

families or relatives are representative for person drug addictions to guarantee to treatment and rehabilitation voluntary in arm to useful drug addict and generals.

Paragraph 48: “Finally, the Special Rapporteur again visited the Phnom Penh Social Affairs Transit Centre, also known as the Prey Spue Centre.....”

On May 6, 2019, at 8:30 pm, the United Nations Special Rapporteur Ms. Rhona Smith, convenes a meeting to review and assess the situation of the vulnerable are staying at the Center for Social Affairs of Phnom Penh. There're 132 living in Centre.

As result Social Affairs have good caring for victims to respect the rights without discrimination, abandoning them and providing care to the spirit of good.

- Rejoice with a clear professional training class (head of the delegation interviewed direct victims who are learning to nail polish and pencil)
- happy to see fewer victims in the room
- There are no drug victims in the center.

The Social Affair Center of Phnom Penh has been playing an important role in securing victims and vulnerable people (elderly, self-reliant, destitute, homeless, disabled, disable, tents, prostitute, sex, workers, labor) from the 14 districts to provide an accommodation Sustainable and Non-discrimination Racial Classification Save the Victims and vulnerable Families to Obtain Temporary Accommodation, Health Care, Healing, Rehabilitation, Vocational Training, Life Skills and Providing continuing Services to Development Partners and Integration Communities.

The Ministry of Social Affairs, Veterans and Youth rehabilitation, Phnom Penh Capital Hall, and relevant partners has been working hard to reform the whole structure and make efforts to make Phnom Penh Social Affairs Centre better place. Temporary accommodation avoiding other risks on the public roads

- Receive health care both in the center and when referred to public hospitals when serious illness (support from health departments, medical and medical specialists, and dental companics, and general health)
- Get enough food, proper clothing
- Receive a poor equity card for taking free health care when returning to the base
- Receive information on necessary services and need through consultations so as to easily return to their families and home provinces.
- Receive vocational training during the stay in the center
- Reintegrate them back to their homeland under cooperation from 25 provinces of the United states
- Receive health assessments from psychologists to receive treatment at the New Immunization Centers and get other benefits.

Therefore, Social Affairs Centre is the only center to receive and provide services to victims and venerable people in Phnom Penh.

These are the highest attentions and given the full basic rights to vulnerable victims of the Royal Government of Cambodia, without allowing anyone to give up food. Lack of good health care. Moreover, some national and international development partners have come to provide encouragement for temporary accommodation to them.

Paragraph 49: “The Special Rapporteur recommends an independent investigation into this case as well as an in-depth review of the Centre, including whether it should continue to exist at all....”

The Social Affairs Center (Prey Spec) is directly under the Ministry of Social Affairs, Veterans and Youth Rehabilitation, Phnom Penh Capital City, and the Ministry of Social

Welfare, Veterans and Youth Rehabilitation and Partners Civil, NGOs, the private sector, in order to support and makes stronger for service in the center.

The National Committee Against Torture, on May 29, 2019, led a delegation to inspect and evaluate the Center for Social Affairs of Phnom Penh.

The Royal Government through the Ministry of Social Affairs, Veterans and Youth Rehabilitation, and the Phnom Penh Municipal administration have reformed the structure of the new management, transformed the whole center, and organized the rehabilitation and rehabilitation management of victims in the centers.

Ministry of Interior

A. II. A. Political Rights)page 3(

By the end of May 2019, 42 (forty-two) political parties have registered in accordance with the Law on Political Parties and have been working without obstruction or threat.

To improve the political environment, democratic space and the exercise of the legitimate rights and freedoms of all citizens in accordance with the Constitution, especially in the spirit of national reconciliation, the law on the amendment to **Article 45 new (bis)** of the Law on Political Parties was passed and promulgated under Royal Decree NS/RKM/0119/001 dated 2 January 2019 permitting individuals previously banned from political activities by the Supreme Court to seek the restoration of their political rights.

In order to facilitate the restoration, the Ministry of Interior issued Circular No. 003 dated 21 February 2019 on the Form and Procedure for Restoration.

To date, 09 (nine) persons banned by the court from political activities have been reinstated by the Royal Decree. One of them requested to create a new political party named the “**Conservative Khmer Party**”.

On 26 May 2019, the Kingdom of Cambodia held the election of the Municipal, Provincial, City, District and Khan Councils with an attendance of 07 (seven) political parties: 1) the Cambodian People’s Party, 2) FUNCINPEC, 3) Khmer National United Party, 4) Khmer Republican Party, 5) Khmer Will Party, 6) Khmer National Party, and 7) Cambodian Youth Party.

B. Paragraph 7, the Dissolved CNRP and 118 Former-CNRP Leaders Banned from Political Activities (page 4)

Pursuant to the laws of the Kingdom of Cambodia, the Supreme Court dissolved the Cambodia National Rescue Party (CNRP) and banned 118 former-CNRP leaders from political activities, based on the Law on Political Parties and a wide range of facts with substantial corroborative evidence of conspiracy with foreigners for number of years, especially in 2013-2014 until this party was dissolved in November 2017 when colour revolution plots were planned to overthrow the legitimate government. The dissolution of the CNRP was to dissolve the organisation and structure of colour revolutionary movements with the aim of protecting the Constitution, monarchy, democracy, national sovereignty, security, social stability and peace, providing the foundations for socio-economic development. Although the CNRP was dissolved, the process of democracy and free elections remains in conformity with the Constitution of the Kingdom of Cambodia. As a matter of fact, 20 political parties took part in the 2018 general election, with different political tendencies and ideologies. The election was conducted in a smooth and non-violent manner, and 83.02% of the population whose names were listed in the voter registration lists went to cast their votes so as to decide upon their destinies.

C. Paragraph 9, Summons of Battambang Provincial Court of First Instance (page 4)

Only 26, not 35 summons, were issued by the Battambang Provincial Court of First Instance to former activists of the CNRP on the grounds that, in April 2019, they implemented CNRP policies, which violates the Appeal Judgment No. 340 (G) of the Supreme Court dated 16 November 2017. Having been questioned, they returned home without being charged or detained.

D. Paragraphs 40, 41, 42, Relocations of Floating Houses of Cambodian People and Those of Vietnamese Descent to New Land Sites in Kampong Chhnang (page 12)

As regards the relocations of floating houses on the Tonle Sap, the Kampong Chhnang Provincial Hall reviewed, discussed and devised a two-phase strategy for providing the following solutions:

- **Phase 1**, the relocations of 210 Cambodian houses located on the bank of Phsar Krom to a legitimate land lot equipped with adequate structure and market have been approved.
- **Phase 2**, the relocations of 2,397 Vietnamese descent houses (or 10,081 people) located at Dambouk [Ka]kaoh village, Svay Chrum commune, Rolea B'ier district, more than two kilometres away from the Tonle Sap, covering an area of 35 hectares of land are being planned. The authorities are also prepared to deal with water supply, electricity, roads, schools and health centres in the area.

To date, 2,188 Cambodian families living in ten villages of six communes, two districts, have volunteered to live on dry land, and 97% of those of Vietnamese descent are temporarily staying on dry land as well.

Based on the two-phase strategic plan, the Law on Immigration is enforced, preventing offences along the river and transnational crime, and increasing efficiency of the management of immigrants – when they enter, leave, and stay in Cambodia. Particularly, adverse effects caused by the flow of solid and liquid waste into the river, over 6 tons a day on average, can be prevented.

E. Paragraph 43, Birth Registration (page 12)

The example of “the children in the ethnic Vietnamese communities might not be able to access schools as they cannot get birth certificates” is not always true as registration officials may issue birth certificates for foreign children born in Cambodian territory provided their fathers or mothers are legal immigrants.

In response to paragraph 43 and the 7th recommendation (p), the Royal Government of Cambodia, particularly the Ministry of Interior, has recently achieved considerable success in seizing Cambodian administrative documents which are irregular, owned by foreigners, and accepting applications for recognition of foreign immigrants and permanent resident cards – i.e. ending chronic problems in settlement of immigrant aliens in the Kingdom of Cambodia, and at the same time, preventing the falsification of Cambodian administrative documents for foreigners, as well as taking part globally in the implementation of the Convention and International Covenant on Human Rights. Furthermore, the Ministry of Interior has also strengthened law enforcement measures through Circular No. 015 dated 1 July 2019 on the Issuance of Administrative Letters and Birth Certificates for Cambodian Spouses, Children, and Foreign Immigrants, with the aim of instructing sub-national level administrations and police units at all levels involved to expand administrative services for Cambodian spouses and their children who have been deprived of their documents, including immigrant aliens.

F. Paragraph 45 (page 13)

The mention made in paragraph 45 which is referred to arresting and detaining drug users is based on a number of civil society organisations or groups of people who are not aware of the measures being taken currently. Drug users are not detained without involving drug offences or trafficking. On the contrary, drug users and addicts are encouraged and given numerous options so that they voluntarily go and receive rehabilitation and treatment services at temporary centres and communities. To this end, the Royal Government has been expanding rehabilitation and treatment services voluntarily and community-based municipal and provincial health facilities and various guidelines that suit the convenience of drug users and addicts, receiving rehabilitation and treatment services at communities and continuing to receive healthcare services and other social services without fear and discrimination.

G. Paragraph 47 (page 13)

The highlight of concerns in this paragraph was repeated in the past by various organisations. It is acknowledged that the provision of involuntary rehabilitation and treatment services, especially in detention facilities, is less effective than voluntary rehabilitation and treatment services, and community-based rehabilitation services; however, what has been done is to help drug addicts who cannot control themselves and may harm themselves or others in accordance with the provisions of Law on Drug Control.

H. V. B. Participation and Partnerships (page 14)

To date, a total of **5,466** local associations and non-governmental organisations have provided their documents to and registered with the Ministry of Interior (**2,190** associations and **3,276** non-governmental organisations). After the Law on Associations and Non-Governmental Organisations came into effect, by the end of July 2019, a total of **870** local associations and non-governmental organisations registered with the Ministry of Interior (**410** associations and **460** non-governmental organisations).

On **21 June 2018**, the Ministry of Interior organised its first forum on partnerships between the Royal Government and civil society organisations to review the cooperation situation between the two parties. As a result, an Inter-Ministerial Working Group led by the Ministry of Interior was established with representatives from relevant ministries and institutions and decided to hold **the second forum on 17 January 2019** to review the cooperation situation between the two parties, with a total of **roughly 450 participants** from relevant ministries and institutions of the Royal Government of Cambodia, sub-national level administrative officials, and **approximately 218** civil society organisations and development partners.

Based on the outcomes of the second forum, the civil society organisations have focused on the enforcement of the Law on Associations and Non-Governmental Organisations, the Law on Fiscal and the Restrictions of Action by local authorities in some areas. With regard to proposals and recommendations that could not be dealt with at the forum, the Ministry of Interior requested the Royal Government to forward them to relevant ministries and institutions.

To ensure the implementation of Circular No. **040** dated 31 October 2018, the Ministry of Interior also issued Notification No. **598** dated 14 March 2019, tasking the municipal, provincial administrations with organising consultative forums for 2019, with the participations of experts, city, district, Khan, commune, Sangkat administration-related competent authorities, as well as associations, non-governmental organisations, and local communities. Up to now, almost all municipal, provincial administrations have already organised the first consultative forum for 2019 and are preparing the second one for 2019.

The Ministry of Interior also took part in the Civil Society Days, the first forum to gather, share important events and stories of civil society, discuss key issues, development trends and challenges of the previous years, and set main priorities, working methods, and strategies under the theme of **“Inclusive Partnerships for Democratic and Sustainable Development”**, with representatives from relevant ministries of the Royal Government,

donor development partners, local and international associations and organisations, representatives of local community organisations and the private sector.

On the 1st May 2019 “International Labour Day”, the Phnom Penh Municipality allowed approximately over 1,000 people from labour unions, associations and non-governmental organisations to meet to express their opinions on the premises of the Democracy Square and in front of the Council for the Development of Cambodia.

As regards the amendment to the Law on Associations and Non-Governmental Organisations, the Ministry of Interior has been reviewing and conducting research, based the previous law enforcement experience (Law on NGOs) as well as other experience gained from other countries in the world.

Meanwhile, the Ministry of Interior is going to organise the third forum on partnerships between the Royal Government and civil society organisations in August 2019. One of its agendas includes discussion on an amendment to the Law on Associations and Non-Governmental Organisations, which is proposed by civil society organisations.

I. Paragraph 55, Full Freedom and Rights to Operate NGOs Activities (page 15)

The Inter-Ministerial Working Group led by the Ministry of Interior has never received complaints or information from civil society organisations that say police authorities watch or monitor their activities. Previously, local police authorities have complained about groundless allegations made by civil society organisations while patrolling the areas people live for keeping security and safety for the people in compliance with the Village-Commune Safety Policy. While local police authorities were on patrol, the civil society organisations were also in action and alleged that local police authorities watched and monitored their activities. Such groundless allegations against local police authorities who just played their roles in maintaining social order and security for the people were unjustified.

J. Paragraph 56, The Right to Peaceful Assembly (page 15)

Gatherings and marches are not restricted; however, respecting the Law on Peaceful Demonstrations is necessary.

Provision of Comments on Factual Errors in the Addendum to the Report of Ms Rhona Smith, UN Special Rapporteur, in charge of Human Rights Situation in Cambodia

Ministry of Interior

A. Recommendations for Children

Paragraph 26 (page 10)

In addition to the core principles of the Convention on the Rights of the Child, Cambodia has ratified Convention No. 182 of the International Organisation for Migration (IOM) on the immediate prohibition of all forms of child labour; a protocol to prevent, suppress and punish trafficking in persons, especially women and children, and other two optional protocols to the Convention on the Rights of the Child that involve children in armed conflict and trafficking, child prostitution and child pornography. Cambodia has also ratified the UNESCO's Convention against Discrimination in Education.

Paragraph 27 (page 11)

Cambodia has a large young population, and the Royal Government has taken a number of measures to support these young people, including the education sector (as stated in the fourth Sustainable Development Goals). (Briefly) ... The Special Rapporteur remains concerned about the plight of children of indigenous and ethnic groups, including Vietnamese children, who are still subject to discrimination, inconvenience and inaccessibility to school and so on. UNESCO stated that Cambodia should be encouraged and forced to provide the right to free basic education, adopting effective measures that target vulnerable groups such as those who are unemployed and child labourers to ensure that all children are banned from severe employment or labour exploitation and receive education instead.

Paragraph 28 (page 11)

The Children's Rights Commission has voiced its grave concern after seeing a series of reports which state child sexual exploitation in the context of tourism and tourists, especially in remote rural areas, which is named orphanage tourism – children living in institutions or orphanages are sexually exploited by foreigners, serving as tourists and voluntary labourers. The Children's Rights Commission has urged Cambodia to strengthen its legal framework and awareness-raising measures, including in remote rural areas, and take all necessary measures to ensure that all tourism-related cases...

The national and sub-national level specialised units have paid attention to child sexual abuse in prevention and suppression, pursuant to the law in which the provisions related to child offences are crimes that cannot be tolerated. For example, the offences against which the authorities have taken action for the first 6 months of 2019 include:

- One American national was arrested on child prostitution.
- Three Cambodian suspects were arrested on trafficking (related to minors).
- Six Cambodian suspects were arrested on trafficking (related to child prostitution).
- 31 Cambodian suspects (including 6 minors) were arrested on sex with minors under 15.
- 14 suspects (including three minors and one American national) were arrested on assault against minors under 15.

Paragraph 33 (page 13)

Child witnesses become the focus for serious consideration and a priority—we have built the capacity of law enforcement officials and implemented child-friendly court procedures with measures to protect and support child victims and child witnesses at every procedural stage

because child victims and child witnesses are compelling evidence for inculpatory suspects and criminal networks involving in trafficking, abuse and exploitation of children.

D. Foreigners of Vietnamese Descent (page 17)

Paragraph 47 (page 17)

Following the outcome of 2015-2016 Immigrant Census, it was found that a number of children whose parents are Vietnamese did not go to school. In this regard, the Ministry of Interior has communicated and coordinated with the Ministry of Education, Youth and Sport to ensure that they go to school like other children.

Paragraphs 48-49 (page 18)

As regards the birth registration or birth certification, the Ministry of Interior already provided the clarification through Letter No. 1746 dated 23 July 2019.

Paragraph 50 (page 18)

The Ministry of Interior has strictly implemented the Law on Citizenship and Immigration without segregation by revising the 2015-2016 Immigrant Statistics, thus providing a more specific database for proper solutions.

The Ministry of Interior has recently achieved considerable success in confiscating irregular administrative Cambodian documents owned by foreigners and receiving applications for the recognition of immigrant aliens and permanent resident certificates – i.e. putting an end to the long-standing problem of dealing with immigrant aliens in the Kingdom of Cambodia, preventing the issuance of illegal administrative Cambodian documents for foreigners, as well as participating globally in the implementation of the Convention and International Covenant on Human Rights. After the confiscation of the irregular administrative documents owned by foreigners, the Ministry of Interior has instructed the sub-national level administrations and all police units that involve issuing administrative letters and birth certificates for Cambodian spouses, children and immigrant aliens whose documents had been confiscated to expand the administrative services in response to their needs as stated in Circular No. 015 of 1 July 2019 issued by the Ministry of Interior.

Paragraph 66: Migration

The Royal Government of Cambodia has collaborated with partner organisations (Cambodia Acts, Plan International, and Child Fund), researched data on vulnerability of children in migration, and initiated the establishment of a child-friendly community.

The Royal Government of Cambodia has updated the domestic migration in order to:

- be aware of migration goals and status (legal and illegal);
- provide legal and safe migration training; and
- introduce measures in response to the needs of the people, reducing the risks of migration.

The Royal Government of Cambodia has established a labour centre, where Foreign Authorities (Thailand) have sent labourers back, for researching information and data related to labourers' vulnerability and providing them with appropriate services, especially forced labour victims.

Through interviews and research, labourers in Thailand face the following risks:

- Document expiry;
- Irregular documents, wrong identities, especially those issued unilaterally by the Thai party (pink card, seaman book or sea book);

- Unemployed or unregistered labourers within the legal filing period (June 2017-June 2018);
- Children born and grown up in the country of destination (e.g. Thailand) whose parents migrated for a long time do not return to their hometown (source country). They do not receive education, identity and citizenship certification and official letters for legal employment in the country of destination;
- Those who are elderly, incapable of working, disabled, or chronically or psychologically ill will be sent back one after the other; and

The Royal Government has been looking into these issues:

The Royal Government of Cambodia has strengthened the cooperation with the Royal Government of Thailand (in particular the Ministry of Labour and Vocational Training and the Ministry of Foreign Affairs and International Cooperation) in order to share responsibility, jointly addressing issues between the sending and receiving countries;

The Royal Government of Cambodia has been discussing, exchanging ideas between the three sending countries: Cambodia, Laos, Burma, in order to identify common issues as a priority and common possible solutions, which can be done collaboratively and the three countries request to cooperate with the country of destination for improving the situation;

The Royal Government of Cambodia has set up a labour centre for workers who are sent back by foreign authorities along the Cambodian-Thai border (from Poipet International Checkpoint in Banteay Meanchey province to the Doung International Checkpoint in Battambang province);

The Royal Government of Cambodia has been developing a migrant worker monitoring database (General Department of Immigration, General Commissariat of National Police, Ministry of Labour and Vocational Training, Ministry of Foreign Affairs and International Cooperation, and the National Committee for Counter Trafficking...);

The Royal Government of Cambodia has been monitoring the labour situation in the country of destination, including employment requirements, living conditions, legal status and challenges of the labourers in the country of **destination**.

(Visiting and helping victims...)

The Ministry of Health: agreed without revision.

The Ministry of Planning: agreed without revision.

The Cambodian Human Rights Committee: agreed without revision.

The Ministry of Women's Affairs:

Paragraph 21 (page 9)

The report should provide concrete evidences so appropriate measures can be taken in response to the mistreatment.

According to the Constitution of Cambodia Article 46, A woman shall not lose her job because of pregnancy. Woman shall have the right to take maternity leave with full pay and with no loss of seniority or other social benefits.

Article 182 of Labour law also states that women shall be entitled to a maternity leave of ninety days. After the maternity leave and during the first two months after returning to work, they are only expected to perform light work. The employer is prohibited from laying off

women in labour during their maternity leave or at a date when the end of the notice period would fall during the maternity leave.

Paragraph 33 (page 13)

The Royal Government of Cambodia (RGC) has made great efforts and achieved significant progress in term of establishing policies, legal framework and mechanisms at national and sub-national levels to respond to gender-based violence against women and children.

According to the Criminal Code of Cambodia, rape and gender-based violence are regarded as serious crimes (Articles 222, 239, 246 and 250). There is no tolerance against this kind of criminal act and the perpetrators are prosecuted. Compromise and mediation for these types of criminal acts are not encouraged and prohibited by the government authority even for domestic violence cases.

Paragraph 59 (page 20)

It was a small survey consisting of interviewing 135 transgender respondents. The findings are questionable and shall not be generalised.

Paragraph 64 (page 21)

Currently, the third National Action Plan to Prevent Violence Against Women 2019 - 2023 is under development and will be designed based on lessons learnt and to continue addressing the gaps and challenges. In addition, appropriated measures and initiatives are identified to address emerging issues including violence against women in or vulnerable groups. It is expected that the key policy framework will help to guide and improve response to prevent and address intimate partner violence and sexual violence against women and girls -including rape and sexual harassment- at national and sub-national levels.

Paragraph 65 (page 21)

In respect to Samdech Techo Prime Minister's recommendation during the annual meeting of Cambodia National Council for Women in 2018, the Ministry of Women's Affairs has been working with Ministry of Health, Ministry of Interior, Ministry of Social Affairs, Veterans and Youth Rehabilitation, other relevant ministries and institution both at national and sub-national level and development partners to establish a place in a hospital by exploiting one-stop service centre model where essential services such as counselling, health, justice, social services are available. Currently, the inter-ministrial working group is piloting the project in two provinces, Steung Treng and Kampong Cham.

Regarding the prevention of harassment in the workplace, the Cambodian Labour Law prohibits sexual harassment and indecent behaviour in the workplace (Article 172). This Law prohibits forced or compulsory labour and provides for a fine of 61-90 days' reference wages or imprisonment ranging from 6 days to 1 month (Article 15). It also prohibits the hiring of people for work to pay off debts (Article 16).

Paragraph 69 (page 22)

The Ministry of Justice (MoJ) continued to train prosecutors, court clerks, gendarmes, police, and law enforcement officials on the Criminal Procedure Code, the Criminal Code, the Civil Code, the Civil Procedure Code and other legal provisions protecting women's rights. The MoJ integrated the Gender Mainstreaming Action Plan (GMAP) into their Strategic Plan 2014-2018. From 2014-2016, they conducted dissemination workshops and provided training on CEDAW, gender, and national laws related to women's rights to 3,650 (1,204 female) judges and prosecutors, court clerks and court officials, law enforcement officers and MoJ officials throughout the country.

In the annual meeting of Cambodia National Council for Women in February 2019, Samdech Techo Prime Minister approved on the allocation of national budget of 500 Million Cambodian Riel (almost 122,797 USD) for provision of legal support for women and girls subject to violence. Samdech Techo Prime Minister also established a group of volunteer

lawyers who will provide pro-bono legal assistance to the women and girl survivors of violence.

The Ministry of Commerce: Provide some notes

The Ministry of Commerce has made efforts to improve the living standards of rural population for sustainable development in line with the Royal Government policy and promotion of the participation of women and persons with disabilities.

Since 2017, the Ministry of Commerce has been implementing a five-year, small-scale agricultural marketing project with the aim of increasing 30% of the incomes of 75,000 poor families through (1) linking agricultural products to markets, (2) public investment, (3) promoting the implementation of proper agricultural techniques for addressing challenges that impede the sales of smallholders' products to markets. To date, 17 Provincial Departments of Commerce have been implementing project activities at the sub-national level in order to identify poor farmers and the vulnerable so that they can benefit from the project.

As regards the promotion of women's participation, the Ministry of Commerce always maintains the principle of equality between men and women in decision-making, providing comments on affairs of the ministry, and promoting their roles or status based on their competence and gender equality. Meanwhile, the Ministry of Commerce has established its Gender Working Group to promote gender equality in trade and provide training on knowledge and skills in capacity development and promotion of women's participation in public functions at both national and sub-national levels.

The Ministry of Commerce recently launched the Cambodia Trade Integration Strategy 2019-2023, in which the strategy book also analyses women's challenges and identifies strategies for providing them with support and promoting their participation in trade.

With regard to the focus on persons with disabilities, the Ministry of Commerce has ensured that at least two per cent of persons with disabilities engaging in the ministry in line with the Sub-decree of the Royal Government.
