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Agenda items 2 and 10

### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

### Technical assistance and capacity-building

## **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 and protection of human rights**

### **Report of the Secretary-General\***

#### *Summary*

Submitted pursuant to Human Rights Council resolution 36/32, the present report outlines the role and achievements of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Cambodia from 1 January 2018 to 31 May 2019.

The period was marked by continuing political tension in the context of the national elections held on 29 July 2018, including restrictions on the enjoyment of civil and political rights. At the same time, positive developments occurred, including adoption of the Cambodian Sustainable Development Goals framework and economic growth contributing to improvements in economic and social rights.

OHCHR continued its programme of technical cooperation with partners in Cambodia in key areas, including strengthening the rule of law and protecting fundamental freedoms, economic, social and cultural rights and the rights of people in detention.

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\* The present report was submitted after the deadline in order to reflect the most recent developments.

## I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 36/32. In it the Secretary-General outlines the role and achievements of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in assisting the Government and the people of Cambodia in the promotion and protection of human rights from 1 January 2018 to 31 May 2019. It provides an update of the report of the Secretary-General (A/HRC/37/64) presented to the thirty-seventh session of the Council on the same subject.
2. Throughout the reporting period, OHCHR proceeded with technical cooperation activities with the judiciary, the Supreme Council of the Magistracy, the governmental Cambodian Human Rights Committee, the Ministry of Interior, the Ministry of Justice, the Ministry of Rural Development, the Ministry of Land Management, Urban Planning and Construction and other governmental actors, civil society and other actors. It continued monitoring the human rights environment, including land and housing rights, the right to participation, fundamental freedoms, trials and places of detention. On 22 October 2018, in the presence of the United Nations High Commissioner for Human Rights, the Prime Minister of Cambodia and the Deputy Prime Minister with the portfolio of Minister of Foreign Affairs, the Government and OHCHR renewed the Memorandum of Understanding for the implementation of a technical cooperation programme on human rights for the period 2019–2020.
3. OHCHR also continued working closely with the United Nations system in Cambodia to support the mainstreaming of human rights within the United Nations Development Assistance Frameworks 2016–2018 and 2019–2023, chairing the human rights theme group and supporting joint actions, including through media, to advance human rights in Cambodia.

## II. Enhancing participation and protecting civic space

4. For much of 2018, national and subnational authorities enforced the October 2017 directive of the Ministry of Interior requiring civil society organizations to give three days' notice prior to planned activities. In February 2018, Parliament enacted a series of amendments to the Constitution and the Criminal Code, including a *lèse majesté* provision. The Special Rapporteur on the situation of human rights in Cambodia and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression noted in a statement on 20 February 2018 that “*lèse majesté* provisions are incompatible with Cambodia’s obligations under international human rights law, as they criminalize the legitimate exercise of freedom of speech”.<sup>1</sup>
5. On 8 April 2018, Sam Rainsy, one of the leaders of the former main opposition party, the Cambodia National Rescue Party, in self-imposed exile since 2015, shared a video on Facebook calling on Cambodians to boycott the national elections. On 8 May, the Chair of the National Election Committee wrote to the Ministry of Interior asking for legal action on the grounds that the boycott appeal was affecting public order and national security by obstructing eligible voters from casting their ballot. The Special Rapporteur on the situation of human rights in Cambodia referred to Human Rights Committee general comment No. 25 (1996) on participation in public affairs and the right to vote, noting that “restrictions on calls for a boycott of a non-compulsory vote are inconsistent with the right to freedom of expression as such restrictions impede political debate” (A/HRC/39/73/Add.1, para. 57).
6. On 19 April 2018, the Working Group on Arbitrary Detention rendered an opinion that the detention of Kem Sokha, leader of the former Cambodia National Rescue Party arrested for alleged “treason” in September 2017, was arbitrary (A/HRC/WGAD/2018/9).
7. On 10 May 2018, the Court of Appeal upheld the convictions for “insurrection” and the related sentences ordered by the court of first instance in 2015 against 11 members of the former Cambodia National Rescue Party. In a press briefing note, the Spokesperson for the

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<sup>1</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22674&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22674&LangID=E).

High Commissioner expressed disappointment at the decision given concerns of fair trial rights and the perception of government interference at the time of the trial.<sup>2</sup>

8. On 28 May 2018, the Ministry of Interior, the Ministry of Information and the Ministry of Posts and Telecommunications adopted an inter-ministerial proclamation (*Prakas*) entitled “Controls on publication of website and social media processing via Internet” which allowed the blocking of websites and social media pages containing content considered to cause incitement, turmoil or discrimination or undermining national security, among other grounds. The Special Rapporteur on the situation of human rights in Cambodia expressed concern that some of the phrases of the *Prakas* were vague and overly broad in scope, and raised the issue of whether some of the grounds, such as causing turmoil, fell outside the scope of permitted limitations on freedom of expression (A/HRC/39/73/Add.1, paras. 72–73).

9. The Special Rapporteurs on the situation of human rights in Cambodia, on the promotion and protection of the right to freedom of opinion and expression and on the rights to freedom of peaceful assembly and of association expressed their concern about media freedoms ahead of the elections in a statement issued on 15 June 2018. The concern related to a media code of conduct issued by the National Election Committee in May prohibiting the publication of views that may lead to confusion or a loss of confidence in the elections. The Special Rapporteurs stated that “these prohibitions use broad and imprecise terminology that could lead to sweeping restrictions on the media that would be incompatible with international standards”.<sup>3</sup>

10. The elections took place on 29 July 2018 without the Cambodia National Rescue Party, which had been dissolved by the Supreme Court in November 2017. The party had received about 44 per cent of the popular vote in the 2013 national elections and again in the 2017 commune elections. On 27 July, the Spokesperson of the Secretary-General stated that “the Secretary-General recalls that an inclusive and pluralistic political process remains essential for safeguarding the progress made by Cambodia in consolidating peace. The Secretary-General calls on all actors to reduce tensions and political polarization. He calls upon the Government to uphold international human rights standards and in particular to ensure guarantees for civil society actors and political parties to exercise their democratic rights.”<sup>4</sup>

11. On 15 August, the National Election Committee announced the election results: the official turnout was just over 83.02 per cent with the ruling Cambodian People’s Party gaining 76.85 per cent of the vote, winning all 125 seats in the National Assembly. This followed the February 2018 election in which the ruling party won all 58 elected seats in the Senate (the Senate is elected by the commune councillors and members of the National Assembly). Both chambers had a Cambodian People’s Party majority following the redistribution of seats to unelected officials at the national and subnational levels in the wake of the dissolution of the Cambodia National Rescue Party in late 2017. The 25 May 2019 indirect elections for municipal, provincial and district councils resulted in the Cambodian People’s Party gaining 96 per cent of the votes.

12. On 17 August, OHCHR issued a press briefing note stating, *inter alia*:

“We are concerned about the human rights environment around the elections that were recently held in Cambodia without the dissolved main opposition party, the Cambodia National Rescue Party. This left a significant proportion of the population without chosen representation, causing concern for their rights to political participation. People were reportedly intimidated or paid to vote, and civil society organizations faced harassment in the run up to the election. Seventeen popular websites were blocked around election day. There were further restrictions placed on the freedom of expression of individual voters and political opponents who called for a boycott or

<sup>2</sup> See [https://cambodia.ohchr.org/sites/default/files/180511%20Briefing%20note%20on%20Cambodia\\_ENG.pdf](https://cambodia.ohchr.org/sites/default/files/180511%20Briefing%20note%20on%20Cambodia_ENG.pdf).

<sup>3</sup> See [www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23205&LangID=E](http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23205&LangID=E).

<sup>4</sup> See [www.un.org/sg/en/content/sg/statement/2018-07-27/statement-attributable-spokesman-secretary-general-cambodia](http://www.un.org/sg/en/content/sg/statement/2018-07-27/statement-attributable-spokesman-secretary-general-cambodia).

announced their intention to abstain from voting in the election, including through threats, fines and legal action.”<sup>5</sup>

The Special Rapporteur on the situation of human rights in Cambodia noted that the dissolution of the Cambodia National Rescue Party and the banning of 118 of its senior members from political activity for five years seriously called into question the genuineness of the elections (A/HRC/39/73/Add.1, para. 87).

13. In September 2018, Mr. Sokha was released from prison and placed under strict judicial supervision amounting to house arrest. In the preceding weeks, political commentator Kim Sok was released upon completing an 18-month prison sentence for defamation and incitement, land activist Tep Vanny was pardoned and released from prison, two former journalists of Radio Free Asia were released on bail and 14 members of the former opposition who had lost their appeal against a conviction of insurrection in May 2018 were pardoned and released from prison. On 26 September, five staff and former staff of the Cambodian Human Rights and Development Association were convicted, almost 2 1/2 years after their arrest, on counts of bribery of a witness or complicity in doing so, and given prison sentences, which were partly suspended.

14. In November 2018, the Ministry of Interior lifted the aforementioned requirement for civil society organizations to seek three days’ prior notification in advance of planned activities. The Ministry also committed to hold consultative forums every six months or when necessary with civil society and established an inter-ministerial working group to address civil society concerns, including in relation to the Law on Associations and Non-Governmental Organizations. In December 2018, the National Assembly amended the Law on Political Parties to allow individuals who had been banned from political activities by the 2017 Supreme Court ruling to seek, through the Prime Minister, restoration by the King of their political rights. The same month, the Ministry of Foreign Affairs issued a statement addressing issues and making commitments in relation to partnerships with civil society organizations and the protection of land and trade union rights, media and press freedoms and land rights.<sup>6</sup> On 17 January 2019, the Ministry of Interior held a consultative forum with broad participation of civil society organizations which followed the first one, held in June 2018.

15. OHCHR continued to receive information from civil society organizations that their activities are closely monitored by the police, in spite of the lifting of the three days’ notice requirement. Further, OHCHR missions and workshops have also been subject to police surveillance. OHCHR has received information that more than 145 members of the former opposition were summoned to court or were being detained in 2019. OHCHR has been following the cases and, on 21 May 2019, indicated in a statement its concern at the ongoing summoning and detention of former members of the Cambodia National Rescue Party.<sup>7</sup>

16. Throughout the reporting period, OHCHR continued to provide legal advice during the drafting process of the law on access to information. The draft text was officially finalized at a meeting held from 24 to 26 January 2018 in Sihanoukville, organized by the Ministry of Information and with broad stakeholder participation, and further refined following the engagement of the United Nations Educational, Scientific and Cultural Organization and OHCHR in June and August 2018. The draft, yet to be adopted, is substantially compliant with international standards and followed a participatory drafting process.

17. OHCHR continued to build the capacity of Cambodian civil society organizations. Through six training sessions it trained 139 male, 76 female and 10 transgender civil society members, including grass-roots and land activists and trade unionists, from Kratie, Odor Meanchey, Banteay Meanchey, Battambang, Preah Vihear, Siem Reap, Kampong Speu, Svay Rieng, Kampong Cham and Koh Kong Provinces. Participants were trained on monitoring methodology, preparation of submissions to international mechanisms and advocacy. OHCHR supported six training sessions to assist civil society organizations with

<sup>5</sup> See <https://cambodia.ohchr.org/sites/default/files/Briefing%20Note%20on%20election%20Eng.pdf>.

<sup>6</sup> See [www.mfaic.gov.kh/site/detail/23386](http://www.mfaic.gov.kh/site/detail/23386).

<sup>7</sup> See [www.facebook.com/OHCHRCambodia/photos/a.197076707104491/1732510536894426/?type=3&theater](https://www.facebook.com/OHCHRCambodia/photos/a.197076707104491/1732510536894426/?type=3&theater).

their submissions to the third universal periodic review of Cambodia; 384 people participated, 123 of them women. OHCHR conducted two training sessions on basic aspects of human rights to 25 young people (15 of them female), members of a youth organization, in Battambang and Phnom Penh.

18. In order to promote the protection of civil society organizations, OHCHR drafted, in consultation with them, a protection handbook that includes practical information in a simple format to assist individuals and organizations develop a safety and security plan and understand the relevant human rights protection mechanisms nationally and internationally. The handbook will be published later in 2019.

19. OHCHR continued monitoring public gatherings, many of them assemblies convened in relation to land and housing rights. On 10 December 2018, national and provincial authorities indicated that they would not allow certain activities to celebrate Human Rights Day. OHCHR contacted the relevant authorities and in some – but not all – cases assemblies were allowed to proceed. OHCHR wrote to the Ministry of Interior raising concerns about respect for the right to freedom of peaceful assembly. On 8 March 2019, the Government did not authorize a march related to a proposed peaceful assembly on International Women’s Day. OHCHR and the United Nations Entity on Gender Equality and the Empowerment of Women (UN-Women) sent a letter to the Ministry of Interior in connection with the banned march, raising their concerns about respect for the freedom of peaceful assembly.

20. On 6 July 2018, OHCHR sent a letter to the Ministry of Interior requesting its intervention in a case where the National Election Committee had indicated that an organization undertaking human rights monitoring might be in violation of the law, as the organization’s monitoring activities were not among the election-observation activities allowed and recognized by the Committee. OHCHR requested a public clarification that registration with the National Election Committee was required only for those organizations conducting election observation and stipulating that there were no restrictions on human rights monitoring related to the elections. On 25 July, OHCHR wrote to the National Election Committee in relation to reported complaints against former Cambodia National Rescue Party members with respect to their expression of intent not to vote. OHCHR encouraged the application of Cambodian law to be consistent with international standards on the right to freedom of expression, which do not permit restrictions on calls for a boycott of a non-compulsory vote.

21. OHCHR documented 851 cases of individuals who alleged violations of civil and political rights during the reporting period, including 295 individuals affiliated to existing or former political parties. OHCHR followed up on the cases either through relevant human rights mechanisms or directly with government authorities.

### **III. Supporting prison reform**

22. OHCHR continued its partnership with the General Department of Prisons to support prison reform. The Office conducted 30 visits to 14 prisons over the reporting period, following which it presented recommendations to the management of the prisons visited and raised relevant issues with the Department. The latest six-monthly prison visit authorization, granted in January 2019, no longer places restrictions on confidential interviews with detainees.

23. As a result of the ongoing governmental “campaign against illicit drugs” launched in January 2017, prison overcrowding has become a national challenge, leading to the call by the Deputy Prime Minister and Minister of Interior in November 2018 for the courts to expedite cases and make increased use of alternatives to custody. When the anti-drug campaign was renewed for the fourth time in March 2019, 56 per cent of all prisoners were charged or convicted of drug-related offences while only 29 per cent were serving a final enforceable sentence. The campaign has taken a particular toll on women: over 73 per cent of the total female prison population are women and girls detained or convicted of drug-related charges.

24. OHCHR continued to work closely with prison registry officers and legal aid organizations to identify cases of prisoners held in excessive detention and followed up with the courts to ensure their release. In April 2019, OHCHR resumed technical assistance to support the development of a database for prisons. The database aims at enabling prison authorities to better keep track of multiple charges and sentences and the relevant time limits applicable to different categories of prisoner, in particular those detained pretrial, and to better monitor time served to facilitate timely releases and timely applications for sentence reduction or pardon.

25. With the International Committee of the Red Cross, OHCHR advocated for the finalization of long-awaited regulations on minimum standards for prison construction and renovation, foreseen in the 2011 Prison Law. The document reflects several recommendations made by OHCHR in previous years. As part of a broader programme on access to justice for persons with disabilities, OHCHR also partnered with the Cambodian Disabled People's Organization, which started a mapping of the conditions and treatment of prisoners with disabilities in five prisons.

26. OHCHR continued to collaborate with trainers from the General Department of Prisons and the Professional Training Centre for Prison Officials of the Police Academy of Cambodia to improve training of prison personnel. In May, September and December 2018 as well as in May 2019, it co-organized four joint study visits to four prisons for 231 prison staff trainees and their 20 trainers, which allowed them to contextualize their learning and teaching in real prison environments. In May and September 2018 as well as in May 2019, OHCHR delivered lectures on the prevention of torture for 191 new recruits. OHCHR also worked with the Department and Academy trainers, including younger trainers, to review the human rights content of their curriculum. In the latest review meeting, held in November 2018, the trainers noted the pedagogical value of the prison visits and requested assistance in ensuring sustainable funding for the training programme.

27. OHCHR worked with national and provincial health and prison authorities to equip rooms at the referral hospital in Siem Reap Province with appropriate security features. Three secure rooms will be operational later in 2019. This will facilitate the hospitalization of sick prisoners without heightened escape risks, enabling the detainee patients to enjoy their right to health without being restrained by chains or handcuffs.

28. OHCHR continued to support the National Committee against Torture, which is the Cambodian national preventive mechanism, to raise awareness of the existence and mandate of the mechanism among authorities at places of deprivation of liberty as well as the public. In July 2018, the Deputy Prime Minister and Minister of Interior issued a letter to all national- and subnational-level authorities to clarify the National Committee's independent mandate and its power to conduct unannounced preventive visits to all places of deprivation of liberty. In December 2018, OHCHR and the National Committee co-organized a national sensitization workshop on the roles and duties of this mechanism. Opening the workshop, which brought together 185 participants (including 13 females), including all prison directors, police commissioners, gendarmerie commanders, provincial governors and immigration, drug and social affairs authorities as well as representatives from non-governmental organizations and development partners, the Deputy Prime Minister emphasized these important messages once again. OHCHR continues to work with the National Committee in the development of its tools and methods.

#### **IV. Strengthening the rule of law**

29. OHCHR continued to serve as the donor partner facilitator of the technical working group on legal and judicial reform, co-chaired by the Ministry of Justice. This group met once in March 2019 to discuss the new 2019–2023 joint monitoring indicators, which will guide the work in the justice sector for all relevant stakeholders. At that meeting, OHCHR provided a review of progress on reaching the joint monitoring indicators and encouraged engagement to implement activities on which there had been no progress, in particular the agreed study on judicial integrity.

30. One of the activities included in the 2014–2018 joint monitoring indicators was the creation of a legal aid policy. The draft policy was finalized in August 2018, following a consultative and participatory drafting process in which OHCHR took an active part. The draft policy significantly extends the scope and objective of legal aid and sets out a series of recommendations for harmonizing the legal framework and establishing a governance body. OHCHR will continue advocating for its adoption and implementation. The legal aid budget increased in 2018 and again in 2019. The Bar Association of the Kingdom of Cambodia delegated at least one lawyer to each province and, together with the Ministry of Justice, simplified the administrative procedure for requesting a legal aid lawyer, resulting in an increased access to legal aid in all provinces.

31. In the absence of a comprehensive legal aid system, OHCHR continued supporting legal aid non-governmental organizations (NGOs) by providing grants for the provision of legal aid in cases relating to access to justice for persons with disabilities, land and housing rights and 119 prioritized cases of prisoners pending appeal. More than three dozen final judgments were obtained, which helped reduce the backlog in the Court of Appeals. Through OHCHR intervention, 13 prisoners who had been held in excessive detention for periods ranging from one month to over two years were released. There was also improvement in communication among criminal justice actors, including lawyers, court clerks and prison officials. However, challenges remain such as access to case files, no transportation of prisoners to their appeal hearings, trials in absentia, lack of legal representation and lack of notification of verdicts. These challenges will be the focus of the National Conference on Communication within the Criminal Justice System, co-organized by OHCHR and the Ministry of Justice, which was scheduled to take place in June 2019.

32. Throughout the period, OHCHR undertook human rights analysis of draft or enacted legislation. In addition to the amendments to the Constitution and the Criminal Code mentioned earlier, OHCHR began an analysis of the draft law on surrogacy and participated in a regional expert meeting organized by OHCHR, the World Health Organization and the United Nations Population Fund. OHCHR published a commentary on the Law on the Minimum Wage, which was adopted in June 2018. In March 2018, OHCHR contributed to the development of the tenth draft of the environment and natural resource code by participating in workshops and providing written detailed comments relating to human rights.

33. OHCHR monitored judicial proceedings in more than 40 cases, identifying gaps in the implementation of international human rights standards where further technical assistance is required, particularly regarding fair trial rights.

34. In 2018, together with the Ministry of Justice and the Supreme Council of the Magistracy, OHCHR conducted three regional training workshops for judges in Kampot, Mondulkiri and Pursat Provinces to follow up on the new pretrial detention form. The workshops focused on the importance of providing legal reasoning when deciding cases of pretrial detention, in line with the pretrial guidelines issued by the Ministry of Justice in 2014. Despite the increased use of the form by judges, the number of people in pretrial detention increased, both in number and as a proportion of the prison population, primarily due to the Government's anti-drug campaign.

35. OHCHR continued its support for the installation of the criminal case database at six first instance courts, with new modules installed in the 12 courts where it was already operating. The database records all case information from the investigation stage through to the prosecution, trial and sentence execution stage. The database should increase transparency and efficiency in the courts, and also help to avoid excessive pretrial detention and detention beyond the period of sentencing by improving access to information and communication between government agencies. OHCHR observed greater use of the database by some courts, as well as public access to the database and an increasing number of cases being entered. All courts of first instance will have the database by the end of 2019. The Ministry of Justice announced it would create a data centre in Phnom Penh to facilitate data collection and analysis from all courts.

36. OHCHR started implementing a joint project with the United Nations Development Programme (UNDP) on access to justice by persons with disabilities, funded by the United Nations Partnership to Promote the Rights of Persons with Disabilities. Two training

workshops were carried out for judges, prosecutors and lawyers from the three target provinces – Banteay Meanchey, Battambang and Siem Reap – to introduce them to the human rights approach to disability. OHCHR also organized two trainings for local organizations of persons with disabilities on documenting and monitoring cases of human rights violations. Three grants were awarded to organizations, including in relation to the provision of legal aid, assessing the situation of persons with disabilities in prison and supporting persons with psychosocial disabilities who are chained in their homes.

37. In a survey carried out in 2018, as part of the OHCHR Extraordinary Chambers in the Courts of Cambodia legacy programme, most judges surveyed considered the Annotated Code of Criminal Procedure, a flagship product of the programme, as a useful tool. OHCHR resumed its work with law students to discuss the programme’s legacy and fair trial rights, providing two lectures and facilitating one training for 30 university students in 2018.

38. Following its monitoring and advocacy activities, OHCHR produced a report on popular justice, including incidents of mob killings or beatings and cases of killings, beatings, harassment and eviction of people accused of practising witchcraft. The public report, to be launched in July 2019, highlights challenges in the judicial sector to deal with popular justice as well as progress in police and court investigations. The release of the report will mark the start of a public awareness campaign led by OHCHR together with the Cambodian Human Rights Committee, encouraging people not to participate in acts of popular justice and to report these to the police.

39. As part of its torture-prevention work, OHCHR collaborated with the National Committee against Torture and local prosecutors from Kratie and Tbong Khmum Provinces to organize a series of district-level briefings. More than 300 local law enforcement authorities were briefed on torture prevention, use of force and rights upon arrest, including relevant national legislation and international instruments.

## V. Advancing sustainable development through human rights

40. Economic growth continued at high levels of over 7 per cent, which has had positive effects for the enjoyment of economic and social rights. According to government figures, the poverty rate fell from 47.8 per cent in 2007 to 13.5 per cent in 2014. Nonetheless, the number of people just above the poverty line, also referred to as the “near poor”, has grown, highlighting the vulnerability of many people to economic and other shocks. In September 2018, UNDP released the Multidimensional Poverty Index – a complex measure based on 10 indicators including education, health and living standards – which placed the multidimensional poverty rate at 35 per cent for Cambodia, rating Cambodia 58 out of 105 countries.<sup>8</sup> During the reporting period, the Government introduced the Law on the Minimum Wage and also increased the minimum wage for workers in the textile and footwear sector by 7 per cent in January 2019 to \$182 a month.

41. In September 2018, the Government published its Rectangular Strategy Phase IV, setting out the main developmental goals and placing governance at its core. In November 2018, the Government published the Cambodian Sustainable Development Goals, including an additional goal on demining. The Special Rapporteur on the situation of human rights in Cambodia has highlighted the fact that the targets and indicators in relation to Cambodian Sustainable Development Goal 16 on peace, justice and strong institutions are significantly reduced in comparison to the global goal.<sup>9</sup> The Government is currently drafting the national strategic development plan, which, together with the Rectangular Strategy Phase IV and the Cambodian Sustainable Development Goals, will form the Government’s overall development strategy.

42. On 7 February 2019, the Ministry of Land Management, Urban Planning and Construction published its annual report on land registration. According to the report, from its inception until December 2018, the Ministry issued 5,127,819 land titles, or 73.25 per cent

<sup>8</sup> “Clarification: multidimensional poverty is decreasing in Cambodia”, UNDP press release, 26 September 2018.

<sup>9</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24579&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24579&LangID=E).

of the approximately 7 million land parcels, exceeding by 3.25 per cent its 2014–2018 target. According to the same report, in 2018, the Cadastral Commission received 544 land dispute cases and resolved 292, involving 1,512 families and a land area of 243.96 hectares; 176 cases were dismissed when they were found to be outside the mandate of the Commission and 47 complaints were withdrawn. The Ministry established several land dispute resolution ad hoc working groups. According to its 2018 annual report, in 2018, the Ministry received 571 cases, of which 125 were addressed by the Ministry’s working groups; 52 were resolved by the end of the year and 73 received a written response or were referred to another responsible authority.

43. Through its economic and social rights programme, OHCHR continued to work on issues relating to the rights to adequate housing and to an adequate standard of living, the prevention of forced evictions and promotion of security of tenure, and a better understanding of the role of business in respecting human rights.

44. In October and November 2018, OHCHR, in partnership with provincial authorities and local non-governmental organizations, organized two workshops, in Kampong and Kratie, on land and housing rights, focusing on evictions and relocation procedures and on the responsibilities of business enterprises in this context.

45. As part of resettlement processes or in order to provide land to the landless poor and veterans, the Government has been issuing social land concessions to individuals and families. OHCHR used its study, published in May 2018, titled “Assessing the impact of social land concessions on rural livelihoods”, as a basis for its advocacy with relevant national and local authorities for the improvement of existing concessions and ahead of the establishment of new ones in Kampong Thom, Monduliri, Kampong, Tbong Khmum and Battambang Provinces.

46. As part of this advocacy work, OHCHR organized official site visits, in September and December 2018, to two of the concession sites included in the study, Memot in Tbong Khmum and Boeung Lvea in Kampong Thom. The visits allowed officials from the Government, provincial and local authorities, civil society organizations and development partners the opportunity to learn about good and bad practices at concession sites directly from the villagers concerned; the participants committed to improvements to the sites.

47. OHCHR continued to work with the Ministry of Land Management, Urban Planning and Construction, the Ministry of Rural Development, the Ministry of Interior, local authorities and civil society organizations to support efforts by indigenous peoples to secure collective land titles and to advocate for the simplification of the collective titling process. One indigenous community in Ratanakiri and three Kouy indigenous communities in Kampong Thom completed the first of three steps in securing title by having their indigenous identity certified. In June 2018, with OHCHR support, a Bunong indigenous community in Koh Nheak District, Monduliri Province, completed the second step of the titling process by being registered as a legal entity. In addition, a Bunong indigenous community in Snoul District, Kratie Province, advanced in the second step of the titling process by officially adopting their community by-laws in April 2018.

48. With support from OHCHR, officials at the provincial, district and commune levels increased their capacity to process title applications. The understanding of this process was enhanced among the indigenous peoples’ communities. In November 2018, OHCHR supported seminars organized by the three ministries involved in the titling process in which representatives from 13 indigenous communities in Ratanakiri Province and 11 communities in Monduliri, Kratie and Stung Treng Provinces participated. The workshops aimed to enhance indigenous peoples’ capacities to manage and protect obtained titles and to solve land disputes.

49. In April 2019, OHCHR published a manual on the collective land titling process, which will assist local authorities and indigenous communities in processing titles efficiently. During the same month, OHCHR also published a study called “Assessment of the credit opportunities for indigenous communities in Cambodia holding a collective land title”, the results of which indicate that indigenous communities can access loans through a group liability scheme and thus do not have to use private land titles as collateral.

50. OHCHR received petitions from individuals and groups who sought its intervention in their disputes. It conducted field visits to ascertain facts, engaged with the relevant authorities, facilitated dialogue between the parties, monitored the work of dispute-resolution mechanisms and provided legal and procedural advice to communities and the civil society organizations supporting them. OHCHR has also been working to assist the Government and business enterprises to provide adequate remedies for cases of violations and abuse of land and housing rights. In October 2018, OHCHR supported the development of new terms of reference and internal guidelines for the land sector coordination group which aim to strengthen the group and enable joint dialogue and advocacy work with the Ministry of Land Management, Urban Planning and Construction.

51. In March 2018, OHCHR sent a fact-finding mission to Snoul District, Kratie Province, to follow up on violent protests involving people who had constructed housing on an economic land concession. The mission concluded that the authorities had responded to the violent protests using excessive force, including through the use of firearms. On 26 March, OHCHR sent a letter to the Ministry of Interior with a copy of the report and its conclusions and recommendations. In September 2018 and April 2019, OHCHR conducted follow-up missions to the area and subsequently sent a letter to the Governor of Kratie requesting the Government to intervene in the land case and to find a peaceful resolution for the affected people.

52. In January and February 2019, OHCHR carried out two fact-finding missions to Sihanoukville following clashes between security forces and people protesting a forced eviction. OHCHR engaged with all relevant authorities. A second planned eviction was halted at the last minute, the same day that OHCHR embarked upon a follow-up visit. During the fact-finding mission, security forces used excessive force against people protesting, which led to the shooting of a man. On 22 February, OHCHR wrote to the Ministry of Interior indicating that it appeared that security forces had used excessive and disproportionate force, including through the use of firearms, during the protest. In the letter the Office encouraged the Ministry to undertake a public investigation into the use of force as well as the shooting of an individual and to provide the individual, partly paralysed as a result of the injury, with an adequate remedy.

53. In January 2019, OHCHR followed the case of a man who was arrested in Preah Vihear Province in the context of a land dispute and who disappeared from custody on 21 January. After an initial investigation, OHCHR wrote to the Minister of Interior on 13 February requesting an examination of the matter. On 21 March, OHCHR wrote to the Ministry of Defence to request it to undertake an examination of the arrest and alleged ill-treatment of the individual by armed forces prior to his disappearance. After it was reported that the man had reappeared in Sihanoukville, OHCHR met with him in Phnom Penh on 31 March.

54. In May and June 2018, OHCHR carried out missions in Stung Treng and Koh Kong Provinces to follow up on relocation cases resulting from the Lower Sesan II Hydropower Dam and projects executed by the Union Development Group. In both cases, OHCHR encouraged the authorities to provide fair compensation for affected people, for people to be allowed to stay at their new, informal relocation site as appropriate and for improved conditions at the official resettlement sites, including livelihood opportunities.

55. OHCHR continued to follow up on the sugar economic land concession dispute-resolution process and the work of the working groups set up by the Ministry of Land Management, Urban Planning and Construction. For this purpose, OHCHR conducted missions to Preah Vihear in May 2018, to Koh Kong in June 2018 and to Kampong Speu Provinces in September 2018. The Office continued to urge the Government to speed up the dispute-resolution process and work in a more transparent way, and to accelerate remedial actions for various challenging issues raised by people affected by the sugar concessions.

56. OHCHR continued to follow the mediation process between the indigenous peoples' communities in Bousra commune and the rubber company Socfin, facilitated by the Independent Mediation Group and conducted in Mondulkiri Province. In addition, OHCHR financially supported Legal Aid of Cambodia to train the community representatives in mediation skills as well as to act as legal advisers during the mediation. The ongoing

mediation has resulted in some of the communal land being returned to the indigenous communities, including graveyards and spirit forests.

57. OHCHR has continued to promote the dissemination of public information on economic and other land concessions, including an interactive map of social land concessions, through technical and financial support to the non-governmental organization Open Development Cambodia. The interactive map helps to monitor developments in social land concessions across the country. OHCHR, Open Development Cambodia and NGO Forum held a regional workshop on social land concessions in August 2018. Government officials and development partners expressed interest in the interactive maps and enhanced their ability to use them.

58. OHCHR undertook 12 monitoring missions to selected ethnic Vietnamese communities in Phnom Penh Municipality and Battambang, Kompong Chhnang, Prey Veng, Siem Reap, Pursat, Sihanoukville, Koh Kong and Kompong Thom Provinces in order to gain an understanding of the challenges they face regarding their legal status, access to school, public health and discrimination. OHCHR successfully encouraged local authorities to delay until May 2019 a forced relocation of ethnic Vietnamese floating villages by the Tonle Sap River. A follow-up mission in February 2019 confirmed that there had been no further relocation to dry land of ethnic Vietnamese communities in Kampong Chhnang. The Deputy Governor agreed to delay relocation until basic services were available for people.

59. OHCHR continued to expand its focus on business and human rights, working directly with national and subnational authorities, civil society organizations, community representatives and business actors to increase their understanding of the Guiding Principles on Business and Human Rights and their application in Cambodia. OHCHR participated in the meetings of the Corporate Social Responsibility Platform, a platform of business, civil society organizations and Government designed to raise awareness and promote the use of relevant guidelines and tools. OHCHR raised awareness about the Guiding Principles and human rights due diligence at various trainings and workshops organized alone or together with partners, including the Cambodian Centre for Human Rights, as part of the Office's grant to the Centre for its work on business and human rights. In particular, OHCHR organized a briefing for youth, including young entrepreneurs, academia and civil society organizations, in June 2018 and delivered a lecture to masters programme students at the Royal University of Law and Economics in November 2018. In May 2019, OHCHR organized a peer learning workshop on business and human rights for agribusinesses operating in Cambodia. The workshop attracted almost 40 business representatives from international, Cambodian and Vietnamese companies and aimed to facilitate further cooperation with businesses on the implementation of the Guiding Principles.

60. OHCHR awarded a grant in March 2019 to the organization People in Need to publish a study on gender-based violence in urban communities.

## VI. Human rights information and communication

61. OHCHR continued its extensive outreach and communication work using a variety of media forms in English and Khmer. During the reporting period it distributed 67,871 publications to government institutions and others. OHCHR uses Facebook and Twitter to disseminate information about human rights developments, its activities, and information from the international human rights mechanisms of relevance to Cambodia. Since January 2018, its Facebook followers have increased by a third, reaching 15,970 people.

62. OHCHR broadcast six videos to raise awareness of specific articles of the Universal Declaration of Human Rights in Khmer and telling stories of Cambodians and why these rights are important to them. The videos are related to arbitrary arrest and detention, the presumption of innocence, the right to nationality, the right to education, duties to the community and the rights to life, liberty and security.<sup>10</sup> OHCHR also produced videos and human interest stories in Khmer and English illustrating some of the impact of the Office's

<sup>10</sup> See <https://bit.ly/2HIj4zK>; <https://bit.ly/2HI3eFF>; <https://bit.ly/2wsOunn>; <https://bit.ly/2Mg20pm>; <https://bit.ly/2K67254>; and <https://bit.ly/2KbCdMe>.

work, including “Forced to move: a story of resettlement in Cambodia”, “Free at last: OHCHR Cambodia supported the release of 13 people held in excessive detention years after they completed their sentence” and “A step forward: on Cambodia’s process of indigenous identity recognition”.<sup>11</sup> The OHCHR *Human Rights 365* radio programme, managed through the Cambodian Centre for Independent Media, consisted of 15 interactive radio talk shows on a variety of topics with guest speakers from Government, civil society organizations, businesses, United Nations entities and other experts. OHCHR also participated in radio programmes organized by partner NGOs.

63. The Office commemorated key United Nations and international days, including International Women’s Day, International Day of the World’s Indigenous Peoples, United Nations Day, Human Rights Day and Labour Day. Social media products for International Women’s Day, produced in partnership with the United Nations country team, reached over one million views on Facebook.

64. OHCHR, together with the country team, launched a three-month campaign to celebrate the seventieth anniversary of the Universal Declaration of Human Rights. The campaign began in September 2018 and continued until the end of December 2018 and included human rights education programmes with schools in three provinces, online and offline materials and a large celebratory event to mark Human Rights Day. The overarching message for the campaign was “I am a human rights champion” and the target audience was Cambodian youth. The campaign used traditional and social media to promote human rights education and understanding of the Universal Declaration of Human Rights. A music video promoted freedom of expression, diversity and inclusion, regardless of gender, sexual orientation, income or other factors and reached over one million views on Facebook.<sup>12</sup> Among other social media products, a social media influencer promoting lesbian, gay, bisexual and transgender rights attracted 81,000 views and a social media influencer promoting the rights of persons with disabilities attracted 90,000 views.<sup>13</sup>

## VII. Mainstreaming human rights within the United Nations framework

65. OHCHR continued to promote the mainstreaming of human rights in the work of international and civil society organizations. OHCHR contributed to the work of the United Nations country team by leading, with UN-Women, the results group on participation and accountability and by being active in other results groups to mainstream human rights in the drafting of the United Nations Development Assistance Framework 2019–2023. OHCHR continues to co-chair the results group with UN-Women during the implementation phase of the Framework. OHCHR chairs the human rights theme group of the United Nations country team, coordinating United Nations actions on specific themes. In 2018, the theme group was instrumental in preparing a joint submission for the third universal periodic review of Cambodia, which was published in July 2018. The theme group has also worked to raise awareness of human rights concerns in the Prey Speu Social Affairs Centre, including concerns of arbitrary detention and treatment of persons with disabilities in the Centre.

66. OHCHR has been active in the United Nations gender theme group, including in the preparation of the submission by the country team for Cambodia’s sixth periodic report to the Committee on the Elimination of Discrimination against Women. OHCHR has been an active member of the thematic working group on urbanization, contributing to developing regional strategies for sustainable urbanization.

67. OHCHR, together with the United Nations country team, continued to promote equal rights for lesbian, gay, bisexual, transgender and intersex persons, within and beyond the global Free and Equal campaign. OHCHR disseminated English and Khmer versions of the global campaign videos on its social media platform, reaching a total of 4,582 people. OHCHR helped translate, print and promote “Revealing the rainbow: the human rights

<sup>11</sup> See <https://bit.ly/2Ubgrh6>; <https://bit.ly/2mF7sCt>; and <https://bit.ly/2VTdCOA>.

<sup>12</sup> See <https://bit.ly/2AojTtV>.

<sup>13</sup> See <https://bit.ly/2BEdWtD>; <https://bit.ly/2RkUpX>.

situation of South East Asia's LGBTIQ communities and their leaders", a report by Destination Justice, which helped foster conversation in preparation for the universal periodic review on Cambodia to be held in January 2019. Together with the Joint United Nations Programme on HIV/AIDS, UN-Women and others, OHCHR also supported an "advocacy dialogue on LGBT social inclusiveness", organized by KHANA Purple, bringing together activists and development partners to discuss advocacy strategies to promote inclusion in national policies. This was followed in May 2018 by the National Public Policy Dialogue, which brought policymakers from the Ministry of Information, the Ministry of Women's Affairs, the Ministry of Labour and Vocational Training, the Ministry of Justice and the General Department of Identification of the Ministry of Interior together with over 70 LGBT activists, representatives from civil society organizations and United Nations agencies, and helped bring the challenges faced by LGBT people to the attention of government actors with a view to encouraging the prohibition of discrimination based on sexual orientation and gender identity. In 2019, and with support from Free and Equal, OHCHR, together with the United Nations country team, is producing a video to challenge stereotypes and combat discrimination against LGBT persons, which will be released in June.

## **VIII. Increasing implementation of the outcomes of international human rights mechanisms**

68. OHCHR assisted the Special Rapporteur on the situation of human rights in Cambodia with the preparations for three visits, which took place from 5 to 14 March 2018, 29 October to 8 November 2018 and 29 April to 9 May 2019.

69. To increase the capacity of officials involved in drafting reports to treaty bodies, and with support from the OHCHR treaty body capacity-building programme, the Cambodia Office conducted a training session with the Cambodian Human Rights Committee, with the participation of representatives of ministries and other institutions responsible for implementing treaty body recommendations. To continue strengthening the implementation of the Convention on the Rights of Persons with Disabilities at the local level, OHCHR supported training by the Disability Action Council of its local officials in Siem Reap Province in August 2018.

70. OHCHR continued its technical support to the Cambodian Human Rights Committee, the Disability Action Council, the Cambodian National Council on Women and the Cambodian National Council on Children to ensure that the State reports comply with the reporting guidelines. It supported the Cambodian Human Rights Committee in organizing a consultation on the national report to the universal periodic review, with the participation of civil society, development partners and line ministries. It also provided assistance to civil society organizations on engaging with the human rights mechanisms. In May 2019, OHCHR held a meeting with the Cambodian Human Rights Committee to discuss the organization of a national conference to promote implementation of the recommendations emerging from the third universal periodic review.

71. The Government submitted its third national report under the universal periodic review, its sixth periodic report to the Committee on the Elimination of Discrimination against Women (CEDAW/C/KHM/6), its combined fourth to sixth periodic reports to the Committee on the Rights of the Child (CRC/C/KHM/4-6) and its combined fourteenth to seventeenth periodic reports to the Committee on the Elimination of Racial Discrimination (CERD/C/KHM/14-17). The reports to the Committee on the Rights of Persons with Disabilities and the Committee on Enforced Disappearances as well as its response to the list of issues of the Committee against Torture remain overdue. The National Mechanism for Reporting and Follow-up was officially established in June 2018. Although it is not responsible for all treaty reporting, it should play an important coordination role for all. OHCHR supported the initial meeting of its members, where international best practices and lessons learned were shared with all participants.

## **IX. Conclusions and recommendations**

72. The Secretary-General notes the positive engagement of the Government of Cambodia with OHCHR and stresses the centrality of human rights for strengthening development and maintaining peace. The Secretary-General highlights the important role that OHCHR can play in assisting the Government and people of Cambodia to achieve this. In this regard, the Secretary-General reiterates the ongoing commitment of OHCHR to assist the Government and people of Cambodia in the realization of all human rights for all.

73. The Secretary-General:

(a) Urges the Government and other political actors to engage in a dialogue in order to reduce tensions and encourages more open public debate, with full respect for the rights to freedom of expression, freedom of association and freedom of peaceful assembly and the right to take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) Calls upon the Government to strengthen guarantees for the unhindered work of civil society organizations, including human rights organizations, by consolidating and broadening the space for these organizations to operate, in particular by undertaking a review of the Law on Associations and Non-Governmental Organizations through a broad consultative process and taking into account the views of affected associations and organizations;

(c) Encourages the Government to take steps to ensure the independence of the judiciary and to improve its transparency and efficiency, including by undertaking studies and surveys in the area of judicial integrity with the technical assistance of OHCHR;

(d) Encourages the Government to ensure that the National Committee against Torture receives an adequate budget and has the means to administer that budget in order for it to undertake its important work in the field of prevention of torture and ill-treatment in places of deprivation of liberty;

(e) Invites the Government to strengthen the promotion of human rights in the context of implementing the Cambodian Sustainable Development Goals and other development strategies, in particular by introducing more and clearer targets and indicators under Cambodian Sustainable Development Goal 16 and by undertaking studies, with the assistance of OHCHR, to identify those at risk of being left behind in development processes;

(f) Encourages the Government to consider simplifying the community land titling process.

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