



UNITED NATIONS



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HUMAN RIGHTS

OFFICE OF THE HIGH COMMISSIONER

Cambodia

UN Secretary-General's report on human rights in Cambodia to be presented at the Human Rights Council on 5 October 2020

On 5 October 2020, the report by the UN Secretary-General on human rights in Cambodia will be presented to the Human Rights Council in Geneva. This session will start at 15.00hrs Geneva time (20.00hrs Phnom Penh time) with an oral update on the human rights situation in Cambodia by the Director of the Field Operations and Technical Cooperation Division of the Office of the UN High Commissioner for Human Rights, which will be followed by an interactive dialogue involving UN Member States and civil society organizations. The whole session will be livestreamed at <http://webtv.un.org>.

The report focuses on the work of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the human rights situation from the period of 1 June 2019 to 31 May 2020. The Secretary-General raises concern on the shrinking civic space and continued political tension, while highlighting OHCHR's role in providing technical cooperation to strengthen the administration of justice, protecting fundamental freedoms and economic, social and cultural rights including in the context of the COVID-19 pandemic. Below is a summary of the key points and recommendations made by the Secretary-General.



Enhancing participation and protecting civic space

The report outlines the heightened political crackdown in the country, with at least 140 persons associated with the former Cambodia National Rescue Party arrested. The Secretary-General refers to the concerns raised by UN human rights experts on the case of Mr. Kem Sokha, including strong grounds to believe that the treason charges were politically motivated and form part of a larger pattern of the misapplication of laws to target political opponents and Government's critics. In this regard, the Secretary-General calls upon the Government and other political actors to engage in a dialogue to reduce tensions and fully restore the rights to freedom of expression, association and peaceful assembly and the right to take part in the conduct of public affairs.

The Secretary-General also highlights intimidation against civil society and human rights organizations, which impede their capacity to monitor and report. His report outlines 46 instances where the activities of human

rights and civil society organizations were subjected to interference, intimidation, or harassment by authorities. He calls upon the Government to strengthen civic and democratic space, including through guarantees for the unhindered work of human rights and other civil society organizations and community groups by broadening their space to operate.

The report also outlines excessive restrictions of the rights to freedom of expression and peaceful assembly, including the arrest of individuals for COVID-19 related public comments and social media posts. In this regard, the Secretary-General calls upon the Government to ensure that any extraordinary measures introduced to protect the health and wellbeing of the population during the COVID-19 pandemic are temporary, proportionate, strictly necessary for the prevention of the spread and treatment of the disease, non-discriminatory, and aligned with international human rights obligations of Cambodia.



Administration of justice

The report refers to the adoption of the Law on the Management of the Nation in State of Emergency, which came into effect in April 2020. The Secretary-General states that the law allows for the restriction of freedoms of movements and assembly, right to obtain information, and the right to privacy and expresses concerns regarding its expedited passage, vague provisions relating to derogation, and insufficient review and oversight.

On the right to a fair trial, the Secretary-General reports the work done by OHCHR in observing more than 35 trials during the reporting period. The report notes inconsistent practices, which are not in line with national and international human rights law, in particular the right to be promptly informed of charges, the right to legal representation and the presumption of innocence. The Secretary-General encourages the Government to guarantee the right to legal assistance, including by

adopting a national policy on legal aid and creating a centralized legal aid system.

On prison conditions, the report raises concern on the prison population in Cambodia, which continues to increase. The use of alternatives to prison, including granting of bail, release under supervision, and imposition of suspended sentences remains limited. The Secretary-General encourages the Government to introduce non-custodial measures and alternatives to detention with a view to reduce prison overcrowding; and to develop guidelines and procedures to reduce lengthy pretrial detention and delayed release upon sentence completion, and to review the ban on sentence reductions and pardons for drug-related offences. He also calls upon the Government to grant OHCHR access to all places of detention, including conducting confidential interviews with detainees.



Economic and social rights

The Secretary-General notes challenges in the area of land and housing rights, specifically in relation to forced evictions, lack of proper standards on resettlement, and the lengthy, complex, opaque and expensive land titling process. The report highlights that the allocation, sale, and use of land continues to operate on a patronage system that sustains structural inequality, disproportionately affecting persons living in poverty and in situations of marginalization. In this area, the Secretary-General encourages the Government to simplify the communal land titling process for indigenous peoples. On evictions and relocations, the Secretary-General urges the Government to adopt national guidelines on evictions and relocations that are aligned with the basic principles and guidelines on development-based eviction and displacement.

While acknowledging the positive actions taken by the Government to address the COVID-19 pandemic, the Secretary-General notes a lack of available information on Government's COVID-19 response including medicated facilities, quarantine protocols, specialist medical staff

and availability of essential equipment. COVID-19 testing has been limited and tightly restricted and the extent to which rural, vulnerable and marginalized populations have had access to remain unclear. The Secretary-General calls upon the Government to ensure access to information about prevention, as well as testing and treatment, for all during the COVID-19 pandemic, and to ensure that a robust rights-based approach is integrated into all national disaster and health emergency protocols. He also calls on the Government to introduce special measures to protect groups and individuals in situations of particular vulnerability to the COVID-19 pandemic, including indigenous peoples and minorities, poor and rural communities, floating communities, returning migrants, persons deprived of their liberty, persons in quarantine, pregnant women, persons with disabilities, older persons, and persons with underlying illnesses.

The full report is available at:

<https://undocs.org/A/HRC/45/56>