



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I appreciate my recent meeting in Geneva with the Prime Minister and our discussion about the third cycle of the Universal Periodic Review (UPR) of the Kingdom of Cambodia. I welcome the Prime Minister's commitment to the implementation of the UPR recommendations and the constructive engagement of your Government during the 32<sup>nd</sup> session of the UPR Working Group in January 2019.

As the final outcome report on the review of Cambodia has been recently adopted by the Human Rights Council at its 41<sup>st</sup> session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Cambodia – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 73 delegations and the presentation made and responses provided by the delegation of Cambodia. I have also considered the actions taken by the Government to implement the 163 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I welcome the launching of a campaign against child labour and of a national action plan going up to 2025 to eliminate the worst forms of child labour. I would like also to acknowledge Cambodia's progress in some areas of economic and social rights, including as a result of economic growth, which has contributed to improving people's living standards, alleviate poverty, develop education and health care.

I encourage your Government to adopt measures that would ensure addressing recommendations that emanated from the review, including but not only, on the need to secure democratic space and to tackle gender stereotyping, particularly within the family, but also in schools, communities, workplaces and the media.

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H.E. Mr. Prak Sokhonn,  
Minister of Foreign Affairs and International Cooperation  
Kingdom of Cambodia



I encourage Cambodia to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate the preparations for Cambodia's fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular civil society organizations and, where necessary, with the support of international organizations, including the Office of the United Nations High Commissioner for Human Rights in Cambodia and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

I also encourage Cambodia to pursue further efforts to strengthen the Cambodian Human Rights Committee for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, linking this to the Sustainable Development Goals. I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:  
[http://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf).

Please, kindly note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can contribute positively to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage Cambodia to consider submitting a mid-term report on follow-up to the third cycle of the review, by 2021.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Cambodia in relation to the areas identified in this letter and its annex.

Please, accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet  
High Commissioner for Human Rights

cc: Mr. Keo Remy  
President of the Cambodian Human Rights Committee  
Kingdom of Cambodia



## Annex

### **Scope of international obligations and cooperation with international human rights mechanisms and bodies**

- Ratifying the Optional Protocols to the International Covenant on Civil and Political Rights and taking measures for the abolition of the death penalty.
- Ratifying the International Convention on the Rights of All Migrant Workers and Members of Their Families.
- Acceding to the 1954 Convention Relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness.
- Issuing a standing invitation to Special Procedures mandate holders.

### **National human rights framework**

- Revising or repealing recent legal acts potentially subject to restrictive and arbitrary interpretation in order to bring them in conformity with international human rights law and standards, including, among others, the Law on Political Parties and the Election Laws, the Law on Associations and Non-governmental Organizations and the Inter-Ministerial Proclamation of May 2018 on social media.
- Establishing an independent national human rights institution in accordance with the Paris Principles.

### **Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Cross-cutting issues**

##### *Equality and non-discrimination*

- Stepping up efforts to fight discrimination against ethnic and racial minorities, and developing a national plan of action against racial discrimination.
- Introducing an anti-discrimination law that guarantees and explicitly prohibits all kinds of discrimination, including on the basis of sexual orientation, gender identity or sex characteristics.

##### *Development, the environment, and business and human rights*

- Ensuring that all pending lands disputes, evictions and relocations are settled in a fair, transparent, negotiated and adequately compensated manner.
- Implementing a coherent resettlement policy and simplified process for granting communal land titles, and consulting communities, civil society and indigenous groups.
- Completing the land reform to facilitate access to and use and development of land for individuals and small and medium-sized enterprises.



## **B. Civil and political rights**

### *Right to life, liberty and security of person*

- Increasing efforts to systematically provide training to all security forces, including municipal security guards, on the use of force, especially in the context of demonstrations, taking due account of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
- Taking the steps necessary to ensure that confessions obtained under torture or ill-treatment are inadmissible in court in all cases.

### *Administration of justice, including impunity, and the rule of law*

- Completing the process of judicial reform, safeguarding the independence and impartiality of the court system, court personnel and judges, in accordance with international standards.
- Strengthening the independence and functioning of the judiciary, in particular by repealing or significantly amending the Law on the Organization of the Courts, the Law on the Statute of Judges and Prosecutors, and the Law on the Organization and the Functioning of the Supreme Council of the Magistracy.
- Taking steps to protect the full independence of the Extraordinary Chambers and cooperating with it in the fulfilment of its functions.
- Taking all necessary steps towards a substantive reduction in the time spent by persons in pre-trial detention.
- Conducting comprehensive investigations of cases of domestic and sexual violence, and ensuring that perpetrators are prosecuted and victims are adequately compensated.
- Providing mandatory training on prosecution procedures for cases of gender-based violence for law enforcement and judicial officers.

### *Fundamental freedoms and the right to participate in public and political life*

- Repealing and/or amending relevant provisions of the Constitution, the Criminal Code and other relevant laws and regulations (e.g. the Law on Telecommunications, the Inter-Ministerial Prakas on Publication Controls of Website and Social Media Processing via Internet, the Law on Associations and Non-governmental Organizations, the future Trade Union law, and the Telecommunications Law) that can be used to restrict freedom of expression and assembly, and decriminalizing offences such as defamation.
- Taking all measures to protect and support journalists, human rights defenders, trade union workers, land and environmental activists and other civil society actors, and members of the political opposition.
- Releasing immediately from custody any individual detained for their peaceful exercise of freedom of expression and assembly, and dropping all criminal charges against these individuals.



- Releasing immediately and unconditionally all remaining political prisoners and opponents, and dropping all charges against them, including the full release of opposition leader Kem Sokha.
- Restoring the democratic and political space, by ensuring the participation for political parties, civil society and independent media; and taking the necessary measures to allow members of the opposition to participate in dialogue among political actors, by immediately and unconditionally reinstating the rights of members of the political opposition, and considering repealing legislation that permits the dissolution of political parties and the ban of political leaders without due process.
- Continuing working in the area of electoral reform to hold pluralistic electoral processes, by ensuring an environment in which the independence of the media is guaranteed and rights of all political actors, civil society and others are respected and their activities are not constrained.

#### *Prohibition of all forms of slavery*

- Fortifying efforts to effectively implement the law on the suppression of trafficking in persons and sexual exploitation to better prevent and address human trafficking.
- Improving and expanding identification and protection procedures for victims of human trafficking, forced labour and bonded labour, and ensuring adequate access to support services and sheltered accommodation.

### **C. Economic, social and cultural rights**

#### *Right to work and to just and favourable conditions of work*

- Amending the Law on Trade Unions, in consultation with workers, labour advocates and other stakeholders, to bring it into full compliance with the International Labour Organization Conventions Nos. 87 and 98.
- Ensuring that the trade union rights of workers are guaranteed in line with the relevant International Labour Organization Convention, and that unions may register unhindered and represent their members.

#### *Right to an adequate standard of living*

- Continuing positive initiatives to facilitate the supply of clean water to poor citizens.

#### *Right to health*

- Pursuing the health strategic plan for 2016–2020 of the Ministry of Health of Cambodia in order to ensure that citizens obtain full-fledged health-care services.
- Continuing efforts to improve its health-care infrastructure in general, and to ensure easier and equitable access to the public health system and maternal services for women in particular.
- Adopting a public health and human rights approach to the world drug problem, including the decriminalization of drug consumption and the provision of harm reduction services.



### *Right to education*

- Continuing efforts to ensure the provision of equitable education services to all children, through both the formal and informal education systems.
- Investing in the training of teachers to ensure their skills and knowledge remain current, and to enhance the quality of their instruction.
- Keeping up efforts to ensure the right to inclusive, free and mandatory primary education.

## **D. Rights of specific persons or groups**

### *Women*

- Stepping up measures aimed at promoting women's rights, including the elimination of all forms of discrimination and violence against women.
- Abolishing the discriminatory prohibition on women from remarrying within 120 days of a divorce or annulment.
- Reforming national legislation with a view to strengthening the protection of women and children against domestic violence.

### *Children*

- Enforcing the legal age for marriage to prohibit child marriage, and promoting awareness-raising campaigns to prevent child marriage.
- Amending national legislation in order to ensure it is in line with the Convention on the Rights of the Child, paying special attention to the provisions of the Criminal Code and the Juvenile Justice System.
- Taking all adequate measures to protect children from child labour and sexual exploitation, in particular in the context of "orphanage tourism", including by strengthening the regulatory framework and awareness-raising measures and by ensuring that all allegations are investigated, victims obtain redress and perpetrators are sanctioned.

### *Persons with disabilities*

- Reducing poverty among persons with disabilities; implementing necessary legal coverage, particularly in order to protect their socio-educational and health requirements; and strengthening their access to the National Social Security Fund in the coming years.

### *Minorities and indigenous peoples*

- Simplifying the communal land titling process to reduce the number of steps required and allocating additional funding for the development of indigenous communities.
- Establishing an effective consultation mechanism and ensuring meaningful consultation with indigenous peoples in decision-making in all areas having an impact on their rights.
- Strengthening efforts to guarantee birth registration for all persons born in Cambodia, including minorities and populations difficult to access, such as border communities.



*Stateless persons*

- Adopting all measures necessary to ensure that all those born in Cambodia may acquire Cambodian nationality and that they have access to identity papers.