

ADVANCE QUESTIONS TO CAMBODIA

GERMANY

- There have been numerous reports pointing to the issue of forced eviction. In 2008, the Special Rapporteurs on the question of torture, adequate housing, independence of judges and lawyers, the right to food, the situation of human rights defenders and the Working Group on Arbitrary Detention raised concerns about the alleged illegal seizure of indigenous lands, forced eviction, blockage of food and medicine to families who refused to move and sanctions in this regard (para. 66 the OHCHR compilation A/HRC/WG.6/6/KHM/2, referring to A/HRC/10/44/Add.4, p. 43 and A/HRC/10/7/Add.1, paras. 25-32) . Germany would like to know how Cambodia is addressing the above concerns.
- Disquieting reports about the rule of law have been issued. CESCR, the Special Representative of the Secretary-General for Human Rights in Cambodia and CAT all were alarmed by reports of widespread corruption, including the judiciary (para. 34 of the OHCHR compilation A/HRC/WG.6/6/KHM/2, referring to E/C.12/KHM/CO/1, para. 14, A/HRC/4/36, para. 31-32 and CAT/C/CR/31/7, para. 6(e)). What steps has the Cambodian government taken to improve the work of the judiciary in this respect, particularly with regards to the adoption of the draft Anti-Corruption Law and further such intensifying efforts as recommended by the CESCR (para. 34 of the OHCHR compilation A/HRC/WG.6/6/KHM/2, referring to E/C.12/KHM/CO/1, para. 14)?

SWEDEN

- The Committee on Economic, Social and Cultural Rights expressed, in its 2009 concluding observations on Cambodia, grave concern over reports of continued displacement following legally doubtful land concessions. Authorities seldom provide sufficient notice of impending evictions or compensation to displaced people. Evictees are often forced to resettle in areas far from their original homes, causing many to lose access to their livelihoods. The resettlement areas often lack basic infrastructure such as water, electricity and sanitation. Objecting to eviction may result in criminal charges. Repeated instances of how lawyers representing evictees have faced difficulty accessing their clients have been reported, while authorities routinely block human rights monitors from accessing eviction sites, and journalists covering individual cases have faced legal charges of criminal incitement and defamation.
- What measures is the Government of Cambodia taking to ensure all Cambodians the right to adequate standard of living in accordance with article 11 of the International Covenant on Economic, Social and Cultural Rights, to implement the 2001 land law prohibiting these evictions and to ensure freedom of expression, in accordance with its international obligations?

- Credible reports demonstrate a need for legal reforms for the protection of human rights in Cambodia. An independent and impartial judiciary is necessary for such protection. Although the Cambodian constitution guarantees an independent judiciary, recurring shortcomings have been reported in practice. The Report of the Special Rapporteur on the situation of human rights in Cambodia has mentioned reports that the Government regularly interferes with the judicial system by instructing prosecutors and judges how to handle specific cases.
- Can the Government of Cambodia elaborate on what measures it is taking to ensure the independence of the judiciary system?

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

- The UK welcomes the steps the Royal Government of Cambodia has taken to engage with civil society during the Universal Periodic Review process. How does the Government plan to continue this dialogue, and to broaden it to include the full range of civil society, for example, professional groups, trade unions and the private sector, as well as Non Governmental Organisations?
- Could you tell us if following the adoption of the new penal code, you can provide any guidance on the scope and application of the laws on disinformation and defamation, and, can you confirm that these laws will not be used in relation to the media and that journalists will always be dealt with under the press law?
- Can you inform us of the outcome of the Government's recent reviews of pre-trial detention, and elaborate on what measures the Government will be taking to reduce the periods spent in prison before a case comes to trial?
- Could you please tell us what consultations the Cambodian Government has undertaken, or plans to undertake, in relation to the new policy on relocations from land required for development, and what steps are being taken to bring mechanisms to resolve land disputes into effect?
- Could you please explain what further measures are planned by the Government to safeguard indigenous people's land rights?
- The UK welcomes the steps taken to establish a national human rights body. What is the timetable for the establishment of this body and how does the Government of Cambodia believe its independence can be guaranteed?
- Could you please tell us what steps the Government is taking to raise understanding and awareness of human rights standards in the civil service and local government?
- Could you share with us how the Government will manage the follow-up to the Universal Periodic Review, and, who will be responsible for oversight of implementation, monitoring and reporting?

- Please could you provide information on the steps the Government is taking to meet its obligations under the Optional Protocol to the UN Convention Against Torture?
