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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Cambodia**

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## **I. Introduction**

1. The Human Rights Council has adopted and released 91 recommendations for Cambodia during the first review of the UPR Report, all of which were accepted by Cambodia. To reiterate the continued commitments of Cambodia to promote and protect human rights at national, regional and international levels, the Kingdom of Cambodia has prepared and adopted its second Universal Periodical Review Report (UPR Report) for its submission to the Human Rights Council in 2014, after the first UPR report has been reviewed in 2009.
2. The second Report reveals the continued development in the efforts of the Royal Government of Cambodia (RGC) at improving human rights at national and local levels and addressing the challenges ahead toward further achievement of human rights.
3. This Report is the achievement of the cooperation between ministries and agencies concerned and provincial administrations. The process of the preparation of the Report was facilitated by the Cambodian Human Rights Committee. This Report also incorporated the contributions from the civil society and other relevant stakeholders. The RGC has organized previous open meetings to disseminate information on the result of UPR in many parts of Cambodia along with participation of all relevant ministries/institutions, civil society including NGOs and other stakeholders. The process of national consultations for the preparation of the UPR Report took place on seven sessions from 2010 to 2013.

## **II. Follow-up to the implementation of UPR recommendations**

4. Cambodia attaches high importance to the UPR process as an important and innovative mechanism of the Human Rights Council to promote and protect human rights worldwide, without exception. In this regard, Cambodia has accepted all recommendations of the Human Rights Council during its first Review in 2009. Since the First UPR Cycle, Cambodia has made progress in implementation of the UPR recommendations which can be illustrated in the following areas.

### **A. General aspects**

#### **1. Ratification and accession to the international instruments**

5. The Kingdom of Cambodia has ratified or acceded to the following human rights instruments:
  - Convention on the Rights of Persons with Disabilities (CRPD) on 7 August 2012;
  - Optional protocols of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) on 13 October 2010;
  - International Convention for the Protection of Persons from Enforced disappearance (ICCCED) on 27 June 2013.
6. The following instruments are being under careful examination and consideration for their accession:
  - Two Optional Protocols of the International Covenant on Civil and Political Rights (ICCPR);
  - Optional Protocol of the International Covenant on Economic, Social and Cultural (ICESC) Rights;

- Optional Protocol of the Convention on the Rights of Persons with Disabilities (CRPD).

7. The Royal Government of Cambodia has been implementing the content of the Convention on the Rights of Persons with Disabilities through the enforcement of the national legislation such as the Law on the Protection and Promotion of the Rights of Persons with Disabilities. The law promotes the rights and dignity of persons with disabilities to be respected. It prohibits the discrimination against persons with disabilities, provides equal opportunities to persons with disability in livelihood, employment, income generation, access to education, health and social services, promote their involvement in political activities, social development and accessibility for persons with disabilities. This law also defines the obligations of state institutions, private sector and NGOs to obtain and use the potentials of persons with disabilities and encourages all development partners to bring persons with disability into the mainstream and integrate them into the development projects. Meanwhile, the Royal Government has adopted and issued a number of regulations to promote persons with disabilities, which include among others:

- Sub-Decree No. 216 ANKr.BK on the Preparation and Functioning of the Disability Action Council dated 02 May 2013;
- Sub-Decree No. 108 ANKr.BK on the Determination of Quota and Formality of Recruiting Persons with Disabilities to Work dated 30 August 2010;
- Sub-Decree No. 118 ANKr.BK on the Preparation and Functioning of People with Disabilities Foundation dated 13 September 2010.

8. The National Strategic Development Plan, policies and programs related to the people with disability have also been enforced in the agenda of all relevant institutions and authorities at all levels.

## 2. Establishment of national human rights institution

9. The Royal Government attaches high importance to all aspects of life in human rights. In this sense, the Rectangular Strategy of the Royal Government has embodied and reflected an extensive view in respect to the promotion of the rights and dignity of Cambodian people. From 26 to 27 of September 2006, the Royal Government of Cambodia represented by the Cambodian Human Rights Committee (CHRC) in collaboration with the Working Group for ASEAN human rights mechanism organized a National Conference on the Establishment of a National Human Rights Institution based on the Paris Principles. The Conference was presided over by Samdech Akka Moha Sena Padei Techo **Hun Sen**, Prime Minister of the Kingdom of Cambodia, in Siem Reap province with the participation of experienced speakers from Thailand, Malaysia, Indonesia and the Philippines. In line with that, the multi-sectoral Working Group of the Royal Government and civil society have released a press release on 7 March 2007 to assign civil society working group to draft a law on the establishment of this national human rights institution.

10. On 29 October 2008, the Royal Government working group, chaired by **H.E. Mr. Om Yintieng**, had the first meeting with the working group of civil society to organize a technical team to facilitate the drafting of the national law on human rights. On 6 March 2009, the two technical working groups convened a meeting to discuss the draft law on the establishment of this independent institution. There were several meetings that have been convened (on five occasions).

11. On 6 and 7 February 2010, the two technical working groups finalized their discussion of the outcome of the draft law. On 23–27 May 2010, the two technical working groups conducted a study visit to the Philippines. Furthermore, from 2011 up to now, the

said working group of civil society is in the process of conducting dissemination to the public for their awareness and comments on the said project.

**3. Submission of the national reports under the UN human rights treaties bodies**

12. In pursuance to the provisions of the international covenants and conventions on human rights ratified by the Kingdom of Cambodia, the Royal Government has made constant efforts to fulfill its obligation in submitting the national reports on the implementation of the relevant instruments to the relevant United Nations (UN) Treaty Bodies as it is due to. The Royal Government of Cambodia has made progress in submitting the following relevant legal instruments to their Treaty Bodies: The Committee on Economic, Social and Cultural Rights (its first report was submitted on 10 November 2008; and the second report is currently being drafted in 2013), the Committee on Civil and Political Rights, (first report: on 23 December 1998 and the second report submitted to the United Nations in September 2012), the Committee on the Elimination of Racial Discrimination, (the reports were submitted to the United Nations twice: first, on 5 May 1997, and second, on 16 May 2010), the UN Committee against Torture (its first report : on 17 January 2003, and second report: on 2 February 2010), the Committee on the Elimination of all Forms of Discrimination Against Women ( it has submitted twice: first, on 30 January 2004, and, second in May 2010), the Committee on the Rights of the Child, (twice: first report , on 24 June 2004, and, second report on 3 June 2011).

13. In total, the Kingdom of Cambodia has made great efforts within its capacity in fulfilling its obligations under the international instruments on human rights by clearing up through submission of all due reports to the relevant United Nations Treaty Bodies.

**4. Standing extension of invitation to the mandate holders**

14. Concerning the regular extension of invitation of mandate holders of human rights, Cambodia has cooperated over two decades with the Special Representatives of the Secretary General of the UN and Special Rapporteurs on Human Rights. At present Professor Mr. Surya P. Subedi, is still continuing his work as Special Rapporteur on Human Rights in Cambodia following the renewal of his mandate for the year 2013–2015. He conducts regular visits to Cambodia (twice a year) to work with the country on the issues of advisory services and technical cooperation on human rights. Cambodia will take a practical approach in further considering the extension of other mandates holders on thematic issue in the future.

**5. Other cooperations and partnerships**

15. Apart from the Human Rights Office and other related agencies dealing with human rights, the Royal Government has made numerous achievements in strengthening partnership with all development partners/actors, including with private sector and civil society based on global principles and commitments that would ensure government ownership and accountability toward national development, good governance, including human rights issues.<sup>1</sup>

**B. Land rights**

16. The Royal Government of Cambodia has made great efforts in setting up and adopting numerous policies, laws and regulations in line with the existing international instruments in land sector, in order to respond to the needs of the people and society as a whole, especially to ensure that the basic rights of the people shall be protected under the Constitution of the Kingdom of Cambodia. The main objective is aimed at addressing

poverty, ensuring equitable, transparent, sustainable and effective land management with fair distribution and use of land.

17. The RGC has implemented the policy and regulatory framework currently in force to address all dimensions of land issues associated with political, economic, social, environmental and cultural aspects along with wide participation and consultation from all relevant stakeholders, (including international organizations, civil society and people at the community levels).

18. Since 2001, the Royal Government has made great efforts in adopting the policy and regulatory framework within the context of the Land Law of 2001, and under the existing Civil Code and the Code of Civil Procedure to ensure the safety of land occupation, especially legal ownership of the people, based on the principles of human rights (especially in the context of the economic, social and cultural rights) consistent with free market and democracy as enshrined in the Constitution and relevant laws.

19. In response to this commitment, a great number of schemes have been set for implementation with technical and financial supports from all relevant stakeholders (national and local institutions including development partners, civil society and local community people). This transparent and open approach of cooperation and partnership to promote a systematic and non-systematic land registration would ensure that property rights, and land rights (and/or housing rights), be guaranteed by the Constitution (Art. 44) and the Land Law of 2001.

20. The Constitution and Law provide guarantees with proper and fair compensation for the implementation of all development projects which may affect the legal rights of the people. The Law on Expropriation promulgated on 26 February 2010 provides a policy with a detailed guidance on the implementation in a transparent, participatory and equitable manner to ensure that proper and fair compensation be implemented based on legal procedure.

21. With regard to illegal land occupants, the Royal Government of Cambodia, however, continues to implement the law in a flexible manner by adhering to the basic principles of the United Nations Instrument on Housing Rights Program, especially for those groups of vulnerable and poor households that have been living and occupying state land illegally as stated in the Land Law and other regulations (such as the release of: Circular No. numbered 02 on Illegal Occupation of State Land dated 26 February 2007, and Circular No. numbered 03 on the Solution to Temporary Structure on State Land Illegally encroached in the Capital, Municipalities and Town Areas dated 31 May 2010).

22. The national policy on housing has been drafted; and it will be brought for further discussion and will be finalized in the future. The main objective of this guideline policy is to address and resolve the plights of the poor and most vulnerable groups. Those policies include: permission to stay temporarily, provision of possession rights, symbolic rental fee of the resettlement (as the state provides a replacement with a new and suitable location), development on the spot or compensation in monetary form or in-kind support at an appropriate extent...etc.; All measures taken to address any solution requires the participation from the people at the community level as well as from relevant NGOs based on the respect for the principle of social and economic benefit of the people along with the assessment of environmental impact.

23. The eviction of people from their place of residence is not a policy of the Government. The instrument on housing rights and eviction of the United Nations also places emphasis on the issue of eviction. Forced eviction should only be applied in accordance with the United Nations instruments/documents. In this sense, the Royal Government temporarily recognizes the people's rights to illegal land occupation until they find a legal place of residence. The Royal Government of Cambodia abides by the UN

relevant instruments and legal principles and guidelines, taking into account the concerns, interest, safety, security of the people including the environmental protection aspects.

24. In case of resettlement, it is true that the Royal Government has to set priority in developing a number of necessary infrastructures on the relocation site. If the relocation site is not properly developed, (and if it only happens temporarily), the Royal Government continues to provide financial and employment supports along with provision of physical infrastructure...etc. In the end, the people in settlement will enjoy the benefits and their rights of compensation as well as their rights of possessing a new relocation in a fair, beneficial and sustainable manner.

25. The historical campaign in the implementation of “Old Policy, New Action” on land sector which was introduced under the wise initiative of Samdech Akka Moha Sena Padei Techo **Hun Sen**, Prime Minister of the Kingdom of Cambodia, has been launched in the efforts to carry out the measurement program for distribution of land to the citizen of more than 380,000 titles out of the 640,000 plots announced and more than 680,000 plots already measured, equivalent to almost 1.1 million hectares.<sup>2</sup> According to the plan set forth, the Royal Government will continue its effort to register the land nationwide till 2018 to achieve 70% of the total plot across the country which ranges between 6 to 7 million plots. The result achieved so far has shown that, shortage of land, landlessness, and ambiguity in land occupation have practically been and are being addressed in parts and resolved successively with the aim at bringing more socio-economic growth in rural areas in the coming years.

## **C. Rule of law**

### **1. Legal and judicial reform**

26. The Royal Government has implemented legal and judicial reform strategies in an in-depth manner to ensure a stable and effective legal and judicial system, especially in compliance with international standard.<sup>3</sup>

27. In the 4<sup>th</sup> legislature of the National Assembly, the Royal Government of Cambodia has made further progress in the adoption of key laws including the Criminal Code, promulgated on 30 November 2009, Law on the Implementation of Civil Code, promulgated on 31 May 2011, and the Anti-corruption Law, promulgated on 17 April 2010.

28. As of 2013, the Kingdom of Cambodia has adopted 416 laws to promote, improve and strengthen the legal and institutional frameworks of various fields, in particular, in the area of the capacity, the independence and neutrality of the judicial institution and other related legal and institutional frameworks.

29. In the context of implementation, the Council of Ministers has adopted a number of Programs of Actions since 2003. The Royal Government has given high attention to the implementation of the legal and judicial reform strategies, with the participation of relevant stakeholders as an indispensable process of reform.

30. The Royal Government of Cambodia has made its firm commitment toward the continuation of implementation of its reform program in all sectors in a more in-depth manner, based on four principles – individual rights, liberal democracy and multi-party system and pluralism, clear-cut separation of power and the rule of law as enshrined in the Constitution. Through the Council for Legal and Judicial Reform, the Program of Action for Legal and Judicial Reform is being further studied and updated.

31. The Legal and Judicial Reform Strategy is developed on the basis of four key visions, one of which is to promote the individual rights as embodied in the Constitution and by bringing it into conformity with international principles. In line with this, the RGC

has set the rights and freedom of individual as the first strategic goal (among the seven goals), being used as a guideline to implement legal and judicial reform with high attention being given particularly to the poor and other vulnerable people.

## **2. Freedom of expression**

32. The RGC attaches high importance to the freedom of expression, freedom of the press and freedom of publication that have been guaranteed respectively in the Article 31 and 41 of the Constitution. For example, Article 31 states: “the exercise of such rights and freedom shall be in accordance with the law.” Article 41 states that “the regime of the media shall be defined by law.” Based on this Article, the Ministry of Information has introduced a draft law, which was adopted by the National Assembly, signed by the King and promulgated by the Royal Decree No. NS/RKM/0895/07 on 1 September 1995.

33. The Press Law was consistent with the Charter of the United Nations and Universal Declaration on Human Rights as well as with various international instruments to which Cambodia is a Party. The Press Law of the Kingdom of Cambodia provides guarantee for the press freedom in particular with respect to “the right to maintain the confidentiality of its sources.” (Article 2) and the right “to maintain the independence of the press; pre-publication censorship shall be prohibited (Article 3)”. Accordingly the Law offers a space for press competition stating that “The Kingdom of Cambodia does not take into account any political tendency, skin color; and foreigners may also own Khmer language newspapers (Articles 17 and 18)”.

34. Following the adoption of the Criminal Code, the Royal Government has given high attention to the promotion of the press freedom and publication, including the stipulation on the penalty being committed by means of media.<sup>4</sup>

35. Electronic media in the Kingdom of Cambodia, including transmission wave and signal, is not the sole ownership of any individual; it falls under the leadership and management of the Royal Government. The Royal Government promotes business of private sector (private broadcast), with the purpose of serving political or commercial purpose and broadcasting information relating to education, news and entertainment, among others. They may organize their broadcast and enjoy the same freedom to that of the press. Furthermore during the whole process of national election campaigns, the Ministry of Information in collaboration with the National Election Committee (NEC), has provided equitable time allocation for all political parties to broadcast their respective programs through the state media channels, (especially, through the Cambodian national TV and Cambodia Radio), so that to enable them to seek supports in their respective constituencies.<sup>5</sup> In Cambodia, there are 19 FM and AM radio stations out of 139 private owned radio stations and sub-stations across the country whose broadcast programs are produced by the civil servants of the Ministry of Information.

36. Cambodia is the Country that practically promotes freedom of information, including the practices in the use of social media networks (through the news online system – internet, online, website, social media, etc.). All Cambodian citizens obviously enjoy the rights and freedom to develop social media network (such as website and so forth) which could be launched to express their opinions freely from all over the place, within and outside Cambodia.

## **3. Human rights protection: Institutional mechanisms and cooperation**

37. The Constitution of Cambodia offers the guarantee of all human rights legal frameworks that conform to international rule. Nothing in the Constitution and other laws of the Kingdom of Cambodia contradicts the principle of human rights as stated in international instruments. The key principles of those instruments were, however, are

drawn to be incorporated into the state law, which is an important tool at national level to protect human rights in Cambodia.

38. Cambodia set up the following human rights protection mechanisms/structure in the legislative and executive branches:

(a) **The Human Rights Protection and Complaints Handling Committees:** the Committees are established respectively within the National Assembly and the Senate; they are in charge of relevant duties and functions to protect the rights of the people. Each of these committees, (as acting on behalf of the National Assembly and of the Senate), shall receive, address and resolve all petitions/requests of the people who lodge the complaints from any abuse or violation of their rights.

(b) **The Human Rights Committee:** acting on behalf of the Royal Government, is tasked with the role and duties to investigate the case, collect information relating to the enforcement of human rights, prepare the report to be submitted to the relevant bodies of the United Nations. By the same token, on behalf of the Government, the Committee seeks to understand the situation of human rights in order to address the complaints/problems, develop policies and take appropriate steps and measures to enhance the implementation of human rights. In addition, the Government has established various national mechanisms on human rights to deal with thematic issues according to the relevant UN Treaty Bodies and other regional frameworks.

(c) **Judiciary:** Judicial jurisdiction belongs to the Courts system. This institution is granted with judicial power, which is an independent power to ensure and maintain the impartiality and protect the rights and freedom of the people. All people shall receive the protection of their rights and freedom through judicial means; all people are fully entitled with their rights to lodge a complaint to the court in order for this institution to protect their rights when they fall under the situation of violation (physical abuse, abuse on their asset, dignity and other rights and freedom). The legitimate complaints lodged by people are brought to the attention of the Court for addressing any case of abuse/violation by the perpetrators, and to provide proper compensation for any damage caused.

(d) **Civil Society** (including NGOs and other stakeholders): the Constitution of Cambodia, (along with the existing National Strategic Plans of the Government) recognizes and promotes the important role and constructive participation of civil society, (including NGOs and other kind of associations/organizations) in delivering economic and social services and consolidating political and democratic developments in the country.<sup>6</sup> Their activities and programs have been promoted along the way, and become increasingly vibrant in many areas, in particular in the advocacy of human rights. Currently, there are thousands of civil society, including local and international NGOs, associations and other organizations, ( apart from many media organizations and trade unions) operating actively in the Kingdom of Cambodia following their respective roles and duties without any restraints or impediments.

(e) **Partnership with the Office of High Commissioner for Human Rights:** Cambodia has a long standing record of cooperation and partnership with the United Nations, especially with the Office of UN High Commissioner for Human Rights and Special Representatives /Special Rapporteurs of the UN over two decade to assist the country in the field of technical cooperation and capacity building. Both the Office and Special Rapporteur are continuing to work with relevant national authorities and other stakeholders for the promotion and protection of human rights in Cambodia.

(f) **ASEAN Cooperation of human rights:** In the regional context, Cambodia continues to work with other ASEAN fellow members to achieve further progress on human rights through an intergovernmental commission of human rights and other related bodies.

#### 4. Anti-corruption

39. The Anti-corruption Law was adopted by the National Assembly on 11 June 2010 at the Extraordinary Session of the National Assembly of its fourth legislature and the Senate has agreed to the format and the entire content of the Law without making any amendment on 19 March 2010 in the Extraordinary Session of its second legislature.<sup>7</sup>

40. The Anti-Corruption Law contains the provisions (in Chapter 4, Articles 17 through 20) dealing with the **obligation** on the Declaration of Asset and Liability.<sup>8</sup> The Anti-Corruption Law has been elaborated in conformity with the Penal Code and the principles of the United Nations Convention on Anti-Corruption adopted on 31 October 2003 (its date of entry into force: 14 December 2005).<sup>9</sup> With regard to declaration of asset and liability, it requires civil servants and citizens of public mandate by the election as well as the management of civil society to declare their asset and liability every two years.<sup>10</sup>

41. The Anti-Corruption Law has established its own anti-corruption structure which consists of national Anti-corruption Council and Anti-corruption Unit. The Anti-corruption institution is the sole competency to receive the complaint and to take legal action. Furthermore, the Anti-corruption Unit has a separate financial package within the national financial package equivalent to 0.2% to 0.3% of the total national expenditure. In a special case, the Anti-corruption Unit may submit a request for additional budget, as necessary, from the Royal Government.

#### 5. Extraordinary Chambers in the Courts of Cambodia (ECCC/the Khmer Rouge Tribunal)

42. The RGC has been politically, financially and administratively supporting the ECCC from the very beginning of negotiation to the present stage. The RGC has coordinated with the United Nations on the functioning of the Courts. It has provided physical infrastructure at the Court premise (such as building), transportation for staff and the publics. The RGC has covered the utilities cost such as electricity and water supply and has provided medical services for the five accused persons.

43. Substantial judicial works that have been achieved so far are as follows:

(a) Case 001 with 76 Civil Parties in the proceedings was successfully concluded. The convicted, Mr. Kaing Guek Eav alias Duch was sentenced to life imprisonment by the Supreme Court.

(b) Case 002 with 3867 Civil Parties has been severed into mini trials. The hearings of Case 002/01 concerning the administrative structures of the Democratic Kampuchea Regime and forced transfers of population, is currently in process.

(c) Case 003 and 004: The cases have been investigated by the Co-Investigating Judges. The investigation should be concluded in June 2014; and the Closing Order is expected by the end of 2014 where a decision may be made either for prosecuting or dropping the charge. The ECCC, in cooperation with the intermediary organizations, has made great efforts to facilitate the victims' participation in ECCC's proceedings, by providing them with accurate information relating to the ECCC developments and along with a legal representation seeking reparations and justice. As the hearing of Case 002/01 is almost complete, the Victims Support Section, in cooperation with the Lead Co-Lawyers, non-governmental organizations and government institutions, are seeking supports, both politically and financially, to enable the process of 12 remedy projects which has been requested by the civil party and the victims who have participated into the Court process. These projects will be implemented in the Capital and provinces so that the victims sufferings inflicted during the Khmer Rouge regime can be remedied and psychological problems of the people can be healed.

44. The RGC respects the due process of law and the independence of judiciary. The ECCC has set its own judicial calendar that must be followed. The ECCC has created a Legacy Advisory Group and Legacy Secretariat. The ECCC has started working with the Council of Legal and Judicial Reform by exploring the possibility to pass on experience, and share its best practices, and skills to national legal and judicial actors. For example, the Victims Support Section (VSS) has started developing Case Management Tool that is compatible with the Khmer scripts. When it finished, the national officers/actors will be trained. National legal officers and Judges who work with international Officers have gained extensive knowledge, experience, expertise and skills that can be utilized for effectively improving the national judicial system when they return to work at the relevant national institutions of the Cambodian Government, in particular at the national judicial institutions/bodies.

45. Case 003 and 004 are still being under the phase of investigation by the independent and impartial Co-Investigating Judges. At present, the victims of the Khmer Rouge regime can submit their complaints or applications to the ECCC through the Victims Support Section and the Intermediary Organizations. The ECCC has created many built-in judicial mechanisms in accordance with the Agreement and Law on the Establishment of the ECCC so that to ensure that work carried out by judges and officials are independent and impartial.

46. The Judges at the ECCC work shall be independent and acting with impartiality and without receiving instructions from any entity or individual, including the media and NGOs. All practices and the confirmations from the Government and UN, (as the founders of the ECCC) have to strictly adhere to the principles of independence and impartiality of the judiciary taking into account their support for the respect for sovereignty, national reconciliation and political stability in Cambodia.

47. The UN Secretary-General issued a Public Announcement (SG/SM/13642 – 14 June 2011), denying ‘media speculation’ that Judges received instructions to dismiss Case 003 before the ECCC. On Friday 22 July 2011, Samdech Prime Minister reacted to the statements raised by the observer groups that the head of the Government had interfered in the internal affairs of the ECCC and banned further trials of Cases 003 and 004.<sup>11</sup>

48. The RGC fully cooperates with the United Nations to ensure that all allegations of misconducts are rapidly submitted to the Independent Counselor, Mr. Uth Chhorn, designated by the Royal Government of Cambodia and the United Nations on 11 August 2009 to strengthen the entire administration of the ECCC for the sake of respecting the due process of law.

## **6. Law on associations and non-governmental organizations**

49. In view of further improving the Draft Law on Associations and Non-Governmental Organizations, (which is still being subject to further discussion), the Ministry of Interior is currently cooperating with the legal experts from the Office of the United Nations High Commissioner for Human Rights in Cambodia, along with the legal experts from the World Bank, through broader consultations, equally attended by the task forces representing the associations and non-governmental organizations. Following the process of consultations, the Ministry of Interior has continually collected the inputs/ideas and recommendations proposed by the associations and non-governmental organizations to improve the draft law.<sup>12</sup>

## **7. Election**

50. All political parties which have been officially registered with the Ministry of Interior have their full rights to perform all political activities in compliance with the Law

on Political Parties. During the recent election campaigns, the political parties who have registered their candidates shall carry out their activities in accordance with the law, regulations and procedure of the election. The Royal Government of Cambodia, along with the National Election Committee (NEC), has a strong political commitment in this democratic process by taking all necessary steps and measures to ensure that all registered political parties carry out their activities without any hindrances and threats.

51. The Law on National Election, (including its regulations and procedures of the election) prohibits the use of budget, means of transport and property of the state to support any political party during the election campaigns. Any Individuals violating the above provisions will face charge or penalty by the law. The NEC allowed all registered political parties to have sufficient times to disseminate their political platforms through the state's radio and television in which each political party received an equal period of time to broadcast them.

52. Furthermore, the NEC has issued guidance on broadcasting principles to the private radios and televisions in order for them to ensure the equitable access to media for all political parties. In the meantime, the NEC also has published political platforms of each political party in its weekly newsletters and has distributed those publications nationwide. More importantly, the NEC has authorized the national and international non-governmental organizations to organize debates on political platforms among the political parties running in the election.

53. During the campaign for the National Assembly election (Parliamentary election) for the fifth legislature in 2013, all political parties had a wide range of rights to utilize the media. During the election process, the NEC usually has created a favorable environment where individuals can exercise their freedom of expression and their rights to the public assembly and rally. Moreover, the NEC has practically called for the national and international associations and organizations to help promote, by all means, all pieces of information involving in the election to individual citizens either through public or private channels. The process of election campaign, polling and vote counting had been conducted fairly in a good, safe and transparent manner. All political parties had launched their campaigns until the end of the scheduled date set before the Election Day. They had monitored the process of polling day and vote counting which was conducted in a smooth and largely peaceful environment along with the presence of national and international observers, associations and non-governmental organizations as well as from representatives of foreign embassies that have come to monitor the election.

54. Almost every national and international observer evaluated the election process positively. Mr. Ban Ki-moon, the Secretary-General of the United Nations, the US State Department, the European Union and the representatives of other countries have released their respective statements in favor of the election process. All those statements have encouraged the winning political parties to settle the election disputes in a peaceful manner.

55. After receiving a number of recommendations from any corners of the society particularly from the civil society, the Special Rapporteur of the United Nations on the situation of human rights in Cambodia, (Professor Mr. Surya Subedi), the EU, and following the joint declaration of the Cambodian People's Party and Cambodian National Rescue Party on the 16<sup>th</sup> September 2013, the Royal Government of Cambodia had taken actions toward the building of a framework for an election reform in Cambodia in pursuance to the principles of liberal and multi-party democracy and the rule of law in order to enable the next election run more better and efficiently.

56. The Ministry of Interior will organize a national workshop by the end of this year with the aim at further collecting ideas, opinions and recommendations from all corners of the society for this electoral reform.

## **D. Combating torture, prison and youth rehabilitation center**

### **1. Rights to be free from torture**

57. Article 38 of the Constitution of the Kingdom of Cambodia states that “the law guarantees the rights that there shall be no physical abuse against any individual. Every citizen shall enjoy the right to defense through judicial recourse.” Article 39 of the Constitution of the Kingdom of Cambodia states: “Individual citizens shall have the right to appeal, to make protest or complaints against any breach of law by state, any social organizations or by any member of such organizations, committed during the course of their duties.”

58. Since 1992 the Kingdom of Cambodia has become a State Party to the UN Convention against Torture and other Cruel Inhuman or Degrading Treatment or Punishment; it also ratified the Optional Protocol of this Convention on January 19, 2007. In accordance with this Optional Protocol, the RGC has issued Sub-Decree No. 122 dated August 07, 2009 establishing a mechanism to prevent torture at national level. In particular, the Penal Code of the Kingdom of Cambodia stipulates various levels of penalties related to torture. Furthermore, the Code of Conduct and Article 8 of the Code of Ethics and Disciplines for Detention Guards No. 001 dated September 29, 2005 of the Ministry of Interior spell out the punishment on any detention guards who breach orders, procedures and Prakas (regulations) of the Ministry of Interior.

59. The RGC has established a national mechanism in order to ensure the respect of basic rights for those who are deprived of freedom due to torture, inhuman and degrading treatment. This mechanism has a duty to monitor all prisons and their infrastructure throughout the Kingdom of Cambodia. The civil society also conducts the same monitoring activities on a regular basis.

60. For those who are deprived of their freedom should obtain legal protections so they can obtain their innate dignity as stated in the Charter of the United Nations and the Universal Declaration of Human Rights. The law prevents physical violence against any person. Law protects lives, reputation, and dignity of individual citizens. Coercion, physical violence, and torture imposed on detainees or prisoners are strictly prohibited. The institution that is responsible for management of prisons in the Kingdom of Cambodia is the Ministry of Interior, i.e. the General Department of Prisons which is established according to the national law, i.e. the Penal Code, and administrative provisions of Prakas No. 217 dated March 31, 1998 of the Ministry of Interior. A detainee or prisoner has the right to file a complaint or to take legal action against any government officials who commit physical abuse on him. The offender will be punished based on the Penal Code and the victim can claim compensation for the damages according to Article 14 of the Penal Code. The application of legal procedures should be carried out while there is a complaint against police officers or prison guards. The settlement of this kind of complaint is under the jurisdiction of the Ministry of Interior. The complaints related to criminal cases such as felonies and misdemeanors are under the jurisdiction of the Court.

### **2. Prison reform**

61. In the Kingdom of Cambodia there are 22 prisons and 4 correctional centers where there are 14,747 prisoners (1,182 female prisoners). This total number consist of 5,661 convicts (347 females), 5,715 culprits (496 females), and 3,371 accused (339 females). There are 21 healthcare management facilities for prisons and correctional centers at municipal and provincial levels which are under the management of the Ministry of Health based on Letter No. 01 dated January 04, 2010. The Sub-Decree No. 86 dated June 18, 2009 on the living conditions for culprits and convicts reflect the attention of the RGC regarding the rights of those who are deprived of their freedom. Culprits and convicts are

given daily meal allowance amounting to 2,800 Riels (previously only 1,500 Riels), whereas children of culprits and convicts whose age being less than 6 years old and living together with their mother, receive meal allowance amounting half of culprit's or convict's.

62. In addition to the meal allowance, clothing and daily-used materials which are spelled out in the Sub-Decree mentioned-above, the Decree No. 28 Kr. dated June 20, 1988 also stipulates the amnesty or reduction of punishment for convicts. In order to ensure the effectiveness for management of prisons, Article 509 of the Code of Criminal Procedure states that "The Prosecutor General of the Court of Appeal, the Prosecutor, the President of the Investigation Chamber and the Investigating Judge shall inspect prisons regularly." Article 4 of the Legal Procedure No. 3, (Point 3) and in accordance with Prakas No. 217 P, of the Ministry of Interior, dated March 31, 1998, on the Management of Prisons, requires the separation of male and female prisoners.<sup>13</sup>

### **3. Rehabilitation centers**

63. Rehabilitation centers were established for humanitarian purpose to help the vulnerable people including elders, disables, orphans, and people with mental illness, drug abuse victims, and helpless people. Living in the centers is based on voluntary principle. The centers are designed to help those living on the street; and the centers provide food, health care, vocational training, life skills and other assistances so that the vulnerable people will have sufficient skills while returning back to their community.

64. The Royal Government attaches high importance to living condition of the vagrants or orphans. For this purpose, it has established many social affair centers that are responsible for providing consultation, health care, vocational training to vagrants/orphans who are jobless, homeless, and living in the street and beggars.

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

### **1. Right to access education**

65. Article 31 of the Education Law, which stipulates that "Every citizen has the right to access qualitative education of at least 9 years in public schools free of charge. This right has been implemented over the past. The Education Strategic Plan 2009-2013 was prepared under the RGC's first policy; and it ensures that the children at the age of six can have access to primary schools. This right applies to the vulnerable groups such as disabled children, minority children, child laborers as well.

66. The Ministry of Education, Youth and Sports promotes a free-of-charge school enrolment program and encourages community, parents and guardians to further understand the importance of education and their respective roles in sending their children to school. The Ministry also provides scholarship to the poor and vulnerable students to have access to primary and secondary education, reduces all kinds of parents' expense, introduces fast track and remedial class programs at primary schools, and creates skilled literacy as well as post-literacy program.

67. The Ministry of Education, Youth and Sport has adopted Education Strategic Plan 2009-2013 with prioritized policies such as ensuring equitable access to education services, promoting educational quality and efficiency, building institutional capacity to educational officials for future decentralization, accelerating education sector support program towards the attainment of Millennium Development Goals (MDGs), along with the vision of a National Plan of "Education for All".

68. The Ministry of Education, Youth and Sport has designed education programs and systems through introducing a new policy for general education and implement child

friendly curriculum, and has encouraged all primary schools nationwide to implement child friendly school policy at primary medium and higher phase. The Ministry also has introduced various education policies which include child friendly school policy, education policy for child with disability, education and health policy, early childhood education policy, national policy for youth development, and technical education policy.

69. The Education Strategic Plan 2009-2013 clearly states that “the Government ensures that every child aged below 6 years old, including vulnerable groups such as children with disability, minority children and child laborers, shall have access to primary school.” The Education Ministry has prepared the fast track program of learning for minority students and built community center for indigenous people.

70. The Ministry has provided primary school scholarship to minority students in remote provinces (such as Ratanakiri, Mondulkiri and Preah Vihear provinces). The Ministry has expanded a bilingual education program for minority students. The policy which supports bilingual education program was developed and it continued to build schools at the very remote areas.

## **2. Right to employment**

71. The Ministry of Labor and Vocational Training has created an Action Plan to eliminate the worst form of child labor including by strengthening the implementation of law in collaboration with programs and projects of development partners to eliminate child labor and to improve working safety for children under the age of 18 years old.

72. The Ministry concerned has proposed a roadmap to eliminate the worst form of child labor by 2016 and to this end has supported the Municipal and Provincial Departments of Labor to prepare their plans of action in eliminating the worst form of child labor. In addition, the Ministry routinely monitors and inspects child labor at local enterprises, prevents child laborers and reintegrates them into the society.

73. The Ministry of Labor and Vocational Training has developed an action plan with the purpose to strengthen the implementation of laws through joint action with other stakeholders on child labor programs in order to improve the safety of working children at the age between 15 and 18 years old. The Ministry also developed a roadmap that aim to eliminate the worst form of child labor by 2016.

74. The RGC along with the Ministry of Labor and Vocational Training as a direct secretariat has a plan of action toward the implementation of technical and vocational training. This plan includes the development and implementation of national qualification framework, the accreditation of training programs and institutions, and the development of labor market information. In addition, the Ministry has created jobs by developing employment opportunities within the country and abroad as well as in the informal economy.

75. The Kingdom of Cambodia supports the formation and participation of individuals in trade unions. This right is mentioned in Article 36 of the Constitution which states that “Khmer citizens of either sex shall have the rights to form and to be member of trade unions.” The RGC has never discriminated and intimidated any union’s activists. For instance, the number of unions, which have formally been registered in compliance with the law, are 2,924 unions at enterprise level, 79 trade union federations, 13 trade union chambers, 7 employer associations with the labor force of 337,125 of which 30,908 are female workers. Union activists have their freedom, legitimate rights and responsibilities before the law as other citizens.

76. The Law on Labor Court has been drafted by labor-related institutions such as the Ministry of Justice and the National Council for Legal and Justice Reform. The Law on

Trade Unions is under the review process at this stage. The review has the purpose to ensure that the realistic nature of this law should consistently protect both union workers and employers.

### **3. Right to health service**

77. The long-term vision of the Ministry of Health is to promote the sustainable development of health sector which will improve the health and welfare of all people as part of contribution towards economic and social development in the Kingdom of Cambodia. Referring to the core value of above vision of the Ministry of Health, priority is placed on the promotion of equitable health rights for all Cambodian people. Progressive implementation of this recommendation has been reflected through the results of health service's provision under various programs of the Ministry of Health including programs for reproductive health, maternal and child health, HIV/AIDS prevention, chronic diseases, and health system strengthening. The increase in national budget allocation in health sector has provided opportunities for the expansion of services and the upgrade of quality of health sector. There is an improvement in the management of national budget, whereas the use of donor's fund remains essential and more effective.

78. The Ministry of Health prioritizes the partnership with the national community in delivering health services to all Cambodian citizens. Several health local and international partners have operated their programs and projects in partnership with the Ministry of Health and other health institutions at all levels.

79. In order to achieve prioritized goals of the RGC as set in the Rectangular Strategy Phase II, the Ministry of Health continues to develop and implement policies and other health strategies so as to promote equitable access to health service for all citizens. The access to health service of poor people is supported by the Health Equity Fund which is financed by the national budget and other sources supported by development partners under the Health Financing Strategy Scheme 2008-2015. To this end, a Master Plan for socio-health support, which would actively contribute to the development of National Strategy on social safety net, was drafted. This Plan prioritizes the roles of health sector in supporting the development of social safety net, particularly the development of health financing system that prevents the poor and low income group from falling into poverty trap because of health expenses. Presently, 77% of the poor people, who live under the poverty line, are protected by the Health Equity Fund.

## **F. Women's rights**

80. The Kingdom of Cambodia protects equality of rights between women and men in all sectors especially in the political and public activities as stated in Article 35 of the Constitution which reads that "Khmer citizens of both sex shall have the right to participate actively in the political, economic, social and cultural activities of the nation. The RGC underlines the importance of women in its Political Platform which states that "Women are the backbone of the society. In this context, the RGC has developed legal provisions for preventing the discrimination against women as stipulated in the Penal Code. To prohibit the discrimination against women, the Kingdom of Cambodia has also adopted a number of specific regulations and measures which prevent discrimination against women.

81. The RGC will take necessary actions in order to ensure the maximum rate of women to join the government's institutions at all levels – from national to sub-national and local levels," The RGC has introduced a special measure to create an environment for women to having rights and opportunity equal to men and a chance to getting senior leadership positions so that the women's leadership voice will be heard in the future.

82. The Ministry of Women Affairs has a direct line contact to Provincial and Municipal Department of Women Affairs, acting as the Ministry's Focal Point, in assisting and monitoring local authorities' activities. Additionally, the Cambodian National Council for Women, consisting of members who are Secretary of State of 24 ministries/institutions, was assigned to conduct the follow-up action and monitoring work of public institutions' activities.

83. To eliminate the discrimination against women, the RGC has enforced various measures including by raising the gender awareness of a number enforced legal frameworks based on current legislation and regulations adopted to ensure that all approved laws incorporated gender equity. These include, among others, the Law on Single Relationship, Law on Marriage and Family, Law on Prevention from Domestic Violence, Penal Code, Criminal Procedures, Civil Code and Civil Code Procedures<sup>14</sup>. As stated in the Principles on the Eliminating All Forms of Discrimination Against Women, the RGC has prioritized the promotion of women's roles and status in the society through gender mainstreaming strategy, by providing all necessary capacity buildings to women, motivating behavioral changes towards women, preventing and eliminating domestic violence with the objective to enable women to participate actively and equally in the country's development process. In addition to the legal measures, the RGC has introduced other necessary measures in order to promote women's growth and development. These measures include mainstreaming gender equity into all parts of institutions, provincial and municipal departments, and at the grassroots levels (at commune or sangkat councils, along with partnership of civil society). The gender mainstreaming program has been incorporated into national policies, local policies, and development programs that ensure equal role of the women in decision making and policy design processes.

84. Following the RGC' initiative along with the coordination of the Cambodian National Council for Women, the Gender Taskforce of relevant governmental institutions has conducted workshops to raise awareness on the International Convention on the Eliminating All Forms of Discrimination Against Women to their respective officials. Furthermore, the Ministry of Justice had invited several judges and prosecutors along with ministry officials to join the workshops. Over decades, the RGC has achieved some of practical progress in addressing the gender issues by increasing the rate of women participation in the public services and in politics at all levels under the government's structure.

## **G. Child rights**

85. The Royal Government of Cambodia established the institution and created related mechanisms to promote and protect child rights more effectively. The Cambodia's National Council for Children is a coordinating institution which provides the Government with recommendations on child-related issues such as living conditions, development, protection and welfare. The Council, consisting of a secretariat and seven technical taskforce teams of joint members, has been sub-structured at the level of all 24 provinces and municipalities and of each ministry or institution. This means that the Council also has a sub-national Council at each province and municipality level. With a view to further combating human trafficking in the country, the Royal Government issued a sub-decree no. 162 on 25 September 2009 to establish a national committee whose role is to combat human trafficking, labor exploitation, and sex trade on children and women. Meanwhile, on 20 November 2009, it has also organized a taskforce, called "Cambodia Commit Task Force", in order to combat human trafficking in the Mekong sub-region, and to work with the UN's Office in Cambodia on human trafficking and migration.

86. The Constitution of the Kingdom of Cambodia, in article 31 states that “the Kingdom of Cambodia recognizes and respects human rights as stipulated in the UN Charter, the Universal Declaration on Human Rights and together with other pacts and conventions related to human rights, women’s rights and child rights”. Article 48 states that “State respects child rights as stipulated in the Convention on the Rights of Child, especially the right to live, right to access education, right to receive protection during war and the protection against economic or sexual exploitation on children.”

87. The Law on anti-human trafficking and sexual exploitation was officially announced by the Royal Kram no. NS/RKT/0208/005 dated February 15, 2008 to combat human trafficking and sexual exploitation.

88. The Ministry of Justice issued a guideline dated August 19, 2005 on the implementation of some principles in line with the existing local and international laws. This guideline illustrates some legal frameworks of the international convention on child rights and other international laws pertaining to juvenile justice and the protection of criminal victims.

89. The Ministry of Labor and Vocational Training has set up a department that is responsible for child employment. The department developed the National Action Plan of 2008-2012 on the elimination of the worst forms of child labor and is currently preparing a new draft of a National Plan for 2013-2018 which set objectives aimed at eliminating the worst forms of child labor based on three important principles: 1). to prevent children from the worst forms of child labor so that they can receive vocational education, then reintegrate them into the society; 2) to cooperate with the civil society in the fight against women and child trafficking; 3). to promote appropriate work and work safety for children.

90. The Kingdom of Cambodia ratified the Convention on the Rights of Child on October 15, 1992; and consequently the Government has formulated a definition for children as being those whose ages are under 18 years old. Article 38 of the Criminal Code states that the age limited to face criminal charges is from 18 years old and upward. For minors who commit any offenses shall only be punished by way of education, protection and support (article 39).

91. The Kingdom of Cambodia has drafted the Law on Juvenile Justice since 2006, which focused on juvenile delinquency, designating experts to work for children, creating child-friendly legal procedures, and reversing prison sentence for children at each court proceeding. The Ministry of Social Affairs, Veterans and Rehabilitation and the National Council for Children have initiated a Law on Child Protection and for this purpose has set up a Working Group on this matter.

92. The National Strategic Development Plan of 2009-2013 outlines the important prioritized policies related to children. For strengthening of education quality, the Royal Government of Cambodia achieved a significant improvement in the implementation of a National Plan “Education for All” through the promotion of equity for basic education for all children up to 9 years. Secondary schools have been established for almost all communes and sangkat nationwide. The Royal Government of Cambodia will continue to implement education strategic plan by providing equal opportunities to all children and youth in accessing the basic education both formal and informal education without discrimination of race, color, gender, language, belief, religion, political will, birth and social status. For health sector, the Royal Government of Cambodia focuses on improving people’s welfare, especially for poor people, women and children. The relevant authorities are currently accelerating the implementation of Health Strategic Plan in order to improve the quality of health service, especially on reproductive health, maternal health and health service for infants and children.

## H. Some progress on the way

93. In spite of the financial crisis in 2009, the Cambodia's economy has bound back with the growth rate of 6% in 2010 and 6.1% in 2011. According to the forecast of the Government and other sources, the growth rates are estimated to persist at 6.2% and 7% in 2012 and 2013 respectively. With this trend, Cambodia is on the right track to achieve some of the Millennium Development Goals (MDG) targets by 2015. Cambodia has experienced rapid improvement in social indicators after a decade of heavy investment in social and economic infrastructures. Out of the 8 Millennium Development Goals (MDG) targets, Cambodia already achieved 5 before the 2015 deadline, in the area of promoting gender equality and empowering women, reducing child mortality, improving maternal health, combating HIV/AIDS, malaria and other diseases and developing a global partnership for development. Cambodia is making progress to achieving universal 9 year basic education and poverty reduction as scheduled.

## III. Challenges

94. Uncertainties around the world's economy and finance are still threatening the economic growth since the Cambodia's economy relies on external markets and Cambodia's economic fundamental is still limited. Furthermore, although Cambodia has achieved high economic growth and reduced poverty over the past years, poverty rate in rural areas is still high. The results of reducing wealth gap between the rich and the poor and between urban and rural which have reached so far are still limited.

95. The provision of public service and justice service is still not fully attracting the public confidence. The legal framework does not fully cover all aspects; and the knowledge and capacity of law enforcement are still not reaching the level that royal government aimed at.

96. Inconsistencies in updating the land information database are still not improved, while unregistered plots of land including state land, encroachments on state land remain as one of the challenges; resolution on land disputes still take long time to address; materials and human resources to support land titling program are still limited. Institutional facilitation on resolving land disputes, materials and human resources for measuring land along with the needs of mine clearance are still prioritized issues in the on-going agenda of the Government.

97. Developing human resources with good quality and capacity in response to the need of social and economic development that is a key to sustain economic growth and ensure competitiveness of Cambodia for the time being and in the long term continue to be further improved and prioritized in the next mandate of the Government.

98. Improving education quality is still not responding to the need of labor market; and developing vocational skills for youth in order to increase their job opportunities and exploring the full potential of Cambodians as well as building future human resources are still a matter of concern for the Government. Specifically, promoting work safety for workers and the poor is still not fully available.

99. Expanding the health service, improving the quality and ensuring a suitable fee of health service are still a key issue of concerns which the government shall further address in order for it to strengthen and improve social safety networks, among others.

## IV. Strategies ahead

100. The Royal Government of Cambodia introduced the rectangular strategy of stage 3 during its fifth mandate in order to reform each sector deeply, actively, fruitfully and equitably. Based on the above national strategy, the Royal Government of Cambodia is currently continuing to strengthen the rules of law, and promoting and protecting human rights. It is also strengthening and expanding the previous achievements attained through peace, political stability, security and social orders, and improvement of the people's living standards and welfare.

101. The Government will implement realistic measures to further promote rules of law, to consolidate the pluralistic democratic system and process and to respect freedom of expression and human dignity that will in turn strengthen political and security environment, leading towards long-term sustainable development.

102. The Royal Government is committed to effectively implementing the policies of immigration along with the policy against all kinds of discrimination and at the same time safeguarding the country's sovereignty, national interests, reputations, dignity and harmony in the society.

103. The Royal Government continues to deeply reform the legal system and Courts by designing an improved and effective legal framework with sustainability and more confidence. It will also strengthen capacity building, independence, and impartiality of the Courts which are essential for strengthening rules of laws, separation of powers, respect for individual rights and justice.

104. The Royal Government will introduce a systematic procedure on anti-corruption by strengthening the law enforcement through education, accountability and institutional capacity building with the support and participation from the public and the private sectors. The Royal Government continues to implement an effective anti-corruption in both through institutions and by mean of other legal instruments to raise awareness of this law to the public, especially at the ministerial levels and in other state institutions in order to prevent and promote transparency among public officials.

105. The Royal Government will continue to find justice for Cambodians through its support for the existing Extraordinary Chambers in the Courts of Cambodia in order to trial key Khmer Rouge leaders, most responsible for crimes committed during the period of Democratic Kampuchea.

106. The Royal Government will actively and deeply reform land management by focusing on the management, organization, utilization and distribution of land in order to achieve national goals for poverty reduction, food security and the protection of environment and natural resources, keeping in line with the process of socio-economic development and in accordance with the free market principles. It is committed to solving land disputes more effectively and fairly based on the existing laws and regulations by using both mechanisms inside and outside the Court system. For the long-term goal, the Royal Government will speed up granting the allocated social concession land to the landless people by using land withheld from inactive companies, the remaining State's land under Directive no. 01 and the remaining land after mine clearance. The Royal Government continues to postpone the economic land concession program or permanent rental of land in order to strengthen the management of such lands in accordance with laws and contracts.

107. The Royal Government continues to promote the principle "Education for All" by increasing opportunities of receiving equitable education services to all Cambodian children and youth at both formal and informal education system.

108. The Royal Government continues to implement social affairs policies and to improve livelihood of people by upgrading the quality of life. It continues to develop social economy in order to create jobs, employment and income for the people, and to increase wage for civil servants, workers and armed personnel in keeping with the pace of economic growth and the availability of the national budget. The Royal Government continues to strengthen social safety system for the support of vulnerable groups, promotes the roles and status of women in the society and of veterans and former good civil servants, protects and promotes the rights of children and persons with disabilities, as well as creates social welfare for the retirees.

109. The Royal Government continues to solve and promote people's welfare by introducing specific policies to support the development of health sector.

110. The Royal Government also continues to implement gender equality policy by mainstreaming gender in all sectors and programs, increasing the efficiency of social service and justice for victims who suffered from gender violence, providing opportunities for female students to pursue their education until undergraduate and postgraduate along with the provision of quality and effective health and food, and balancing women's capacity in public and private functions so that they can contribute to the promotion of good governance at all levels.

111. The Royal Government preserves and upholds the national cultures and continues to organize cultural activities in all fields at each level as well as encourages the production of new films and raises awareness on the variety of products for Khmer culture.

112. The Royal Government respects the rights to freedom of all religious beliefs and promotes Buddhism as the State's religion. At the same time, it maintains political stability and social orders by preventing all forms of discrimination and social classification arising from different beliefs and religions.

113. The Kingdom of Cambodia believes that all friendly countries, development partners and other stakeholders around the world will help provide good experiences and technical expertise to the Kingdom of Cambodia in order for it to further enhance the capacity for all Cambodian citizens to better improve human rights and thereby to join the global efforts at advancing the common cause for peace, human rights, democracy and social progress.

## Annex

- Constitution of the Kingdom of Cambodia (1993)
- International Covenant on Economic Social and Cultural Rights (1992)
- International Covenant on Civil and Political Rights (1992)
- International Convention on the Elimination of all Forms of Racial Discrimination (1991)
- International Convention against Torture (1992)
- International Convention on the Rights of the Child (1992)
- International Convention on Anti-Corruption (2003)
- International Convention on the Rights of Persons with Disabilities (2006)
- Optional Protocols to the Convention on the Rights of the Child on the Involvement in the Sale of Children and Child Prostitution (2002)
- Optional Protocols to the Convention on the Rights of Persons with Disabilities (2006)
- Optional Protocols to the Convention Against Torture (2007)
- Optional Protocols to the Convention on the Elimination of all Forms of Discrimination against Women (2010)
- Paris Peace Accords in 1993
- Law on Marriage and Family (1989)
- Interim Criminal Law (1992)
- Law on Common Statute of Civil Servants of the Kingdom of Cambodia (1994)
- Law on Organization and Functioning of the Council of Ministers (1994)
- Law on Regime of the Press (1995)
- Law on Nationality (1996)
- Labor Law (1997)
- Law on Political Parties (1997)
- Land Law (2001)
- Law on Commune-Sangkat Election (2002)
- Law on Social Security for those who are under the Provisions of the Labor Law (2002)
- Law on Statute of Parliamentarians (2006)
- Law on Education (2007)
- Law on Human Trafficking and Sexual Exploitation (2008)
- Law on Anti-Corruption (2010)
- Law on Eminent Domain (2010)
- Code of Civil Procedures (2006)

- Code of Criminal Procedures (2007)
- Civil Code (2007)
- Criminal Code (2009)
- Rectangular Strategy Phase 3 of the Royal Government for the fifth mandate of the National Assembly
- Policy of the Royal Government of Cambodia for the fifth legislature of the National Assembly
- Royal Decree NS/RD/0100/008, on the Establishment of Cambodian Human Rights Committee
- Royal Decree NS/RD/0209 on the Amendment to Article 2 and 5 of Royal Decree NS/RD/0100/008, on the Establishment of Cambodian Human Rights Committee (2002), dated February 13, 2009
- Sub-decree 36/S/E, on the Formality to Implement the Authorization for Non-immigrant Foreigners to Access and Stay in the Kingdom of Cambodia (1999)
- Sub-decree No. 118 on the Management of State Land (2007)
- Sub-decree No. S.E on National Social Security Fund (2007)
- Sub-decree No. 119 S.E on the Policy for Stay in the State Centers (2006)
- Sub-decree No. 112 S.E on the Establishment of National Mechanism to Prevent the Torture (2009)
- Sub-decree No. 162 S.E on the Establishment of National Commission to Lead the Suppression of Human Trafficking, Smuggling and Exploitation (2009)
- Sub-decree No. 103 S.E on Vital Statistics (2000)
- Prakas No. 217 P on the Management of Prison (1998)
- Circular No. 02 on Illegal Occupancy of the State Land (2007)
- Circular No. 02 on the Settlement of Temporary Building on the State Land (2010)

## Notes

- <sup>1</sup> The Royal Government continues to strengthen cooperation for the development of Cambodia Forum” in particular under the Private Sector Forum” mechanisms, taking into consideration of the possibility to transform these forums into “Cambodian Development Forum” which is a mechanism for the Royal Government and all development partners (including partners, private sector and NGOs as well as various stakeholders, both public and private sectors), to take part in the discussion on all relevant issues related to economic, social and cultural development and enhanced capacity of institutions and effectiveness of work that contribute to the human resources development on of relevant fields of human rights. The RGC has stepped in new stage regarding with centralization and decentralization that encouraging the active involvement of local people and creating an opportunity for sub-national development, which is responding to the need of the local people, and this also allow the local people to have a chance to select their representatives in their Commune/Sangkat Council.
- <sup>2</sup> The campaign ended on 20 June 2013 when it was close to the election, and it will resume after the election until the plan is achieved – to measure and provide land title on the total land area of almost 2 million hectares for nearly 500,000 households. For land registration within the general framework to date, systematic land registration has achieved the distribution of approximately 2.2 million titles and 600,000 titles of non-systematic registration.
- <sup>3</sup> During the third legislature of the National Assembly, the RCG has achieved the following legislation process: 140 laws (including 3 major codes: namely the Code of Criminal Procedure, Code of Civil Procedure and Civil Code) have been adopted.
- <sup>4</sup> It has instructed for the penalty to be implemented in accordance with the Press Law as provided for in Article 306 which states that “the defamation committed by means of media is subject to the provisions of the Press Law.” Article 308 states that “the insult committed by means of media is subjected to the provisions of the Press Law.” Article 497 states that “the offense stated in this section committed by means of media shall fall under the provision of the Press Law.” National security and political stability, insult affecting the rights of others are prohibited by the Constitution and the Press Law.
- <sup>5</sup> Amongst TV stations and 58 sub-stations, only 8 stations produce broadcast programs by the civil servants of the Ministry of Information. The rest of the stations are private and their broadcast programs are entirely managed and produced by their respective private companies, (more than 100 private cable TV stations that could capture more than 100 channels from foreign broadcast).
- <sup>6</sup> The Royal Government of Cambodia has given high attention to the process of continued strengthening of cooperation between the Government and civil society based on the principle of rule of law and democracy, by ensuring rights and freedom and human dignity, social order and respect of the law. Civil society continues to play an important role as an effective partner of the Royal Government in the nation building process over the years ahead.
- <sup>7</sup> Likewise the Constitutional Council has reviewed it and declared consistency of the Law in conformity with the Constitution through the Decision No. 110/003/2010 KBT.C dated 01 April 2010. The Law was promulgated by the Royal Kram No. NS/RKM/0410/004 dated 17 April 2010.
- <sup>8</sup> Article 32 of the Law extracted 40 articles from the Criminal Code which was promulgated by the Royal Kram NS/RKM/1190/022 dated 30 November 2009.
- <sup>9</sup> The Corruption offenses shall be punished according to the level of each offense, which ranges from 7 day to 15 years of imprisonment and may be subject to monetary fine from 100.000 Riels to 500 million Riels. Corruption did not relate offense, though committed by persons of any rank, does not take into consideration of the sum, nor does it hold any exemption.
- <sup>10</sup> Should they fail to fulfill their obligation to declare their asset and liability, they are subject to penalty according Article 38 of the Anti-Corruption Law with the imprisonment ranging between 1 month to one year and monetary fine between 100.000 Riels to 2 million Riels.
- <sup>11</sup> During the rare Press Conference at the Peace Palace Building in the morning of 22 July on the Border Issue of Cambodia and Thailand, Samdech Hun Sen raised the term “interference”; and asked who the real interferer was. He continued that those who spoke about the “interference” were actually the interferers (in the ECCC).
- <sup>12</sup> In fact the Ministry of Interior and the Ministry of Foreign Affairs and International Cooperation have initially drafted the Law on Associations and Non-Governmental Organizations and put this drafted law in broad consultative forums attended by the representatives of foreign embassies, ministries and

concerned institutions, and representatives from associations and non-governmental organizations.

- <sup>13</sup> Convicts whose age is under 18 years old should be separated from adult prisoners. The Provisions of the Legal Procedure No. 3 and Prakas No. 217 regarding the gender issue are properly implemented by the General Department of Prisons. To improve the condition of correction and detention system, the RGC has supported to build a new prison with an area of about 800 hectares in Pursat province. This new prison has agricultural programs which provide best result as a model for all correctional centers to implement rehabilitation programs via education and vocational training.
  - <sup>14</sup> In an effort to eliminate the discrimination against women, the RGC removed all legal provisions of any Codes that are of discrimination nature being incompatible with the Constitution and through the issuance of the Prakas of the Constitutional Council.
-