

Responses to Recommendations

CAMBODIA

Review in the Working Group: 1 December 2009
 Adoption in the Plenary: 17 March 2010

Cambodia’s responses to recommendations (as of 01.04.2010):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
No response, all pending	No addendum	The delegation said, in the introductory speech, that “Cambodia accepts all REC”.	Accepted: 91 Rejected: 0 No clear position: 0 Pending: 0

List of recommendations contained in Section II of the Report of the Working Group A/HRC/13/4:

“82. In the course of the discussion, the following recommendations were made to Cambodia:

A - 1. Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (CED) and the Convention on the Rights of Persons with Disabilities (CRPD); the two Optional Protocols to the International Covenant on Civil and Political Rights (ICCPR); the Optional Protocols to the Convention on the Elimination of All Forms of Discrimination against Women and CRPD; and Convention No. 169 of the International Labour Organization, and accomplish the human rights goals set by Human Rights Council resolution 9/12 (Brazil);

A - 2. Sign and ratify CED and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR); ratify OPICCPR, OP-CEDAW and CRPD and its Optional Protocol (Spain),

A - 3. Consider ratifying CRPD and ensuring its full implementation in domestic law (New Zealand);

A - 4. Consider early ratification of OP-CEDAW, signed in 2001 (Slovakia);

A - 5. Continue legal and judicial reforms and harmonization of the laws with international human rights instruments (Morocco);

A - 6. Widen its consultation process on the development of policy, legislation and regulations to ensure that all legislative instruments are assessed as to their positive and negative impacts on human rights (United Kingdom);

A - 7. Expedite operationalization of an independent human rights institution in accordance with the Paris Principles (Pakistan); accelerate the steps currently under way for the establishment of a national human rights institution consistent with the Paris Principles (Egypt); continue its efforts to establish a national human rights institution in accordance with the Paris Principles, which would strengthen the human rights infrastructure within the country (Thailand); advance the process of establishing an independent national human rights institution in a pragmatic manner and in consultation with all relevant actors (Philippines);

A - 8. Build on progress towards the establishment of an independent national preventive mechanism with the necessary mandate and resources to fulfill its obligations under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Denmark);

A - 9. Reinforce relevant institutional capacity to maximize the implementation of its five-year plan (2006-2012) for the elimination of the worst forms of child labour (United States);

A - 10. Continue strengthening its reforms programmes in all sectors to guarantee the human rights and freedoms enshrined in its Constitution (Brunei);

A - 11. Redouble its efforts and resources to reach the target sets by the Millennium Development Goals for the improvement of the political, economic, social and cultural rights of the Cambodian people (Malaysia);

A - 12. Continue its efforts to combat poverty; ensure sustainable development; improve access to health care and education; and achieve the Millennium Development Goals (Russian Federation);

A - 13. Continue to cooperate with the international community in its effort to further advance democratic society and to improve human rights and the wellbeing of its people in accordance with national priorities as reflected in its development strategies and policies (Bhutan);

A - 14. Continue to pay particular attention to continuing an inclusive process which takes into account all elements of society, and to create favourable conditions, in particular for those living in rural areas, in the framework of the strategic development plan mentioned in paragraph 33 of the national report (Morocco);

A - 15. Promote human rights education and training at all levels, including for Government officials, in order to raise awareness about human rights for all (Thailand);

A - 16. Further strengthen its advocacy efforts to enhance public awareness of human rights in general and the human rights of vulnerable groups, including women, children, the disabled, the elderly and indigenous people, in particular (Republic of Korea);

A - 17. Submit its pending reports to the relevant treaty bodies (Pakistan);

A - 18. Consider issuing a standing invitation to United Nations human rights special procedures (Brazil); issue and implement a standing invitation to all special procedures (Czech Republic); issue a standing invitation to all Council special procedures (Slovakia);

A - 19. Consider favourably the request for visits by thematic mandate-holders (Norway);

A - 20. Approve the request for a visit by the Special Rapporteur on the sale of children, child prostitution and child pornography (Norway); respond positively to the requests for a visit by the Special Rapporteur on the sale of children (Spain);

A - 21. Grant the request made by the Special Rapporteur on the independence of judges and lawyers in 2006, 2008 and 2009 to visit the country (Netherlands); approve the request for a visit by the Special Rapporteur on the independence of judges and lawyers (Norway);

A - 22. Enact legislation that clearly defines discrimination against women and provides for effective remedies (Austria);

A - 23. Continue the implementation of the necessary affirmative measures to achieve gender parity (Cuba);

A - 24. Tackle the roots of gender inequality through concrete actions aimed at safeguarding women's rights within the family as well as appropriate measures of awareness-raising and human rights education (Italy);

A - 25. Increase its effort in promoting women's empowerment and capacitybuilding through public awareness, education and skill training (Malaysia);

A - 26. Conduct a wide awareness-raising campaign to sensitize society to issues of gender equality (Azerbaijan);

A - 27. Establish independent and impartial investigations into all allegations of torture and other ill-treatment and bring perpetrators to justice (Denmark);

A - 28. Take further concrete steps to address cases of torture in prisons, in particular to ensure impartial and independent investigation of all cases of alleged mistreatment or torture, punish all personnel responsible for torture or mistreatment and provide victims of torture effective access to remedy (Czech Republic);

A - 29. Adjust detention and prison facilities as well as standards of treatment so that they are gender-sensitive and ensure effective protection of the personal safety of all detainees and prisoners (Czech Republic);

A - 30. On sexual violence against women, undertake due and timely investigations of all reported cases, punish the perpetrators and implement necessary rehabilitation programmes for the victims; intensify Government efforts to raise public awareness against this negative phenomenon and to fight persistent traditional stereotypes (Slovakia);

A - 31. Sensitize police officers and law enforcement officials and take measures to effectively prosecute sexual and domestic violence (Austria);

A - 32. (a) Intensify its effort to improve human rights for women and to combat key problems such as human trafficking, sexual violence, domestic violence and exploitation of women and children (Norway); (b) continue to fight discrimination and sexual exploitation of women and girls, especially through enhancing efforts to combat trafficking in persons (Philippines); (c) strengthen and amend when necessary its Second National Plan on Human Trafficking and Sex Trafficking, 2006-2010, as well as the law on anti-trafficking passed in 2008, and ensure their due implementation (Slovakia); (d) fully implement the Second National Plan on Human Trafficking and Sex Trafficking, with particular emphasis on measures to support victims, such as legal, medical and psychological support and provision of shelters (Italy); (e) intensify its efforts to combat trafficking in persons and eliminate violence against persons (Belarus); (f) intensify its fight against trafficking, including by addressing the root causes of the problem such as gender-based poverty (Malaysia); (g) strengthen the role of its police and other enforcement authorities in dealing with trafficking in women and children (Malaysia); (h) deepen its actions in fighting against child prostitution and trafficking of minors (Spain); (i) continue to take the necessary measures for effectively fighting human trafficking and child labour (Germany);

A - 33. Intensify its fight to eliminate forced labour and the severest forms of child labour (Congo);

A - 34. Continue its efforts to promote and protect human rights and to strengthen good governance and respect for the rule of law (Indonesia); continue to strengthen the rule of law and good governance as a means to help enhance human rights promotion and protection within the country (Thailand);

A - 35. Adopt a law against corruption (Switzerland);

A - 36. Swiftly review and pass the anti-corruption law, which would include tough penalties for government corruption and would subject public officials to financial disclosures (United States);

A - 37. Implement anti-corruption legislation through an independent and nonpartisan

anti-corruption commission (Ireland);

A - 38. Take further measures to proceed with its judicial reform, to address land issues and to combat corruption, as these are important for the promotion and protection of human rights as well as the consolidation of democracy (Japan);

A - 39. Take measures to ensure everyone's equal access to justice, in accordance with international standards (Sweden);

A - 40. (a) Ensure the independence and impartiality of the judicial system (Sweden); (b) ensure the independence of the judiciary, without any political intervention (Switzerland); (c) strengthen mechanisms guaranteeing judicial independence, including fully empowering the Government anti-corruption unit to act against corruption within the judiciary (New Zealand); (d) intensify its efforts towards establishment of a fully independent, impartial and neutral judiciary, free from corruption in accordance with international standards, guaranteeing that all perpetrators of human rights violations are held accountable and nobody goes unpunished (Slovakia); (e) look for means to improve the remuneration system for judges to offer better guarantees of independence (Spain);

A - 41. Complete the process of judicial reform and enact essential legislation such as a new penal code, an anti-corruption law and legislation to guarantee and safeguard the independence and impartiality of the court system, court personnel and judges in accordance with international standards (Norway);

A - 42. Adopt and enact the Law on the Status of Judges, the Amendment of the Law on the Organization and Functioning of the Supreme Council of Magistracy and the anti-corruption law in accordance with recommendations made by the Special Representative of the Secretary-General for human rights in Cambodia, the United Nations Development Assistance Framework and the Committee on Economic, Social and Cultural Rights, respectively, and create and adopt a code of conduct for judges, prosecutors and disciplinary councils, including disciplinary provisions (Israel);

A - 43. (a) Continue to support the important work and independence of the Extraordinary Chambers within the Cambodian court system (Canada); (b) continue and strengthen the activities of the Extraordinary Chambers in the area of the right to truth and reconciliation (Brazil); (c) regarding the Khmer Rouge tribunal, make further efforts for smooth court proceedings and the early completion of its work, in view of its unexpected delay (Japan); (d) cooperate with the Extraordinary Chambers, the United Nations, international donors and civil society to develop a strategy aimed at ensuring that the national jurisdictions can benefit from the experience of the Extraordinary Chambers (Belgium); (e) take steps to ensure that the work of the Extraordinary Chambers, including the involvement of international judges working alongside Cambodian judges, is harnessed to contribute to the strengthening of the Cambodian judiciary (New Zealand);

A - 44. Guarantee the independence of the Extraordinary Chambers and allow them to prosecute and try offenders other than those already indicted (Belgium);

A - 45. Fully cooperate with the United Nations to ensure that all allegations of corruption and political influence are rapidly investigated by an independent and impartial mechanism and that cases found are submitted to the authorities for judicial proceeding (Belgium);

A - 46. (a) Ensure that the freedom of expression and of the press guaranteed in the Constitution are effectively respected (Switzerland); (b) review its newly adopted penal code with a view to ensuring its compliance with the permissible limitations to freedom of expression as stated in ICCPR (Czech Republic); (c) take effective measures to ensure the freedom of expression and opinion by amending the press law that allows for a broad interpretation of the vague term "humiliation of national institutions" and authorizes censorship, the suspension of publishing and imprisonment under the guise of national security and political stability (Israel); (d) adopt legislative measures necessary so that journalists are not persecuted while exercising their profession and violations of the limits on freedom of expression are not sanctioned criminally (Mexico); (e) define the scope of defamation and disinformation charges to ensure that these do not impinge on freedom of expression and give clear guidance to judicial officials so that these provisions do not result in a large number of cases where the charges are disproportionate (United Kingdom);

A - 47. Elaborate an action plan for ensuring free access to the electronic media and for liberalizing the electronic media ownership rules (Hungary);

A - 48. (a) Commit itself to respecting freedom of expression and opinion for all, in particular for members of the opposition (Canada); (b) re-examine the modalities for lifting parliamentary immunity to ensure that this practice does not contravene the principles of pluralism and respect for freedom of expression (France);

A - 49. Take due steps towards the full implementation of the election regulations in the future (Hungary);

A - 50. Continue making efforts to increase the political participation of women, the percentage of women and young people in positions at all levels of society and the participation of women in the labour market under equal conditions (Bosnia and Herzegovina);

A - 51. Strengthen efforts to protect freedom of expression and the right of all human rights defenders, including those working on land rights issues, to conduct their work without hindrance or intimidation, including by way of safeguarding freedom of assembly and association (Sweden);

A - 52. Facilitate the work of non-governmental organizations and other relevant civil society groups in the country (Italy);

A - 53. Develop a policy to protect human rights defenders (Brazil);

A - 54. (a) In line with a previous recommendation made by the Committee on Economic, Social and Cultural Rights, adopt effective measures to combat the culture of violence and impunity and to better protect human rights defenders, including indigenous leaders and peasant activists (Germany); (b) publicly speak out on reported cases of intimidation and violence – including murder – of trade unionists, the staff of non-governmental organizations and journalists and to ensure effective investigations and accountability for perpetrators (Austria); (c) effectively investigate and prosecute crimes and violations against human rights defenders and punish those responsible (Norway); (d) investigate and prosecute any attacks on – or false allegations in relation to – human rights defenders, in particular those working with communities to protect land, houses and access to natural resources and prevent forced displacement, an issue that has been reported on by the Special Rapporteur and the Committee on Economic, Social and Cultural Rights (Ireland);

A - 55. Adopt appropriate measures to disseminate widely and ensure full observance of the Declaration on Human Rights Defenders (Norway);

A - 56. Ensure that the draft law on non-governmental organizations does not make their working conditions more difficult and respect their freedom of expression and association (France);

A - 57. Work towards a further reduction of the level of unemployment, including through the design and implementation of programmes of vocational training and retraining of its citizens and job creation (Belarus);

A - 58. Take all necessary measures to ensure that the trade union rights of workers in Cambodia are fully respected and that trade unionists are able to exercise their activities in a climate free of intimidation and risk to their personal security and their lives (United States);

A - 59. Establish labour courts in an effort to guarantee respect for worker rights and to provide legal and efficient solutions to labour disputes, and revise the law on trade unions (United States);

A - 60. Intensify its engagement with the international community to share its experiences in strengthening good governance and the land reform programme with a view to effectively fulfilling the Government's duties with accountability and pursuing equitable and efficient management of the distribution and utilization of land (Myanmar);

A - 61. Intensify efforts to promote fair access to land ownership and good governance, and continue reforms undertaken with the assistance of the international community, in particular the High Commissioner for Human Rights, to reinforce institutional capacities and achieve the enjoyment of full human rights by the population (Algeria);

A - 62. Promote a legal framework that provides legal certainty in property matters, in particular land ownership and protection against forced evictions (Mexico);

A - 63. Consider fostering policies on land use and urban-rural inequality and continue efforts to combat poverty (Brazil);

A - 64. (a) Fully implement the 2001 land law and institute a moratorium on evictions until safeguards such as full compensation and access to basic services in resettlement areas can be guaranteed (Sweden); (b) adopt a moratorium on eviction until measures are taken to guarantee effective implementation of the 2001 law on land property and to deal with this problem in a more humane and dignified manner (Switzerland); (c) put an end to forced evictions, notably by improving the application of the land law of 2001, ensuring a better verification of land titles and guaranteeing strengthened protection of the population affected by the expropriations, which implies in particular prior consultations, a search for alternative solutions to expropriations, offers of re-housing and appropriate compensation of evicted persons (France);

A - 65. Continue to prioritize the issue of land evictions and to work with the Special Rapporteur to ensure an end to forced evictions and fulfil its obligations to respect and protect the human rights of all Cambodians, including individuals belonging to indigenous groups (Ireland);

A - 66. (a) Undertake a transparent and fair process to determine the conditions and procedures of involuntary relocation (Canada); (b) halt relocations of families to uninhabitable sites and consider evictions as a last recourse, as was requested by the Secretary-General (Germany); (c) develop an effective, transparent and fair resettlement policy and process that is based on national consultations and international best practice and suspend all planned resettlements until this framework is in place (United Kingdom); (d) increase efforts to ensure that evictions occur in compliance with the land law and that greater attention is paid to ensuring that communities relocated to resettlement sites have access to appropriate facilities, especially in urban areas (Australia); (e) work to advance the legal and policy framework on evictions, expropriations and resettlements and to ensure that those resettled have access to the necessary facilities and support (New Zealand);

A - 67. Adopt and implement a strict legislative framework on evictions and resettlement which ensures that evictions and relocations are legal, negotiated and fairly compensated (Austria);

A - 68. Enter into a dialogue with the civil society concerned with a view to addressing incidents of unlawful land-grabbing and evictions (Netherlands);

A - 69. Intensify programmes aimed at eradicating poverty and improving socio-economic indicators (Algeria);

A - 70. Continue to implement its national strategy to reduce poverty, especially in rural areas, and to enhance the general standard of living of its citizens (Belarus);

A - 71. Continue to implement strategies to reduce poverty and to improve and promote education (Angola);

A - 72. Make it a priority in its future plans to improve the situation of certain vulnerable groups, such as women, particularly those in rural areas, children, and persons with disabilities (Algeria); take further measures to provide protection and assistance to vulnerable social groups, including the elderly, persons with disabilities, poor families, orphans and others (Belarus);

A - 73 Promote and protect the rights of vulnerable peoples, the right to education and to right to development to bring down poverty in urban and rural areas simultaneously while maintaining peace, stability and protection of the environment (Lao People's Democratic Republic);

A - 74. Close the so-called rehabilitation centres, where poor people living on the streets arrested in police operations are held, and pursue adequate social policies that address the problems of the concerned socially disadvantaged groups (Austria);

A - 75. Ensure transparent management of oil, gas and mineral revenues to meet the social and economic rights of people living in Cambodia by adopting international best practice, in particular implementation of the Extractive Industries Transparency Initiative (Ireland);

A - 76. Intensify its public expenditure on the implementation of economic, social and cultural rights (Netherlands); continue efforts in allocating more resources to ensure the betterment of economic and social rights of citizens, in particular in the areas of poverty reduction, urban-rural equality, education, public services, etc. (Viet Nam); carry out the necessary efforts to increase expenditures for social programmes, particularly relative to education and access to housing (Mexico); further increase its national spending on health and education sectors to meet the targets of the Millennium Development Goals (Azerbaijan);

A - 77. Further strengthen the law reforms and policy aimed at protecting the people's rights and for the betterment of the poor and other disadvantaged groups (Viet Nam);

A - 78. Stay steadfast in promoting adequate social policies that aim to achieve just distribution of wealth and social wellbeing of the population (Bolivarian Republic of Venezuela);

A - 79. As recommended by the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights, intensify efforts to achieve better promotion and protection of the rights of the child (Algeria);

A - 80. Continue the development of specific legislation to promote and protect the rights of the child, including civil society participation, preventive measures in education and reinsertion into society of minors in difficult situations (Spain);

A - 81. Incorporate a legal definition of the child, a minimum age for criminal responsibility and sexual consent, and enforce the law on the minimum age of marriage, as recommended by the Committee on the Rights of the Child, and develop and implement national legislation which criminalizes and penalizes the distribution, sale and display of child pornography (Israel);

A - 82. Continue to seek technical assistance in drafting legislation in the field of children's rights (Slovenia);

A - 83. Strengthen its policy for the full guarantee of the rights of the child with attention to the implementation of the Guidelines for the Alternative Care of Children, in accordance with Council resolution 11/7 and General Assembly draft resolution A/C.3/64/L.50 (Brazil);

A - 84. Ensure registration at birth of all children, including non-Khmer citizens born in Cambodia (Czech Republic);

A - 85. Make primary education compulsory, and integrate the fight against illiteracy into the "Educational Strategic Plan" of the Government (Turkey);

A - 86. Give more emphasis to the education sector to gradually transform to a quality and advanced education system since education is a vital tool for national development (Myanmar);

A - 87. Through appropriate international assistance, seek to strengthen its educational system and education for all programmes, including for women and persons with disabilities (Philippines);

A - 88. Take additional measures to support access to education of minority children to help them to maintain and develop their own traditions and languages (Morocco);

A - 89. Continue to strengthen the economic, political and social development with full participation of its population (Lao People's Democratic Republic);

A - 90. Continue to cooperate with the United Nations and other international organizations to strengthen human rights in Cambodia (Lao People's Democratic Republic); elaborate an effective mechanism to facilitate cooperation with the relevant institutions of the United Nations (Hungary)

A - 91. (a) Continue to cooperate and seek technical assistance, if and where necessary, in improving democracy and ensuring the protection and promotion of the human rights of all Cambodians (Pakistan); (b) cooperate with and seek the support of the international community in devising its plans and strategies and in the area of capacity-building to be able to implement them (Egypt); (c) continue its positive efforts in fighting poverty, with the assistance of international community, in particular the more developed countries, which should redouble cooperation with this small developing country (Cuba); (d) continue to put in place with international assistance effective programs aimed at reducing poverty, especially in the rural areas which host 80 percent of the whole population (Azerbaijan); (e) strengthen its partnership with the international community with a view to improving public health of the country (Angola);”

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