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**COMPILATION PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR  
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (B) OF THE ANNEX  
TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

**Cambodia**

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

## I. BACKGROUND AND FRAMEWORK

### A. Scope of international obligations<sup>1</sup>

<i>Core universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	28 Nov. 1983	None	Individual complaints (art. 14): No
ICESCR	26 May 1992	None	-
ICCPR	26 May 1992	None	Inter-State complaints (art. 41): No
CEDAW	15 Oct. 1992	None	-
CAT	15 Oct. 1992	None	Inter-State complaints (art. 21): No Individual complaints (art. 22): No Inquiry procedure (art. 20): No
OP-CAT	30 March 2007	None	-
CRC	15 Oct. 1992	None	-
OP-CRC-AC	16 July 2004	Binding declaration under art 3: 18 years	-
OP-CRC-SC	30 May 2002	None	-
<i>Core treaties to which the Kingdom of Cambodia is not a party: OP-ICESCR<sup>3</sup>, ICCPR-OP1 (signature only, 2004), ICCPR-OP2, OP-CEDAW (signature only, 2001), ICRMW (signature only, 2004), CRPD (signature only, 2007), CRPD-OP (signature only, 2007) and CED.</i>			
<i>Other main relevant international instruments</i>		<i>Ratification, accession or succession</i>	
Convention on the Prevention and Punishment of the Crime of Genocide		Yes	
Rome Statute of the International Criminal Court		Yes	
Palermo Protocol <sup>4</sup>		Yes	
Refugees and stateless persons <sup>5</sup>		No, except 1951 Convention and its 1967 Protocol	
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>6</sup>		Yes, except Additional Protocol III	
ILO fundamental conventions <sup>7</sup>		Yes	
UNESCO Convention against Discrimination in Education		No	

1. In 2009, the Committee on Economic, Social and Cultural Rights (CESCR) encouraged Cambodia to consider ratifying OP-ICESCR.<sup>8</sup> CESCR<sup>9</sup> and the Special Representative of the Secretary-General for Human Rights in Cambodia encouraged ratification of ILO Convention No. 169.<sup>10</sup> The Special Representative recommended that decisions of treaty bodies, and international and foreign courts and tribunals be taken into account when applying the law.<sup>11</sup>

2. CESCR welcomed the July 2007 Constitutional Council decision that international treaties are part of the national law and that courts should take treaty norms into account when interpreting laws and deciding cases.<sup>12</sup>

### B. Constitutional and legislative framework

3. The Special Representative of the Secretary-General for Human Rights in Cambodia,<sup>13</sup> a 2009 report of United Nations Country Team in Cambodia (UNCT)<sup>14</sup> and the 2006-2010 United Nations Development Assistance Framework (UNDAF)<sup>15</sup> noted that Cambodia's Constitution gives the Universal Declaration of Human Rights and human rights treaties the force of law.<sup>16</sup> CESCR<sup>17</sup> and the Committee on Elimination of Discrimination against Women (CEDAW) called

for ensuring the direct applicability of the Covenants' provisions in the domestic legal order.<sup>18</sup> CEDAW in 2006 and the Committee on the Rights of the Child (CRC) in 2000 recommended that existing laws be brought in line with the respective conventions.<sup>19</sup>

4. CRC also recommended a legal definition of the child, minimum ages of criminal responsibility and sexual consent, and enforcement of the law on minimum age for marriage.<sup>20</sup>

5. In 2004, the Committee against Torture (CAT) recommended incorporating the Convention's definition of torture in domestic law and characterizing torture as a specific crime.<sup>21</sup>

6. CEDAW welcomed the Law on the Prevention of Domestic Violence and Protection of Victims.<sup>22</sup>

### **C. Institutional and human rights infrastructure**

7. In September 2006, the Prime Minister endorsed the establishment of a national human rights institution in accordance with the 'Paris Principles', emphasizing that this would not replace existing institutions. A joint working group with Government and civil society representatives was established, charged with preparing a draft law in this regard,<sup>23</sup> on which OHCHR provided comments.<sup>24</sup>

8. CESCR recommended that the establishment of such an institution be expedited, with adequate financial resources for its independence, and urged the Government to seek technical assistance from the OHCHR Cambodia Country Office (OHCHR/Cambodia).<sup>25</sup>

9. A 2008 UNFPA report<sup>26</sup> highlighted the increased capacities of the Ministry of Women's Affairs, also welcomed by CEDAW.<sup>27</sup>

### **D. Policy measures**

10. CESCR welcomed in 2009 the Rectangular Strategy for Growth, Employment, Equity and Efficiency, and its programmes for good governance and human rights.<sup>28</sup> CEDAW recommended that women's human rights be integrated into the Strategy,<sup>29</sup> and welcomed the adoption of the five-year national plan, *Neary Rattanak*, on building women's capacity.<sup>30</sup>

11. CAT recommended reinforcing human rights education and promotion activities, particularly regarding the prohibition of torture, for law enforcement officials and medical personnel.<sup>31</sup>

12. CESCR noted with appreciation the 2006-2010 Strategic Plan of the Ministry of Labour and Vocational Training, providing for persons with special needs, the establishment of the Second National Plan on Human Trafficking and Sex Trafficking, 2006-2010,<sup>32</sup> also welcomed by a 2008 UNCT joint framework report,<sup>33</sup> and the establishment of the National Action Plan for 2008-2012 on the Elimination of Serious Forms of Child Labour.<sup>34</sup>

13. A 2009 UNCT report highlighted the Education Strategic Plan (2006-2010) outlining efforts to promote the National Plan for Education for All (2003-2015), ensuring access to nine years of basic education for all.<sup>35</sup>

## II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

<i>Treaty body</i> <sup>36</sup>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	1997	March 1998		Eighth to thirteenth report submitted Feb. 2009
CESCR	2009	May 2009		Second to fifth report due June 2012
HR Committee	1997	July 1999		Second report overdue since 2002
CEDAW	2003	Jan. 2006		Combined fourth and fifth reports due Nov. 2009
CAT	2002	Feb. 2004	Overdue since 2003 <sup>37</sup>	Second report overdue since 1998, however under new reporting guidelines, Second report due 30 June 2009
CRC	1997	June 2000		Second report submitted in March 2009
OP-CRC- AC				Initial report overdue since Aug. 2006
OP-CRC- SC				Initial report overdue since June 2004

14. In 2004, CAT<sup>38</sup> regretted the absence of a Cambodian delegation during its examination. In 2009, CESCR<sup>39</sup> regretted the absence of Cambodian experts during its review.

#### 2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	Special Representative of the Secretary-General on the situation of human rights in Cambodia (November 2004, <sup>40</sup> November/December 2005, <sup>41</sup> March 2006, <sup>42</sup> December 2007 <sup>43</sup> ) Special Rapporteur on the situation of human rights in Cambodia (June 2009) Special Rapporteur on adequate housing (August/September 2005) <sup>44</sup>
<i>Visits agreed upon in principle</i>	-
<i>Visits requested and not yet agreed upon</i>	Special Rapporteur on the independence of judges and lawyers (requested in 2006, 2008, 2009); on toxic waste (requested in 2005); on sale of children (requested in 2004, 2007, 2008); on freedom of religion or belief and the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation (requested in 2008)
<i>Facilitation/cooperation during missions</i>	The Special Rapporteur on adequate housing thanked Cambodia, welcoming its willingness to give more attention to adequate housing as a component of the right to an adequate standard of living. <sup>45</sup>
<i>Follow-up to visits</i>	-
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, 45 communications were sent concerning, inter alia, particular groups and four women. The Government replied to four communications.
<i>Responses to questionnaires on thematic issues</i> <sup>46</sup>	Cambodia responded to 1 of the 15 questionnaires sent by special procedures mandate holders, <sup>47</sup> within the deadlines. <sup>48</sup>

### **3. Cooperation with the Office of the High Commissioner for Human Rights**

15. Established in October 1993, OHCHR/Cambodia has a distinct but complementary mandate to that of the Special Representative. OHCHR/Cambodia worked in accordance with a renewed Memorandum of Understanding beginning January 2005 for a two-year period, extended in November 2007 for 18 months. A new draft agreement was submitted by the High Commissioner in April 2009.<sup>49</sup>

#### **B. Implementation of international human rights obligations**

##### **1. Equality and non-discrimination**

16. CEDAW expressed concern about strong gender-role stereotyping, particularly in the traditional code of conduct, *Chbap Srey*.<sup>50</sup> It requested that the Government refrain from disseminating its discriminatory elements and to work actively to eliminate such stereotypes.<sup>51</sup> CESCR recommended replacing *Chbap Srey* in the primary school curriculum with an educational tool that promotes the value of women.<sup>52</sup> A 2008 UNFPA report<sup>53</sup> and a 2009 UN report of a joint field visit by members of the Executive Boards of UNDP, UNFPA, UNICEF and WFP (“2009 UN report”) echoed the need to change traditional norms restricting women’s roles and equality, highlighting challenges like discrimination and unequal salary levels.<sup>54</sup>

17. CEDAW urged the inclusion in Cambodian law of a definition of discrimination, direct and indirect, against women; adequate sanctions and effective remedies. It recommended temporary special measures to accelerate de facto equality.<sup>55</sup>

18. The Special Rapporteur on adequate housing in 2006 highlighted that women were more vulnerable when communities were under threat of eviction, often involving intimidation and violence. Women commonly faced discrimination in dealings with officials and private companies to negotiate compensation, the terms of relocation and access to basic services.<sup>56</sup>

19. CRC recommended that children born in Cambodia of non-Khmer citizens, regardless of their legal status be registered at birth.<sup>57</sup> It also recommended reviewing the Law on Nationality to eliminate discrimination and prevent child statelessness.<sup>58</sup> In 1999, the Human Rights Committee expressed concern that under article 31 of the Constitution, equality rights applied to “Khmer citizens”, and recommended that rights be enjoyed without distinction.<sup>59</sup>

20. CESCR noted with concern the lack of an anti-discrimination law for persons with disabilities, and that discriminatory perceptions result in difficulties in obtaining skilled employment.<sup>60</sup>

##### **2. Right to life, liberty and security of the person**

21. The Special Representative of the Secretary-General on the situation of human rights defenders<sup>61</sup> sent two letters of allegation in 2007, one concerning the assassination of Chea Vichea, President of the Free Trade Union of Workers in the Kingdom of Cambodia (FTUWKC), the other highlighting the killing of a community activist involved in negotiations to mitigate the impact of economic land concessions on local communities.<sup>62</sup> CESCR and the ILO Conference Committee on the Application of Standards urged measures to combat the culture of violence and impunity and protect human rights defenders, including indigenous leaders and peasant activists.<sup>63</sup> The ILO Committee expressed deep concern at statements made

about their assassination, death threats, and urged full and independent investigations into the murders.<sup>64</sup>

22. The Special Representative said media development had been negatively affected by unresolved murders of journalists, threats against editors, and attacks on newspaper offices.<sup>65</sup> In 2008, the Special Rapporteurs on the situation of human rights defenders and on the right to freedom of opinion and expression sent an allegation letter on the killing of a veteran reporter and his son.<sup>66</sup>

23. CAT<sup>67</sup> and the Special Representative expressed concern over numerous allegations of torture and other cruel, inhuman or degrading treatment or punishment by law enforcement personnel.<sup>68</sup> CAT recommended institutionalizing victims' rights to compensation, and establishing rehabilitation programmes for them,<sup>69</sup> and ensuring that evidence obtained under torture is not invoked in court,<sup>70</sup> CAT also expressed concern over protracted pre-trial detention, during which torture and ill-treatment are more likely.<sup>71</sup>

24. The Special Representative noted that under the new Penal Procedure Code, pre-trial detention in misdemeanour cases could be extended to up to half the minimum sentence and up to 18 months in felonies.<sup>72</sup> Even acquitted persons were held in detention pending appeal.<sup>73</sup> Many accused do not see a lawyer during incarceration,<sup>74</sup> an issue which also concerned CAT, along with access to a doctor of the detainee's choice.<sup>75</sup>

25. CESCR and three United Nations reports registered grave concern that violence against women and girls remained high, including spousal violence, supported by attitudes blaming the female victim.<sup>76</sup> CESCR noted that redress was limited and legal protection constrained,<sup>77</sup> and victims of domestic violence have limited access to adequate housing elsewhere, according to the Special Rapporteur on adequate housing.<sup>78</sup> CEDAW called for increasing the number of female judges and law enforcement officials and establishing victim support measures, including shelters and legal, medical and psychological support.<sup>79</sup>

26. The 2009 UN report<sup>80</sup> and CEDAW<sup>81</sup> highlighted that physical violence and economic hardship made women and girls vulnerable to trafficking and exploitative prostitution, particularly young women who migrate to neighbouring countries in search of work.

27. The Special Rapporteur on the sale of children in 2007 stated that Cambodia was said to be a key trafficking, transit and destination country for both sexual exploitation and forced labour. He noted that trafficking also occurred from rural Cambodia to Phnom Penh, and other cities.<sup>82</sup> CEDAW noted with concern the high prevalence of sexual exploitation of women and girls and their vulnerability to sexually transmitted diseases and HIV/AIDS.<sup>83</sup> CESCR,<sup>84</sup> CEDAW<sup>85</sup> and CAT recommended intensifying the fight against trafficking.<sup>86</sup> CEDAW called for root causes to be addressed, including gender-sensitive poverty reduction strategies and that victims of trafficking not be prosecuted for illegal migration.<sup>87</sup> Similarly, the UNCT suggested prioritizing victims' rights in all anti-trafficking interventions.<sup>88</sup> The ILO Committee of Experts recommended strengthening the role of the police and courts in combating child trafficking.<sup>89</sup>

28. The Special Rapporteur on the sale of children<sup>90</sup> raised concerns about alleged sexual exploitation of children as young as 7. Laws reportedly neither addressed nor penalized the existence, distribution, sale and display of child pornography, and prosecution was rare.<sup>91</sup>

29. CRC recommended measures against the further recruitment of child soldiers,<sup>92</sup> and multidisciplinary programmes and care and rehabilitation measures to prevent and combat ill-treatment of children within the family, at school and other institutions, and in society at large.<sup>93</sup>
30. CESCR urged the Government to intensify efforts to combat child labour and sexual and economic exploitation, including the worst forms of child labour.<sup>94</sup>
31. A 2009 UNCT report indicated that measures and facilities for juvenile justice, including courts and specialists, were inadequate, often causing juveniles to be detained with adults despite legal provisions for their separation.<sup>95</sup>
32. CAT expressed concern about the poor conditions in prisons and difficulties in gaining access to prisoners.<sup>96</sup> It recommended urgent measures to improve detention conditions, remedy overcrowding and establish an independent monitoring system.<sup>97</sup>

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

33. CESCR,<sup>98</sup> CAT<sup>99</sup> and the Special Representative of the Secretary-General for Human Rights in Cambodia<sup>100</sup> noted with concern the reported lack of judicial independence and effectiveness, which had long concerned the General Assembly and the Commission on Human Rights. The Special Representative noted that the judiciary had been unable to effectively restrain executive power, calling for high priority adoption of the Law on the Status of Judges, strengthening judicial independence and technical improvements in court functioning.<sup>101</sup> UNDAF echoed these concerns and the need for reform of the Supreme Council of Magistracy (SCM).<sup>102</sup> The Special Representative said that the Law on the Organization and Functioning of the Courts had been delayed by disagreement between the Ministry of Justice and SCM over administration of the courts.<sup>103</sup>
34. CESCR<sup>104</sup>, the Special Representative<sup>105</sup> and CAT<sup>106</sup> were alarmed by reports of widespread corruption, including in the judiciary. CESCR<sup>107</sup> urged adopting the draft Anti-Corruption Law without delay, and intensifying efforts to improve the work of the judiciary, also recommended by the Human Rights Council (HRC).<sup>108</sup>
35. The Special Representative stated that excessive delays marked the Cambodian court system, partly because of serious shortages of courtrooms and judges, and the travel involved.<sup>109</sup> He observed that many prosecutors failed to meet standards of impartiality and integrity.<sup>110</sup> He noted research suggesting that even in serious criminal cases, where legal representation is mandatory, about 30 per cent have no lawyer.<sup>111</sup> He cited cases of rich or well-connected litigants trying to get their opponents' lawyers investigated for criminal offences.<sup>112</sup> CAT recommended guaranteeing access to justice, particularly for the poor and rural inhabitants<sup>113</sup> and the right to be assisted by a lawyer, if necessary at the State's expense.<sup>114</sup>
36. CAT expressed concern over impunity for human rights violations committed by law enforcement and armed forces members and, particularly, the State's failure to investigate torture and punish the perpetrators,<sup>115</sup> concerns also voiced by the Special Representative<sup>116</sup> and addressed by the HRC.<sup>117</sup> CAT recommended ensuring prompt, impartial and full investigations into such allegations, the prosecution and punishment of perpetrators,<sup>118</sup> and the establishment of an independent police complaints body.<sup>119</sup> The Special Representative said systemic impunity stifled accountability.<sup>120</sup>

37. CESCR expressed grave concern at the failure to investigate the assassination of three leaders of the FTUWKC and, citing the report of the 2008 ILO mission to Cambodia, stated that convictions for Chea Vichea's murder occurred in a trial marked by procedural irregularities, including court reluctance to entertain evidence of the innocence of the accused; and that no concrete steps had been indicated to ensure a meaningful and independent review of the outstanding cases. CESCR cited the ILO report's concern that the wrong men were prosecuted while the real offenders remained at large.<sup>121</sup>

38. The 2009 UN report noted significant obstacles for women and girls in accessing justice. Impunity, limited legal aid and high cost of medical certificates proving sexual assault were severe deterrents to women reporting abuse.<sup>122</sup>

#### **4. Right to marriage and family life**

39. In 2006, CEDAW was concerned that traditional and cultural factors were preventing women's full enjoyment of rights within the family, particularly the right to enter into marriage with free and full consent. It urged an equal minimum age of marriage to be set at 18 years.<sup>123</sup>

#### **5. Freedom of movement**

40. The Special Representative noted with concern cases where villagers travelling to attend gatherings in other provinces on issues like the environment and land were stopped and returned by police. He cited the announcement of the Governor of Ratanakiri that all NGOs must receive provincial approval before leaving the province.<sup>124</sup> He recommended that the Government instruct provincial and local authorities to respect freedom of movement and end the requirement for approval before travelling.<sup>125</sup>

#### **6. Freedom of religion, expression, association and peaceful assembly, and right to participate in public and political life**

41. The Special Representative and the ILO Committee of Experts noted that the Press Law prohibits "humiliation of national institutions", and authorizes suspension of publications and imprisonment of journalists for publishing or reproducing information which "may affect national security and political stability."<sup>126</sup> The Special Representative further noted heavy fines imposed for defamation and the Government's use of "disinformation", punishable by up to three years in prison, allowing for detention pending trial and carrying heavy fines.<sup>127</sup>

42. The Special Rapporteurs on freedom of religion or belief and on the right to freedom of opinion and expression and the Special Representative of the Secretary-General on the situation of human rights defenders sent in 2007 a communication regarding a new directive forbidding all monks from organizing or participating in any demonstration or carrying out Buddhist marches that affect public order – allegedly aimed at restricting Khmer Kampuchea Krom monks' activities.<sup>128</sup>

43. According to the Special Representative, the Government has restricted the rights to strike, to peaceful demonstration and freedom of assembly through routine and arbitrary denial of permissions.<sup>129</sup> A 2007 Secretary-General report documented incidents of excessive use of force by armed riot police, particularly in relation to strike action by trade unions in the garment sector.<sup>130</sup> A 2009 Secretary-General report noted that accusations of incitement against civil society actors kept them in fear of legal action by the authorities.<sup>131</sup>



44. The Special Representative was concerned about the increasingly difficult environment for community activists advocating equitable access to land and natural resources. In Mondulhiri, authorities asked NGOs for regular reports of their activities and plans.<sup>132</sup>

45. In September 2008, the Government announced its intention to promulgate an NGO law. The Secretary-General expressed concern that given the prevailing mutual distrust between the Government and NGOs, the current climate was not conducive to adoption of a law promoting freedom of association and the further development of civil society.<sup>133</sup> The HRC called on the Government to support the role of NGOs to solidify democratic development.<sup>134</sup>

46. The HRC welcomed the good administration of the July 2008 elections while noting shortcomings.<sup>135</sup> The Special Representative noted opposition political parties' complaints about irregularities in election administration.<sup>136</sup> The Resident Coordinator's report indicated that although the 2008 elections did not meet international standards in a number of key areas, participation of women, as voters and candidates, and young people increased.<sup>137</sup>

47. A 2008 UNFPA report indicated that the number of women in senior Government positions was increasing but remained low.<sup>138</sup> Meanwhile, a 2008 United Nations Statistics Division (UNSD) source indicated that women held 19.5 per cent of seats in the national parliament in 2008, up from 9.8 per cent in 2005.<sup>139</sup>

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

48. CESCR<sup>140</sup> and CEDAW<sup>141</sup> recommended that the principle of equal pay for work of equal value be reflected in legislation, and strictly enforced. CESCR recommended establishing a universal minimum wage,<sup>142</sup> while CEDAW urged Cambodia to ensure equal participation in the labour market and that women receive equal social benefits and services.<sup>143</sup> CESCR also noted with concern high unemployment and underemployment, particularly among youth.<sup>144</sup>

49. CESCR<sup>145</sup> and the ILO Committee of Experts<sup>146</sup> urged measures, as requested by the ILO Committee on Freedom of Association, to ensure that trade union rights are fully respected and unionists can exercise their activities free of intimidation and risk.<sup>147</sup>

#### **8. Right to social security and to an adequate standard of living**

50. UNDAF mentioned that 35 per cent of the population subsists below the poverty line, some 15 percent in extreme poverty, and that inequality was increasing. Aggravating factors included poor quality and lack of access to social services, landlessness and environmental degradation.<sup>148</sup> CEDAW expressed concern at higher poverty levels among rural women.<sup>149</sup> CESCR recommended increasing national spending on social services and assistance.<sup>150</sup>

51. CESCR expressed serious concern that about 1.7 million individuals were food insecure. This could increase to 2.8 million during the lean season.<sup>151</sup> The Resident Coordinator's report referred to a survey highlighting an increase in acute child malnutrition from 2005-2008.<sup>152</sup>

52. A 2009 UNCT report noted that the 2002 Law on Social Security Schemes had yet to be implemented.<sup>153</sup> CESCR urged Cambodia to extend coverage of social safety nets, particularly for the homeless in urban centres, victims of trafficking, children living on the streets or in conflict with the law, and the poor.<sup>154</sup>

53. CESCR,<sup>155</sup> a 2008 UNFPA report<sup>156</sup> and the Resident Coordinator's report expressed concern at lack of improvement in the alarmingly high maternal mortality rate.<sup>157</sup> CESCR noted that rates of delivery in health facilities remained low, that unsafe abortions were key factors to maternal mortality, and that newborn mortality remained high.<sup>158</sup> CESCR<sup>159</sup> and CEDAW<sup>160</sup> called for a strategic plan to reduce maternal mortality.

54. CESCR was concerned that years of turmoil and violence had resulted in high levels of mental health problems. Patients are often incarcerated in prisons, compulsory drug treatment centres or social rehabilitation centres offering poor mental or social services, with instances of abuse. It recommended adopting a comprehensive mental health strategic plan and legislation.<sup>161</sup> The Secretary-General noted similar concerns in the context of round-ups and detention of street people.<sup>162</sup>

55. A 2008 UNSD source indicated that 78.9 per cent of the urban population lived in slums in 2005.<sup>163</sup> CESCR urged the adoption of a National Housing Policy upgrading poor urban settlements and ensuring security of tenure.<sup>164</sup>

56. A 2009 UNDP report indicated that corruption, lack of transparency, and rising economic and military appropriation of communal lands exacerbated land disputes and skewed ownership patterns to the disadvantage of rural and urban poor.<sup>165</sup> The Special Representative of the Secretary-General for Human Rights in Cambodia noted that Cambodia's rural populations were increasingly displaced without any legal protection.<sup>166</sup> A 2008 World Bank report cited how, in 2005, the lack of clear assessment, mapping, classification and registration of state lands enabled encroachment on forests, illegal sales and "land grabbing." Sub-decrees on State Land Management and on Economic Land Concessions were adopted, including provisions for assigning land for use as social land concessions for the poor,<sup>167</sup> but the Special Representative highlighted poor enforcement and compliance,<sup>168</sup> and that most concessions granted had not followed the sub-decree's requirements and procedures. He noted that economic land concessions had no tangible benefits in rural areas, depriving communities of vital sources of livelihoods and increasing the accumulation of property for those with political or economic influence.<sup>169</sup> Of particular concern was the disregard for existing community development and natural resource management initiatives, such as the establishment of forestry communities and participatory land-use planning.<sup>170</sup>

57. CESCR was gravely concerned over reports that since 2000, over 100,000 people were evicted in Phnom Penh alone; at least 150,000 Cambodians lived under threat of forced eviction; and authorities were actively involved in land-grabbing<sup>171</sup>, also noted by the Special Representative<sup>172</sup>. In 2009 the Special Rapporteur on adequate housing<sup>173</sup> noted a consistent pattern of violations relating to forced evictions: systematic lack of due process and procedural protections; inadequate compensation; lack of effective remedies; excessive use of force; and harassment, intimidation and criminalization of NGOs and lawyers working on this issue, also noted by the Special Representative<sup>174</sup> and CESCR<sup>175</sup>. CESCR noted the increase in evictions due to increased public works, city beautification projects, private urban development, land speculation, and the granting of concessions over vast tracts of land to private companies.<sup>176</sup>

58. In 2006, the Special Rapporteur on adequate housing<sup>177</sup> noted the relocations of families, often to areas lacking infrastructure and without access to water and sanitation. The Secretary-General requested a halt to relocations to uninhabitable sites, underlining that evictions should be seen as a last rather than first recourse.<sup>178</sup> The Special Rapporteur added that court decisions allegedly tended to favour those who acquired titles illicitly.<sup>179</sup>

59. CESCR and OHCHR/Cambodia,<sup>180</sup> citing the latest evictions in Phnom Penh in July 2009, urged a moratorium on all evictions until the proper binding framework was in place. CESCR called for urgent consultations with all stakeholders to define "public interest" to complement the 2001 Land Law and develop clear guidelines for resettlement and evictions; clear demarcation of State Public Land and State Private Land; meaningful consultations with affected residents and communities prior to implementing development and urban renewal projects; and ensuring that persons forcibly evicted are adequately compensated and/or offered relocation.<sup>181</sup>

60. A 2009 UNDP report indicated that water supply coverage in the city had increased over the last decade from 25 per cent to 90 per cent.<sup>182</sup> A 2008 UNSD source indicated that in 2006, 65 per cent used an improved drinking water source.<sup>183</sup>

## **9. Right to education**

61. CESCR noted with concern that primary education is not compulsory, although the net enrolment ratio had increased and was expanded to cover most of the country,<sup>184</sup> as highlighted by the 2009 UN report, which also noted the persistently high drop-out rate.<sup>185</sup> A 2009 UNCT report suggested focusing resources to increase the participation of the poor, girls and persons with disabilities.<sup>186</sup>

62. The Special Representative of the Secretary-General for Human Rights in Cambodia noted that only 37 percent of adults were functionally literate.<sup>187</sup> CEDAW called for priority reduction of illiteracy among women, particularly rural, ethnic minority or disabled women. It urged Cambodia to address the obstacles preventing girls from continuing their education, such as early and forced marriages.<sup>188</sup>

63. CESCR noted with concern that a majority of teachers have to engage in other economic activities to supplement their income, causing frequent absences, and that the low salary is considered a reason for the collection of unofficial fees.<sup>189</sup>

## **10. Minorities and indigenous peoples**

64. A 2008 UNESCO report cited affirmative action targets for the recruitment of minorities into teacher-training colleges, with one in four places reserved for non-Khmer students.<sup>190</sup>

65. CEDAW expressed concern that women from ethnic minorities and disabled women faced multiple discrimination.<sup>191</sup> CESCR noted that primary education was problematic for ethnic minorities as the formal curriculum used only Khmer. It expressed concern that indigenous communities may lose their culture and language due to lack of education and information in their languages.<sup>192</sup>

66. In 2008, the Special Rapporteurs on the question of torture,<sup>193</sup> adequate housing,<sup>194</sup> independence of judges and lawyers, the right to food, the situation of human rights and fundamental freedoms of indigenous people and on the situation of human rights defenders and the Working Group on Arbitrary Detention raised concerns about the alleged illegal seizure of indigenous lands, forced eviction and blockade of food and medicine to families who refused to move, and sanctions to intimidate and silence community representatives.<sup>195</sup>

67. CESCR was concerned about reports that the rapid increase in economic land concessions, even within the protected zones, led to degradation of natural resources, adversely affecting biodiversity, resulting in displacement of indigenous peoples without just compensation and

resettlement.<sup>196</sup> OHCHR received similar reports.<sup>197</sup> CESCR recommended that the granting of concessions take into account sustainable development, and for all Cambodians to share the benefits of progress.<sup>198</sup> It noted the adverse effects of the exploitation of natural resources, particularly mining operations and oil exploration in indigenous territories, contravening the right of indigenous peoples to their ancestral domains, lands and natural resources.<sup>199</sup>

68. CESCR also noted with concern that the Land Law providing for the titling of indigenous communal lands had not been implemented effectively.<sup>200</sup> A 2008 Secretary-General report noted that indigenous land continued to shrink under illegal land deals, the grant of concessions, and pressure to develop the north-east, and that the elaboration of the collective titling process was proceeding slowly.<sup>201</sup> The Special Rapporteur on adequate housing expressed similar concerns.<sup>202</sup> Without decisive action, OHCHR<sup>203</sup> and the Special Representative<sup>204</sup> expressed concern that most communities will lose their lands, livelihoods, and cultural heritage, frequently in an arbitrary and abusive manner.

69. The Secretary-General noted that Khmer Krom people active in public protest had been under close police surveillance and denied the right to identity documents.<sup>205</sup>

### **11. Migrants, refugees and asylum-seekers**

70. CAT expressed concern about allegations regarding the expulsion of foreigners, particularly the situation of large numbers of Montagnard asylum-seekers in the Cambodian-Vietnamese border area,<sup>206</sup> also cited by the Special Representative of the Secretary-General for Human Rights in Cambodia.<sup>207</sup> A 2006 UNHCR report noted the lack of domestic legislation and administrative procedures pertaining to refugees and asylum-seekers.<sup>208</sup> A 2008 report indicated that Cambodia had stated it would establish a national asylum system with UNHCR support.<sup>209</sup>

### **III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

71. CAT<sup>210</sup> and CESCR<sup>211</sup> acknowledged the difficulties encountered by Cambodia during its political and economic transition, including lack of judicial infrastructure and budgetary constraints, particularly given the extermination of a large number of the population including qualified professionals,<sup>212</sup> also recognized by the 2009 UN report.<sup>213</sup>

72. UNDAF indicated that lack of access to, or control over, productive resources and services including credit, land and land titles, agricultural inputs and extension services were critical gender issues.<sup>214</sup>

73. The Resident Coordinator's report highlighted that mine action increased land availability to the rural poor, citing clearance of 6,750 anti-personnel mines and education of over 1 million schoolchildren on mine risk.<sup>215</sup>

## IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

### A. Pledges by the State

N/A.

### B. Specific recommendations for follow-up

74. In 2004, CAT requested responses to questions and issues raised.<sup>216</sup> Responses remained pending.

## V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

75. UNDAF called for action in the following priority areas: good governance, human rights promotion and protection, agriculture and rural poverty, capacity building and human resources development for the social sectors, and development of the national strategic development plan.<sup>217</sup>

76. CAT recommended establishing and ensuring a fully independent and professional judiciary in conformity with international standards, if necessary by calling for international cooperation.<sup>218</sup>

77. CRC recommended including children's rights concerns in drafting legislation and encouraged Cambodia to continue to seek technical assistance.<sup>219</sup>

78. CESCR requested that Cambodia seek technical cooperation from the ILO in reinforcing institutional capacity, and with respect to the establishment of labour courts and revision of the Law on Trade Unions, and seek OHCHR assistance to implement its concluding observations and compile the next report.<sup>220</sup>

79. The Human Rights Council, inter alia, encouraged the Government and the international community to provide assistance to the Extraordinary Chambers in the Courts of Cambodia to ensure justice and a non-return to the policies and practices of the past.<sup>221</sup>

### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child

OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance.

<sup>3</sup> Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.

<sup>4</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>5</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

<sup>6</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).

<sup>7</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning the Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

<sup>8</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights (E/C.12/KHM/CO/1), para. 44.

<sup>9</sup> Ibid., para. 16.

<sup>10</sup> E/CN.4/2005/116, para. 107.

<sup>11</sup> A/HRC/7/42, para. 104.

<sup>12</sup> E/C.12/KHM/CO/1, para. 4.

<sup>13</sup> A/HRC/4/36, para. 17. See also, E/CN.4/2006/110, p. 2.

<sup>14</sup> UNCT Cambodia, Situation Analysis of Youth in Cambodia, Phnom Penh, 2009, p. 67; UNCT Cambodia submission to the UPR on Cambodia available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>.

<sup>15</sup> Cambodia UNDAF 2006-2010, 2005, p. 10, available at [http://www.undg.org/archive\\_docs/5726-Cambodia\\_UNDAF\\_\\_2006-2010\\_.pdf](http://www.undg.org/archive_docs/5726-Cambodia_UNDAF__2006-2010_.pdf).

<sup>16</sup> UNCT Cambodia, Situation Analysis of Youth in Cambodia, Phnom Penh, 2009, p. 67; UNCT Cambodia submission to the UPR on Cambodia available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>.

<sup>17</sup> E/C.12/KHM/CO/1, para. 12.

<sup>18</sup> Concluding comments of the Committee on the Elimination of Discrimination against Women (CEDAW/C/KHM/CO/3), para. 10.

<sup>19</sup> Ibid., para. 12; Concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.128), para. 10.

<sup>20</sup> CRC/C/15/Add.128, para. 24.

<sup>21</sup> Conclusions and recommendations of the Committee against Torture (CAT/C/CR/31/7), para. 7 (a).

<sup>22</sup> CEDAW/C/KHM/CO/3, para. 6.

<sup>23</sup> A/HRC/4/95, para. 57.

<sup>24</sup> A/HRC/10/54, para. 17.

<sup>25</sup> E/C.12/KHM/CO/1, para. 13.

<sup>26</sup> UNFPA, 2008 Mid-Term Review of 3rd Country Programme 2006-2010, p. 11, available at <http://cambodia.unfpa.org/publications.htm>.

<sup>27</sup> CEDAW/C/KHM/CO/3, para. 4.

<sup>28</sup> E/C.12/KHM/CO/1, para. 5.

<sup>29</sup> CEDAW/C/KHM/CO/3, para. 14.

<sup>30</sup> Ibid., para. 4.

<sup>31</sup> CAT/C/CR/31/7, para. 7 (j).

<sup>32</sup> E/C.12.KHM/CO/1, para. 8 (e) and (f).

<sup>33</sup> UNCT Cambodia, UN Joint Framework for Addressing Human Trafficking in Cambodia, pp. 8-9, available at [http://www.un.org.kh/index.php?option=com\\_jdownloads&Itemid=65&task=finish&cid=15&catid=4](http://www.un.org.kh/index.php?option=com_jdownloads&Itemid=65&task=finish&cid=15&catid=4).

<sup>34</sup> E/C.12/KHM/CO/1, para. 8 (g). See also ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Worst Forms of Child Labour Convention, 1999 (No. 182), 2009, Geneva, doc. No. (ILOLEX) 092009KHM182, p. 6.

<sup>35</sup> UNCT Cambodia, Situation Analysis of Youth in Cambodia, Phnom Penh, 2009, p. xi; UNCT Cambodia submission to the UPR on Cambodia.

<sup>36</sup> The following abbreviations have been used for this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child.

<sup>37</sup> Letter dated 28 April 2006, reference jmn/mm/fg/follow-up/CAT/Cambodia.

<sup>38</sup> CAT/C/CR/31/7, para. 3.

<sup>39</sup> E/C.12/KHM/CO/1, para. 3.

<sup>40</sup> E/CN.4/2005/116.

<sup>41</sup> E/CN.4/2006/110 and Add.1.

<sup>42</sup> A/HRC/4/36.

<sup>43</sup> A/HRC/7/42.

<sup>44</sup> E/CN.4/2006/41/Add.3.

<sup>45</sup> Ibid., p. 2.

<sup>46</sup> The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate-holder.

<sup>47</sup> See (a) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (b) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23),

questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (d) report of the Special Representative of the Secretary-General on the situation of human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005; (e) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007; (f) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005; (g) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005; (h) report of the Working Group on mercenaries (A/61/341), questionnaire concerning its mandate and activities sent in November 2005; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent in July 2006; (j) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation sent in July 2007; (k) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices; (l) report of the Special Rapporteur on the right to education (A/HRC/8/10), questionnaire on the right to education in emergency situations sent in 2007; (m) report of the Special Rapporteur on the right to education (June 2009) (A/HRC/11/8), questionnaire on the right to education for persons in detention; (n) report of the independent expert on the question of human rights and extreme poverty to the eleventh session of the HRC (June 2009) (A/HRC/11/9), questionnaire on Cash Transfer Programmes, sent in October 2008; (o) report of the Special Rapporteur on violence against women, (June 2009) (A/HRC/11/6), questionnaire on violence against women and political economy.

<sup>48</sup> The questionnaire on issues related to forced marriages and trafficking in persons.

<sup>49</sup> A/HRC/12/41, para. 3

<sup>50</sup> CEDAW/C/KHM/CO/3, 25 January 2006, para. 17.

<sup>51</sup> *Ibid.*, para. 18.

<sup>52</sup> E/C.12/KHM/CO/1, para. 18.

<sup>53</sup> UNFPA, 2008 Mid-Term Review of 3rd Country Programme 2006-2010, p. 11, available at <http://cambodia.unfpa.org/publications.htm> .

<sup>54</sup> DP-FPA/2009/CRP.1, E/ICEF/2009/CRP.11, 2009, p. 6. Cambodia UNDAF 2006-2010, 2005, p. 11, available at [http://www.undg.org/archive\\_docs/5726-Cambodia\\_UNDAF\\_2006-2010\\_.pdf](http://www.undg.org/archive_docs/5726-Cambodia_UNDAF_2006-2010_.pdf).

<sup>55</sup> CEDAW/C/KHM/CO/3, para. 12.

<sup>56</sup> E/CN.4/2006/41/Add.3, paras.73-74 and 76.

<sup>57</sup> CRC/C/15/Add.128, para. 30.

<sup>58</sup> *Ibid.*, para. 32.

<sup>59</sup> Concluding observations of the Human Rights Committee (CCPR/C/79/Add.108), para. 7.

<sup>60</sup> E/C.12/KHM/CO/1, para. 17.

<sup>61</sup> A/HRC/7/28/Add.1, paras. 169-172.

<sup>62</sup> *Ibid.*, paras. 182-84.

<sup>63</sup> E/C.12/KHM/CO/1, para. 31.

<sup>64</sup> ILO Conference Committee on the Application of Standards, Examination of individual case concerning ILO Convention on the Freedom of Association and Protection of the Right to Organise, 1948 (No. 87), 2007, Geneva, doc. No. (ILOLEX) 132007KHM087, p. 4. See also ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Convention on the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), 2009, Geneva, doc. No. (ILOLEX) 062009KHM087, pp. 1-2.

<sup>65</sup> A/HRC/4/36, para. 43.



- <sup>66</sup> A/HRC/10/12/Add.1, paras. 358-363. See also A/HRC/12/41, para. 34.
- <sup>67</sup> CAT/C/CR/31/7, para. 6 (a).
- <sup>68</sup> E/CN.4/2005/116, para. 17.
- <sup>69</sup> CAT/C/CR/31/7, para. 7 (k).
- <sup>70</sup> Ibid., para. 7 (f).
- <sup>71</sup> Ibid., para. 6 (i).
- <sup>72</sup> A/HRC/7/42, para. 21.
- <sup>73</sup> Ibid., para. 22.
- <sup>74</sup> Ibid., para. 39.
- <sup>75</sup> CAT/C/CR/31/7, para. 6 (k).
- <sup>76</sup> E/C.12/KHM/CO/1, para. 20. See also United Nations Joint Framework on Gender in Cambodia, 2009, p. 5, available at [http://www.un.org.kh/index.php?option=com\\_jdownloads&Itemid=65&task=finish&cid=14&catid=4](http://www.un.org.kh/index.php?option=com_jdownloads&Itemid=65&task=finish&cid=14&catid=4) and DP-FPA/2009/CRP.1, E/ICEF/2009/CRP.11, 2009, para. 24. See also UNFPA, 2008 Mid-Term Review of 3rd Country Programme 2006-2010, p. 8, available at <http://cambodia.unfpa.org/publications.htm>.
- <sup>77</sup> E/C.12/KHM/CO/1, para. 20.
- <sup>78</sup> E/CN.4/2006/41/Add.3, paras.73-74 and 76.
- <sup>79</sup> CEDAW/C/KHM/CO/3, para. 16.
- <sup>80</sup> DP-FPA/2009/CRP.1, E/ICEF/2009/CRP.11, 2009, para.24.. See also UNFPA, 2008 Mid-Term Review of 3<sup>rd</sup> Country Programme 2006-2010, p. 8, available at <http://cambodia.unfpa.org/publications.htm>.
- <sup>81</sup> CEDAW/C/KHM/CO/3, para. 21.
- <sup>82</sup> A/HRC/7/8/Add.1, para. 18. See also UNODC, Global Report on Trafficking in Persons, Vienna, 2009, p. 42, available at [http://www.unodc.org/documents/Global\\_Report\\_on\\_TIP.pdf](http://www.unodc.org/documents/Global_Report_on_TIP.pdf).
- <sup>83</sup> CEDAW/C/KHM/CO/3, para. 19. See also UNDG, Resident Coordinator Annual Report 2008 – Cambodia, available at <http://www.undg.org/rcar08.cfm?fuseaction=N&ctyIDC=CMB&P=1095>.
- <sup>84</sup> E/C.12/KHM/CO/1, para. 26.
- <sup>85</sup> CEDAW/C/KHM/CO/3, para. 19.
- <sup>86</sup> CAT/C/CR/31/7, para. 7 (l).
- <sup>87</sup> CEDAW/C/KHM/CO/3, para. 20.
- <sup>88</sup> UNCT Cambodia, Joint Statement on HIV, 1 December 2008, available at [http://www.un.org.kh/index.php?option=com\\_content&view=article&id=101:joint-statement-from-the-united-nations-country-team&catid=44:un-speeches-and-statements&Itemid=77](http://www.un.org.kh/index.php?option=com_content&view=article&id=101:joint-statement-from-the-united-nations-country-team&catid=44:un-speeches-and-statements&Itemid=77).
- <sup>89</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Worst Forms of Child Labour Convention, 1999 (No. 182), 2009, Geneva, doc. No. (ILOLEX) 092009KHM182, p. 3.
- <sup>90</sup> A/HRC/7/8/Add.1, para. 14.
- <sup>91</sup> Ibid., para. 17.
- <sup>92</sup> CRC/C/15/Add.128, para. 59.
- <sup>93</sup> Ibid., para. 43. See also E/C.12/KHM/CO/1 para. 25.
- <sup>94</sup> E/C.12/KHM/CO/1, para. 25.
- <sup>95</sup> UNCT Cambodia, Situation Analysis of Youth in Cambodia, Phnom Penh, 2009, p. 73; UNCT Cambodia submission to the UPR on Cambodia.
- <sup>96</sup> CAT/C/CR/31/7, para. 6 (l).
- <sup>97</sup> Ibid., para. 7 (i).

<sup>98</sup> E/C.12/KHM/CO/1, para. 14.

<sup>99</sup> CAT/C/CR/31/7, para. 6 (g).

<sup>100</sup> A/HRC/4/36, para. 31.

<sup>101</sup> E/CN.4/2006/110, para. 71. See also Cambodia UNDAF 2006-2010, 2005, pp. 10-11, available at [http://www.undg.org/archive\\_docs/5726-Cambodia\\_UNDAF\\_\\_2006-2010\\_.pdf](http://www.undg.org/archive_docs/5726-Cambodia_UNDAF__2006-2010_.pdf).

<sup>102</sup> Cambodia UNDAF 2006-2010, 2005, pp. 10-11, available at [http://www.undg.org/archive\\_docs/5726-Cambodia\\_UNDAF\\_\\_2006-2010\\_.pdf](http://www.undg.org/archive_docs/5726-Cambodia_UNDAF__2006-2010_.pdf).

<sup>103</sup> A/HRC/7/42, para. 27.

<sup>104</sup> E/C.12/KHM/CO/1, para. 14.

<sup>105</sup> A/HRC/4/36, paras. 31-32.

<sup>106</sup> CAT/C/CR/31/7, para. 6(e).

<sup>107</sup> E/C.12/KHM/CO/1, para. 14.

<sup>108</sup> See HRC resolution 9/15, para. 5.

<sup>109</sup> A/HRC/7/42, para. 25.

<sup>110</sup> Ibid., para. 33; See also, A/HRC/4/36, para. 36.

<sup>111</sup> A/HRC/7/42, para. 47.

<sup>112</sup> Ibid., para. 49.

<sup>113</sup> CAT/C/CR/31/7, para. 7 (g).

<sup>114</sup> Ibid., para. 7 (h).

<sup>115</sup> Ibid., para. 6 (d).

<sup>116</sup> E/CN.4/2005/116, p. 2.

<sup>117</sup> See HRC resolution 9/15, para. 5.

<sup>118</sup> CAT/C/CR/31/7, para. 7 (c).

<sup>119</sup> Ibid., para. 7 (d).

<sup>120</sup> E/CN.4/2005/116, para. 14.

<sup>121</sup> E/C.12/KHM/CO/1, para. 24, See also the 2009 ILO Report of the Committee of Experts on the Application of Conventions and Recommendations, pp. 69-70, available at [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/--relconf/documents/meetingdocument/wcms\\_103484.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/--relconf/documents/meetingdocument/wcms_103484.pdf).

<sup>122</sup> DP-FPA/2009/CRP.1, E/ICEF/2009/CRP.11, 2009, para. 24.

<sup>123</sup> CEDAW/C/KHM/CO/3, para. 33.

<sup>124</sup> E/CN.4/2005/116, para. 41.

<sup>125</sup> Ibid., para. 91.

<sup>126</sup> A/HRC/4/36, para. 43; ILO Committee of Experts on the Application of Conventions and Recommendations, ILO Individual Direct Request concerning Abolition or Forced Labour Convention, 1957 (No. 105), 2009, Geneva, doc. No. (ILOLEX) 092009KHM105, p. 2. See also doc. No. (ILOLEX) 092008KHM105, p.1.

<sup>127</sup> A/HRC/4/36, para. 46.

<sup>128</sup> A/HRC/7/10/Add.1, para.11.

<sup>129</sup> A/HRC/4/36, para. 51.

<sup>130</sup> Ibid. See also A/HRC/7/42, para. 18.

<sup>131</sup> A/HRC/12/41, para. 38.

<sup>132</sup> A/HRC/4/36, para. 86; See also A/HRC/4/95, para. 48.

- <sup>133</sup> A/HRC/12/41, para. 39.
- <sup>134</sup> See HRC resolution 9/15, para. 5.
- <sup>135</sup> .See HRC resolution 9/15, para. 4. See also A/HRC/7/42, paras. 90-91.
- <sup>136</sup> A/HRC/7/42, para. 91.
- <sup>137</sup> UNDG, Resident Coordinator Annual Report 2008 – Cambodia, available at <http://www.undg.org/rcar08.cfm?fuseaction=N&ctyIDC=CMB&P=1095>.
- <sup>138</sup> UNFPA, 2008 Mid-Term Review of 3<sup>rd</sup> Country Programme 2006-2010, p. 8, available at <http://cambodia.unfpa.org/publications.htm> (accessed on 6 July 2009). See also Cambodia UNDAF 2006-2010, 2005, p. 12, available at [http://www.undg.org/archive\\_docs/5726-Cambodia\\_UNDAF\\_\\_2006-2010\\_.pdf](http://www.undg.org/archive_docs/5726-Cambodia_UNDAF__2006-2010_.pdf).
- <sup>139</sup> United Nations Statistics Division coordinated data and analyses, available at: <http://mdgs.un.org/unsd/mdg>.
- <sup>140</sup> E/C.12/KHM/CO/1, para. 22.
- <sup>141</sup> CEDAW/C/KHM/CO/3, para. 28.
- <sup>142</sup> E/C.12/KHM/CO/1, para. 23.
- <sup>143</sup> CEDAW/C/KHM/CO/3, para. 28.
- <sup>144</sup> E/C.12/KHM/CO/1, para. 21. See also UNCT Cambodia, Situation Analysis of Youth in Cambodia, Phnom Penh, 2009, pp. 44-55; UNCT submission to the UPR on Cambodia.
- <sup>145</sup> E/C.12/KHM/CO/1, para. 24.
- <sup>146</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), 2009, Geneva, doc. No. (ILOLEX) 062009KHM087, p. 2.
- <sup>147</sup> Ibid.
- <sup>148</sup> Cambodia UNDAF 2006-2010, 2005, pp. 8-9, available at [http://www.undg.org/archive\\_docs/5726-Cambodia\\_UNDAF\\_\\_2006-2010\\_.pdf](http://www.undg.org/archive_docs/5726-Cambodia_UNDAF__2006-2010_.pdf).
- <sup>149</sup> CEDAW/C/KHM/CO/3, para. 31.
- <sup>150</sup> E/C.12/KHM/CO/1, para. 27.
- <sup>151</sup> Ibid., para. 28.
- <sup>152</sup> UNDG, Resident Coordinator Annual Report 2008 – Cambodia, available at <http://www.undg.org/rcar08.cfm?fuseaction=N&ctyIDC=CMB&P=1095>.
- <sup>153</sup> UNCT Cambodia, Situation Analysis of Youth in Cambodia, Phnom Penh, 2009, p. 19, available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>.
- <sup>154</sup> E/C.12/KHM/CO/1, para. 40.
- <sup>155</sup> Ibid., para. 32.
- <sup>156</sup> UNFPA, 2008 Mid-Term Review of 3<sup>rd</sup> Country Programme 2006-2010, pp. 8 and 10, available at <http://cambodia.unfpa.org/publications.htm>.
- <sup>157</sup> UNDG, Resident Coordinator Annual Report 2008 – Cambodia, available at <http://www.undg.org/rcar08.cfm?fuseaction=N&ctyIDC=CMB&P=1095>.
- <sup>158</sup> E/C.12/KHM/CO/1, para. 32.
- <sup>159</sup> E/C.12/KHM/CO/1, para. 32.
- <sup>160</sup> CEDAW/C/KHM/CO/3, para. 30.
- <sup>161</sup> Ibid., para. 33.
- <sup>162</sup> A/HRC/12/41, para. 28.
- <sup>163</sup> United Nations Statistics Division coordinated data and analyses, available at: <http://mdgs.un.org/unsd/mdg>.
- <sup>164</sup> E/C.12/KHM/CO/1, para. 29.

<sup>165</sup> UNDP, Asia-Pacific Human Development Report, 2008, p. 93, available at [http://hdr.undp.org/en/reports/regionalreports/asiathepacific/RHDR\\_Full%20Report\\_Tackling\\_Corruption\\_Transforming\\_Lives.pdf](http://hdr.undp.org/en/reports/regionalreports/asiathepacific/RHDR_Full%20Report_Tackling_Corruption_Transforming_Lives.pdf).

<sup>166</sup> A/HRC/4/36, para. 66.

<sup>167</sup> World Bank, Country Assistance Strategy Progress Report, 2008, pp. 15-16, available at [http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2008/04/30/000020953\\_20080430114456/Rendered/PDF/433300CASPOIDA1R200810103.pdf](http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2008/04/30/000020953_20080430114456/Rendered/PDF/433300CASPOIDA1R200810103.pdf).

<sup>168</sup> OHCHR Cambodia, Economic land concessions in Cambodia: A human rights perspective, 2007, p. 1, available at [http://cambodia.ohchr.org/report\\_subject.aspx](http://cambodia.ohchr.org/report_subject.aspx).

<sup>169</sup> A/HRC/4/36, para. 69.

<sup>170</sup> A/HRC/4/95, para. 44. See also E/CN.4/2005/116, para. 46.

<sup>171</sup> E/C.12/KMH/CO/1, para. 30.

<sup>172</sup> A/HRC/7/42, para. 63.

<sup>173</sup> Press release of 30 January 2009 by the Special Rapporteur on adequate housing.

<sup>174</sup> A/HRC/7/42, para. 62. See also E/CN.4/2005/116 para. 58.

<sup>175</sup> E/C.12/KHM/CO/1, para. 30.

<sup>176</sup> Ibid., para. 30. See also E/CN.4/2006/41/Add.3, para.61.

<sup>177</sup> E/CN.4/2006/41/Add.3, para.30.

<sup>178</sup> A/HRC/4/95, para. 20.

<sup>179</sup> E/CN.4/2006/41/Add.3, para.48.

<sup>180</sup> OHCHR Cambodia, "Group 78 evicted: A missed opportunity for inclusive development; another setback for the rule of law", 17 July 2009, available at <http://cambodia.ohchr.org>.

<sup>181</sup> E/C.12/KHM/CO/1, para. 30.

<sup>182</sup> UNDP, Asia-Pacific Human Development Report, 2008, p. 74, available at [http://hdr.undp.org/en/reports/regionalreports/asiathepacific/RHDR\\_Full%20Report\\_Tackling\\_Corruption\\_Transforming\\_Lives.pdf](http://hdr.undp.org/en/reports/regionalreports/asiathepacific/RHDR_Full%20Report_Tackling_Corruption_Transforming_Lives.pdf).

<sup>183</sup> United Nations Statistics Division coordinated data and analyses, available at: <http://mdgs.un.org/unsd/mdg>.

<sup>184</sup> E/C.12/KHM/CO/1, para. 34.

<sup>185</sup> DP-FPA/2009/CRP.1, E/ICEF/2009/CRP.11, 2009, para. 28.

<sup>186</sup> UNCT Cambodia, Situation Analysis of Youth in Cambodia, Phnom Penh, 2009, p. xii; UNCT Cambodia submission to the UPR on Cambodia.

<sup>187</sup> E/CN.4/2005/116, para. 9.

<sup>188</sup> CEDAW/C/KHM/CO/3, para. 26.

<sup>189</sup> E/C.12/KHM/CO/1, para. 35.

<sup>190</sup> UNESCO, Education For All Global Monitoring Report 2009, Paris, 2008, p. 176, available at <http://unesdoc.unesco.org/images/0017/001776/177683e.pdf>.

<sup>191</sup> CEDAW/C/KHM/CO/3, para. 35.

<sup>192</sup> E/C.12/KHM/CO/1, para. 34.

<sup>193</sup> A/HRC/10/44/Add.4, p. 43.

<sup>194</sup> A/HRC/10/7/Add.1, paras. 25-31.

<sup>195</sup> Ibid., para. 32.

<sup>196</sup> E/C.12/KHM/CO/1, para. 15.

<sup>197</sup> A/HRC/4/95, para. 45.

<sup>198</sup> E/C.12/KHM/CO/1, para. 15.

<sup>199</sup> Ibid., para. 16.

<sup>200</sup> Ibid., para. 16.

<sup>201</sup> A/HRC/7/56, para. 37.

<sup>202</sup> E/CN.4/2006/41/Add.3, para. 67.

<sup>203</sup> A/HRC/7/56, para. 37.

<sup>204</sup> A/HRC/7/42, para. 29.

<sup>205</sup> A/HRC/12/41, para. 43.

<sup>206</sup> CAT/C/CR/31/7, para. 6 (b).

<sup>207</sup> E/CN.4/2005/116, para. 73.

<sup>208</sup> UNHCR, 2006 Cambodia Country Operations Plan, 2005, p. 2, available at <http://www.unhcr.org/refworld/publisher,UNHCR,,KHM,4332c4c32,0.html>.

<sup>209</sup> UNHCR, Global Appeal Report 2009 Update, Geneva, 2008, p. 300, available at <http://www.unhcr.org/publ/PUBL/4922d42a11.pdf>.

<sup>210</sup> CAT/C/CR/31/7, para. 5.

<sup>211</sup> E/C.12/KHM/CO/1, para. 11.

<sup>212</sup> Ibid.

<sup>213</sup> DP-FPA/2009/CRP.1, E/ICEF/2009/CRP.11, 2009, p. 7.

<sup>214</sup> Cambodia UNDAF 2006-2010, 2005, pp. 11-12, available at [http://www.undg.org/archive\\_docs/5726-Cambodia\\_UNDAF\\_\\_2006-2010\\_.pdf](http://www.undg.org/archive_docs/5726-Cambodia_UNDAF__2006-2010_.pdf).

<sup>215</sup> UNDG, Resident Coordinator Annual Report 2008 – Cambodia, available at <http://www.undg.org/rcar08.cfm?fuseaction=N&ctyIDC=CMB&P=1095>.

<sup>216</sup> CAT/C/CR/30/2 para. 8. Letter dated 28 April 2006, reference: jmn/mm/fg/follow-up/CAT/Cambodia.

<sup>217</sup> Cambodia UNDAF 2006-2010, 2005, p. 4, available at [http://www.undg.org/archive\\_docs/5726-Cambodia\\_UNDAF\\_\\_2006-2010\\_.pdf](http://www.undg.org/archive_docs/5726-Cambodia_UNDAF__2006-2010_.pdf).

<sup>218</sup> CAT/C/CR/31/7, para. 7 (b).

<sup>219</sup> CRC/C/15/Add.128, para. 10.

<sup>220</sup> E/C.12/KHM/CO/1, paras. 24 and 47.

<sup>221</sup> See HRC resolution 9/15, para. 7.

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