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Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Cambodia

Addendum

**Views on conclusions and/or recommendations, voluntary commitments
and replies presented by the State under review**

* The present document was not edited before being sent to the United Nations translation services.



1. Following the consideration on 198 recommendations made by 73 Member States of the UN during the 3rd cycle of the UPR held in Geneva on 30 January 2019, the RGC would like to confirm as follow.

I. 173 accepted recommendations

2. 110.1, 110.2, 110.3, 110.4, 110.5, 110.6, 110.7, 110.8, 110.9, 110.10, 110.12, 110.13, 110.14, 110.19, 110.20, 110.21, 110.22, 110.23, 110.24, 110.25, 110.26, 110.27, 110.28, 110.29, 110.33, 110.34, 110.35, 110.36, 110.37, 110.38, 110.39, 110.40, 110.41, 110.42, 110.43, 110.44, 110.45, 110.46, 110.47, 110.48, 110.49, 110.50, 110.51, 110.52, 110.53, 110.54, 110.55, 110.56, 110.57, 110.58, 110.59, 110.60, 110.61, 110.62, 110.63, 110.64, 110.65, 110.66, 110.67, 110.68, 110.69, 110.70, 110.71, 110.72, 110.73, 110.74, 110.75, 110.76, 110.77, 110.80, 110.81, 110.83, 110.85, 110.86, 110.87, 110.88, 110.90, 110.91, 110.93, 110.94, 110.95, 110.96, 110.98, 110.99, 110.101, 110.102, 110.103, 110.105, 110.106, 110.107, 110.109, 110.110, 110.112, 110.113, 110.114, 110.115, 110.116, 110.118, 110.120, 110.122, 110.123, 110.124, 110.125, 110.126, 110.127, 110.128, 110.129, 110.130, 110.131, 110.132, 110.133, 110.134, 110.135, 110.136, 110.138, 110.139, 110.140, 110.141, 110.142, 110.143, 110.144, 110.145, 110.146, 110.147, 110.148, 110.150, 110.151, 110.152, 110.153, 110.154, 110.155, 110.156, 110.157, 110.158, 110.159, 110.160, 110.161, 110.162, 110.163, 110.164, 110.165, 110.166, 110.167, 110.168, 110.169, 110.170, 110.171, 110.172, 110.173, 110.174, 110.175, 110.176, 110.177, 110.178, 110.179, 110.180, 110.181, 110.182, 110.183, 110.184, 110.185, 110.186, 110.187, 110.189, 110.190, 110.191, 110.192, 110.193, 110.194, 110.195, 110.196, 110.197 and 110.198.

II. 25 noted recommendations

3. 110.11, 110.15, 110.16, 110.17, 110.18, 110.30, 110.31, 110.32, 110.78, 110.79, 110.82, 110.84, 110.89, 110.92, 110.97, 110.100, 110.104, 110.108, 110.111, 110.117, 110.119, 110.121, 110.137, 110.149 and 110.188.

Reasons for the noted recommendations

1. Issuing a standing invitation (recommendations No. 110.11, 110.15, 110.16, 110.17 and 110.18)

4. Adhering to the spirit of the Article 31 of the Constitution of the Kingdom of Cambodia, Cambodia is broadly open for visits to review the human rights situation in accordance with the special procedures of the UN Human Rights Council. The Royal Government does not have policy to issue a standing invitation. We reserve our rights to welcome all visits by the UN special procedures of all thematic mandates based on actual circumstances. In fact, there have been several visits made by the Special Rapporteurs and the thematic Working Groups of the special procedures of the UN Human Rights Council.

2. Repealing the amendments of the Laws (recommendations No. 110.30, 110.31 and 110.100)

5. The amendments of the Law on Political Parties was conducted by the legislative body of Cambodia, which represents the will of the Cambodian people. The Constitutional Council also validated the constitutionality of these amendments.

6. The Law on Associations and Non-Governmental Organizations and the Trade Union Law were formulated in conformity with the provisions of the International Covenant on Civil and Political Rights. The formulation had gone through due process in regards to legislation procedures of Cambodia, including consultation with CSOs, trade unions and all relevant stakeholders before being enacted by the National Assembly.

3. Former opposition party (recommendations No. 110.78, 110.104 and 110.111)

7. In Cambodia, there are no political prisoners but only politicians who committed criminal acts in violation of the Criminal Code of the Kingdom of Cambodia. They are placed equally under the court jurisdiction like every other citizens who committed crimes. What Cambodia has done are based on the principles of democracy and rule of law in order to safeguard security and public order like every other established democratic nations. Some members of the former CNRP had been released by the court and pardoned by His Majesty the King with their political rights fully rehabilitated.

4. Land dispute settlements (recommendations No. 110.32 and 110.149)

8. The Kingdom of Cambodia has already set up mechanisms to resolve land disputes at both national and sub-national levels. These entities have constantly made efforts to effectively resolve the land disputes.

9. In Cambodia, there is no eviction of people from their legally owned lands. The Royal Government of Cambodia has established two principles to address land disputes; firstly, the provision of compensation based on market price for people who legally own the land; and secondly, the provision of an appropriate compensation to those who legally occupy the land but has no proof documents or land titles. The compensation is made based on mutual consent and unsolicited manner between all relevant parties through mediation by competent authorities.

5. Amendment of the law on telecommunications (recommendation No. 110.79)

10. Telecommunication Law was formulated so as to protect the rights of users and their privacy and to promote the freedom of expression in accordance with the Cambodian Constitution and laws in force.

6. Freedom of expression (recommendations No. 110.82, 110.84, 110.89, 110.92, 110.97 and 110.117)

11. The Kingdom of Cambodia is very open in regards to all forms of expression. The freedom of expression is guaranteed by the Constitution. Conditions on the freedom of expressions are also stipulated by laws. For instance, a peaceful demonstration requires demonstration leaders and demonstrators to strictly obey the law in order to ensure social order and protect public and private properties.

12. Freedom of expression may be limited as provided for by law and when necessary to protect the rights or reputations of others. The Criminal Code of Cambodia protects dignity and honors of people, which is one of the principles of human rights, and punishes those who abuse the law and other persons' dignity.

13. Cambodian Criminal Code does not hinder freedom of expression and peaceful and legal assembly. The Code provides for punishment against offenders who violate the law and human rights. Defamation is not subject to imprisonment but it is a criminal offence that can be fined for those perpetrators who infringe good morality of the Khmer society and affect other people's honors and dignity.

14. There are abundant media platforms in Cambodia ranging from internet, social media, TVs, radios, newspapers, magazines, etc. These media are free to publish without advance censorship or restriction from the government. However, like every other citizen, journalists shall be responsible under the laws if they commit any illegal acts.

7. The law on trade union (recommendation No. 110.108)

15. This law is very important in ensuring the rights of professional organizations as set forth in the Cambodian Constitution and other Cambodian laws as well as ILO Conventions to which Cambodia is a State Party. To ensure a free and fair functioning of the law, especially in the aspects of security and public order, this law requires such registration and reports. Such requirements should not be seen as restriction of rights and freedoms of organizations, associations and trade unions. On the contrary, these requirements help ensure transparency and legitimacy of unions as well as their sustainability.

8. Judicial independence and reform (recommendations No. 110.119 and 110.121)

16. The executive branch does not interfere in the works of judges and prosecutors. The executive body has duties to take necessary measures to ensure effective law enforcement. The three laws have determined and ensured independence of the Court especially of the judges and prosecutors. In principle, promulgated laws require review and amendment once there exist obstacles and difficulties in the implementation process and these three laws are not exception.

17. The judicial reform is not subject to perfection or immediate completion. It demands constant improvements from shortcomings that may arise from the implementation process.

9. Election in Cambodia (recommendation No. 110.137)

18. The Constitution provides a multi-party liberal democratic political system. Since 1993, many political parties have contested in the elections organized by the National Election Committee with the financial and technical supports from the EU and other friendly nations, most especially Japan.

19. With political maturity, Cambodian people understand very well about the importance of the elections. The high turnout rate of 83.02% at the national election in 2018 with 20 contested parties reaffirmed such understanding.

10. Children in armed conflict (recommendation No. 110.188)

20. The Kingdom of Cambodia put a complete end to all armed conflicts and wars at the end of 1998 through the Win-Win Policy of **Samdech Akka Moha Sena Padei Techo Hun Sen**, Prime Minister of the Kingdom of Cambodia. Currently, Cambodia is free from wars and has embraced full-fledged development in all fields under the umbrella of peace and political stability. Therefore, the involvement of children in armed conflict is virtually non-existent. Such act is also prohibited by Cambodian laws. Cambodian children is receiving the rightful attention from the government in attaining their fundamental rights including, among others, rights to life, rights to receive protection and rights to education.
