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the High Commissioner and the Secretary-General**

**Technical assistance and capacity-building**

## Situation of human rights in Cambodia

### Report of the Special Rapporteur on the situation of human rights in Cambodia\*

#### *Summary*

The Special Rapporteur on the situation of human rights in Cambodia provides an update on the human rights situation in Cambodia and analyses the Cambodian Sustainable Development Goals. Ongoing tensions in relation to democratic and civic space are noted and issues expressed in previous reports remain unresolved. The Special Rapporteur welcomes the fact that Cambodia has adopted a framework for its Sustainable Development Goals, although she notes that the Cambodian Goals do not reflect some important human rights aspects of the Sustainable Development Goals. In the present report she focuses in particular on accountability, leaving no one behind and participation, which are cross-cutting themes of relevance when examining the Sustainable Development Goals from a human rights perspective.

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\* The present report was submitted late owing to a technical error in the submission process.



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## I. Introduction

1. During the year under review (June 2018–June 2019), the Special Rapporteur continued to monitor the situation of human rights in Cambodia, receiving information from different stakeholders, including the Government, civil society organizations, United Nations agencies and private citizens. The Special Rapporteur undertook two missions to Cambodia, from 29 October to 8 November 2018 and from 29 April to 9 May 2019. In the present report she draws on these missions as well as other information received throughout the year.
2. The Special Rapporteur records her appreciation of the full cooperation she has received from the Government.
3. During her missions, the Special Rapporteur met with government representatives and other stakeholders, including civil society organizations, the United Nations country team and development partners. She met with the Deputy Prime Minister and Minister of the Interior, the Deputy Prime Minister and Minister of Foreign Affairs and International Cooperation, the Deputy Prime Minister and Minister of the Economy and Finance, the Deputy Prime Minister and Minister of Land Management, Urban Planning and Construction, the Senior Minister and Minister of Planning, along with the Director-General of the National Institute of Statistics, the Minister of Justice, the Minister of Information, the Minister of Health, the Minister of the Environment, the Minister of Agriculture, Forestry and Fisheries, the Minister of Social Affairs Veterans and Youth Rehabilitation, the Governor of Phnom Penh, the President of the Cambodian Human Rights Committee, the Deputy President of the Anti-Corruption Unit, the Secretary-General of the National Authority for Combating Drugs and the Deputy Secretary-General of the Council for the Development of Cambodia. She also met with a wide range of relevant stakeholders, including representatives of political parties.
4. It was regrettable that the Special Rapporteur was again denied confidential interviews with detainees, in particular Kem Sokha, formerly a key political party leader, who remains detained at his home under restrictive judicial supervision. She was however able to undertake an unannounced visit to the Phnom Penh Social Affairs Transit Centre (Prey Speu), and received invitations for future on-the-spot visits to drug treatment centres. The Special Rapporteur reiterates that she should be able to visit any place of detention and meet with anyone in detention as part of discharging her mandate.

## II. Recent developments

### A. Political rights

5. This section provides an update of the issues raised in the addendum to the report of the Special Rapporteur to the Human Rights Council in 2018 (A/HRC/39/73/Add.1). There has been little change with respect to issues related to political rights in Cambodia. The ruling Cambodian People's Party won all 125 seats in the National Assembly and overwhelmingly controls the Senate (*ibid.*, para. 81). The Cambodia National Rescue Party remains dissolved with all the positions of its commune chiefs and almost all the positions of its commune councillors transferred to unelected members of the Cambodian People's Party, which thus holds over 95 per cent of seats at the commune level. This effectively denies the exercise of the right to vote of around 44 per cent of the voting population who voted for the Cambodia National Rescue Party during the 2017 commune elections. The provincial, municipal and district council elections took place in May 2019. They are indirect elections, voted for by commune councillors. The National Election Committee announced on 8 June that the Cambodian People's Party had won 98 per cent of all seats; three other parties secured 80 of the 4,114 seats.
6. On 6 September 2018, a Supreme Consultative Council, comprising representatives of the unsuccessful political parties who contested the national elections, was established by

royal decree to provide advice and consultation to the Government on policy development and draft legislation and to monitor the implementation of law and policies. Fifteen parties participate; four declined to join. At their request, the Special Rapporteur met with representatives of some of the parties involved and heard more about its workings. The Special Rapporteur emphasizes that the existence of such a body does not change the fact that the parliament, where legislative action is taken, is completely dominated by the ruling party, with serious repercussions for democracy and the enjoyment of political rights in Cambodia.

7. On 13 December 2018, 115 members of the National Assembly voted unanimously to amend the Law on Political Parties. A new paragraph was added to article 45 permitting individuals previously banned from political activities by the Supreme Court to seek the restoration of their political rights by the King through a request to the Prime Minister. According to a National Assembly notification of 3 December 2018, this amendment was to strengthen multiparty democracy and the rule of law and promote a spirit of national unity. The amendment does little to redress the political rights of those banned members. Although some might be able to return to politics, they cannot do so under the banner of the now dissolved Cambodia National Rescue Party. Furthermore, it is their political opponents, and not an independent body, who will determine whether they are able to do so. In addition, the amendment offers no solution for over 5,000 commune officials from the Cambodia National Rescue Party who were elected in the local elections in 2017 and subsequently removed from their position (unless they switched allegiance to the Cambodian People's Party). As of 29 May 2019, only nine former leaders of the Cambodia National Rescue Party have successfully invoked this amendment.

8. The former President of the Cambodia National Rescue Party, Mr. Sokha, remains in detention since his arrest on the night of 3 September 2017, having spent almost a year in Correctional Centre 3, Tbong Khmum province. Although he was ostensibly released on "judicial supervision" by the investigating judge on 9 September 2019, he is forbidden to leave the area around his house (approximately 0.0525 km<sup>2</sup>),<sup>1</sup> meet any foreigners, former leaders of the party or other individuals linked to the case, or conduct any political activities. The Ministry of Justice explained to the Special Rapporteur that Mr. Sokha is under judicial supervision with restrictions imposed by the investigating judge, some are for his own safety and the judicial supervision could be indefinite. However, under international human rights law, Mr. Sokha effectively remains in detention<sup>2</sup> and has been in detention for more than the maximum 180 days of pretrial detention permissible under Cambodian law.<sup>3</sup> The Special Rapporteur reiterates her call for the release of Mr. Sokha from detention and for the investigation to be swiftly concluded or for the charges to be dropped.

9. Many members of the leadership of the dissolved Cambodia National Rescue Party remain abroad. They include Sam Rainsy, who in December 2018 was appointed as the acting President of the party. In March 2019, arrest warrants on "plotting" and "incitement" charges were issued against him and seven other members of the Permanent Committee of the party who had attended a meeting held abroad in January 2019. The Special Rapporteur has received information on actions taken by the police or the courts against over 140 former members and elected officials of the party at the subnational level, including more than 35 summonses issued in Battambang during her mission in April and May 2019. Such actions are not conducive to strengthening political rights and democratic space. The principal claim in the summonses is countering the November 2017 decision of the Supreme Court dissolving the party.

10. The Special Rapporteur commented in May on the frequently aggressive rhetoric from both sides of the political spectrum. She is also aware of the current review by the

<sup>1</sup> An area bordered by roads 313, 311 and 608 in the Touk Kork neighbourhood of Phnom Penh.

<sup>2</sup> See, for example, article 9 of the International Covenant on Civil and Political Rights; and article 4.2 of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

<sup>3</sup> Article 208, Criminal Procedure Code.

European Union of the country's enjoyment of its "everything but arms" preferential trade scheme for the least developed countries, and of the negative impact any possible suspension would have on economic and social rights in Cambodia. The Special Rapporteur recommends a change in the political culture to one that focuses on issues rather than persons. That, together with stronger judicial protection of the freedoms of assembly and expression, would help overcome the challenges of the current political situation for the benefit of all Cambodians.

## **B. Treaty body reporting and the universal periodic review**

11. The Special Rapporteur is pleased to report that Cambodia has made progress with submitting due and overdue reports to the treaty bodies. Moreover, the Cambodian Human Rights Committee has indicated a willingness to review and update the country's 1997 common core document.

12. Cambodia is scheduled to be reviewed by the Committee on the Elimination of Discrimination against Women and the Committee on the Elimination of Racial Discrimination later in 2019 (see CEDAW/C/KHM/6 and CERD/C/KHM/14-17). The Special Rapporteur understands that the combined fifth and sixth report on the International Covenant on Economic, Social and Cultural Rights will be submitted shortly. The report to the Committee on the Rights of Persons with Disabilities is also under preparation.

13. Cambodia participated in the third cycle of the universal periodic review and was reviewed at the thirty-second session of the Working Group in January 2019 (see A/HRC/41/17). Of the recommendations made, 173 have been accepted and 25 noted. Attention must now turn to implementation of and follow-up to the recommendations that Cambodia accepted. They include several areas in which special procedures mandate holders and treaty bodies have also made recommendations and that are otherwise covered in the present report.

14. Communications from special procedures mandate holders during the year under review are reported on in four documents (A/HRC/38/54, A/HRC/39/27, A/HRC/40/79 and A/HRC/41/56). The Special Rapporteur welcomes the fact that the Government has responded to some of these; however, she is not satisfied that the Government has taken sufficient action to rectify the issues raised in the communications.

15. The Special Rapporteur encourages the Government to update the common core document, submit all overdue reports and prepare a rolling schedule for both timely future submissions and consultation and responses to recommendations made and accepted.

## **C. Extraordinary Chambers in the Courts of Cambodia**

16. No new cases have been initiated. The Trial Chamber gave its judgment in case 002/02 concerning Chea Nuon (now deceased) and Samphan Khieu in November 2018. The full judgment, available in March 2019, is the longest issued by the court and both accused persons were sentenced to life in prison. Of particular note, given the emphasis in the present report on marginalized and vulnerable groups, is the fact that the Trial Chamber found that the crime of genocide and the crimes against humanity of murder, extermination, imprisonment, torture, persecution on political and religious grounds and other inhumane acts through conduct characterized as forced transfer were committed with respect to the Cham/Khmer Islam. The Chamber also found that there was a nationwide policy to expel people of Vietnamese ethnicity living in Cambodia, with others being killed, tortured and mistreated. A crime against humanity by persecution for religious beliefs was committed against Buddhists. Another notable feature of the judgment was the recognition that the crime against humanity of other inhumane acts was committed through conduct characterized as forced marriage and rape in the context of forced marriage. That is notable not only in Cambodia but elsewhere as a contribution to jurisprudence on sexual oppression and violence.

### III. Cambodia and the Sustainable Development Goals

17. Cambodia is now in a distinct phase of development. Following years of strong economic growth and significant progress in poverty reduction, Cambodia has an ambition to be considered a high-income country by 2050. To help guide it towards realizing that vision, the Government has adopted phase IV of its “Rectangular Strategy” and the localization plan for the Cambodian Sustainable Development Goals and is now finalizing the national strategic development plan. These three documents are designed to provide a coherent development strategy for the country.

18. The promotion and protection of human rights should be an integral part of this development framework. The Sustainable Development Goals are drawn from the 2030 Agenda for Sustainable Development. Unlike the Millennium Development Goals, the 2030 Agenda and the Sustainable Development Goals integrate the promotion and protection of human rights as a key principle enabling the attainment of the goals. People are placed at the centre of development. Indeed, over 90 per cent of the targets in the goals link to human rights and labour standards.

19. Human rights unequivocally anchor the 2030 Agenda for Sustainable Development and the Sustainable Development Goals. The 2030 Agenda explicitly states that it is grounded in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights treaties. Its implementation is to be consistent with the obligations of States under international law, including their human rights obligations. Many of the recommendations Cambodia has received in connection with treaty body reports, the universal periodic review and the reports and communications of special procedures mandate holders relate directly to the targets of the 2030 Agenda. It is therefore appropriate that in the present report the Special Rapporteur examines the Cambodian Sustainable Development Goals in the context of the country’s human rights obligations. Moreover, Cambodia is submitting its voluntary national review in July 2019 to the high-level political forum on sustainable development.

20. The Sustainable Development Goals are closely linked to civil, cultural, economic, political and social rights. They cover areas such as health, education, decent work, food, water and equality, as well as personal security, access to justice and fundamental freedoms. Many of the Goals refer explicitly to human rights, such as ending all forms of discrimination, protecting sexual and reproductive health rights and labour rights, prohibiting torture and protecting fundamental freedoms (Goals 5, 8, 10 and 16).

21. In addition, human rights principles, such as non-discrimination and equality, participation and accountability, cut across the 2030 Agenda and the Goals, providing guidance on their implementation.

22. An underlying principle of the Goals is to “leave no one behind”. There are two dedicated goals on combating inequality and discrimination (Goal 5 on achieving gender equality and empowering all women and girls and Goal 10 on reducing inequalities within and between States) while Goal 16 identifies the promotion and enforcement of non-discriminatory laws and policies as a means of implementation towards sustainable development (target 16.b). In addition, all Goals should be implemented “without distinction of any kind as to race, colour, sex, language, religion, political or other opinions, national and social origin, property, birth, disability or other status”. In turn, target 17.18 aims at “the availability of high-quality, timely and reliable data disaggregated by income, gender, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts”. Cambodia completed a national census in March 2019. That is expected to produce data which can be disaggregated to help identify those in danger of being left behind. Further data is expected from the household socioeconomic survey in 2019, the intercensal agricultural survey in 2019 and the demographic and health survey in 2020. However, during her discussions with the Ministry of Planning and the National Institute of Statistics, the Special Rapporteur learnt that the census and the three surveys mentioned above could provide some levels of the data disaggregation necessary to identify and quantify those in danger of being left behind. Limited data disaggregation exists, owing in part to technical constraints on the Ministry

and the National Institute of Statistics. In line with target 17.17, the Special Rapporteur recommends enhanced capacity-building support to address this.

23. The commitment to leaving no one behind is also reflected in the Sustainable Development Goals by absolute targets, such as 100 per cent access to quality health care or education, or ending poverty and hunger for all, and by the fact that the 2030 Agenda and the Goals are universally applicable for all people in all countries. That is closely linked to the principle of equality and non-discrimination, requiring equal rights for all, which means reaching everyone, including the most vulnerable, marginalized and excluded. Reaching universal targets will require special attention to be paid to the most disadvantaged groups or areas to ensure that they progress faster than others so that inequalities are progressively reduced.

24. Underlining the importance of the principle of participation, the 2030 Agenda requires the implementation of the Sustainable Development Goals in a spirit of partnership, with the participation of all countries, stakeholders and people. Goal 17 emphasizes partnerships, including through encouraging and promoting “effective public, public-private and civil society partnerships” (target 17.17). At the same time, Goal 16 requires “responsive, inclusive, participatory and representative decision-making at all levels” nationally, including through ensuring public access to information and the protection of fundamental freedoms (targets 16.7 and 16.10).

25. States should establish an accountability framework at the national, regional and global levels. That includes the voluntary review mechanism under the high-level political forum and participatory monitoring mechanisms at the national level. Accountability covers the actions of States and non-State actors, including the business sector, which should be guided by the Guiding Principles on Business and Human Rights. Important for accountability, the data revolution triggered by target 17.18 envisages data that can be disaggregated fully, including on grounds recognized in international human rights law.

### **Cambodian Sustainable Development Goals and human rights**

26. The Council of Ministers approved the Cambodian Sustainable Development Goals Framework on 19 November 2018 and the Ministry of Planning released it on 11 March 2019. It presents the national goals, targets and indicators, data sources, national baselines and annual targets, and identifies the agencies responsible for implementation. It explains how the Cambodian Goals feed into the forthcoming national strategic development plan, which is informed by phase IV of the Government’s Rectangular Strategy. The Cambodian Goals include 88 national targets and 148 global and locally-defined indicators, plus an additional goal on ending the negative impact of mines and explosive remnants of war and promoting victim assistance.

27. From a human rights perspective, the importance of leaving no one behind is recognized in the Cambodian Sustainable Development Goals, as reflected in various aspects of the framework, and is identified as one of the criteria for prioritizing and phasing targets at the implementation stage.<sup>4</sup> Similarly, the Cambodian Goals reflect many of the aspects of the Sustainable Development Goals that are implicitly related to human rights. There are, however, omissions, notably in Cambodian Goal 16. Of the 12 targets under Sustainable Development Goal 16, the Cambodian Goals reproduce only 3 (the Government advises that this is due to the availability of data and that it will use indirect indicators for others). While these indicators are important – promotion of the rule of law and access to justice; ensuring responsive, inclusive, participatory and representative decision-making at all levels; and providing a legal identity to all – they are not all commensurate with the ambition of the related targets. For instance, the indicator identified for target 16.3 on promoting the rule of law and ensuring equal access to justice to all is the “proportion of people involved in the dissemination of laws”. In addition, other equally important human rights-related targets are missing, including those related to reducing all

<sup>4</sup> *Cambodian Sustainable Development Goals (CSDGs) Framework (2016–2030)*, available from <https://opendevelopmentcambodia.net/dataset/?id=cambodian-sustainable-development-goals-framework-2016-2030>.

forms of violence; ending the abuse and torture of children; reducing corruption and developing accountable institutions; ensuring public access to information and protecting fundamental freedoms; strengthening national institutions to prevent violence and combat crime; and promoting and enforcing non-discriminatory laws and policies for sustainable development. Considering that many recommendations that Cambodia has received from United Nations human rights monitoring mechanisms relate to Sustainable Development Goal 16, the Special Rapporteur recommends that the targets and indicators related to the Cambodian Goals be reviewed to better reflect existing gaps and the expressed commitment of the Government to address them.

28. Other human rights aspects of the Sustainable Development Goals have not been carried over to the Cambodian Goals. For example, while the Cambodian Goals include all the Sustainable Development Goals, they do not reflect specific rights-related targets or the means of implementation related to providing access to affordable essential medicines and vaccines (target 3.8); ensuring human rights education and gender equality education (target 4.7); equal rights for women to economic resources and access to ownership and control over land and other property (target 5.A); achieving decent work for all women and men, young people and persons with disabilities and equal pay for work of equal value (target 8.5); eradicating forced labour, modern slavery and the worst forms of child labour (target 8.7); protecting labour rights and safe and secure working environments, including for migrant workers (target 8.8); eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and actions in this regard (target 10.3); and ensuring access to adequate, safe and affordable housing (target 11.1).

29. The effective removal of many human rights aspects from the Cambodian Sustainable Development Goals Framework becomes even more apparent at the level of indicators, as important human rights-related indicators are missing. That is most apparent in relation to Sustainable Development Goals 8 and 16. There are also some gaps in other areas, including measuring multi-stakeholder partnerships, an important aspect of promoting participation in the implementation and monitoring of the Cambodian Goals.

30. Other human rights-related indicators appear in the Cambodian Goals, although with changes that are significant from a human rights perspective. That is particularly relevant in relation to the disaggregation of data. For example, indicator 1.3.1 measures the “proportion of population covered by social protection floors/systems, by sex, distinguishing children, unemployed persons, older persons, persons with disabilities, pregnant women, newborns, work-injury victims and the poor and the vulnerable”. Under the Cambodian Goals, the indicator is “proportion of the poor and the vulnerable receiving social emergency and relief services”. Consequently, an important human rights aspect of the Sustainable Development Goals, leaving no one behind, has been lost.<sup>5</sup> However, it is important to note that indicator 17.18.1 of the Cambodian Goals measures the “proportion of sustainable development indicators produced at the national level with full disaggregation when relevant to the target, in accordance with the Fundamental Principles of Official Statistics”. That will help to ensure continued attention is paid to improving disaggregation and maintaining a focus on leaving no one behind.

31. During her mission in May 2019, the Special Rapporteur secured confirmation that the Cambodian Goals may be revisited following the voluntary national review. That would enable specific targets and indicators which map on to government policies and priorities to be included: for Goal 16, the development of a legal aid policy, efforts to reduce pretrial detention, combating corruption, or ending violence against women and children.

<sup>5</sup> Other examples where the indicators for the Cambodian Goals do not reflect disaggregation in the indicators Sustainable Development Goals include indicators 1.4.1, 4.1.1, 4.5.1, 4.5.2, 5.4.1 of the Cambodian Goals.

## IV. Human rights considerations in implementing the Cambodian Sustainable Development Goals

### A. Non-discrimination and equality

32. In the Cambodian Sustainable Development Goals Framework, the Government notes “the principle of leaving no one behind and the need to address goals and areas or population groups, which lag others is a foremost consideration” and that “going forward, emerging disparities and inequities will be a key marker in identifying priorities.” The Government also notes that “unfinished business” under the Cambodian Millennium Development Goals falls within such prioritized issues and that subnational analysis underlines provincial disparities, particularly in relation to the Goal on poverty and several public service Goals. For example, in the areas of education or child or maternal mortality, some provincial patterns of change reflected stronger than average improvements in areas that had been prioritized by the Government and conversely others needed continued or additional targeted efforts.<sup>6</sup>

33. Beyond geographical differences, attention will also need to be paid to specific groups that are most at risk of being left behind. In her previous reports the Special Rapporteur has focused in particular on non-discrimination and equality and identified a range of individuals and groups most likely to be left behind (see A/HRC/36/61 and A/HRC/39/73). They include, women, children, indigenous peoples, asylum seekers and refugees, persons in street situations, drug and substance users with dependency issues, persons in detention, persons with disabilities, people who have been evicted from their land or homes, the Cham and ethnic Vietnamese and Khmer Krom communities. To them should be added lesbian, gay, bisexual and intersex persons, informal sector workers, migrant workers and older persons. It is also relevant to identify the poor and the near-poor as people at risk of being left behind. Attention is further drawn to several of these groups in the addendum to the present report (A/HRC/42/60/Add.1).

34. Targeted efforts require that relevant groups are “visible”, including from a statistical point of view. Traditional household surveys, helpful for identifying national averages, tend to mask disparities and exclude population groups that may be among the poorest of the poor, or the most vulnerable and marginalized. Indigenous peoples are an example: representing less than 1.5 per cent of the whole Cambodian population, indigenous peoples disappear in national averages.<sup>7</sup> Leaving no one behind is closely related to the issue of data disaggregation, both when setting up national targets and when monitoring progress.

35. At times, geographical disparities may coincide with disparities among groups. For instance, indigenous peoples overall tend to be poorer and more dependent on agriculture and forest for their livelihood, and thus have been particularly affected by economic land concessions, mining concessions, hydropower dams, land grabbing, deforestation and illegal logging; and they are also more likely not to access health services and to be out of school. Although they represent a tiny percentage of the national population, indigenous peoples are in the majority in the north-eastern provinces of Cambodia: 64 per cent and 58 per cent of the population of Ratanakiri and Mondulkiri provinces, respectively.<sup>8</sup> Both provinces are among those lagging behind on several socioeconomic indicators, reflecting limited enjoyment of the rights to health, education and an adequate standard of living. In other provinces, the numbers of indigenous persons range from a few hundred to less than 4,000, so any action to “bring them from behind” will need particular prioritization.

<sup>6</sup> See *Cambodian Sustainable Development Goals (CSDGs) Framework (2016–2030)*, p. 17.

<sup>7</sup> In its recent report to the Committee on the Elimination of Racial Discrimination (CERD/C/KHM/14-17), Cambodia recorded 221,953 indigenous persons, representing 1.39 per cent of the total population, comprising 24 different indigenous groups, spread over 15 provinces.

<sup>8</sup> See UNICEF, *Independent Evaluation of the Multilingual Education National Action Plan in Cambodia*, final report, vol. 1 (May 2019).

36. In addition to specific groups, leaving no one behind will also need to take into account broader sections of the population. Based on the nationally defined poverty line, poverty levels in Cambodia declined sharply from 47.8 per cent in 2007 to 17.7 per cent in 2012, to 13.5 per cent in 2014 and to below 10 per cent in 2019. However, most families who escaped poverty were able to do so by only a small margin. Close to 4.5 million, or 28 per cent of the population, remain near-poor and vulnerable to falling back into poverty.<sup>9</sup> It is estimated that the loss of only 30 cents a day would raise the poverty rate to 40 per cent.<sup>10</sup> The poor and near-poor remain highly vulnerable and as such will require additional measures so that they can catch up and inequalities are progressively reduced, both through expanding economic opportunities and strengthening social safety nets. The Government informed the Special Rapporteur that the Gini coefficient has gradually dropped (from 0.38 in 2004 to 0.29 in 2014 and 0.28 in 2017), indicating declining income inequality in the Cambodian population.

37. Target 10.1 of the Cambodian Sustainable Development Goals aims to “sustain income growth of the bottom 40 per cent of the population at a rate higher than the national average” reflecting the Government’s will to lift people out of income poverty and prioritizing the poorest. However, measuring monetary poverty alone does not present the full picture. Multidimensional poverty analyses help make the poorest and most vulnerable populations statistically visible and identify the measures necessary to end poverty “in all its forms”, as set out in Sustainable Development Goal 1. In that regard, the Special Rapporteur welcomes the joint report by the United Nations Children’s Fund (UNICEF) and the Ministry of Planning, which looks at child poverty across several key dimensions such as health, nutrition, water, education and housing, through multiple overlapping deprivation analysis.<sup>11</sup> The report complements the information on monetary poverty, since there are children who are not necessarily poor in monetary terms, but are deprived on several dimensions that prevent them from realizing their rights and achieving their full potential. In that respect, the Special Rapporteur values the inclusion of indicator 1.2.2 of the Cambodian Goals measuring the “proportion of children living in poverty measured by multiple dimensions according to national definitions”. Cambodia, like many countries, has shown evidence of increased wealth concentration. Understanding this better can deepen awareness of its opposite, namely poverty concentration, and assist with implementing plans to remove people from poverty.

38. The adoption of the Social Protection Policy Framework 2016–2025 and the continued investment in comprehensive social protection reforms will be crucial in the progressive realization of the rights of the most vulnerable. Under the scheme, non-contributory social assistance is being expanded to include protection for the elderly, persons with disabilities, pregnant women and children, while contributory schemes will cover pensions at the age of retirement and health insurance in the case of sickness. It is important that the framework is adequately financed and establishes the means to insure informal sector groups as well as the near poor, as these people are often highly vulnerable to shocks.

39. During her last two missions, the Special Rapporteur documented the situation of two categories of individuals and groups that are at risk of being left behind: floating villagers on the Tonle Sap and drug-users with dependency issues. In highlighting these groups, the Special Rapporteur provides some suggestions on their situation and how they could be better integrated into the Cambodian Sustainable Development Goals Framework.

<sup>9</sup> See the World Bank in Cambodia: overview (2017), available from [www.worldbank.org/en/country/cambodia/overview](http://www.worldbank.org/en/country/cambodia/overview).

<sup>10</sup> See World Bank, *Cambodian Agriculture in Transition: Opportunities and Risks* (Washington D.C., May 2015), p. 12.

<sup>11</sup> See *Child Poverty in Cambodia* (2018), available from [www.unicef.org/cambodia/reports/child-poverty-report-cambodia](http://www.unicef.org/cambodia/reports/child-poverty-report-cambodia).

### **Floating villages on Tonle Sap**

40. First, the Tonle Sap floating communities in Kampong Chhnang, who are affected by relocation plans, brought to light important discrepancies between the way the Khmer communities and those of Vietnamese descent are treated. The authorities have undertaken the relocation to conserve biodiversity and the environment, reducing pollution and so directly promoting the Sustainable Development Goals, in particular Goals 14 and 15. The people affected most are poor and at risk of being left behind. Many are now living at temporary (and some at permanent) relocation sites.

41. The Special Rapporteur noted that some of the relocation sites lacked safe water, sanitation, electricity, transport infrastructure and sufficient access to appropriate livelihoods to support an adequate standard of living for the communities. She welcomes the fact that, before her visit in November 2018, the local authorities suspended the relocation of the ethnic Vietnamese to a location called Damboh Krakas in order to improve access to economic and social rights. Further suspensions were secured during provincial meetings in May. That is appropriate to ensure that these communities are not left behind in efforts to fulfil the Sustainable Development Goals.

42. However, since her mission in May 2019, the Special Rapporteur remains concerned at the situation in the temporary relocation sites. In addition to the issues identified above, she was deeply concerned that the level of solid and plastic waste and non-secured wastewater at temporary relocation sites, especially at Chhnok Trou commune, would lead to serious pollution when the water rises, creating a negative impact on the rights to health and to water of the inhabitants. She was also concerned that many of the relocated houses at the temporary sites and even at some of the permanent relocation sites are currently below the high-water line but may no longer be able to float when the water inundates the land, raising concerns about the right to adequate housing. The Special Rapporteur is also concerned about the fact that people have been relocated inside the inundated forest that is considered a biosphere reserve by the United Nations Educational, Scientific and Cultural Organization (UNESCO). She recommends that the relevant authorities ensure that the conditions at all relocation sites, both temporary and permanent, respect the economic and social rights of the individuals and communities as a matter of urgency.

43. The Special Rapporteur highlights the especially vulnerable situation of ethnic Vietnamese families who have been living in Cambodia for generations but lack citizenship and administrative documentation. Not only are they more affected by the relocation than the Khmer communities who can have access to land equipped with better facilities (roads, electricity, water), but the lack of administrative and citizenship documents adds an additional risk where documentation is needed to access social rights. The Special Rapporteur welcomes the efforts of the Government to provide the ethnic Vietnamese with documents, including permanent immigration cards, but raises the issue of the absence of rights attached to their possession. Children in ethnic Vietnamese communities might not be able to gain access to schools, as they cannot get birth certificates, thus denying their right to education.<sup>12</sup> Given the vulnerabilities of this community, specific attention is needed to address their rights to ensure that meeting some of the Cambodian Sustainable Development Goals related to the environment and biodiversity protection does not result in the denial of other social rights and of the Cambodian Goals related to healthy lives, quality education, water for all and reduction in inequality. For the Vietnamese communities, fulfilling target 16.9 of the Sustainable Development Goals on providing legal identify for all, including birth registration, is essential.

### **Drug users**

44. A second example of people at risk of being left behind concerns drug users, the subject of a national anti-drug campaign, launched in January 2017. Combating organized crime, including in the field of drugs, is important and is recognized in target 16.4 of the Sustainable Development Goals (although the Special Rapporteur notes that the Cambodian

<sup>12</sup> See, inter alia, UNICEF, *Inclusion and Quality in Islamic Schools, Buddhist Monastic Schools and Floating Schools* (June–September 2018).

Goals do not include this particular target). Amphetamine-type stimulants are of particular concern and Cambodia has become a major transit country for drugs, although it has high deterrent penalties in its laws on drug control.<sup>13</sup>

45. In meeting one goal, it is important nonetheless that attention is paid to those at risk of being left behind so that other goals are not affected negatively – in this case promoting target 3.5 of the Sustainable Development Goals (strengthening prevention and treatment of substance abuse). Since the start of the anti-drug campaign, the prison population has grown from around 22,000 to over 31,000, some 50 per cent of whom are detained for drug-related charges. The National Authority for Combating Drugs and the Minister of Justice informed the Special Rapporteur that all those detained (many in pretrial detention) are charged with serious crimes of trafficking, none with merely possessing drugs for personal use. During her mission however, the Special Rapporteur heard claims to the contrary.

46. The Special Rapporteur has focused in particular on the drug treatment programmes being employed in Cambodia. She visited the community-based treatment services offered at Meanchey district referral hospital and the closed drug rehabilitation centres of Orkhas Khnom and Chivit Thmey. She also learned of the methadone treatment service for opiate users, only available in two hospitals. The Special Rapporteur welcomes government efforts to improve the availability of methadone treatment and the prioritization of community-based treatment, although notes that this is not fully reflected in the Cambodian Sustainable Development Goals.<sup>14</sup> The Government states that this is due to the restrictive indicators, although the Ministry of Health included opiates and amphetamine-type stimulants in its strategic health plan for the period 2016–2020 with precise indicators. The Special Rapporteur welcomes the Ministry of Health clinical guidelines on minimum packages of activities for health centres, the training for community-based counsellors and the emphasis on reintegrating affected persons into their communities. She notes the importance of ensuring that affected persons are provided with appropriate vocational training opportunities and discrimination against them is prevented when they then seek reintegration, including at work.

47. However, the Special Rapporteur also highlights her concerns about the involuntary internment of drug-users. While the importance of completing rehabilitation programmes is understood, the ongoing reliance on closed drug centres and the internment of drug users being brought into such centres by their relatives raises concerns that people are detained involuntarily without appropriate authorization and oversight. Human rights principles on drug treatment promote voluntary evidence-based treatment in the community rather than compulsory treatment in closed settings.<sup>15</sup> With new, larger centres being built, such facilities are moving further away from the very communities into which users could reintegrate.

### **Social affairs centres**

48. Finally, the Special Rapporteur again visited the Phnom Penh Social Affairs Transit Centre, (Prey Speu). She noted that there were significantly fewer people in the centre than had previously been the case, but noted that many persons with intellectual and psychosocial disabilities remained there. They were held in the centre against their will and/or on the basis of their disability, raising serious concerns about arbitrary detention, lack of adequate care and violations of the rights of persons with disabilities. Since her visit

<sup>13</sup> See United Nations Office on Drugs and Crime, Cambodia overview, available from [www.unodc.org/southeastasiaandpacific/en/cambodia/overview.html](http://www.unodc.org/southeastasiaandpacific/en/cambodia/overview.html); and report of the National Authority for Combating drugs (November 2018), available from [www.nacd.gov.kh/wp-content/uploads/2018/11/report\\_9\\_month\\_2018.pdf](http://www.nacd.gov.kh/wp-content/uploads/2018/11/report_9_month_2018.pdf).

<sup>14</sup> Indicator 3.6.1 of the Cambodian Goals is the percentage of people who have received treatment for drug use, but it only measures the “number of opiate addiction cases enrolled at methadone maintenance treatment services and not other types of cognitive behaviour treatment for non-opiate drugs.

<sup>15</sup> See United Nations Development Programme and others, “International guidelines on human rights and drug policy” (March 2019).

in May 2019, the Special Rapporteur has received information relating to an increase in the number of people at the centre and also that a person, allegedly a drug user with a mental disability who had been brought in by his family, had died at the centre and that his body had been cremated prior to his family being notified and an external investigation into the cause of death carried out. That raises serious concerns: any death in a closed centre should be deemed suspicious and warrant an independent investigation by a competent authority, such as a prosecutor.

49. The Special Rapporteur recommends an independent investigation into this case and that an in-depth review of the centre be carried out, including whether the centre should continue to exist at all. If Prey Speu is to become a place of support for persons with disabilities, it is essential that the Convention on the Rights of Persons with Disabilities, ratified by Cambodia, is complied with. In terms of the Convention, the existence of a disability shall in no case justify a deprivation of liberty and persons with disabilities should be supported to live within communities rather than segregated. Conversely, if Prey Speu is supposed to be a shelter for homeless persons, then its location should be reconsidered and it should be moved closer to the centre of Phnom Penh. The people it is supposed to assist and homeless people should be able to freely access and leave the shelter of their own will. As currently set up, the centre continues to operate as a place of arbitrary detention and should be closed.

## **B. Participation and partnerships**

50. Everyone should be involved in the localization of the Sustainable Development Goals and in monitoring their implementation. All stakeholders have roles not only as change-enablers, but also as change-accelerators. Under target 17.17 of the Goals, States should encourage and promote effective public, public-private and civil society partnerships. Partnerships with civil society organizations are particularly relevant from a human rights perspective, given the focus of such organizations on policy work and service delivery, both of which can give voice to rights holders (especially the most marginalized and underrepresented) in the implementation and monitoring of the Cambodian Sustainable Development Goals. To use a soundbite, planning, implementation and monitoring should be democratic, not bureaucratic.

51. For participation to be meaningful there needs to be trust between civil society and the Government, a space co-created for participation and appropriate resources provided to enable it to happen. During her visit in November 2018, the Minister of the Interior informed the Special Rapporteur about the creation under his leadership of the Government-Civil Society Organizations Partnership Forum, set up with the aim of consulting regularly with civil society. Two meetings have been held, one in June 2018 and one January 2019. In January 2019, a consultative meeting was also organized with foreign non-governmental organizations (NGOs) at the Ministry of Foreign Affairs and International Cooperation, the first such meeting since the promulgation of the Law on Associations and Non-Governmental Organizations. On 17 January 2019, the Minister of the Interior announced that he had instructed the provincial administrations to organize similar meetings with NGOs every six months. In February/March 2019, guidelines on the provincial partnership dialogue were shared at a meeting organized by the Council for the Development of Cambodia, as part of the Government's Development Cooperation and Partnership Strategy (2019–2023).

52. The success of such forums will be judged on whether they are substantive consultations that inform and influence legislation, policy and practice. It is crucial that these processes are inclusive and that all civil society and non-governmental organizations that wish to participate may be able to do so. Only then will Cambodia begin building a more inclusive society with all voices heard in meaningful consultation and participation.

53. The Special Rapporteur has raised concerns about the legal and policy framework for civil society participation in previous reports and communications.<sup>16</sup> Many of those concerns remain. In particular, certain provisions of the Law on Associations and Non-Governmental Organizations require review or clarification, specifically article 8 (registration), article 9 (unregistered NGOs not allowed to operate) and article 24 (neutrality of NGOs). Similar concerns relate to the Trade Union Law. The fact that the Government has initiated a review process of the Trade Union Law is encouraging, as is their expressed openness to reviewing the Law on Associations and Non-Governmental Organizations. The Special Rapporteur highlights the process for developing the draft law on access to information. Led by the Ministry of Information and UNESCO, with active support from civil society organizations and the Office of the United Nations High Commissioner for Human Rights, this process has enabled diverse actors, many from civil society groups, to contribute to the development of the law in a meaningful way. The Special Rapporteur recommends that the Government consider institutionalizing this level of participation in law and policymaking through the development of guidelines on participatory legal drafting. Adoption of the law on access to information is now imperative and the Special Rapporteur encourages the Government to ensure adequate resources for its effective implementation.

54. Participation goes hand in hand with protection. Participation in the planning, implementation and monitoring of the Cambodian Sustainable Development Goals and other international commitments and obligations should be an open process without fear of recrimination and prosecution. The Special Rapporteur remains concerned at the criminalization of human rights advocacy. Civil society organizations advocating for human rights are not necessarily a voice of political opposition. Human rights should be the language of everyone, as well as the priority of the Government. This comes within a broader context of shrinking space for free expression. In addition to the restrictions on freedom of assembly, expression and association reported previously, prosecutions are being brought under the March 2018 amendments to the Penal Code (*lèse-majesté* provision). Restrictions on freedom of expression can have a chilling effect on civil society and public participation, including in the area of the implementation and monitoring of the Cambodian Goals.

55. The Special Rapporteur is pleased to report that the Ministry of the Interior has removed the October 2017 circular requiring civil society organizations to provide three days' notice of any activities. The new instruction encourages "full freedom and rights to operate their activities in the Kingdom of Cambodia without obstruction" in accordance with the applicable laws. However, not all subnational level authorities have moved forward with this. The Special Rapporteur has received many reports of local police coming uninvited to events, training sessions or meetings, taking photographs, enquiring about organizers and the agenda or demanding information on participants. She has also received information about civil society representatives and their families being closely monitored. An interministerial body has been established to handle complaints and requests from NGOs. Where local authorities restrict or disrupt their activities, NGOs can contact the body directly. The Special Rapporteur recommends the opening of membership of this body to include civil society organizations, given their legitimate concerns about ensuring that complaints and requests are handled effectively and transparently.

56. The right to peaceful assembly is particularly in question. Gatherings and marches in public areas, including International Women's Day (8 March) and International Human Rights Day (10 December) have consistently been refused in at least four provinces: Phnom Penh, Banteay Meanchey, Koh Kong and Preah Vihear. The Special Rapporteur was told that these restrictions were necessary in order to deal with traffic, even though the proposed marches were on public holidays. The Law on Peaceful Demonstration and its implementing guidelines make it clear when restrictions are acceptable. In particular, the implementation guide to the Law on Peaceful Demonstration states that "The risk that a demonstration will cause a traffic jam does not necessarily cause danger or ... seriously

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<sup>16</sup> See A/HRC/33/32; KHM 2/2015; A/HRC/33/62, 28–34; A/HRC/36/61, 44–49; and A/HRC/39/73, paras. 61–65.

jeopardize security, safety and public order". The Special Rapporteur recommends that the Law on Peaceful Demonstration be applied and that peaceful assemblies be normalized, thereby strengthening the participation of civil society and enabling marginalized or vulnerable groups to voice their concerns.

### C. Accountability

57. The focus in Sustainable Development Goal 16 on peace, justice and strong institutions emphasizes that Governments should be accountable to people and to other States in relation to all the Sustainable Development Goals, just as they are with human rights. Accountability is a goal in itself, as well as a principle which should apply across all the Goals. Accountability requires strong institutions that operate in a transparent manner and are open to public scrutiny on how they deliver on the Goals.

58. In that regard, significant attention needs to be paid to combating corruption. The Government notes that based on people's complaints and many requests, both from civil society organizations and from within the Government, anti-corruption work is considered as one of the priority targets and it should thus be reflected in the Cambodian Sustainable Development Goals. In its Corruption Perceptions Index for 2018, Transparency International ranked Cambodia at 161 out of 180 countries with a score of 20 out of 100, so combating corruption should be a priority in implementing the Cambodian Goals. Corruption in judicial institutions is particularly important to address in this regard. The judiciary has faced challenges, including allegations of corruption and bribery, as well as executive interference in its work, and a resulting lack of public trust in it.<sup>17</sup> In that regard, the Special Rapporteur notes that there has been no action on the judicial integrity study identified in the joint monitoring indicators for 2016–2018. Such a survey would provide an opportunity to understand in detail the issue of judicial integrity and the obstacles to greater transparency and the effective operation of judicial institutions.

59. That is important, given that judicial institutions are themselves key to ensuring accountability in society and have an important role when it comes to prosecutions related to corruption. Confidence in the State and State mechanisms can drop when there is no or only limited access to remedies and instruments of accountability. The Special Rapporteur recommends that the Government include the judicial integrity study in the joint monitoring indicators for the period 2019–2023 and that the Ministry of Justice move forward on the study as soon as possible. She also recommends that the Government revise the targets and indicators of the Cambodian Sustainable Development Goals to enable clear measurement of progress towards combating corruption, in public institutions in particular. On a related point, the Special Rapporteur was pleased to learn from the Ministry of Justice that all courts now prominently display the fees they are allowed to charge for services. She encourages the Ministry to keep these displays updated and in prominent view.

60. The Special Rapporteur notes that an important element in combating corruption and promoting transparent, accountable and efficient institutions is through open debate in various media. Respect for press freedoms is fundamental in that regard, yet Cambodia scores increasingly poorly on press freedom indices with the range of laws, such as the *prakas* (regulation) on social media and the *lèse-majesté* provision in the Criminal Code referred to above, deployed to prosecute expression.<sup>18</sup> Charges against two former Radio Free Asia journalists remain.<sup>19</sup> The Special Rapporteur is also concerned that restrictions on media affect not only press freedom but social accountability more generally. Strong non-State institutions, in particular civil society, trade unions and the media, are needed to

<sup>17</sup> See CCPR/C/KHM/CO/2, para. 20; CERD/C/KHM/CO/8-13, para. 13; CAT/C/KHM/CO/2, paras. 12–13; CEDAW/C/KHM/CO/4-5, para. 20; E/C.12/KHM/CO/1, para. 14; and CRC/C/OPSC/KHM/CO/1, paras. 22–23.

<sup>18</sup> Reporters without Borders, World Press Freedom Index 2019 ranks Cambodia 143 out of 180 countries.

<sup>19</sup> Oral update September 2018.

ensure effective accountability for the Cambodian Goals. Limits on freedom of expression risk diminishing the potential of this role.

61. More positively, the draft law on access to information offers potential for the media, civil society organizations and others to seek information on the implementation of the Cambodian Goals as a means to promote government accountability. Once adopted, considerable attention will need to be paid to support the implementation of the law, including the establishment of functioning units within ministries that can support public access to information.

62. During her visits, the Special Rapporteur was pleased to learn of some initiatives that can help to improve transparency and efficiency in public institutions. First, one-stop service windows aim to bring a variety of services closer to people in a simple, transparent and accountable way, with prices/charges affixed to notice boards, thus diminishing the risk of corruption. The Special Rapporteur learned of the increased use of these facilities in, for example, the Phnom Penh municipality. The Minister of Interior intends rolling these out across the provinces. Pilot one-stop service windows should be reviewed and, if deemed successful, fully resourced and rolled out across the country.

63. Budget accountability and transparency is important to ensure that budget allocations directed towards implementation of the Cambodian Goals are disbursed and used appropriately. In that regard, the Minister of Economy and Finance shared with the Special Rapporteur proposed large-scale reforms to public financial management, including the goal of strengthening performance-based budgeting by 2025. Through these efforts, budgeting will become based on the actual delivery of government policies and services. In order to do this, key performance indicators at both national and subnational levels will be established, with all provincial authorities having such indicators by 2022. The Ministries of Education, Youth and Sport, of Public Works and Transport, of Water Resources and Meteorology and of Social Affairs, Veterans and Youth Rehabilitation have already started working on key performance indicators. Other initiatives in place include the strengthening of auditing and inspection functions, at both the national and local levels.

64. Budgetary transparency has also been improved with the release of the executive summary of the annual budget. While the 2017 International Budget Partnership open budget survey, indicated that the Government had been providing scant budget information to the public, it is relevant to note that Cambodia scored higher than in 2012 and further efforts have been made in 2018.<sup>20</sup> As part of the decentralization process, communes and *sangkats* have to disclose their budget and local investment plans and seek feedback from citizens. The Ministry of Economy and Finance is currently working at the district level, together with the National Committee for Subnational Democratic Development, which is in charge of decentralization, to increase budget transfers to the subnational levels.

65. The social accountability strategic plan for subnational democratic development, endorsed by the Committee for Subnational Democratic Development in July 2013, offers potential to improve accountability on the Cambodian Goals, given its focus on access to basic services, which is relevant to several of the Sustainable Development Goals. The core purpose of the initiative has been to empower citizens to hold Government to account for local service delivery and resource allocation, and therefore provide a means to combat corruption and promote transparency. The Government subsequently announced the implementation plan for the Social Accountability Framework, which ran from 2015 to 2018 as a joint initiative by the Committee and civil society organizations. The implementation plan was focused on four components: access to information and open budgets; citizen monitoring; facilitation and capacity-building; and learning and monitoring.<sup>21</sup> Phase 2 is scheduled to run from 2019 to 2023.

66. In addition to promoting accountable and transparent institutions, including through combating corruption, accountability for the Sustainable Development Goals relies on

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<sup>20</sup> Available from [www.internationalbudget.org/open-budget-survey/](http://www.internationalbudget.org/open-budget-survey/).

<sup>21</sup> See Asian Development Bank, "Cambodia: process review implementation of social accountability framework (I-SAF)" (October 2017).

ensuring equal access to justice for all. Time, money, distance and a lack of trust in the judiciary impedes people from seeking justice through formal mechanisms. The provision of legal aid remains limited, although progress has been achieved through increased funding, improved coordination between the Ministry of Justice and the Bar Association, the presence of at least two lawyers in each province and the drafting of the country's first legal aid policy. In May 2019, the Special Rapporteur was informed by the Minister of Justice that the Prime Minister had privately funded an additional group of lawyers dealing primarily with women and women's issues to provide legal aid for women. Further action should be taken to ensure the quality of the legal assistance provided, streamline and ensure consistency in the provision of legal assistance, guarantee the presence of lawyers beyond the trial stage and ensure that legal aid lawyers receive specialized training and are adequately remunerated (the Minister of Justice reports that many work pro bono). Bringing justice closer to people through judicial service centres and regional appeal courts could also help. While these are being built, perhaps mobile courts could be considered. They have functioned well in other countries, not least in developing countries in Africa.

67. Ensuring justice is child-, gender- and disability-sensitive is important, not least when addressing victims of violence and trafficking related to Sustainable Development Goals 16 and 5. Access to justice through the lens of the principle of leaving no one behind highlights the challenges. The Special Rapporteur has previously noted the problem of recourse to informal solutions in instances of violence against women (A/HRC/33/62, paras. 23–25). Specific individuals and groups, including persons with disabilities, continue to face barriers in accessing justice, due to the lack of physical and other accessibility measures in place. Although progress has been made in Cambodia in the past few decades, there is a need for further action to combat structural issues of discrimination, inequality and exclusion in accessing justice; ensure that judicial institutions are physically and financially accessible; and create an enabling environment for persons to approach the justice system, especially for those who are more vulnerable. As a related matter, the Special Rapporteur notes that the Law on Juvenile Justice is still being rolled out and urges that it be adequately resourced and that all law enforcement officers are fully trained to support implementation of the Law.

68. Accountability for the Cambodian Sustainable Development Goals will depend to a significant degree on the quality and availability of data to measure implementation. Those will be needed to measure implementation of the Goals and understand how those responsible for the implementation are performing. However, measuring implementation of the Cambodian Goals goes beyond traditional notions of measurement. In particular data disaggregation is important. Data collection and analysis should move away from concentrating on national averages and incorporate data on those most left behind so as to identify underlying disparities. That will require information about personal characteristics (such as ethnicity and gender) and other relevant information (such as location) to be collected. Given the difficulty of reaching some individuals and groups at risk of being left behind, the use of civil society data can be a useful supplement to official data sets, such as the national census of March 2019 and the demographic health survey.

69. The Special Rapporteur highlights the challenges of representative sampling (for example in the demographic and health survey) when data disaggregation is necessary. Data disaggregation should be incorporated into the planning and design stage of data collection programmes. Stratified sampling would allow diverse characteristics to be considered separately for identifying trends and making comparisons. That can better ensure that those at risk of being left behind are identified and their development monitored.

70. Finally, public reporting on implementation of the Cambodian Sustainable Development Goals can be an important means of promoting transparency in their implementation and strengthening accountability. During the Special Rapporteur's mission in April and May 2019, the Government was preparing for its voluntary national review on its implementation plan for the Sustainable Development Goals for the July session of the high-level political forum in New York. The Special Rapporteur notes that reporting under the voluntary national review is at the discretion of Member States, so the Government's decision to submit a report is welcome. The General Directorate of Planning in the Ministry

of Planning led the organization of the report. The Ministry of Planning, in partnership with the United Nations Economic and Social Commission for Asia and the Pacific and the United Nations country team in Cambodia, convened a workshop in January 2019 with the umbrella organization Cooperation Committee for Cambodia, which is composed of approximately 200 national and international associations and NGOs. The Special Rapporteur notes the challenges of drafting the voluntary national review at almost the same time as the Cambodian Goals but recommends that an inclusive participatory approach characterize the follow-up to the review.

## V. Conclusions and recommendations

71. A year on from the national elections of 29 July 2018, the human rights situation in Cambodia remains dominated by the repression of political rights. The Cambodia National Rescue Party remains banned, its former President, Kem Sokha, remains in detention, the political rights of its supporters and members continue to be denied and the Cambodian People's Party has consolidated its overwhelming dominance over State institutions. Some apparent openings of democratic and civic space in the last months of 2018 do not appear to be effecting change: over 140 members of the former Cambodia National Rescue Party have received summons and some have been detained for expressing support for their former leaders or for attending gatherings; the revocation of the three-day notification requirement for civil society organizations before holding activities has not been matched by a reduction in official monitoring of such activities; and statements by government officials have tended to vilify civil society organizations, in particular human rights organizations.

72. The Special Rapporteur has noted aggressive rhetoric from the leaders of both the Cambodian People's Party and the former Cambodia National Rescue Party which is doing nothing to move beyond the current political situation and create a spirit of dialogue and reconciliation. As Cambodia advances into its new political mandate as a de facto one-party State, a new political culture, focusing on issues, openness to different opinions and the free expression of ideas, would go a long way to ensuring a shared future that benefits all Cambodians. Challenges to ideas and policies are part of the normal democratic debate in multiparty liberal democracies, as enshrined in the Constitution. Greater participation in decision-making and heightened accountability will strengthen, not weaken, governance. The Special Rapporteur remains committed to listening to all stakeholders in an impartial manner and supporting inclusive dialogue, as she continues to monitor and advocate for the enjoyment of human rights by everyone in Cambodia.

73. Improving the enjoyment of political rights is an end in itself, but it is also important to meeting the country's commitments to implementing the 2030 Agenda for Sustainable Development. So much is clearly recognized in Sustainable Development Goal 16 and target 16.7 on ensuring participatory decision-making at all levels. It is also noteworthy that the proportion of female government officials in ministries and agencies has increased from 40 per cent in 2016 to 41 per cent in 2018.<sup>22</sup> In that regard, the Cambodian Sustainable Development Goals Framework would benefit from a clearer reflection of the human rights aspects of the 2030 Agenda. Human rights bring to life the people who are at the centre of the Sustainable Development Goals. A clearer articulation of human rights in the Government's strategic development framework and practical actions will help to support the country's rapid development and for it to be inclusive, peaceful and just, leaving no one behind. That would help all Cambodians and support the country's aspiration to be an "oasis of peace", based on democratic principles and human rights, and focused on progress, development and prosperity.

74. In that regard, the Special Rapporteur recommends that the Government of Cambodia:

<sup>22</sup> *Cambodia's Voluntary National Review 2019*, p. 39.

- (a) Release Kem Sokha from detention and conclude the investigation of the charges against him swiftly or drop the charges;
- (b) Address disenfranchisement at the local level, including, for example, new elections at the commune level that respect the people's rights to vote and to be elected at genuine periodic elections, guaranteeing the free expression of the will of the electors;
- (c) Create a space for political dialogue between the Government and opposition political actors, including members of the former Cambodia National Rescue Party, and hold discussions including on reinstating the 118 banned members of the Cambodia National Rescue Party;
- (d) Submit overdue treaty body reports, update the common core document and systematically address (in consultation with stakeholders) the concluding observations of the treaty bodies and the recommendations of the special procedures and the universal periodic review;
- (e) Allow civil society organizations to undertake activities at the subnational level without harassment and surveillance or any undue restrictions;
- (f) Allow peaceful demonstrations in compliance with the Law on Peaceful Demonstration and its implementing guidelines and stop the excessive use of force when policing assemblies;
- (g) Launch a participatory process, including consultation with civil society organizations, to review and amend, as necessary, the Law on Political Parties, the Law on Associations and Non-Governmental Organizations, the Trade Union Law and the Telecommunications Law to bring them into line with international human rights standards;
- (h) Adopt the law on access to information as a means of promoting greater transparency of government institutions;
- (i) Consider adopting a comprehensive law on non-discrimination to help ensure that no one is left behind;
- (j) Review Cambodian Sustainable Development Goal 16 to ensure comprehensive and more ambitious coverage of the targets and indicators set out in Sustainable Development Goal 16;
- (k) Ensure much deeper engagement of the Ministry of Justice, the Anti-Corruption Unit and the Ministry of Land Management, Urban Planning and Construction to capture key policies in the Cambodian Sustainable Development Goals;
- (l) Hold a national conference to follow up on and promote coordinated implementation of the recommendations from the third universal periodic review and the outcome of the voluntary national review of implementation of the Sustainable Development Goals in July 2019;
- (m) Increase the space for a free press, including for independent journalists, to operate, and review or drop the charges against the two former Radio Free Asia journalists;
- (n) Undertake a comprehensive study that identifies those at risk of being left behind in the implementation of the Cambodian Sustainable Development Goals and ways to improve data collection, disaggregation and analysis to ensure the monitoring of Goals takes into account those most at risk of being left behind;
- (o) Continue the dialogue between the Ministry of the Interior and civil society organizations, expand and strengthen the dialogue at the subnational level and include other ministries and government authorities;
- (p) Ensure respect for the economic and social rights of communities along the Tonle Sap prior to any relocation and ensure that all members of Vietnamese communities enjoy legal identity and birth registration;

(q) **Promote community-based treatment of drug users and stop involuntary internment and treatment of drug users without proper independent authorization and oversight;**

(r) **Undertake an independent review of the Phnom Penh Social Affairs Transit Centre (Prey Speu) in relation to its compliance with international standards, including the Convention on the Rights of Persons with Disabilities;**

(s) **Convene a national conference to review the implementation of the recommendations of the 2015 national conference on persons in street situations;**

(t) **Make concerted efforts to tackle corruption and the lack of transparency in the judiciary, including through undertaking a judicial integrity study;**

(u) **Adopt the legal aid policy.**

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