



General Assembly

Distr.: General
21 August 2023

English only

Human Rights Council

Fifty-fourth session

11 September–6 October 2023

Agenda item 10

Technical assistance and capacity-building

Situation of human rights in Cambodia

**Report of the Special Rapporteur on the situation of human rights in
Cambodia, Vitit Muntarbhorn**

Comments by the State*

* The present document is being issued without formal editing.



1. Overview to the Report

1. This is to comment on the Draft Report of the Special Rapporteur on the Situation of Human Rights in Cambodia, Mr. Vitit Muntarbhorn upon the request of the Office of the High Commissioner for Human Rights in Geneva dated on 4 July 2023.
2. Cambodia recognizes the roles and mandates of the Special Rapporteur on the Situation of Human Rights in assisting Cambodia in the promotion and protection of human rights. Cambodia maintains the view that the assistance or cooperation must always be driven by the needs of the relevant State and be aligned to its national objectives and priorities, taking into account the national particularities and ownership. The primacy of the role of the State as the human rights duty bearer should be in this process.
3. The assistance and support provided by the Special Rapporteur on the Situation of Human Rights in Cambodia to the government and people of Cambodia in the promotion and protection of human rights is much appreciated. However, the Government of Cambodia is dismayed by the countless accusation in this report without any evidence base, which is mostly made and provided by the opposition and their alliance. Therefore, we would like here to provide some brief clarifications to those groundless accusations as the following.

2. Comments on the Draft Report by Paragraphs

V. Benchmarks

A. Desist from applying, and reform, draconian laws

4. The Royal Government of Cambodia has established a Working Group, unwavering in its commitment to addressing the requests and concerns raised by Civil Society Organizations (CSOs). This demonstrates our unequivocal dedication to fostering an authentic and productive partnership. Concurrently, the Municipal/Provincial Administration has been actively engaging in consultative forums with CSOs operating within their jurisdiction. These forums serve as an avenue for addressing their requests and concerns while empowering local authorities to offer enhanced support and cooperation to associations, NGOs, and CSOs, all of which are vital for the welfare of our local populace. These organizations have been operating freely, adhering to all pertinent laws, regulations, and statutes meticulously held at the Ministry of Interior, and without any form of intimidation or undue pressure from the authorities.
5. In October 2022, the Working Group, upholding its resolute commitment, proceeded with the second phase meeting in the presence of representatives from CSOs, foreign embassies, and development partners. The primary agenda was to comprehensively review and discuss the amendments to the 16 articles of the Law on Associations and Non-Governmental Organizations LANGO. As a testament to the government's openness to constructive input, the meeting achieved significant progress by reaching unanimous agreement on the contents of 9 articles. Additionally, 7 articles were earmarked for further internal review by CSOs before submitting their final comments to the Ministry of Interior for thorough consideration. Despite the government's expectation of receiving timely feedback, the promised comments on the amendments from CSOs remain pending to date.
6. It is imperative to highlight the Swiss Agency for Development and Cooperation in Cambodia's (SDC) contributions. Through the provision of international legal experts, SDC has immensely enriched the ongoing process of amending the Law on Associations and Non-Governmental Organizations (LANGO), reflecting a shared commitment to constructive development and progress.
7. The Cambodian criminal law, developed with the support of French experts, is rooted in the French criminal code, ensuring a robust legal foundation. The Ministry of Justice is currently engaged in a comprehensive review of the four fundamental laws in the justice sector: criminal code, criminal procedure code, civil code, and civil procedure code. This

undertaking aims to enhance compliance with the core principles of human rights and responsiveness to the evolving needs of our society.

8. Regrettably, opposition parties and their affiliated organizations have chosen to base their criticisms and concerns on unsubstantiated suspicions rather than sound and well-reasoned factual justifications, which we find wholly unacceptable. Such critiques are often exaggerated, biased, and misinformed. For instance, the unfounded assertion that the Cambodian government excluded stakeholders from the amendment and legal drafting process is entirely misleading. Stakeholder participation is indeed valuable, but it is not mandatory, and the government remains committed to an inclusive approach, continually seeking input from all relevant parties.

B. Release detained human rights defenders and political dissidents and drop the charges against them

9. The law enforcement actions taken against certain individuals are not a consequence of their advocacy for human rights, the environment, or society. These actions have been initiated because these individuals have engaged in criminal activities, blatantly violating the law by resorting to actions such as insulting, disseminating false information, inciting violence to cause social unrest, insulting the revered institution of the monarchy, and engaging in conspiracies, among other serious offenses. The authorities possess irrefutable evidence and solid legal grounds to proceed with prosecution and judicial proceedings against these individuals.

10. Civil society campaigns advocating for these illegal activists will hold no sway over the independent judiciary. Courts in our democratic society operate independently, and such campaigns cannot serve as a legitimate means to protect accused persons. Instead, if these individuals wish to defend themselves against the charges brought by the authorities, they must actively participate in the court proceedings and present compelling legal evidence in their favor. This is the only legitimate and lawful way to secure the protection of accused individuals within the framework of a democratic, rule-of-law society.

11. The arrest, charges, and subsequent conviction of the aforementioned individuals have been carried out in strict accordance with the laws of the Kingdom of Cambodia.

C. Restore and re-enfranchise a variety of political parties and ensure free and fair elections

12. Let there be no doubt about the integrity and significance of the National Election Committee (NEC). As an independent and neutral body, the NEC assumes a pivotal responsibility in guaranteeing the fair, free and just electoral processes in accordance with the principles of liberal multi-party democracy.

13. The Law on the Organization and Functioning of the NEC serves as the cornerstone of its operations. This legislation mandates the NEC to execute its duties with absolute impartiality, guided by the unwavering commitment to strict adherence to law. Under no circumstances shall the NEC be subjected to oppression, intimidation, threats, or direct or indirect influence from any individual, institution, or political party.

D. End mass trials of the political opposition and guarantee space to engage in democracy and political pluralism

14. The 9 November event was orchestrated by a group of overseas politicians led by Sam Rainsy with the intent to incite the armed forces to disobey orders and revolt against the democratically elected Royal Government. Additionally, the plan aimed to encourage the population to rise against the legitimate authorities and involved fundraising for supporting these unlawful activities. As per the Criminal Code of the Kingdom of Cambodia, this constitutes a coup plot, a severe crime that poses a threat to national security.

15. Some individuals, both inside and outside the country, were involved in the 9 November plan. However, due to timely prevention and crackdown measures, the number of those apprehended remains relatively small compared to similar foreign cases. The primary focus lies in the presence of irrefutable evidence rather than the quantity of people involved. Coup plotters will face prosecution for their attack plans, while those involved will be prosecuted for their involvement in the conspiracy.

E. Ensure the independence and transparency of the judiciary and related personnel, such as prosecutors and lawyers

16. The Constitution of Cambodia clearly establishes a system with three distinct independent branches. The judiciary stands as an independent pillar, essential to upholding the rule of law and ensuring justice for all.

17. The executive branch holds no authority to issue directives or orders to the courts. The principle of separation of powers ensures that the judiciary operates independently, free from any undue influence or interference from the executive.

18. Within this framework, the Ministry of Justice assumes the role of managing court administration. However, this role does not encompass engaging in disciplinary actions against judges or judicial personnel. Such disciplinary matters are subject to thorough review and adjudication by the disciplinary council, ensuring an impartial and fair process.

19. The Supreme Council of the Magistracy, under the distinguished chairmanship of our revered King, is the pinnacle of safeguarding the judiciary's independence. This council plays a pivotal role in guaranteeing the judiciary's autonomy and upholding the highest standards of justice.

F. Improve the capacity of the overloaded prison system and adopt more non-custodial measures, especially in relation to pretrial cases

20. The Ministry of Interior has been taking actions to address the issue of prison overcrowding by embarking on a comprehensive plan to construct and renovate detainee cells. The aim is to meet the minimum standards set by the United Nations, including the Mandela Rule (Regulation 13). This endeavor showcases our unwavering commitment to ensuring humane conditions for detainees while upholding international norms and principles.

21. To further alleviate the burden of overcrowding, the General Department of Prisons is actively collaborating with esteemed institutions such as the Ministry of Justice and the judiciary with a view to develop a parole process and suspension mechanism. The Royal Decree on Sentence Reduction and Pardon, promulgated in January 2021, and the subsequent issuance of the Prakas on Procedures for Monitoring, Supervising, and Reintegrating Prisoners released under parole in July 2021, exemplify our government's dedication to enhancing the justice system and promoting a rehabilitative approach.

22. In addition, our relentless pursuit of progress led to the establishment of the National Parole Board, with the Ministry of Justice making a decision on its composition and organization in August 2021. Moreover, engaging in meaningful dialogue and collaboration, in July 2022, Samdech Krala Hom Sar Kheng met with HE KADA Hiroyuki, Vice Minister of Justice of Japan, to discuss vital criminal justice matters, with a particular focus on the United Nations Tokyo Rule (Tokyo Rule). The technical support we have received from the United Nations Asia and Far East Institute (UNAFEI) further demonstrates our commitment to adopting best practices and international expertise in our efforts to combat prison overcrowding.

23. The exchange of official visits between the United Nations office on Drugs and Crime (UNODC) and UNAFEI delegations in 2022, along with our Cambodian delegation's visit in September 2022, has proved instrumental in shaping Cambodia's path towards success in reducing prison overcrowding. These collaborative engagements and knowledge-sharing

initiatives reaffirm our dedication to achieving tangible improvements in our criminal justice system.

G. Explore more rehabilitative measures, rather than retributive sanctions, in drug-related cases

Paragraph 54

24. Cambodia, a signatory to the United Nations Convention on Drugs and Crime, places great importance on implementing principles, measures, and recommendations related to drug prevention, suppression, and resolution. The country has provided various services and options at national and temporary centers, health facilities, and communities to provide treatment and rehabilitation for drug addicts. These services not only help them escape prison sentences but also provide access to physical and mental health care, general education, life skills training, treatment and rehabilitation, and vocational training.

25. During the COVID-19 pandemic, Cambodia has increased the number of voluntary treatment services in health facilities and trained 883 psychiatrists and health workers to provide medical services to drug addicts. The Royal Government encourages public, private, and civil society organizations to adhere to the Ministry of Health's guidelines on accommodation, sanitation, and reduced visits. The Royal Government has taken care of rehabilitation measures rather than imprisonment.

26. On behalf of the signatories to the UN Convention on Drugs and Crime, Cambodia will continue to strictly enforce the law against drug-related offenders to protect the well-being of the people, security, public order, and social development. Cambodia will contribute more effectively as a signatory in both regional and international frameworks.

Paragraph 55

27. The Royal Government of Cambodia prioritizes the rescue of drug addicts, implementing medical and rehabilitation services and amending the drug control law to ensure proper management of treatment and rehabilitation. Article 107 of the Law on Drug Control protects drug addicts' rights, while Articles 105 and 106 define the authority to administer or refer drug addicts and provide treatment options.

28. The 2012 amendment involved representatives from UN agencies, including the UNODC, UNAIDS Program, and WHO. The implementation of the law has been smooth, and the choice of treatment and rehabilitation services has been extensive. The law on drug control is not an obstacle, but it should be strengthened, expanded, and enhanced by working together to strengthen voluntary and community-based treatment and rehabilitation services, rather than proposing amendments.

H. Follow-up effectively on cases of enforced disappearance and other key violations concerning Cambodians and foreign nationals, especially to overcome the atmosphere of impunity

Paragraph 57

29. On July 10, 2016, Kem Ley was murdered in Caltex Bokor's Star Mart, Phnom Penh. Following the murder, Oeaut Ang, also known as Choub Somlab, was apprehended *in flagrante delicto* and charged with premeditated murder and unauthorized weapon use. The investigating judge collected enough evidence to convict Oeaut Ang, including a video from the closed-circuit security camera and his confession. The judge sent Oeaut Ang to the court for prosecution and initiated further investigation to find other suspects, including the individual who procured the weapon used in the crime. After a public trial, Oeaut Ang was sentenced to life imprisonment by the Phnom Penh Municipal Court of First Instance. He has the right to appeal the lower court judgment, and the case is currently at the Supreme Court. Competent authorities urge anyone with information related to this murder case to come forward.

30. In June 2020, Cambodian authorities received information about the abduction of Thai man Wanchalearm Satsaksit in Phnom Penh, east of the Mekong River. The Ministry of Interior conducted an investigation, but Wanchalearm Satsasit was not found in the reported location. The Ministry of Interior has requested further cooperation from all relevant sources, including witnesses, to provide specific information and evidence for the investigation. On December 7, 2020, the General Commissariat of the National Police met with Sitanan Satsaksit, sister of Mr. WANCHALEAM SATSAKSIT, along with three Thai human rights lawyers and one Thai-Khmer (Thai) translator. However, the family and lawyers did not present any new information or provide any new clues for the investigation. The complaint on Mr. WANCHALEAM SATSAKSIT's disappearance has been filed with the Phnom Penh Municipal Court, and the court has issued a summons for the family and lawyers to appear before the court on December 8, 2020, at 9:00 AM.

31. The Cambodian national police has not received any information or request for cooperation from the family and lawyers after their testimonies. Despite the judicial procedure processing at the court, the Cambodian national police continues to work on the case by cooperating with foreign authorities and the family to gather further information to determine if the abduction of Mr. WANCHALEAM SATSAKSIT actually occurred in Cambodia.

L. Ensure comprehensive and gender-sensitive protection and assistance for special groups, including women, children, persons with disabilities, migrant workers, Indigenous Peoples, minorities and lesbian, gay, bisexual, transgender and intersex persons

Paragraph 68

32. The Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSVY) works on numerous cases involving juveniles and women through social services. The Royal Government of Cambodia (RGC) has made significant progress in preventing and responding to violence against women through the implementation of National Action Plans to Prevent Violence against Women, which involve 17-line ministries, 4 development partners, and 40 NGOs. Promoting gender equality and ending gender-based violence is a top priority in the government's agenda. The improvement of coordinated services is key for success, including the establishment of multi-sectoral working groups on gender-based violence at sub-national levels. These groups engage police, healthcare providers, local authorities, legal and social service providers to address gaps in services and improve referral pathways.

33. Key interventions have been carried out in collaboration with UNICEF, such as supporting the Provincial Consultative Committee on Women and Children Provincial Action Plan on the Prevention of Child Marriage and Adolescent Pregnancy 2017–2022 in Rattanakiri province. The provincial administration has integrated this action plan into the Provincial Investment Plan and allocated the provincial budget for implementation.

34. The Ministry of Women's Affairs (MoWA) has piloted a program on the prevention of child marriage and adolescent pregnancy in Rattanakiri, where the majority of the population is indigenous. Activities are initiated with caregivers and young adolescents to develop gender equitable attitudes, non-violence, positive parenting, and a supportive family and societal environment. Additionally, Comprehensive Sexuality Education is integrated into the national curriculum and included in the "Life Skills Program" of lower-secondary schools.

Paragraph 69

35. Cambodia is a country with equal rights for women and men, including employment. The country's Labour Law prohibits discrimination based on race, color, religion, sex, political affiliation, national origin, social status, culture, or trade union membership. This is considered a zero-tolerance violation and a criminal offense under the Criminal Code. The Labour Law also ensures equal wages for all workers, regardless of their origin, sex, or age. Women workers are entitled to 90 days of maternity leave with 120% of wages, benefits from the National Social Security Fund, and government allowances. They can leave jobs 15

minutes earlier during pregnancy and receive one hour per day for breastfeeding within one year. Cambodia is one of the few countries to implement the Decent Work Country Programme (DWCP) under technical support from the International Labour Organization (ILO) and is currently in the 5th phase of this implementation. Promoting decent work for women is a key priority under the DWCP.

36. During the Covid-19 pandemic, Cambodia has been severely affected. The Royal Government of Cambodia launched cash transfer programs to support households with ID-Poor, with one billion dollars disbursed through 13 rounds linked to payments for millions of people affected by social deprivation.

Paragraph 70

37. The Ministry of Labour and Vocational Training (MLVT) has been working to eliminate child labor in Cambodia, despite the pandemic. The Ministry has conducted 752 labor inspections from 2019 to 2022, resulting in no cases of child labour and debt bondage. The MLVT has also provided public young worker employment permit services for 61 industries and registered young worker books for 31 industries.

38. In 2021, the MLVT conducted a campaign on child labour prevention in brick-making and agro-industry sectors, disseminating legal frameworks and international instruments related to child labor. The MLVT has made 1262 contracts between employers, workers, parents, and labor inspectors. In 2022, the MLVT conducted dissemination on child labour prevention in various sectors. The MLVT conducted a core intervention program for 1550 cases of marginalized children from 2020 to 2022, providing education, technical vocational training, and job creation opportunities for children's families.

39. The MLVT is also enhancing capacity-building among labor inspectors and relevant stakeholders in child labor prevention. The MLVT will investigate suspected cases of child labor or worst forms of child labor, imposing fines or closing businesses or accusing criminal offenses against employers. The Ministry urges the public to cooperate and report any cases of child labor to take legal action and provide core intervention in time.

40. Cambodia has trained judges on the Child Friendly Justice Procedure, ensuring children receive legal protection and a lawyer representative throughout court proceedings. The Child Friendly Justice Framework is implemented at various levels to ensure child-friendly and child-centered procedures. The Law on Juvenile Justice is applied nationwide, and the Royal Government of Cambodia has established a Youth Rehabilitation Center to divert children from detention centers. Sub-decree 147 on the National Committee for Monitoring and Evaluation has been launched to promote children's rights. The Strategic Plan and Operational Plan on the Juvenile Justice Law (2018–2020) have been developed and updated to continue implementation. MoSVY collaborates with ministries to organize workshops for officers, judges, social agents, justice police, prosecutors, and non-governmental organizations to understand the Diversion Plan for Minors. MoSVY is developing a draft of the Law on Child Protection, which aims to guarantee the right of children in family courts.

Paragraph 71

41. Cambodia has delayed receipt of inter-country adoption applications since the Law on Inter-Country Adoption took effect on December 3, 2009. The country has developed legal frameworks in line with the 1993 Hague Convention, including the Inter-Country Adoption Law to protect children's best interests and prevent child trafficking. The Law prohibits businesses from profiting from inter-country adoption, and a Law on Surrogacy is being drafted to protect Cambodian women from exploitation and ensure the rights of children born through surrogacy. Currently, no inter-country adoption cases have been issued under the new law.

Paragraph 72

42. Cambodia has developed a new law to protect the rights of people with disabilities, with the Disabilities Action Council responsible for drafting the law. The law has been influenced by various stakeholders, including NGOs working with people with disabilities

(Cambodian Disabled People's Organisation, CDPO). The amendment process involved representatives from various sectors, including national, sub-national, international, civil society, and local organizations. The new law includes sub-decrees on employment for persons with disabilities and the National Guideline of the Inter-Ministries. The law emphasizes the importance of reasonable accommodation for disabled workers. People with disabilities receive support and social services from the government, including identification, labor rights and justice services, care, rehabilitation, and treatment services in state centers, and scientific treatments in public hospitals and health centers. They are also actively engaged in sports, arts, and culture activities, and encouraged to exercise their fundamental rights, including national and international days of persons with disabilities and Autism and Down Syndrome.

Paragraph 73

43. The Ministry of Rural Development has been working on land rights issues, conservation of culture and natural resources, and promoting the preservation of indigenous peoples' rights. Two draft laws, the new forest law and the new law on protected areas, have raised concerns about impeded participation from local communities and indigenous peoples in forest patrolling and protection. The Ministry has issued identity cards to 177 communities and prepared internal regulations for 98 communities in 15 target provinces inhabited by indigenous people. The ministry has also disseminated the national policy on indigenous peoples' development and other legal documents to indigenous peoples, local authorities, relevant institutions, and partner organizations. The ministry has also organized workshops, training sessions, and meetings to promote the rights of indigenous people's representatives and the preservation of their culture, customs, and traditions.

Paragraph 74

44. In Cambodia, indigenous people are guaranteed by the national constitution and in various laws and policies. The legal basis for Indigenous People in Cambodia is provided in the National Constitution (Article 31.2) stipulates that "Khmer citizens shall be equal before the laws and shall enjoy the same rights, freedom and duties, regardless of their race, color, sex, language, beliefs, religions, political tendencies, birth of origin, social status, resources, and any position". **Indigenous People are Cambodian Citizens.**

Paragraph 75

45. Regarding LGBTQ+ rights in Cambodia, it is important to clarify that the country does not criminalize LGBTQ+ individuals, lesbians, or gay men. There is also no specific ban on LGBTQ+ people in the country. The government respects their rights.

46. Presently, LGBTQ+ people in Cambodia are free to live together, just like people of the opposite sex. They have the freedom to lead their lives as couples and may even adopt children from relatives, reflecting the growing acceptance of LGBTQ+ rights in Cambodian society.

47. The government has taken steps to eliminate discrimination against LGBTQ+ communities through awareness-raising programs and education. While the civil law does not currently recognize same-sex marriage, it also does not criminalize such unions as seen in some other countries. Homosexual marriage is a common practice in Cambodian society, often observed through traditional and cultural practices. However, to legalize such unions, further advocacy and public awareness promotion are essential to foster acceptance within the community and reduce cultural resistance.

48. The Royal Government of Cambodia actively supports the activities of LGBTQ+ communities. For instance, the National Action Plan to Prevent Violence Against Women (NAPVAW3) for 2019–2023 serves as a roadmap for stakeholders, including line ministries, institutions, civil society organizations, private sector, and social media platforms, to effectively and efficiently address violence against women and girls. The plan aims to promote equity and inclusivity, in alignment with the Sustainable Development Goals' motto of "To leave no one behind".

Paragraph 76

49. The Royal Government of Cambodia recognizes the importance of labour migration in the country's socioeconomic development, offering job opportunities and acquiring new knowledge and skills. The Ministry of Labour and Vocational Training has implemented various policies and programs to protect and promote the rights of migrant workers, including the Goal 2 of Labour Migration Policy for Cambodia 2019–2023. During the COVID-19 pandemic, migrant workers received free testing, quarantine, vaccination, and treatment, transportation to their hometowns, and government social assistance through the ID Poor program. Additionally, they received employment services from the National Employment Agency (NEA) and technical and vocational training from Technical Vocational Education and Training (TVET) institutions. The Ministry of Labour and Vocational Training has also developed the "ASEAN Declaration on Portability of Social Security Benefits for Migrant Workers of ASEAN," which will serve as a baseline for ASEAN member states to work towards the portability of social security benefits for migrant workers working within the ASEAN region. The Ministry is leading an ASEAN project to develop the ASEAN Guidelines on the Portability of Social Security Benefits for Migrant Workers.

50. To protect and promote the rights of migrant workers, Cambodia has signed Memorandums of Understanding (MoUs) with host countries. During the pandemic, migrant workers in poor households received benefits from the Cash Transfer Program for Poor and Vulnerable Households during the Covid-19 pandemic and the Cash Transfer Programs for Shock Responsive for Vulnerable Households Affected by Inflation and Flood. Cambodia also provides pre-departure assistance, reception, and reintegration support to returning migrants, organized by MoSVY, line ministries, NGOs, and development partners.

M. Enable the effective participation of local communities in the protection of natural resources, in particular land holdings, land titling and the related privatization of State land, and guarantee against the seepage of vested interests often linked with the power base

51. The Royal Government of Cambodia (RGC) is working to improve land tenure security, human rights, living standards, poverty reduction, and social harmony. They are developing legal instruments and action plans for systematic land registration, covering urban and rural areas. As of May 2023, the Ministry registered and issued 6,868,567 land titles, 98.1% of the initial 7 million parcels, and distributed 5,715,129 titles, including 17,993 social land concessions.

Paragraph 78

52. The Ministry of Environment (MoE) recognizes community protected areas (CPAs) and pre-consent for local community land titling. The RGC issued Directive No. 01 BB in 2012 to strengthen and enhance the effectiveness of economic land concessions (ELCs) management. This directive is part of the in-depth land reform initiative, spearheaded by the RGC's Head to resolve unclear and illegal land occupation/holding. As of May 2023, 186 ELC sites were registered and 2,104 titles distributed, covering 729,466 hectares.

Paragraph 79

53. The law of protected areas and code of environment and natural resources stated about PA zoning including community zone. In practice, the MoE in collaboration with MLMUPC (Ministry of Land Management, Urban Planning and Construction) issued land certificates of community members living within the protected areas as pilot.

54. The Royal Government of Cambodia (RGC) has a focus on poor families who are landless, land-poor, or vulnerable who have illegally occupied State land. The RGC provides land suitable for farming, small businesses, and housing, and works closely with the housing sector through legal frameworks like Circular No. 03 SR dated 31 May 2010 on Temporary Settlements on Land Illegally Occupied in the Capital, municipalities, and urban areas. The National Policy on Housing was approved by the Council of Ministers on 9 May 2014 to

ensure decent housing for middle-income, low-income, and vulnerable groups across the country.

55. The legal framework and relevant instruments include the Constitution of the Kingdom of Cambodia, the Land Law of 2001, the Policy on State Land Management dated 23 November 2004, the Policy on Land Registration and Right to Use Land of Indigenous Communities dated 24 April 2009, and the National Policy on Housing dated 9 May 2015. As of May 2023, 202 locations of State land were registered and 2,191 titles for 946,522 hectares were distributed.

56. The RGC has assisted in the relocation of 9,703 families from the Angkor Archeological Park to the Run Ta Ek Development Area (5,865 families) and the Peak Sneang Development Area (3,838 families), the relocation of 8,118 families (a total of 8,118 houses) who volunteered to move out of the Angkor Archeological Park to the Run Ta Ek Development Area, and the transportation of household items to the Run Ta Ek Development Area (3,066 houses).

Paragraph 80

57. The Kingdom of Cambodia has an expropriation law that expropriates ownership rights and real rights on private property, converting it into public state property after fair compensation is paid. Evictions and relocations are enforced against individuals or groups who have occupied public or private property. Some receive compensation, while others face fines, penalties, or prosecution depending on the severity of the offense. The country does not have separate zones for the poor or rich, and migration is based on socio-economic development. People without land can obtain it through the RGC's Social Land Concession (SLC) Program, which provided 1,356,396.19 hectares of land to 487,157 families and built 7,841 houses as of May 2023.

P. Ensure more victim-friendly law enforcement and national and international anti-crime cooperation, in response to reported situations of modern slavery in the form of human trafficking and forced labour through Internet fraud and other forms of deception

58. The Cambodian government has established the National Committee for Combating Human Trafficking (NCCT) as an inter-ministerial mechanism. The NCCT has implemented Plan No. 143/22, addressing human trafficking, labor, and sex exploitation. An Executive Command, composed of the Law Enforcement Unit of the General Commissariat of the National Police, has been established to investigate and suppress crimes related to online scams and modern society's slavery. NCCT has also set up working groups as follows:

1. Secretariat Team
2. Education and Outreach Team
3. Operations and Inspection of Foreigners Team
4. Investigation of illegal immigrant networks Team
5. Procedural Coordination Team

59. Samdech Krala Hom Sar Kheng, Chairman of the NCCT, has implemented a system for reporting complaints on his Facebook page to expedite investigations and rescue victims. The NCCT has developed a National Strategic Plan (2024–2030) to combat human trafficking, including modern crimes and cybercrime. Two major campaigns are held annually, with top national leaders and thousands of people participating in provincial capitals. These campaigns focus on protecting victims and punishing perpetrators, with National Anti-Trafficking Day on December 12 and National Interreligious Day against Human Trafficking on August 20.

S. Adopt post-pandemic recovery measures, including on combating poverty, access to health care and re-vaccination, employment opportunities and education, and other social protection measures, to help needy groups, in keeping with international standards

Paragraph 95

60. The Royal Government has introduced the National Social Protection Policy Framework 2016–2025 and recovery programs to restore and promote economic growth in Cambodia during the Covid-19 pandemic. These programs aim to strengthen Cambodia’s potential for revitalization, seize new opportunities, promote sustainable, diversified growth, and build resilient socio-economic resilience.

T. Support the international contributions to help Cambodia and Cambodians through technical cooperation and capacity-building

Paragraph 98

61. The Extraordinary Chambers in the Courts of Cambodia (ECCC) was established to bring to trial senior leaders of Democratic Kampuchea and those responsible for crimes during the genocidal Khmer Rouge regime in the mid-1970s. In December 2022, the ECCC concluded seven cases and began its residual functions in January 2023. The ECCC archives play a crucial role in teaching history, recognizing victims’ suffering, and promoting accountability for international crimes. Cambodian legislation advocates “no death penalty” for serious crimes within the ECCC jurisdiction, contributing to the Southeast Asia region’s consideration of abolishing the death penalty.

Paragraph 99

62. Over three decades, international technical cooperation and capacity building have greatly benefited the country. However, external assistance is crucial for rebuilding Statehood, but stocktaking is needed to prevent aggravated democracy deficit and human rights issues, particularly in political and civic spaces.

Paragraph 100

63. Cambodia’s technical cooperation has enabled it to assist other countries in peacekeeping, demining, and other areas. With a large group of women peacekeepers, Cambodia has a wealth of experience to share with other countries. The exchange of experiences and jurisprudences between the ECCC and accountability mechanisms outside Cambodia is ongoing. Cambodia’s continued contribution to international efforts is encouraged and welcomed.

VI. Conclusions and recommendations

Paragraph 102

64. The 2022 Commune Elections report highlights lessons learned and cautions for the 2023 July National Elections, particularly the disenfranchisement of political opposition and inter-generational power shift. The report assesses the implementation of 20 human rights-based benchmarks, finding that 5 areas are On Target, 3 are Variable, and 12 are Off Target. These areas require more responsive measures and international monitoring. However, there are potential entry points for change, such as anti-poverty and social protection measures, education, healthcare, environmental adaptation, equitable budgeting, and mutual international cooperation.

Paragraph 103

65. For effective follow-up, the Special Rapporteur issues humbly this Inter-Generational Call to All:

66. To the next generation of leaders:

(a) The 2022 Commune Elections report highlights lessons learned and cautions for the 2023 July National Elections, particularly the disenfranchisement of political opposition and inter-generational power shift. The report assesses the implementation of 20 human rights-based benchmarks, finding that 5 areas are On Target, 3 are Variable, and 12 are Off Target. These areas require more responsive measures and international monitoring. However, there are potential entry points for change, such as anti-poverty and social protection measures, education, healthcare, environmental adaptation, equitable budgeting, and mutual international cooperation.

67. To the Government:

(a) The text aims to implement human rights and suggested adjustments under the 20 benchmarks, rectify discrepancies in elections, open political and civic space for elections, release detained human rights defenders, and reform antithetical laws. It also addresses the vulnerabilities of specific groups, tackles violence and discrimination, and promotes political pluralism. The text also investigates alleged violations fairly and provides remedies for affected parties. It also responds substantively and constructively to communications and statements from the Special Rapporteur, cooperates effectively with civil society and the UN on human rights implementation, and offers technical help and capacity building to other countries.

68. To civil society and other stakeholders:

(a) Strengthen human rights measures, network, assess implementation, monitor elections, act on victims' behalf, and promote human rights education. Monitor and enhance transparency, act on victims' behalf, and promote knowledge of the country's past history.

69. To the United Nations and the international community:

(a) The report emphasizes the importance of supporting and monitoring human rights implementation, promoting democracy with pluralism, a multi-party system, and free and fair elections. It also emphasizes supporting post-Covid recovery measures consistent with international standards, including inclusive social protection measures. Civil society should be supported in promoting and protecting human rights, monitoring elections, and providing technical aid. The report also highlights the importance of technical cooperation and capacity building in Cambodia, ensuring positive human rights impacts and building on international community values. Additionally, the report emphasizes maximizing access to physical and legal protection for detainees and leveraging multi-level engagement and support to ensure humane treatment of those deprived of liberty.
