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|  |  | A/HRC/57/17/Add.1 |
|  | **Advance version** | Distr.: General15 August 2024Original: English |

**Human Rights Council**

**Fifty-seventh session**

9 September–9 October 2024

Agenda item 6

**Universal periodic review**

 **Report of the Working Group on the Universal Periodic Review**[[1]](#footnote-2)\*

 **Cambodia**

 **Addendum**

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

1. Following the consideration on the 275 recommendations made by 100 Member States of the United Nations during the 4th cycle of the UPR held in Geneva on 8 May 2024, the Royal Government of Cambodia would like to confirm as follow.

 I. 232 supported recommendations

2. 139.12, 139.13, 139.19, 139.20, 139.21, 139.22, 139.24, 139.25, 139.26, 139.27, 139.28, 139.29, 139.30, 139.31, 139.32, 139.33, 139.34, 139.35, 139.36, 139.37, 139.38, 139.39, 139.40, 139.42, 139.45, 139.46, 139.47, 139.48, 139.49, 139.52, 139.53, 139.54, 139.55, 139.57, 139.59, 139.60, 139.61, 139.62, 139.63, 139.64, 139.65, 139.67, 139.68, 139.69, 139.70, 139.71, 139.72, 139.73, 139.74, 139.75, 139.77, 139.78, 139.79, 139.80, 139.81, 139.82, 139.83, 139.84, 139.85, 139.86, 139.89, 139.90, 139.91, 139.95, 139.96, 139.97, 139.98, 139.99, 139.100, 139.101, 139.102, 139.103, 139.104, 139.105, 139.106, 139.107, 139.108, 139.109, 139.110, 139.114, 139.115, 139.116, 139.117, 139.118, 139.119, 139.120, 139.121, 139.122, 139.123, 139.124, 139.125, 139.126, 139.127, 139.128, 139.129, 139.130, 139.131, 139.132, 139.133, 139.134, 139.135, 139.136, 139.137, 139.138, 139.139, 139.140, 139.141, 139.142, 139.143, 139.144, 139.145, 139.146, 139.147, 139.148, 139.149, 139.150, 139.151, 139.152, 139.153, 139.155, 139.156, 139.157, 139.158, 139.159, 139.160, 139.161, 139.162, 139.163, 139.164, 139.165, 139.166, 139.167, 139.168, 139.172, 139.173, 139.174, 139.175, 139.176, 139.177, 139.178, 139.179, 139.180, 139.181, 139.182, 139.183, 139.184, 139.185, 139.186, 139.187, 139.188, 139.189, 139.190, 139.191, 139.192, 139.193, 139.194, 139.195, 139.196, 139.199, 139.200, 139.201, 139.202, 139.203, 139.204, 139.205, 139.206, 139.207, 139.208, 139.212, 139.213, 139.214, 139.215, 139.216, 139.217, 139.218, 139.219, 139.220, 139.221, 139.222, 139.223, 139.224, 139.225, 139.226, 139.227, 139.228, 139.229, 139.230, 139.231, 139.232, 139.233, 139.234, 139.235, 139.236, 139.237, 139.238, 139.239, 139.240, 139.241, 139.242, 139.243, 139.244, 139.245, 139.246, 139.247, 139.248, 139.249, 139.250, 139.251, 139.252, 139.253, 139.254, 139.255, 139.256, 139.257, 139.258, 139.259, 139.260, 139.261, 139.262, 139.263, 139.264, 139.265, 139.266, 139.267, 139.268, 139.269, 139.270, 139.271, 139.272, 139.273, 139.274, 139.275.

 II. 43 noted recommendations

3. 139.1, 139.2, 139.3, 139.4, 139.5, 139.6, 139.7, 139.8, 139.9, 139.10, 139.11, 139.14, 139.15, 139.16, 139.17, 139.18, 139.23, 139.41, 139.43, 139.44, 139.50, 139.51, 139.56, 139.58, 139.66, 139.76, 139.87, 139.88, 139.92, 139.93, 139.94, 139.111, 139.112, 139.113, 139.154, 139.169, 139.170, 139.171, 139.197, 139.198, 139.209, 139.210, 139.211.

 Reasons for the noted recommendations

 1. Ratification or accession of international instruments (recommendations No. 139.1, 139.2, 139.3, 139.4, 139.5, 139.6, 139.7, 139.8, 139.9, 139.10, 139.11, 139.14, 139.15, 139.16, 139.17, and 139.18)

4. The Kingdom of Cambodia has demonstrated its commitment to the field of human rights through the ratification and accession of human rights treaties and other international instruments. In addition, Cambodia has carefully examined and studied the possibility of ratifying other international instruments. However, through the efforts of the Royal Government and other national institutions, various mechanisms, both legal and institutional frameworks, have been put in place, including the strengthening of practices that ensure the effective promotion and protection of human rights in Cambodia. For example, there is no death penalty in Cambodia, and legal and judicial reform remains a priority strategy of the Royal Government of Cambodia with the objective to strengthen and promote the effectiveness of domestic laws and judicial system.

 2. The implementation of the Special Rapporteur's 10 recommendations (recommendation No. 139. 23)

5. Cambodia has always provided good cooperation with the Special Rapporteur; however, the request for implementing all of his recommendations is not reasonable, as some of them have undermined the sovereignty and independence of the Cambodian judiciary, which Cambodia does not accept, because all charges are made in accordance with legal procedures, without any political affiliation.

 3. Improvement of the role of national human rights institution (recommendation No. 139.41)

6. Cambodia does not yet have a national human rights body established by law in line with the Paris Principles.

 4. Establishment of anti-discrimination law (recommendations No. 139.43 and 139.44)

7. Cambodia adopted and implemented the principle of non-discrimination as enshrined in Article 31 of its Constitution stating that Cambodia recognizes and respects the UN Charter, the UDHR and all treaties and conventions related to human rights, women’s rights and children’s rights. Furthermore, this Article of the Constitution states that Khmer citizens are equal before the law, enjoying the same rights, liberties and duties regardless of race, color, sex, language, beliefs, religions, political tendencies, birth origin, social status, wealth or other situations. Certain discrimination acts have been criminalized by the Criminal Code (please refer to Section 2 Discrimination of Chapter 5 Violation of Personal Dignity from Article 265 to 273).

 5. Investigation into torture cases (recommendations No. 139.50, and 139.51)

8. All investigations of any type of criminal offences have been seriously and rigorously based on the evidences and in compliance with criminal procedure code and laws in force. Furthermore, as a State party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and its Optional Protocol, Cambodia strictly adheres to the obligations provided by these instruments. Adherent to these obligations, Cambodia has established the National Committee against Torture, Cruelty, Inhuman or Degrading Treatment or Punishment in 2017. With respect to the prevention of torture and ill-treatment occurring in police custody, Article 8 of the Constitution of Cambodia provides that coercion or physical ill-treatment is strictly prohibited. Additionally, under the same provision, any confessions obtained by physical or mental force shall not be admissible as evidence of guilt. Furthermore, Cambodia has Criminal Procedure Code that governs the procedure for when an individual is in police custody (Article 96-104). Cambodia has sufficient laws to combat forms of torture and ill-treatment in detention facilities, for example, the 2011 Law on Prison (Article 25 & 53), the 2003 Prison Procedure (Item 8), and the 2005 Code of Conduct for Prison Guards.

 6. Corruption and impunity (recommendation No. 139.56)

9. The strategic objectives of the Royal Government of Cambodia are to promote and strengthen cleanness, integrity, trust in public administration, rule of law, and to further fight against social injustice, which are key to inclusive and sustainable socio-economic development, social stability, public order, and harmony in the society. In this connection, Cambodia has been, to name a few, focusing on promoting fairness and effectiveness of law enforcement by law enforcement officers and court officials, particularly strengthening the effectiveness of court proceedings, integrity, professionalism, and ethics of law enforcement officers and court officials, as well as improving the inspection and punishment mechanisms.

 7. Investigation of human rights violations committed under the former regime (recommendation No. 139.58)

10. This recommendation is too broad and does not specify in any particular regime. Cambodia had many regimes before and after Democratic Kampuchea, aka the Khmer Rouge regime. The Extraordinary Chambers in the Courts of Cambodia has completed the investigation and adjudication of all seven cases and is currently performing the residual functions.

 8. Establishment of land dispute resolution mechanism (recommendations No. 139.66 and 139.171)

11. The Kingdom of Cambodia has established laws and regulations to recognise, guarantee and protect people’s land rights. In Cambodia, there are two mechanisms in place to resolve disputes, including Judicial and Non-Judicial Dispute Settlement Mechanisms based on the principles of applicable law, without coercion, threat or intimidation of any party.

 9. Release of politicians and human rights defenders (recommendations No. 139.76 139.111, 139.112 and 139.113)

12. Please note that the Judiciary Power is an independent one and no organ of the legislative power or executive power could interfere with the works of the Judiciary Power as enshrined in our Constitution. Likewise other countries and legal systems in the world prescribed, the freedom of expression is limited to the respect of rights of others. The exercise of democratic rights and freedom could not be at the expense of the rule of law and Cambodia would like to reiterate that this principle must be equally applied to everyone regardless of their background and walk of life. The social affiliation or status as a political or ideological or partisans or activist or unionist could not be served or claimed for the privileges and immunity or impunity for his or her commitment of any criminal offences or misdemeanors prescribed by the laws. Legal action against any political parties or individuals that committed a criminal offence such as treason and conspiracy or broke the law is the normal process in any democratic State adhering to the principle of the rule of law and aiming to strengthen the process of democracy and safeguard peace and stability which are the basis for long-term and sustainable socioeconomic development. Act of treason, espionage and conspiracy with a foreign power that advocated the overthrow of a legitimate government are subject to severe punishment under the law of all countries and Cambodia is no exception.

 10. Amendment and repealing laws and sub-degree (recommendation No. 139.87)

13. The Ministry of Justice established the Working group for studying and reviewing the four main laws for justice sector to improve effectiveness and the quality of the law to ensure the consistency, legal harmonization, development of the digitalization, and new development of the society. The four main laws are criminal code, criminal procedure code, civil code and civil procedure code.

14. The Sub-decree on the Establishment of the National Internet Gateway (NIGs) has not yet been implemented. The Sub Decree was prepared in a transparent manner and consultations were held with experts in the telecommunications sector, private operators, and relevant institutions. It contributes to the protection of communities in cyberspace and a healthier online environment in terms of the strengthening and managing internet connectivity, national security, tax collection, social order, and national culture. The Sub-decree was also established in line with international norms, especially the International Covenant on Civil and Political Rights. In addition, NIGs have been established in almost all countries and Cambodia is no exception.

 11. Freedom of expression and assembly (recommendation No. 139.88)

15. The Criminal Code does not restrict the freedom of expression and assembly. This is enshrined and guaranteed by the Constitution and the law on Peaceful Assembly dated 5 December 2009. This law was adopted to assure freedom of expression through peaceful assembly, but this right shall not be used abusively affecting the rights, freedoms and honor of others, good customs of the national society, public order and national security. Please also note that likewise other countries and legal systems in the world prescribed, the freedom of expression is limited to the respect of rights of others and public order. The exercise of democratic rights and freedom could not be at the expense of the rule of law and Cambodia would like to reiterate that this principle must be equally applied to everyone regardless of their background and status.

16. In the past, the Ministry of Information revoked the licenses of a small number of media outlets because they had violated the laws, regulations and their agreements held at the Ministry of Information; and the Ministry had to take legal action against those journalists pursuant to the facts and the law, in accordance with the principles of the rule of law that all countries adhere to.

 12. Media outlets (recommendations No. 139.92, 139.93 and 139.94)

17. The Royal Government of Cambodia is firmly committed to the promotion of democracy, respect for human rights, freedom of the press and publication in line with Articles 31 and 41 of the Constitution of the Kingdom of Cambodia and complies with the 1995 Law on the Press; journalists in Cambodia may practice their profession freely without prior censorship of their news publication, and they may keep their sources confidential.

18. The Ministry of Information may grant a license to practice journalism in Cambodia as long as journalism professionals have complied with the applicable laws and regulations. On the contrary, it has the right to suspend or revoke the license if it finds out that those entities or journalists have violated the laws, regulations and agreements held at the Ministry of Information.

 13. The law on trade union (recommendation No. 139.154)

19. The Law on Trade Union (LTU) was amended in 2020 (with amendments to 10 articles), including amendments to the registration of Trade Union and Employer Association. The establishment of the LTU in 2016 and the amendment in 2020 were the result of a series of comprehensive tripartite consultative processes with social partners, especially with trade unions and employers’ associations under the technical support from the International Labour Organization. Under this amendment, the procedures for registering a trade union or employers’ association were simplified whereby the provisions related to the maintenance of registration, keeping of financial records, criteria for the Leaders and Persons responsible for the administration of trade union or employers’ association, the conditions for dissolution of trade union or employers’ association, the conditions for a trade union to obtain the Most Representative Status, and the rights and roles of the minority trade union in the enterprise were also revised. In addition, the MLVT issued 03 key guidelines between 2018 and 2019 to revise and ease the form and procedures for trade union registration and for a trade union to receive the Most Representative Status.

 14. Land registration and use (recommendations No. 139.169 and 139.170)

20. Land registration is one of Cambodia's priorities; with the efforts of the competent authorities, as of May 2024, the issuance of 7 million plots of land (100% of the plan) was completed in the first phase, and 616,122 certificates (12.32% of the estimated number of 5 million plots of land) were issued in the second phase.

21. The Ministry of Environment of the Kingdom of Cambodia with its designated role has been implementing mechanisms for the management of protected areas in a transparent, accountable and inclusive manner. Such the mechanism has been implemented for the organization of protected area communities, forest communities, fishing communities, zoning and protected area border demarcation as stated in the Environment and Natural Resource Code, state land registration of protected areas. In addition, the Kingdom of Cambodia has been keen on dissemination and implementation of legal documents related to land and natural resources to avoid illegal land encroachment and land disputes.

 15. Making primary education compulsory (recommendations No. 139.197 and 139.198)

22. Article 68 of the Constitution of the Kingdom of Cambodia guarantees free [primary and secondary] education up to the ninth grade. Primary school enrollment in Cambodia in the last three years is at a rate higher than 100%, which is one rate higher than the global enrollment rate. The enrollment rate in primary school is 110.90%, 103.90% and 104.10% in the 2021–2022, 2022–2023 and 2023–2024 school years respectively. In addition, the Ministry of Education, Youth and Sport has set out a number of policies to ensure quality, equity and inclusive education, and lifelong learning opportunities for all.

23. Cambodia is a country that has just emerged from chronic war and genocide. Ensuring peace, sustainable development, well-being and mental health of the people is absolutely vital. The imposition of a compulsory education law that leads to punishment for parents who fail to send their children to school is not appropriate in the current Cambodian context. The policy to encourage parents to send their children to school and the implementation of standard model schools, with the participation of the community and local authorities in mobilising children, is an alternative approach to their educational obligations.

 16. Environment and climate change (recommendations No. 139.209, 139.210 and 139.211)

24. The Cambodia’s updated Nationally Determined Contribution (NDC) pays particular attention to the gender and vulnerable (elderly, people with disability) groups, ensuring that the adaptation to the impacts of climate change and the Greenhouse Gases (GHGs) emission mitigation contribute to a more inclusive society.

25. Environment and Natural Resources Code was adopted, signed by His Majesty Preah Bat Samdech Preah Boromneath Norodom Sihamoni, King of Cambodia. It cleared ambiguities and updated some legal provisions to address the emerging issues and better facilitate environment and natural resource management, including climate change and sustainable development in Cambodia.

26. The Ministry of Environment launched Circular Strategy on Environment 2023-2028 in line with the Pentagonal Strategies, Phase I of the Royal Government of Cambodia. It mainly focuses on Clean, Green, and Sustainable future for the whole society of Cambodia.

1. \* The present document is being issued without formal editing. [↑](#footnote-ref-2)