



Human Rights Council**Fifty-fourth session**

11 September–13 October 2023

Agenda item 10

Technical assistance and capacity-building**Resolution adopted by the Human Rights Council
on 13 October 2023****54/36. Advisory services and technical assistance for Cambodia***The Human Rights Council,*

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as enshrined in the Charter of the United Nations, as reaffirmed in the Universal Declaration of Human Rights and in accordance with their respective obligations under the International Covenants on Human Rights and other applicable human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, and stressing that special procedure mandate holders shall discharge their duties in accordance with those resolutions and the annexes thereto,

Recalling further Human Rights Council resolution 48/23 of 11 October 2021 and other relevant resolutions,

Bearing in mind the reports of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights,¹

Recognizing that the tragic history of Cambodia requires special measures to ensure the protection of human rights and the non-return to the policies and practices of the past, as stipulated in the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,

Noting the new developments in Cambodia, especially the achievements and improvements in the economic and cultural fields over recent years through its relevant national plans, strategies and frameworks,

Noting also the efforts made by the Government of Cambodia to rebuild the country, to promote individuals' rights, freedoms and dignity while protecting the life of people and maintaining peace, stability, social security and public order, to promote development and to enhance the quality of life of the population, and stressing the importance of respect for and the promotion and protection of human rights,

¹ A/HRC/42/31 and A/HRC/48/79.



Noting further the efforts and progress made by the Government of Cambodia in promoting legal reform under the leadership of the Committee for Legal and Judicial Reform, including by enforcing basic laws, such as the Civil Procedure Code, the Civil Code, the Criminal Procedure Code and the Penal Code,

Noting the Cambodia Human Rights Situationer issued periodically by the Permanent Mission of Cambodia to the United Nations Office at Geneva, which contains the Government's account of the situation of human rights in Cambodia, including policy measures and responses to key issues,

1. *Welcomes* the completion of the judicial process by the Extraordinary Chambers in the Courts of Cambodia in September 2022 and its transition to residual functions, as set out by the General Assembly in its resolution 75/257 B of 7 July 2021, and in this regard encourages the Government of Cambodia to widely disseminate the legacy of the Extraordinary Chambers among the Cambodian people and the international community to strengthen the fight against impunity and for justice;

2. *Also welcomes* the positive engagement of the Government of Cambodia in the third cycle of the universal periodic review, and the several steps taken to implement the recommendations accepted, including the holding of a consultation on the universal periodic review mid-term review to share assessment and encourage feedback from various stakeholders;

3. *Further welcomes* the support, cooperation and constructive dialogues of the Government of Cambodia with the Special Rapporteur on the situation of human rights in Cambodia, including his unfettered access to the country and meetings with various key officials, including the Prime Minister and other government officials, and the reports of the Special Rapporteur² and the recommendations, and invites the Government to continue to engage with the Special Rapporteur on the best ways to implement them, taking into account the national context of Cambodia;

4. *Welcomes* the twelfth renewal, in January 2023, of the memorandum of understanding for the implementation of a technical cooperation programme on human rights between the Government of Cambodia and the Office of the United Nations High Commissioner for Human Rights, extending the operational presence of the Office of the High Commissioner in Cambodia for another two years;

5. *Commends* the positive cooperation between the Government of Cambodia and the Office of the High Commissioner, among others, particularly with regard to the protection of the rights of Indigenous Peoples, technical assistance for drafting the national disability law, the preparation of a national human rights institution and the reduction in prison overcrowding, and encourages the enhancement of cooperation between the Government and the Office of the High Commissioner, as specified in the memorandum of understanding between the Government and the field office in Phnom Penh of the Office;

6. *Reaffirms* the need for the Government of Cambodia to strengthen efforts to consolidate and abide by the rule of law, including through the adoption, amendment and further implementation of essential laws and codes for establishing a democratic society, independent media and an independent judiciary;

7. *Welcomes* the significant progress made by the Government of Cambodia in achieving the Cambodian Sustainable Development Goals, with 72.5 per cent of Cambodian Goal indicators and sub-indicators on track, and notes the commitment of the Government to further efforts to achieve the remaining Goals, including the targets and indicators of Goal 16;

8. *Also welcomes* the ongoing efforts to improve access to the justice system, including the establishment and operationalization of regional appeal courts, encourages the Government of Cambodia to adopt promptly the legal aid policy in order to ensure access to justice for all, and notes the implementation of three fundamental laws on judiciary, namely the Law on the Statute of Judges and Prosecutors, the Law on the Organization and

² A/HRC/51/66 and A/HRC/54/75.

Functioning of the Courts and the amendment to the Law on the Organization and Functioning of the Supreme Council of the Magistracy;

9. *Stresses* the need for the Government of Cambodia to continue to enhance its efforts to investigate urgently and to prosecute, in accordance with due process of law in national courts and in full compliance with its international human rights obligations, all those who have perpetrated serious crimes, including violations of human rights, and calls upon the authorities of Cambodia to launch a full and transparent probe into cases;

10. *Notes* the initiative of and the significant progress in the 13-month campaign of case backlog clearance, and encourages the Government of Cambodia to continue further its efforts at judicial reform, including for the protection of the right to a fair trial, and further reducing prison overcrowding and pretrial detention;

11. *Also notes* the efforts made by the Government of Cambodia to combat corruption through the implementation of the anti-corruption law and the Penal Code, and through various activities of the Anti-Corruption Unit and other law enforcement agencies in the areas of, among others, anti-corruption, anti-money laundering, casino supervision and counter-transnational crimes, and encourages the Government to continue and strengthen its efforts;

12. *Welcomes* the efforts made by the Government of Cambodia to combat crimes, such as trafficking in persons, the exploitation of labour, including forced labour in online scam operations, and the sexual exploitation of women and children, and urges the Government to make further efforts to this end, in concert with the international community, to combat outstanding key problems in this area;

13. *Also welcomes* the efforts of the Government of Cambodia based on its five-year strategy for gender equality (2019–2023), and encourages the Government to further promote women's economic, social and political empowerment, including their equal, full, effective and meaningful participation in decision-making processes, and the expansion of women's economic benefits through improved working conditions, social protection and labour standards;

14. *Notes with appreciation* the efforts made by the Government of Cambodia to resolve land issues, inter alia, through the implementation of relevant laws and regulations, including a moratorium on economic land concessions and systematic land registration to register approximately 6.9 million land ownerships for citizens, including women, and encourages the Government to effectively promote land ownership for women, Indigenous Peoples and members of other vulnerable groups through the Social Land Concession system, while recognizing the outstanding issues in this area, urges the Government to continue and enhance its efforts to resolve them peacefully, equitably and expeditiously in a fair and open manner, taking into consideration the rights of and the actual consequences for the parties concerned and in accordance with relevant laws and regulations, such as the Land Law, the Law on Expropriation, the Circular on the Settlement of Illegal Temporary Building in Cities and Urban Areas and the National Housing Policy, and by strengthening the capacity and effectiveness of relevant institutions, such as the National Authority for Land Dispute Resolution cadastral committees at the national, provincial and district levels, and other relevant institutions;

15. *Recognizes* the initiatives, efforts and advancement made by the Government of Cambodia in implementing diverse social assistance schemes, including the launching of the National Social Assistance Fund, for impoverished households and vulnerable groups, contributing to strengthening the capacity of the social protection system in response to emergency situations;

16. *Notes* the commitment of the Government of Cambodia to offering free technical and vocational training to 1.5 million youths from impoverished and vulnerable households across the country;

17. *Also notes* the commitments made and the progress achieved by the Government of Cambodia in implementing its obligations under international human rights treaties and conventions to which it is a party and urges the Government to continue to take steps to meet its obligations under those treaties and conventions, and to this end to strengthen

its cooperation with United Nations agencies, including the Office of the High Commissioner, through enhanced dialogue and the development of joint activities;

18. *Acknowledges* the efforts, progress and commitment of the Government of Cambodia to bring the draft law on the establishment and functioning of a Cambodian national human rights institution into line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), with the assistance of the Office of the High Commissioner, and encourages its swift adoption and implementation;

19. *Welcomes* the efforts made by the Cambodian Human Rights Committee, especially in resolving complaints from individuals;

20. *Also welcomes* the efforts and progress made by the Government of Cambodia in promoting decentralization and deconcentration reform with the aim of achieving democratic development by strengthening subnational and grass-roots institutions;

21. *Expresses serious concern* at the reported deterioration in the civil and political environment in Cambodia due to the perceived chilling effects of judicial prosecutions or alleged cases, such as the death of a political analyst in July 2016, and of other actions, including arrests and alleged surveillance, harassment and violence, against members of political parties, trade unions and civil society, including environmental organizations and the media, and the dissolution of the former opposition party in accordance with the Law on Political Parties in 2017, and the holding of a general election in 2023 without the participation of two political parties, which were disqualified by the National Election Committee owing to their reported incomplete fulfilment of documentation requirements, and calls upon all parties to work together towards building trust and confidence by restoring dialogue with relevant stakeholders in the country, strongly calls upon the Government of Cambodia to guarantee, inter alia, the rights to freedom of expression and to freedom of association and assembly, and to fulfil its accountability for the cases concerned, and urges the Government to take additional appropriate measures to encourage and enable civil society, including independent trade unions and media, to play a constructive role in consolidating democratic development in Cambodia, including by ensuring and promoting their activities and in promoting equal access to the media for all parties;

22. *Expresses concern*, alongside that of United Nations human rights experts, over the conviction of Kem Sokha, who was sentenced to 27 years of imprisonment on charges of conspiracy with a foreign power and treason, and over court cases against other opposition politicians and civil society activists, strongly encourages prompt, transparent and fair trials in accordance with the State's international human rights obligations, and the expansion of democratic space for political activists, civil society and the media, including members of opposition parties, to actively, peacefully, responsibly and openly participate in inclusive political debate and strongly encourages all parties to continue to prioritize national reconciliation, unity, peace and stability;

23. *Expresses serious concern* at the reported restrictions imposed on some civil society and political parties and the negative impact of the Law on Associations and Non-Governmental Organizations and the amendments of 7 March and 28 July 2017 to the Law on Political Parties, while recognizing the ongoing review of the proposed amendments to the Law on Associations and Non-Governmental Organizations in consultation with civil society and relevant stakeholders, the amendment to the Law on Political Parties of January 2019 and the amendments of 4 July 2023 to the Election Law, and urges the Government to continue efforts to expand political and civic space and to ensure the rights to freedom of expression, peaceful assembly and association and an environment conducive to the conduct of political activities by all political parties under democratic principles and the rule of law;

24. *Expresses concern* at the reported general reluctance of some people to speak out in public and to express their opinions on the Internet for fear of arrest and surveillance, the alleged limited number of peaceful assemblies and demonstrations allowed in accordance with the Law on Peaceful Demonstration, and the alleged limitation on press freedom, such as the revocation of an independent media license allegedly for spreading fake news and violating professional journalism, and urges the Government of Cambodia to continue to taking action to promote the rights and dignity of all Cambodians by protecting civil and

political rights, including freedom of opinion and expression, in accordance with the law and the historical context of Cambodia, and to this end to ensure that all laws are interpreted and applied in a judicious manner so as to promote economic, social and cultural rights in accordance with the rule of law;

25. *Also expresses concern* at the reported restrictive environment surrounding the 2023 general election and the introduction of two new election amendments with repercussions for individuals who boycott or call to boycott the election, while noting the results of the election, which reportedly had a voter turnout of 84.59 per cent based on an announcement of the Cambodian electoral body, and calls upon the Government of Cambodia to advance dialogue and reconciliation with relevant lawful stakeholders, including opposition parties, to ensure that elections are free, fair and inclusive and representative of all Cambodians and to protect and promote the civil and political rights of all Cambodians in order to steadily promote nation-building with the support of a wide range of Cambodians;

26. *Notes* the joint letter by three special procedure mandate holders in relation to the sub-decree on the establishment of the National Internet Gateway on 7 April 2021, and the reply from the Government of Cambodia, the suspended implementation of the sub-decree, and the Government's intention to establish a law on the protection of information, and urges the Government to continue its efforts to ensure the protection of privacy and data of individuals and freedom of expression and opinion on the Internet in accordance with international human rights laws;

27. *Also notes* the efforts made by the Government of Cambodia with regard to relations with civil society, such as the instruction issued on 31 October 2018 by the Ministry of the Interior to subnational authorities, which reiterates that non-governmental organizations have complete freedom to conduct their activities in accordance with Cambodian law and the holding of a biannual dialogue between the Government and civil society organizations, as well as the instruction of 27 November 2018 abolishing the three-day prior notification requirement, and calls upon the Government to remind the local authorities to properly implement the said instructions and to make continuous efforts to contribute to the improvement of relations with civil society, including at the subnational level;

28. *Acknowledges* the presence of more than 6,000 operating associations and non-governmental organizations, with some of them continuing to engage in regular reports and perspectives critical of the Government, and encourages the Government of Cambodia to protect and ensure freedom of expression, association and peaceful assembly in accordance with the Constitution and the International Covenant on Civil and Political Rights;

29. *Recognizes* the efforts and achievement made by Government of Cambodia in response to the coronavirus disease (COVID-19) pandemic, particularly its decisions to grant humanitarian consent to an international cruise ship to dock, humanitarian medical aid to a number of countries in the region, cash transfers to poor and vulnerable households, and the free national vaccination scheme, including for foreign residents;

30. *Invites* the Secretary-General, agencies of the United Nations system present in Cambodia and the international community, including civil society, to continue to work with and to support the efforts of the Government of Cambodia in strengthening democracy and ensuring the protection and promotion of the human rights of all people in Cambodia, including in response to the Government's request for technical assistance and capacity-building in the fields of:

(a) Drafting laws and assisting the establishment of an independent national human rights institution and the establishment of a national preventive mechanism against torture by legislation;

(b) Capacity-building to strengthen legal institutions, including by improving the quality and independence of judges, prosecutors, lawyers and court staff, and drawing on the expertise gained by Cambodian nationals working in the Extraordinary Chambers in the Courts of Cambodia;

(c) Capacity-building to strengthen national institutions for criminal investigations and law enforcement, as well as providing the equipment necessary for these ends;

(d) The implementation of recommendations accepted in the context of the universal periodic review;

(e) Assisting the assessment of progress in human rights issues;

31. *Decides* to extend for two years the mandate of Special Rapporteur on the situation of human rights in Cambodia, and requests the Special Rapporteur to report on the implementation of his mandate to the Human Rights Council at its fifty-seventh and sixtieth sessions, and to make recommendations on technical assistance and capacity-building for the protection and promotion of human rights in the country;

32. *Requests* the Secretary-General to submit a report to the Human Rights Council at its fifty-seventh and sixtieth sessions on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights;

33. *Decides* to continue its consideration of the situation of human rights in Cambodia at its sixtieth session.

*49th meeting
13 October 2023*

[Adopted without a vote.]
