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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****Summary*

The present report of the Special Rapporteur on the situation of human rights in Cambodia, Vitit Muntarbhorn, covers the human rights situation in the country during the period from June 2023 until June 2024, including the elections held during that period. The report is presented under the theme “Electoral rights and women’s rights”.

While the country has made progress on some aspects of economic, social and cultural rights, a major challenge concerns the issue of civil and political rights, especially the constrained civic and political space, which affects both the electoral landscape and the entire range of women’s rights. Intrinsicly, the realization of human rights is closely interwoven with the aspirations of democracy, peace and sustainable development.

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I. Introduction

1. The present report is the fourth to be submitted to the Human Rights Council by the Special Rapporteur on the situation of human rights in Cambodia, Vitit Muntarbhorn. It covers the human rights situation in the country from June 2023 until June 2024, as well as the elections held during the same time period. The theme of the report is “Electoral rights and women’s rights”.

2. During the reporting period, the Special Rapporteur carried out a visit to Cambodia, from 4 to 8 December 2023. During the visit, he held meetings with Government officials, human rights defenders, civil society organizations, youth groups, labour representatives, Indigenous and minority groups, journalists and media representatives, members of academia, members of the diplomatic community, representatives of United Nations agencies and other key stakeholders. This was complemented by a field visit by the Special Rapporteur in July 2024. Information presented in the report is based on the country visits, as well as on information received from a variety of stakeholders, including the national authorities, the United Nations, intergovernmental agencies and civil society. As with previous reports, with regard to methodology, the information was cross-checked with United Nations assistance to ensure balanced assessment and independent analysis by the mandate holder. The report was enriched by inputs from 18 entities that responded to the call of the Special Rapporteur for information on women’s rights.¹

3. The report contains: a general update on the situation of human rights in the country; a section focused on the three elections held during the reporting period: national, senatorial and capital, provincial and municipal/district/town/council (khan) levels; a section on women’s rights; and the conclusions and recommendations of the mandate holder.

II. General update

4. Cambodia is a party to a range of human rights treaties and conventions of the International Labour Organization (ILO)² and makes regular contributions to United Nations peacekeeping operations. The country is a repository of valuable know-how on demining operations that can be shared with the world community. The Government recognizes that the archives of the Extraordinary Chambers in the Courts of Cambodia, which has now completed its mission, should be well maintained and well disseminated.³ There have also been improvements of the justice system to clear case backlogs and to introduce methods of non-judicial dispute resolution.

5. During the reporting period, the most significant development was the shift from the old governmental administration, which had been in power, to a greater or lesser extent, since the 1990s, to a new administration, with a new Prime Minister and a new generation of powerholders, who are primarily sons, “in-laws” and relatives of the ruling elite, with dynastic undertones. This family-based power shift is prolonging the monopoly of power that has undermined democratic aspirations and stultified political developments, especially in the past 10 years.

¹ The call for inputs is available at <https://www.ohchr.org/en/calls-for-input/2024/call-inputs-situation-womens-rights-cambodia>.

² As noted in previous reports of the Special Rapporteur: [A/HRC/48/79](#), [A/HRC/51/66](#) and [A/HRC/54/75](#). For a recent governmental position, see *The State of Press Freedom in Cambodia* (2024), issued by the Ministry of Information, <https://www.information.gov.kh/articles/129527>. See also the voluntary report submitted by the Government pursuant to the Sustainable Development Goals (2015–2030), *Cambodia’s Voluntary National Review (VNR) 2023: Accelerating the Recovery from the Coronavirus Disease (COVID-19) and the Full Implementation of the 2030 Agenda*, available at <https://moi-static.sgp1.cdn.digitaloceanspaces.com/0Report-2024/Report%20on%20The%20State%20of%20Press%20Freedom%20in%20Cambodia%20FINAL.pdf>; and the recent report of the Government of Cambodia for the fourth cycle of the universal periodic review ([A/HRC/WG.6/46/KHM/1](#)).

³ See also <https://www.eccc.gov.kh/en/node/39457>.

6. The situation can best be described as a continuation of the power spectrum, otherwise known as “the continuation conundrum”; from the angle of political and civic space, not much has changed and the challenges facing those who are not part of the elite continue. While the concentration of power at the top of the system and its oral statements have been reduced, to an extent, in reality the broader space for pluralistic participation and comprehensive realization of human rights remains confined.

7. At this juncture, two key international developments relating to Cambodia are of note. Firstly, the country appeared before the Committee on Enforced Disappearances for the first time under the International Convention for Protection of All Persons from Enforced Disappearance. The Committee recommended, inter alia, the need for a more effective law and investigation system, support for victims and affected families, adjustment of the statute of limitations and a national register of disappeared persons.⁴ Some local and transnational cases are awaiting remedies.

8. Second, the country engaged with its fourth round of the universal periodic review process under the Human Rights Council.⁵ In the third cycle of the universal periodic review, while the country accepted 173 recommendations, it merely took note and did not accept some 25 key recommendations from the world community, many of which concern the most significant areas needing reform, in particular opening up the civic and political space and releasing political/human rights detainees. It is hoped that, in the fourth cycle, there will be recognition of the need to address those issues effectively.

A. Economic, social and cultural rights in development

9. The country has fared well in regard to various aspects of development. In the United Nations Development Programme (UNDP) *Regional Human Development Report 2024, Making Our Future: New Directions for Human Development in Asia and the Pacific*,⁶ it was reported that the human development index had increased by 56.9 per cent since 1990, reaching the medium human development category and bringing Cambodia to a ranking of 146 among 191 countries in 2023. That performance accounts for losses that resulted from the coronavirus disease (COVID-19) pandemic.⁷ Furthermore, the number of people living in poverty was reduced by half, from about 5.6 million people to about 2.6 million, in less than 10 years.

10. During the past year, the Government took a number of positive actions, including devoting more attention to child protection and introducing social protection measures, such as pensions for employees and expanded help for the poor and vulnerable. Notably, the authorities have spent over 1 billion dollars in the past three years helping needy groups in the country, partly to help them recover from the impact of the COVID-19 pandemic.⁸

11. The country is now embarking on its “Pentagonal Strategy”, its new development plan to elevate the country to middle income status, and ultimately to developed country status by 2050. The strategy focuses on economic growth, job creation, equity, efficiency and sustainability over the next 25 years.⁹ There is also a new cooperation agreement with the United Nations aiming for more sustainable development with emphasis on a greener dimension.

12. However, major issues concerning inequitable development remain. Poverty and the unbalanced control of resources, which continue as key concerns, are linked to issues of

⁴ CED/C/KHM/CO/1.

⁵ See also <https://www.ohchr.org/en/hr-bodies/upr/kh-index>.

⁶ See <https://www.undp.org/cambodia/publications/2024-regional-human-development-report-cambodia-focus>.

⁷ See <https://www.undp.org/cambodia/speeches/launch-2024-regional-human-development-cambodia>.

⁸ See also <https://unsdg.un.org/sites/default/files/2023-11/The%20United%20Nations%20Sustainable%20Development%20Cooperation%20Framework%20for%20Cambodia%202024-2028%20.pdf>, p. 16.

⁹ See <https://mfaic.gov.kh/files/uploads/1XK1LW4MCTK9/EN%20PENTAGONAL%20STRATEGY%20-%20PHASE%20I.pdf>.

budgetary control and allocations and to land and resource management. Longstanding concerns remain regarding the insecurity of land holdings and communities being deprived of land by vested commercial interests, often linked with the predominant power elite and the collusive privatization of State land, which leads to contestation between business groups and local populations. It is compounded by extensive debt facing the poor, who often borrow on credit and are exploited by predatory lending.

B. Civil and political rights

13. *Plus ça change, plus c'est la même chose* (the more things change, the more they stay the same) is possibly an apt description of the situation with regard to civil and political rights. Despite the holding of elections during the reporting period, there are many constraints in the implementation of civil and political rights. Dozens of political dissidents, human rights and environmental activists are still being detained, prosecuted and/or imprisoned. Journalists, members of the opposition and of non-governmental organizations that criticize the authorities are still being harassed. In addition to the various mass trials discussed in reports of the previous mandate holder, there have been numerous arrests, detentions and prosecutions during the past year. Despite various calls for leniency and justice from the Special Rapporteur and other special procedure mandate holders of the Human Rights Council, many people seen as critical of the power elite are still being persecuted and deprived of their civil and political rights.¹⁰

14. Judicialized lawfare, whereby the judiciary uses the law to silence political and human rights actors viewed as inimical to the national authorities, prevails vis-à-vis the civic and political space. Using that method and related measures, law enforcement personnel resort to a variety of laws to help counter the opponents of those in power. For instance, there is regular invocation of sections 494 and 495 of the Criminal Code (which prohibit the incitement of crimes) to prosecute political dissidents and human rights advocates exercising their right to freedom of speech. In the past year there have also been dubious claims of fraud/forgery invoked against the political opposition, including allegations of malpractice concerning key documents.¹¹

15. The country is burdened with a morass of unnecessary laws that give excessive power to the authorities to constrain civil and political rights in breach of the International Covenant on Civil and Political Rights to which Cambodia is a party.¹² These include the law on associations and non-governmental organizations, the national emergency law, the numerous laws concerning the media and the application of the Criminal Code to silence critics. Emerging laws of a constraining kind, such as the proposed cybercrime law and the draft public order law, need to be reconsidered in a transparent fashion. Disappointingly, the judiciary has been a key cog in the instrumentalization of the above measures. The judicial pillar and its partners are in serious need of reform in order to strengthen respect for the international rule of law rather than to repeat the self-justifying mantra that everything is done “in accordance with the (national) law”.

C. Specific concerns in development

16. The concerns of specific groups have been dealt with in previous reports of the Special Rapporteur; the present section provides updates on specific concerns in terms of development.

17. With regard to children, the most significant development is the draft Child Protection Act, which will be a breakthrough law, prohibiting not only corporal punishment generally

¹⁰ For example, see <https://www.ohchr.org/en/press-releases/2024/04/cambodia-must-end-harassment-human-rights-defenders-un-experts>.

¹¹ For example, the Vice President of the Candlelight Party was subjected to prosecution in this regard; see <https://thediplomat.com/2023/10/cambodian-court-sentences-opposition-figure-to-3-years-prison/>.

¹² See also the most recent recommendations from the Human Rights Committee under the International Covenant on Civil and Political Rights addressed to Cambodia (CCPR/C/KHM/CO/3).

but also within the family setting. The act is complemented by a new code to protect children from abuse and exploitation online.¹³ Nevertheless, the reality remains that pervasive elements of inequality, inequity and violence still need to be tackled more effectively. For instance, while access to primary education is extensive and follows the targets sets by the Sustainable Development Goals, there is a serious drop-out rate from school (especially of boys), aggravated by the COVID-19 pandemic. Reports of physical and other abuse are high, especially in regard to the more modern aspects of online exploitation.¹⁴ Moreover, child and youth participation is hampered by the constrained civic and political space mentioned above.

18. On another front, there was apprehension that the practice of allowing the adoption of Cambodian children abroad would be resumed, despite an earlier moratorium on the practice.¹⁵ The moratorium was passed, *inter alia*, owing to the opaque practices in the transfer of children abroad. Many members of civil society have spoken out against the relaxation of safeguards to protect children from abuse and exploitation in this regard.

19. Another taxing issue was the presence of surrogacy, which is often linked to the hiring of women in Cambodia to give birth to a child with foreign fathers. The current law used to prevent the practice is the law against human trafficking.¹⁶ Regrettably, under the law, surrogate mothers are prosecuted for providing the services. The country should move to adopt a law against such malpractice, specifically linked with commercialization, preventing discrimination against women in such situations and providing them with humane treatment and protection rather than making them the objects of criminalization and marginalization.

20. With respect to the issue of disabilities, the country has improved its disability law, linking it with calls for an inclusive management system and more accessible and extensive social protection measures, reflecting the Convention on the Rights of Persons with Disabilities. The law should be enhanced with the inclusion of more facilities and adaptation measures on the basis of reasonable accommodation. It is vital to improve the treatment of persons with psychosocial disabilities and to ensure a humane, community-based approach, respectful of the rights of such persons on the basis of autonomy, non-discrimination and non-violence.

21. With regard to minorities, a particular concern relates to the difficulties experienced by the Vietnamese minority and the Khmer Krom population in accessing basic human rights. Importantly, there is the recurring issue of birth registration. There is a new birth registration law, ensuring universal coverage, which will help minorities to access their birth registration easily and comprehensively, in keeping with the Convention on the Rights of the Child, to which the country is a party.¹⁷ The next stepping stone will be access to nationality to ensure that children born in Cambodia without a nationality will be granted Cambodian nationality.

22. On a parallel front, there are calls for respect for the rights of Indigenous Peoples, especially with regard to customary land rights and related resources. The impact of the new Environment and Natural Resources Code, which streamlines various environmental laws, is an emerging issue of concern.¹⁸ The law itself fails to recognize the right of Indigenous Peoples to access, protect and patrol the forests in their communities. Their traditional lands have been invaded by incoming commercial interests, at times steeped in corruption, corroding their ownership of the land. In this regard, it is important to abide by the principle of free, prior and informed consent in all negotiations linked with relocation of Indigenous communities.

23. A number of environmentalists and Indigenous advocates have been harassed, detained and/or prosecuted in attempts to protect land and related forestry and other

¹³ See <https://www.unicef.org/cambodia/media/7751/file/Cambodian%20Child%20Online%20Protection%20Guidelines.pdf>.

¹⁴ See <https://opendevelopmentcambodia.net/category/family-children-and-youth/>.

¹⁵ See <https://cambojanews.com/civil-society-groups-call-for-halt-to-foreign-adoptions-of-cambodian-children/>.

¹⁶ See <https://www.nytimes.com/2022/11/26/world/asia/surrogacy-cambodia.html>.

¹⁷ See <https://www.ohchr.org/en/news/2022/05/experts-committee-rights-child-praise-cambodia-policies-protecting-childrens-rights>.

¹⁸ See https://data.opendevelopmentcambodia.net/laws_record/royal-kram-no-0623-007-on-environment-and-natural-resources-code.

resources.¹⁹ In view of the global movement to reduce global warming and address climate change, the country's policy and planning on this front should aim to respect Indigenous Peoples as guardians of the land and forests.

24. During the reporting period, a number of issues arose in the economic, social and cultural sphere, at times with implications for lawmaking, enforcement and anti-crime measures. There were multiple cases of human trafficking of a contemporary nature, especially online fraud or scams, in which nationals from other countries have been tricked into coming to Cambodia, where they are forced to prey on other people online.²⁰ Some are subjected to violence if they fail to defraud other people as demanded by the traffickers. There has been an increase in cooperation among law enforcers and other personnel to tackle these criminal activities.

25. People who are tricked into preying on other people should be seen as victims rather than being criminalized as illegal immigrants in the destination country or as illegal emigrants in the country of origin. They need transparent assessments of their status through effective identification processes and related support, including during their recovery and return.

26. On another front, labour relations continued to be tested by labour-related protests against unfair dismissal. A key woman labour leader is still in prison. With regard to Cambodian migrant workers abroad, an electoral loophole remains that prevents them from having the right to vote from abroad.

27. The criminal justice system remains a key challenge.²¹ The country should move away from pretrial detention towards the use of non-custodial measures, enable the granting of bail, especially to the poor and to dissidents, choose alternative community-based means to deal with drugs cases, open up the prison system and other detention facilities with more consistent monitoring and improve juvenile justice facilities to enable those under 18 years of age to be dealt with by community-linked rehabilitation and positive discipline.

28. At the institutional level, the question of whether there should be a national human rights commission is still under consideration. Even though a draft law has been in existence for some time, a range of members of civil society remain to be convinced that, if it is established, it will be able to deliver results, to reject cooptation by the ruling elite and comply with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles),²² thus fulfilling the criteria of independence, pluralism and effectiveness.

29. Finally, there has been widespread coverage of the issue of forced relocation of various groups from land linked with the Angkor archaeological site.²³ Angkor is a world heritage site, which is protected by the secretariat of the World Heritage Committee, under the umbrella of the United Nations Educational, Scientific and Cultural Organization. In addition, there is an international coordination committee, including independent international experts, to help monitor the situation with the support of the international community. There is a debate concerning the relocation of various groups to two new sites prepared by the Cambodian authorities. While the issue is already covered by the United Nations Educational, Scientific and Cultural Organization and the World Heritage Committee, it is important to underline the importance of respectful, peaceful dialogue and negotiation based upon the principle of free, prior and informed consent, eschewing forced relocation. The World Heritage Committee, which is due to meet and discuss these matters in the middle of 2024, may be able to help to advance inclusive steps, reflective of human

¹⁹ See <https://www.amnesty.org/en/latest/press-release/2021/05/cambodia-outrageous-conviction-of-five-environmental-activists-must-be-overturned/>.

²⁰ See <https://thediplomat.com/2024/04/cambodias-cyber-slavery-trafficking-denials-reflect-official-complicity-experts-say/>.

²¹ See <https://www.phnompenhpost.com/national/judiciary-planning-campaign-of-reform>; contrasting with <https://www.hrw.org/news/2020/06/03/cambodias-proposed-criminal-justice-reforms-should-go-further>.

²² See also <https://ganhri.org/paris-principles/>.

²³ See also <https://whc.unesco.org/en/list/668/>.

rights. In addition, the setting up of an independent expert mechanism to address the process as part of a bridge-building strategy could be considered.

III. Electoral lights

30. The previous report of the Special Rapporteur provided details about the 2022 commune-level elections.²⁴ The elections were won by the ruling party, the Cambodian People's Party, which took some 9,000 seats, while the main opposition party, the Candlelight Party, won some 2,000 seats.²⁵

31. The electoral scenario in the 2023–2024 period pertains to the elections to the National Assembly, held in July 2023, to the Senate, held in February 2024, and to the capital, provincial and municipal/district/town/council (khan) electoral seats in May 2024. While there was direct voting from the population to the National Assembly, the voting in the latter two elections was indirect; that is, those already elected at the commune level and/or the National Assembly level were given the right to vote for candidates to the Senate and the capital, provincial and council/municipal/district/town/council seats. At the time of writing the present report, the results of the May 2024 elections, the fourth round of such elections, were tentative and may need to be adjusted in the next report after full confirmation from the National Election Committee.

32. The results were as follows:²⁶

(a) The 125 seats in the National Assembly were filled by candidates elected mainly from the Cambodian People's Party: 120 seats were won by the Cambodian People's Party and the 5 other seats went to the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia ("FUNCINPEC");

(b) The Senate has 62 seats, of which 58 are elected indirectly as described above; the National Assembly and the Monarch appoint the remaining 4 seats as their prerogative. The Cambodian People's Party won 55 seats and 3 seats were won by the Khmer Will Party. Subsequently, the former Prime Minister, who is the father of the current office holder, became head of the Senate;

(c) The seats at the capital, provincial and municipal/district/town/council (khan) level number nearly 4,200, elected indirectly; the Cambodian People's Party won the most seats. Tentatively, the statistics are as follows: in the capital and provincial elections, the Cambodian People's Party won 504 seats, while the Khmer Will Party won 47 seats, and the newly established Nation Power Party won 8 seats. Out of the 3,641 seats at the municipal/district/town/council (khan) level, the Cambodian People's Party won 3,257 seats, the Khmer Will Party won 312 seats and the remaining 72 seats were divided between the Nation Power Party, the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia and the Khmer National United Party.

33. On analysis, the results of all three elections were almost a foregone conclusion owing to systemic control exercised by the ruling party over the electoral process prior to, during and after the elections, with the backdrop of a contraction of civic and political space prior to, during and after the elections. Disconcertingly, the 2023–2024 elections were far from being free and fair.

34. The 2023–2024 elections were impeded by a number of constraints.

35. Firstly, the landscape for the 2023 national elections was undermined by a clamp-down on the political opposition. Before the national elections, the registration of the Candlelight Party for the elections was turned down by the authorities under questionable

²⁴ A/HRC/54/75.

²⁵ See <https://english.news.cn/asiapacific/20220606/ae1a23b5ed644bf8a61c82cf25d20c70/c.html>.

²⁶ See also <https://www.nec.gov.kh/english/>; and <https://data.opendevelopmentcambodia.net/dataset/results-on-the-national-assembly-s-election-2023>. For comments, see <https://www.reuters.com/world/us-pauses-some-aid-imposes-visa-bans-after-neither-free-nor-fair-cambodia-2023-07-24/>.

circumstances, thus excluding the main opposition party from participation in the elections. The authorities demanded that the Candlelight Party produce the original copy of its registration document (which could not be found) as a political party, even though the lack of such a document was not an impediment to its participation in the 2022 commune-level elections. This was reminiscent of the disenfranchisement that took place in 2017 before the national elections in 2018. In that instance, the predecessor to the Candlelight Party, the Cambodian National Rescue Party, was disbanded, with the help of a tendentious law reform, by court order for jeopardizing national unity and its key leaders were banned from participating in elections for five years.²⁷ The opposition was thus unable to take part in the 2018 elections. The Cambodian People's Party, swept all 125 seats in the National Assembly, thus entrenching itself as mono-party rule over the total political system.

36. Second, prior to the elections, those in power amended the electoral law to prohibit incitement affecting the electoral process, namely, influencing people not to vote or to destroy their ballots.²⁸ This added another unnecessary layer to the already overused provisions of criminal law on incitement that have been employed extensively to stifle those disagreeing with the power base. The new law impeded the political campaign of various political parties seeking pluralization of the polity and halted steps towards a liberal democracy. The electoral law was also amended to bar those who had not voted in two previous elections from participating as candidates.²⁹

37. Third, key rights holders and stakeholders, such as opposition leaders and civil society actors, were arrested, prosecuted and detained, at times with verbal and or physical attacks, some before, some during and some after the national elections, and were thus prevented from taking part in the elections and the aftermath, which turned out to be exclusive rather than inclusive by nature. Many key rights holders and stakeholders are in exile abroad. Three media channels were shut down near the closing time of the national elections.³⁰

38. Fourth, the members of the National Election Committee in charge of organizing the elections were and are known to have close ties with the ruling elite, revealing imbalances contrary to fair play. They are part of the collegial stratum undergirding the power base, which controls all the pillars of the State – executive, legislative and judicial.

39. Fifth, the main political party that has been in power for a long period of time won again in July 2023, for lack of a viable opposition. The recent elections were, therefore, almost a repetition of the 2018 national elections when the ruling party won all 125 seats. As stated above, the results of the 2018 elections were essentially due to the fact that the main opposition party at the time, the Cambodian National Rescue Party, was disbarred/dissolved by judicial intervention in 2017, under dubious circumstances. There are also reports of pressure having been exerted on members of the Candlelight Party at the commune and other levels to vote for the ruling party and/or to change sides in relation to the elections held in 2023 and 2024.³¹

40. Despite the presence of a corps of election observers at the field level on election day (bearing in mind that the United Nations declined to take part as observers), the global public should view the results of the Cambodian elections with scepticism. Wisdom dictates that there should be a stocktaking not only of activities on election day but also what preceded it, as well as what succeeded it. The conduct of the election invites a systemic, qualitative, rather than cosmetic, quantitative taxonomy of the electoral spectrum. The electoral lights in the background of the three elections have been decidedly dimmed by political blind-spots.

²⁷ The Cambodian National Assembly, in 2017, passed two amendments to the Law on the Registration of Political Parties that allowed the authorities to dissolve political parties and ban party leaders from political activity.

²⁸ Four electoral laws were amended, including the Law on the Election of Members of the National Assembly, prescribing fines of between 5 and 20 million riel (about \$1,250 to \$5,000) for those "inciting" others not to vote.

²⁹ See <https://www.khmertimeskh.com/501314294/cambodian-national-assembly-endorses-election-law-changes/>.

³⁰ See <https://rsf.org/en/cambodia-days-general-election-government-blocks-several-online-media-outlets>.

³¹ See <https://www.hrw.org/news/2024/04/03/cambodia-threats-bribes-tainted-senate-elections>.

IV. Women's rights

41. The country is a party to the Convention on the Elimination of All Forms of Discrimination against Women. The recommendations of the Committee on the Elimination of Discrimination against Women on Cambodia can be seen on its website.³² A number of excellent inputs were also provided to the mandate holder in response to his public call for information. The Special Rapporteur bears those contributions in mind, with profound thanks, while humbly noting that, owing to the limited word space, he has not been able to refer to them all in depth.

42. As a whole, progress on women's rights on various fronts is well recognized. A United Nations report notes an overall improvement in terms of gender equality of 0.679 in 1990 to in 0.461 in 2023 (where 1 indicates highest inequality and 0 depicts full equality).³³ It is placed at 116 out of 170 countries in the Gender Equality Index.³⁴ In addition to the adoption of a national development plan that follows the Sustainable Development Goals, the current Pentagonal Strategy, there are also strategic plans to promote the development of women, the most recent of which is Neary Rattanak VI, covering the period from 2024 to 2028, which places an emphasis on women's empowerment and entrepreneurship.³⁵ Apart from the Ministry of Women's Affairs, there are other institutional mechanisms for gender equality and the empowerment of women, in particular the Cambodian National Council for Women.

43. An appraisal of women's rights is presented below, as follows: political and related participation; economic and related participation; sociocultural and related participation; and other prospects for participation.

A. Political and related participation

44. Linked with the recent elections, it is evident that there is very limited participation of women at the top of the political system, which clearly remains male-dominated. In that exclusive realm of power, the tendency is for women close to the political elite, rather than those who on the margins, to have more access to the reins of power. Political impediments, compounded by socioeconomic and cultural obstacles, are interwoven with intersectionality of a negative kind, steeped in multiple discrepancies. While political liberalization, bolstered by a pluralization of civic and political space, is much needed, it needs to be complemented by an opening up of the socioeconomic and cultural playing fields.

45. The facts speak for themselves in terms of limited participation at the top of the political system.

46. There are currently only 16 women out of 125 members in the National Assembly, a decline in the percentage of women from the previous elections in 2018 (see table 1 below). By comparison, the total number of female members of Parliament increased to 27, equal to 22 per cent, of the 123 in the National Assembly (in the 2008 elections) (a comparison is found in table 3).³⁶ All of those who are elected are close to the ruling elite. It is significant that the President of the National Assembly is a woman. Nevertheless, there are only three women ministers (out of some 30 seats) in the current cabinet.

³² CEDAW/C/KHM/CO/6. See also Kann Vicheika, "Reflection: 30 years of women in Cambodian politics", Heinrich Böll Foundation, 20 December 2023, available at <https://www.boell.de/en/2023/12/20/reflection-30-years-women-cambodian-politics>.

³³ See https://www.undp.org/sites/g/files/zskgke326/files/2024-03/undp_regional_human_development_report_cambodia_focus_english.pdf, p. 2.

³⁴ Ibid.

³⁵ See <https://www.khmertimeskh.com/501469701/ministry-launches-neary-rattanak-plan-for-next-five-years/>.

³⁶ Committee for Free and Fair Elections in Cambodia, "Women's participation in politics and 2008 National Assembly elections" (2009), p. 4, available at <https://tile.loc.gov/storage-services/service/gdc/gdcovop/2013460091/2013460091.pdf>.

47. As a result of the senatorial elections held in 2024, there are only 11 women out of 62 senators in the Senate. This represents a small increase compared with the situation in 2018 (see table 2: a comparison is found in table 4).

48. Tentatively, according to information received from credible sources, in 2024 the share of women in the capital and provincial level elections represents 16.99 per cent out of 559 seats, whereas the share of women in the recent municipal/district/town/council (khan) level elections stands at 19.22 per cent out of 3,641 seats. The final disaggregated tally from the elections in May 2024 at the local level has not yet been released.

49. Statistics concerning the commune-level elections in 2022 can be seen in table 5. The statistics for the other local elections in 2019 are found in tables 6 and 7.

Table 1
National Assembly

Seats	2023	
	125 (Percentage)	
Women	16 ^a	(12.8% of total members)
Incumbents	91	(72.8% of total members)
New members	34	(27.2% of total members)
Incumbent women	11	(12.1% of incumbent members)
New women	5	(14.71% of new members)

Source: Submissions 2024.

^a 2018: 13 women elected (10.4% of total members).

Table 2
Senate

Seats	2024	
	62	
Women	11 ^a	(17.7% of total members)
Incumbents	35	(56.5% of total members)
New members	27	(43.5% of total members)
Incumbent women	5	(14.29% of incumbent members)
New women	6	(22.22% of new members)

Source: Submissions 2024.

^a 2019: 9 women (14.5% of total members).

Table 3
Gender segregated data on women's participation in electoral processes
(National Assembly elections)

Year	Elected legislators	
	Female (Percentage)	Male (Percentage)
1993	6	94
1998	11	89
2003	20	80
2008	21.1	78.9
2013	20.33	79.67

<i>Year</i>	<i>Elected legislators</i>	
	<i>Female (Percentage)</i>	<i>Male (Percentage)</i>
2018	20.8	79.2
2023	12.8	87.2

Source: Submissions 2024.

Table 4
Gender segregated data on women's participation in electoral processes
(Senate elections)

<i>Year</i>	<i>Elected Senators</i>	
	<i>Female (Percentage)</i>	<i>Male (Percentage)</i>
1999	14.8	85.2
2006	14.8	85.2
2012	14.8	85.2
2018	12.61	87.39
2024	12.61	87.39

Source: Submissions 2024.

Table 5
Gender segregated data on women's participation in electoral processes
(Commune elections)

<i>Year</i>	<i>Elected commune councillors</i>	
	<i>Female (Percentage)</i>	<i>Male (Percentage)</i>
2002	8	92
2007	14.64	85.36
2012	17.9	82.1
2017	18.8	81.2
2022	22	78

Source: Submissions 2024.

Table 6
Gender segregated data on women's participation in electoral processes
(Capital and provincial elections)

<i>Year</i>	<i>Elected representatives</i>	
	<i>Female (Percentage)</i>	<i>Male (Percentage)</i>
2009	10	90
2014	13.2	86.8
2019	16.8	83.2
2024	Results pending	Results pending

Source: Submissions 2024.

Table 7
Gender segregated data on women’s participation in electoral processes
 (Municipal/district/town/council (khan) elections)

Year	Elected representatives	
	Female (Percentage)	Male (Percentage)
2009	12.68	87.32
2014	13.9	86.1
2019	17.4	82.6
2024	Results pending	Results pending

Source: Submissions 2024.

50. With regard to women in other positions of power, such as in the bureaucracy and the judiciary, the following observation from a 2022 United Nations report, entitled “Gender Equality Deep-Dive for Cambodia”,³⁷ is of note:

“In Cambodia’s system of proportional representation, political parties are gatekeepers to elected offices. Women’s representation will improve when more women are included at higher places on the party lists. There is no quota requiring parties to include a minimum representation of women and while parties have internal policies, ‘equality’ seems to be interpreted as 25 per cent or 30 per cent representation and those targets are seldom met. The most common reasons given are that there are no ‘competent’ women who are sufficiently committed (i.e. without domestic responsibilities). As described by indigenous women, the outcomes of inequality become the reasons for excluding women. Changing party policies and strategies is difficult given the significant underrepresentation of women in decision-making roles within the parties.”³⁸

51. The report contains an additional observation regarding women in other positions of power: “Women make up about 16 per cent of the senior positions in government, from Under Secretary of State to Deputy Prime Minister. The representation at local levels has also improved but overall representation for women is still very low. For example, only one out of 25 Provincial Governors is a woman, as are 8 per cent of Commune Chiefs. Women hold 17 per cent of seats at the provincial and municipal/district/town/council (khan) levels and just 14 per cent of seats at the commune/sangkat level.”³⁹

52. More recent information suggests that there may have been some improvement in terms of women’s representation, for example, in the posts of Secretary of State and Undersecretary of State – an increase from 6 per cent in 1998 to 15 per cent in 2022 and from 4 per cent to 16 per cent, respectively. The governor of the National Bank of Cambodia is a woman as is the General Auditor of the National Audit Authority. In 2024, it is reported that there are five women ambassadors representing Cambodia at some 30 embassies and missions abroad.⁴⁰

53. As of 2021, there were few women in the judiciary and related law enforcement: 15.5 per cent of judges,⁴¹ 14.3 per cent of prosecutors and 24.4 per cent of court clerks were

³⁷ See https://cambodia.un.org/sites/default/files/2022-03/Gender%20Deep%20Dive%20-%20CCA%20Cambodia_V6_010322_LQ.pdf.

³⁸ Ibid., p. 34.

³⁹ Ibid.

⁴⁰ See <https://www.phnompenhpost.com/opinion/examining-cambodia-s-challenges-and-strides-in-gender-equality>.

⁴¹ Ministry of Civil Service, “Gender newsletter”, 1 December 2022, available at: <https://www.mcs.gov.kh/wp-content/uploads/2023/03/ព្រឹត្តិបត្រភ្នាក់ងារយេនឌ័ររបស់ក្រសួងមុខងារសាធារណៈ-ឆ្នាំ២០២២-1.pdf> (in Khmer).

women.⁴² Women numbered some 25.1 per cent as full-time practising lawyers in 2022, and constituted some 8 per cent of police personnel in 2019.⁴³

54. The paucity of women in various key positions, which attests to the limited participation of women in the corridors of power, also weakens gender sensibility and the potential for gender responsiveness under a male-dominated political and legal system. Special measures are needed to boost women's participation in this sphere. Some recommendations are outlined in the present report, drawn from responses to the Special Rapporteur's public call for information.

B. Economic and related participation

55. Women's contribution to the formal and informal economy is substantial. According to the World Bank, approximately 47 per cent of the labour force was composed of women in 2022.⁴⁴ In 2023, the labour force participation rate among females is 69.5 per cent and among males is 82.4 per cent.⁴⁵

56. Women own about 60 per cent of the small and medium-scale enterprises in the country.⁴⁶

57. However, the bigger industries and related assets are owned by men. As elsewhere, the triple load carried by women, work outside the home, domestic work at home and child rearing, is invisible statistically and deserves more recognition.

58. In 2023, it was reported that, as of 2021, about 38.3 per cent of the total female labour force worked in the agriculture sector, about 37.5 per cent in the service sector and about 24.3 per cent in the industry sector. Out of about 4,339,000 women employed in 2021, less than 1 per cent of employed women, or about 27,000, worked in managerial positions, in contrast to the 1.3 per cent of their male counterparts (about 59,000). About 1,444,000 women are employed as "skilled agricultural, forestry and fishery workers", 1,117,000 as "service and sales workers" and 921,000 as "craft and related workers". A majority of the women working in the industrial sector are in garment work, which is one of the most important industries and a key engine of growth for Cambodian economy. Before the pandemic, the garment sector employed approximately 900,000 workers, of which 80 per cent were women.⁴⁷

59. Obstacles to women's participation include the divide between those who control the economy and those who are in the margins, as well as the disparity between urban and rural areas. In addition, a large number of women take out loans, which have resulted in massive debts in microfinance. Solutions should include gender-responsive action to bring debt relief, augment the know-how to deal with the situation and curb predatory lending.

60. There is also a pervasive pay gap; on average men earn some 19 per cent more than women for work of equal value.⁴⁸ While the country's new social protection strategy aims to reach out more to women, there is no paternity leave to enable equitable sharing of care for children. In addition, there is a large gap in skills, especially in a world of digitalization,

⁴² The Bar Association of the Kingdom of Cambodia, "Statistics of lawyers", 3 August 2022, available at <https://www.bakc.org.kh/index.php/km/2020-02-02-04-06-24> (in Khmer).

⁴³ International Criminal Police Organization (INTERPOL), United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and United Nations Office on Drugs and Crime (UNODC), "Women in law enforcement in the ASEAN region" (2020), p. 8, available at: <https://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESEAAsia/Docs/Publications/2020/08/Women%20in%20Law%20Enforcement%20in%20the%20ASEAN%20Region%20Summary.pdf>.

⁴⁴ See <https://data.worldbank.org/indicator/SL.TLF.TOTL.FE.ZS?locations=KH>.

⁴⁵ See <https://genderdata.worldbank.org/en/economies/cambodia>.

⁴⁶ See <https://www.care-cambodia.org/unleashing-her-potential-empowering-women-entrepreneurs-in-cambodia/>.

⁴⁷ See <https://opendevelopmentcambodia.net/topics/women-in-development/>.

⁴⁸ See <https://www.undp.org/sites/g/files/zskgke326/files/migration/kh/Gender-Wage-Gap-in-Cambodia.pdf>.

which requires upskilling and reskilling, increased representation of women in decision-making positions and addressing difficulties in accessing incentives for entrepreneurship. While the labour law protects women against sexual harassment, there is a need for more data to assess the situation at the workplace and related environments.

61. The Government aims to address women’s issues “by enhancing gender agendas, empowering women in economy, education, health, leadership to take advantage of gender dividends, create favourable conditions for women, exercise their right to health decisions and family planning, reduce their vulnerability to gender-based violence against women and girls, and promote intergenerational relationships”.⁴⁹

62. The gaps identified above are recognized in the country’s new development plans, which need to target more effective and inclusive measures to address women’s participation in the economic field across the board.

C. Sociocultural and related participation

63. The role of women as drivers of societal change in the sociocultural field is critically important. However, vestiges of the past and gender stereotypes impede women’s progress. For example, the ancient writings of Chbab Srei and Chbab Proh promoted an image of women as self-carers and homemakers and men as leaders and protectors.⁵⁰ Although women’s rights and gender issues are raised more extensively today, the male-dominated society and related elites persist in seeking to impose patriarchal norms on society, evidenced by a draft public order law stating that women must dress according to what is stipulated under the law as being appropriate, with penalties for non-conformists. Child marriage remains an issue, with historical roots, while child trafficking is a crime that is on the rise, in conjunction with the commercialization of sex work.

64. On various fronts, the country has achieved success in promoting access to education, with a marked reduction in the gender gap at the primary and secondary levels of education. In addition, there is a gender mainstreaming plan for education 2021–2025.⁵¹ It is recognized, however, that there are learning gaps between girls and boys, with boys falling behind in education. At the tertiary level, while the gender gap is near parity at undergraduate levels, there are fewer female students at postgraduate levels. On the educational front, World Bank statistics reveal additional features:

- 67.5 per cent of girls and 57.1 per cent of boys complete lower secondary school in Cambodia as of 2022.
- Adult literacy in Cambodia is lower among women than among men.⁵²

65. There is a caveat, however, that opportunities for women to access the full range of jobs and positions of power are more limited, as seen in the data concerning women in politics cited above.

66. The issue of gender-based violence cuts across the spectrum of society. In Cambodia, one in five women has experienced physical violence at least once.⁵³

67. In the most recent national health survey it was noted that 10 per cent of women between the ages of 15 and 49 had experienced physical violence since age 15, and 3 per cent had experienced sexual violence, adding that 21 per cent of women who had ever had an intimate partner had experienced emotional, physical or sexual violence committed by their

⁴⁹ See <https://www.khmertimeskh.com/501452361/cambodian-women-actively-participate-and-play-an-important-role-in-improving-family-and-social-life-says-pm/>.

⁵⁰ See https://cambodia.un.org/sites/default/files/2022-03/Gender%20Deep%20Dive%20-%20CCA%20Cambodia_V6_010322_LQ.pdf, p. 5.

⁵¹ See <https://planipolis.iiep.unesco.org/en/2021/gender-mainstreaming-plan-education-2021-2025>.

⁵² See <https://genderdata.worldbank.org/en/economies/cambodia>.

⁵³ See <https://unf.unwomen.org/en/stories/news/2024/04/driving-transformative-change-for-cambodian-women-and-girls>.

current or most recent husband/intimate partner and 13 per cent had experienced such violence in the 12 months prior to the survey.⁵⁴

68. While the Criminal Code covers situations of sexual violence to some extent, the main law is the 2005 Law on the Prevention of Domestic Violence and Protection of Victims.⁵⁵ The law has been criticized for opening the door to too much mediation and/or conciliation without calling for accountability on the part of the wrongdoer. Inexplicably, the law sets out appropriate measures to discipline spouses and fails to provide for self-defence when women protect themselves from violence and contains no mention of gender-sensitive rehabilitation. There is also need for caution with regard to a new law on alternative dispute settlement that is linked with mediation/conciliation in order to ensure that it does not undermine access to justice in relation to gender-based violence.⁵⁶ Notably, United Nations mechanisms have called for the reform of the 2005 law⁵⁷ and the Ministry of Women's Affairs is weighing options between a softer and a harder approach.

69. On another front, Cambodian society still needs a law recognizing gender diversity in the broadest sense, including the enablement of same sex marriages and recognition of gender identity; this would affirm the equal treatment and validation of lesbian, gay, bisexual, transgender and intersex persons under national law based upon international law.⁵⁸ There is also room to study further the relationship between women and religions in Cambodia, granted that there is broad freedom of religion in the country. Can women become monks and spiritual leaders, on par with men, and does their spiritual contribution carry the same weight as that of men?

D. Other prospects for participation

70. Women's participation as enablers and protectors of human rights requires special recognition. The country has a range of individuals and non-governmental organizations led and or run by women leaders who are dedicated to the cause of democracy, human rights, peace and sustainable development. Regrettably, those who are seen as antithetical to the authorities often bear the brunt of intimidating tactics imposed from the top. The limited number of women in the media may also compound the limited space for gender mainstreaming through the media.⁵⁹

⁵⁴ See <https://dhsprogram.com/publications/publication-FR377-DHS-Final-Reports.cfm>, p. 287.

⁵⁵ See <https://uat.asiapacificgender.org/resources/297>.

⁵⁶ New Decree for Alternative Dispute Settlement 2023; see <https://cambodia.oxfam.org/latest/stories/new-royal-decree-efficient-conflict-resolution>; and <https://ilawasia.com/national-authority-for-alternative-dispute-resolution-of-cambodia/>.

⁵⁷ See for example, the recommendations of the Committee on Economic, Social and Cultural Rights on domestic violence (E/C/12/KHM/CO/2):

“34. The Committee is concerned about the extent of domestic violence in the State party and the lack of progress in the revision and amendment of the law on the prevention of domestic violence, which contains provisions to prevent victims having adequate access to justice (art. 10).

“35. The Committee recommends that the State party expedite the revision and amendments to the law on the prevention of domestic violence, taking into account the recommendations made by the Committee on the Elimination of All Forms of Discrimination against Women in para. 25 (b) of its latest concluding observations, and noting the response from the State party thereto. The Committee recommends that the State party provide adequate protection to all victims of gender-based violence, ensuring access to justice through effective remedies, including means of obtaining reparation and compensation, and suitable access to shelters where they can receive immediate physical protection, legal advice and physical and mental health care.”

See also the recommendations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/KHM/CO/6).

⁵⁸ See also the statement made by the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity at the end of his visit to Cambodia (10–20 January 2023), available at <https://www.ohchr.org/en/press-releases/2023/01/cambodia-legal-recognition-lgbt-families-key-social-integration-says-un>.

⁵⁹ See https://opendevelopmentmekong.net/news_source/unesco/.

71. During the reporting period, during his travels and in his readings, the mandate holder met with many exemplary women who are committed to helping others. He met with women representatives from indigenous communities who asserted their role as guardians of the forests and was informed about brave women in the Koh Kong community and from other areas who have been arrested while trying to protect the environment. Moreover, many resilient women have taken to the streets to call for justice with regard to labour issues, including the “Friday women” who demonstrate and protest against the attacks launched by government officials on their loved ones. A number of women are still in prison for their activities calling for democracy and human rights, including the labour leader, Chim Sithar, who was arrested and is in detention for her activism against vested interests, allegedly in breach of the incitement provisions of the Criminal Code, namely sections 494 and 495;⁶⁰ C.C., a Candlelight Party district leader and member of the party’s women’s movement, who has been detained since January 2024 on charges of forging public documents under sections 626, 627 and 629 of the Criminal Code;⁶¹ N.S., a member of Candlelight Party, who has been detained since November 2023 on charges of incitement under articles 494 and 495 of the Criminal Code; S., an activist, who is in pretrial detention and faces up to two years in prison if convicted; N. S., a Candlelight Party commune councillor, who was convicted by the Phnom Penh Municipal Court in March 2023 on charges of forgery and the use of forged documents under articles 626, 627 and 628 of the Criminal Code; S., who was convicted along with 12 others for their efforts to register the Cambodia National Heart Party as a political party; K.T., an elected commune chief and member of the Cambodian National Rescue Party, who was convicted in absentia of incitement under articles 494 and 495 of the Criminal Code in August 2022; and Seng Theary, a political activist, who was convicted as part of a mass trial on charges of incitement and plotting under articles 494, 495 and 453 of the Criminal Code in June 2022 and sentenced to six years in prison.⁶²

72. Brave and committed women are at the heart of civil society and non-governmental organizations acting as checks and balances to advocate for justice and respect for rights against wrongs. In partnership with others, they are part of the much-needed pluralized setting that is necessary to help demonopolize, decentralize and incentivize transformative changes for the intergenerational future that awaits Cambodia.

V. Conclusions and recommendations

73. **In conclusion, it can be recalled that, in an earlier report,⁶³ the Special Rapporteur proposed a 10-point forward-looking Cambodian human rights action agenda (see annex I), complemented by 20 benchmarks to measure progress to improve the comprehensive implementation of human rights. Those benchmarks are still relevant as many of the stipulations set out in the action agenda remain unfulfilled. At this juncture, they may be further advanced through the implementation of other recommendations emanating from lessons learned from the recent elections, including the full spectrum of women’s rights.**

74. **The Special Rapporteur submits the following recommendations, inviting their effective implementation.**

⁶⁰ See <https://www.ohchr.org/en/statements/2024/05/comment-un-human-rights-office-spokesperson-jeremy-laurence-cambodia-court>.

⁶¹ Some names have been abbreviated to protect the identity of individuals.

⁶² The Working Group on Arbitrary Detention has issued a call to release this person (A/HRC/WGAD/2023/5).

⁶³ A/HRC/54/75, annex I.

A. To the Government of Cambodia

1. General recommendations

75. The Special Rapporteur makes the following general recommendations:

(a) Follow up and implement the Cambodian human rights action agenda, as proposed by the Special Rapporteur at the end of his visit to Cambodia in 2022, and fulfil the accompanying 20 benchmarks analysed in his 2023 report,⁶⁴ including by suspending and reforming negative laws, policies and practices;

(b) Ensure access to justice for all, including the expeditious release of persons detained for political reasons, as well as detained human rights defenders and civil and political rights activists, drop the charges against them and revoke their sentences;

(c) Open up the space for political pluralization and inclusivity, such as for political actors, civil society organizations, activists and the media, working, in particular, on human rights, democracy and environmental protection as a defender of human rights, and demonopolize the power base to share power in a democratized and liberalized setting;

(d) Revamp the numerous State-related institutions, especially the National Election Committee and the judiciary, to become genuine checks and balances, with a sense of justice and a political and societal equilibrium;

(e) Cooperate with the broader United Nations system, especially the United Nations human rights mechanisms, including the Special Rapporteur, to enable genuine implementation of the Agreements on a Comprehensive Political Settlement of the Cambodia Conflict (Paris Peace Agreements),⁶⁵ human rights treaties, other international obligations and related national laws, policies and practices, thus enhancing the incontrovertible nexus between peace, human rights, democracy and sustainable development.

2. Elections and related space

76. The Special Rapporteur makes the following recommendations with regard to elections and related space:

(a) Cease the crackdown on opposition voices and take the necessary actions to ensure genuine multi-party elections;

(b) Repeal the amendments to the Law on the Registration of Political Parties⁶⁶ that allow for the arbitrary dissolution of political parties and the banning of party leaders from political activities without due process;

(c) Amend the changes made to the Law on the Election of Members of the National Assembly⁶⁷ regarding the provisions penalizing individuals who have not voted in previous elections;

(d) Amend the Law on the Organization and Functioning of the National Election Committee⁶⁸ to ensure the impartiality of the Committee;

(e) Reform the Law on Associations and Non-Governmental Organizations to ensure the freedom of association for civil society organizations;

⁶⁴ A/HRC/54/75; see also A/HRC/48/79 and A/HRC/51/66.

⁶⁵ See <https://peacemaker.un.org/cambodiaparisagreement91>. Democratic rule and human rights are a promise under these seminal accords, which brought peace to the country in 1991.

⁶⁶ See <https://cambodia.ohchr.org/sites/default/files/Analysis%20on%20the%20Amended%20Law%20on%20Political%20Parties%2028%2003%202017%20FINAL%20no%20TC.pdf>.

⁶⁷ See <https://thediplomat.com/2023/06/cambodia-amends-election-law-disqualifying-non-voting-candidates/>; and https://data.opendatacambodia.net/laws_record/law-on-the-amendments-of-the-law-on-political-parties-and-the-law-on-the-amendment-of-law-on-politi.

⁶⁸ See <https://www.nec.gov.kh/english/content/competent-nec>.

(f) End all forms of harassment, violence and intimidation against political opponents, land rights activists, labour activists, environmentalists, journalists and other human rights defenders, immediately release them from prison and drop all charges against them during and in post-election periods;

(g) Desist from interfering with the rights of all political parties to participate in elections;

(h) Create an enabling environment for freedom of the press, including by reinstating media licenses withdrawn in breach of human rights;

(i) End systemic land-grabbing and forced evictions and prioritize systematic land titling in areas where there are longstanding land conflicts and streamline the process for collective titling of Indigenous lands;

(j) Provide debt relief and proper compensation for borrowers who have experienced human rights abuses in the microloan industry, guarantee that microfinance institutions cease coercing land sales outside of the judicial system, end predatory lending practices and take substantive steps toward reducing the number of land sales required to repay debts;

(k) Increase investments in comprehensive social protection for all Cambodians, including formal and informal workers;

(l) Strengthen mechanisms for accountability and oversight in order to prevent human rights abuses against human rights defenders, hold perpetrators accountable and establish an independent body tasked with monitoring and investigating violations, with the authority to recommend disciplinary action and legal prosecution, where necessary.

3. Women's rights

Laws, policies and practices

77. The Special Rapporteur makes the following recommendations in the area of laws, policies and practices:

(a) Reform the election laws at the local and national levels to implement the "sandwich system", alternating women and men candidates on all party lists, with women at the top of half of the lists and representing 50 per cent of all candidates;

(b) Introduce quotas of 50 per cent of women's representation in all top ministry positions, including ministers and deputy ministers, in every ministry;

(c) Ensure the inclusion and protection of women and lesbian, gay, bisexual, transgender and intersex persons in relevant laws and policies in order to ensure freedom from discrimination and violence, especially in political engagement;

(d) Amend the 2005 Law on the Prevention of Domestic Violence and Protection of Victims to remove provisions for mediation or reconciliation in domestic violence cases;

(e) End judicial harassment of women for expressing their sexual or bodily autonomy, release them from prison and drop all charges against people for such expression;

(f) Increase women's representation among judges, prosecutors, lawyers and law enforcement personnel through temporary special measures, such as targeted recruitment, hiring and promotion and quota systems;

(g) Prioritize the investigation and prosecution of all acts of gender-based violence;

(h) Strengthen gender-based violence prevention programmes and ensure comprehensive access to support services, including effective courts, protection orders and administrative decisions, legal representation, safe shelters, financial aid, counselling and other services;

(i) Fulfil the country's obligations under the Convention on the Elimination of All Forms of Discrimination against Women, as well as its commitments under international instruments, and invest in gender-equitable, inclusive and sustainable development through evidence, advocacy and technical assistance;

(j) Revise policies and dismantle practices that actively contribute to gender inequalities;

(k) Amend the Criminal Code to broaden the definition of sexual harassment, ensuring that it encompasses all forms of harassment, including harassment that occurs between peers or subordinates in the workplace;

(l) Establish mechanisms for holding perpetrators of violence and intimidation against female politicians accountable, ensuring swift and impartial investigations and prosecutions;

(m) Enforce existing laws and regulations to protect the rights of survivors of gender-based violence, ensure fair treatment throughout legal proceeding and establish clear protocols and guidelines for handling gender-based violence cases, including expedited trial processes and enhanced protections for child victims.

Capacity-building and resourcing

78. The Special Rapporteur makes the following recommendations on capacity-building and resourcing:

(a) Invest both technically and financially in the development of concrete plans to promote and achieve capacity development and a gender-transformative supporting system;

(b) Allocate sufficient human, technical and financial resources from the national budget for the implementation of gender equity action plans and policies;

(c) Increase investments in a quality education system that is free from gender discrimination and promotes gender equity, including in regard to access to employment, upskilling, reskilling and literacy for sustainable development, the 3 R's (reading, writing and arithmetic), digitalization and emerging technologies;

(d) Provide comprehensive support mechanisms for women entrepreneurs, including mentorship programmes, training access, social protection and financial literacy;

(e) Support health-system strengthening to address inequalities in health-care systems at the decision-making level and adopt gender-sensitive measures for accountability to civil society, particularly in relation to natural resource management and in addressing climate change and disaster risk reduction;

(f) Facilitate the work of women human rights defenders, amplify their voices, support strategies to address violence and other negative impacts of their efforts and to build on their leadership skills to move into decision-making roles;

(g) Integrate an intersectional gender equality analysis in all initiatives, involve gender equality expertise and apply gender-transformative design principles in programme development;

(h) Recognize how structural gender inequalities continue to constrain the life choices for girls, support dedicated focus to ensure Cambodian girls and young women have equitable access to education and the workforce and address their specific vulnerabilities;

(i) Launch public awareness campaigns and community outreach initiatives to challenge harmful gender stereotypes, attitudes and behaviours that perpetuate gender-based violence, discrimination and harassment;

(j) Provide training for policymakers, lawmakers and civil servants on gender analysis and mainstreaming techniques to promote the development of gender-sensitive policies and legislation;

(k) Implement mandatory gender sensitivity training programmes for all members of the justice system, including police officers, judges, lawyers and prosecutors, and ensure regular evaluation and reinforcement of training initiatives to foster a more inclusive and supportive environment for victims;

(l) Develop targeted recruitment and retention strategies to increase the representation of women in key positions within the justice system and establish quotas or related measures to ensure a more equitable gender balance in the recruitment and promotion processes;

(m) Provide comprehensive support services, including legal aid and assistance, counselling, medical care and economic assistance, to empower women to seek justice and rebuild their lives after experiencing violence or discrimination;

(n) Increase the budget allocation and outreach efforts contained in the Women Entrepreneurs Guarantee Scheme to ensure broader coverage and accessibility for women-led small and medium-scale enterprises;

(o) Implement transparent wage scales based on job roles and responsibilities, conducting annual pay equity audits and enforcing penalties for companies found guilty of gender-based pay disparities;

(p) Promote cultural attitudes that value women's contributions to the economy and their suitability for leadership roles and higher-skilled occupations;

(q) Encourage women's participation in journalism and enable gender mainstreaming through the media;

(r) Enhance the capacity and effectiveness of government agencies for gender transformative change, including more incentivization, monitoring against abuses and improved access to justice for affected parties seeking redress.

Cooperation

79. The Special Rapporteur makes the following recommendations on cooperation:

(a) Engage with relevant stakeholders, including women's rights organizations and business sector, to ensure effective change of the negative norms and biases toward women leaders;

(b) Work at all levels of society and institutions to dismantle gender stereotypes surrounding the roles and responsibilities of women, men, girls and boys;

(c) Identify and address barriers to women's effective engagement in governance as elected or appointed officials and as citizens, with particular attention to women facing intersecting forms of discrimination in line with the Convention on the Elimination of All Forms of Discrimination against Women;

(d) Work with Cambodian researchers, academics and activists to generate evidence that will contribute to advancing gender equality;

(e) Foster constructive dialogue and collaboration between the Government and human rights defenders, including female activists, to address concerns, build trust and find mutually beneficial solutions and establish regular channels for communication and consultation to ensure that human rights defenders have a meaningful voice in policymaking and decision-making processes;

(f) Support civil society organizations and social movements advocating for gender equality and human rights by providing resources, creating space and opportunities and providing protection as possible and as needed.

B. To the United Nations and the international community

80. The Special Rapporteur makes the following recommendations to the United Nations and the international community:

- (a) Support measures to implement the 10-point Cambodian human rights action agenda proposed by the Special Rapporteur as well as related benchmarks;
- (b) Leverage, for effective inclusion and implementation, the recommendations of the Special Rapporteur on the country's national laws, policies, programmes, case enforcement mechanisms, resources, education and capacity-building, data and monitoring, access to remedies and mobilization for reform, based on international standards, bearing in mind local wisdom;
- (c) Develop, resource and implement strategies to promote gender equality through their management, operations and functions, contributing directly to reducing inequalities, setting an example and generating knowledge;
- (d) Analyse United Nations budgets and expenditures to understand the extent to which resources are invested in gender-transformative interventions and enable improvements, activating also the business sector to contribute constructively, bearing in mind the Guiding Principles on Business and Human Rights;⁶⁹
- (e) Invest in human and financial resources to benefit specific groups being left behind and reduce gender and other inequalities, including through support for gender equality advocates and women's organizations;
- (f) Integrate an intersectional gender equality analysis in all initiatives, involve gender equality expertise and apply gender-transformative design principles in programme development inclusively and transversally.

C. To civil society and other stakeholders

81. The Special Rapporteur makes the following recommendations to civil society and other stakeholders:

- (a) Support and integrate the recommendations of the Special Rapporteur into their work;
- (b) Sustain monitoring and advocacy for the comprehensive implementation of human rights in the country;
- (c) Continue to assist those who are affected negatively by governmental actions and leverage support for justice and related human rights improvements;
- (d) Encourage gender-mainstreaming in the work of civil society, the business sector and that of the authorities;
- (e) Interlink with the business sector in key activities to leverage for implementation of the above recommendations and encourage business-related due diligence to comply with human rights in line with international standards;
- (f) Integrate an intersectional gender equality analysis into all initiatives, involve gender equality expertise and apply gender-transformative design principles in programme development inclusively and transversally.

⁶⁹ See also https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf.

Annexes

Annex I

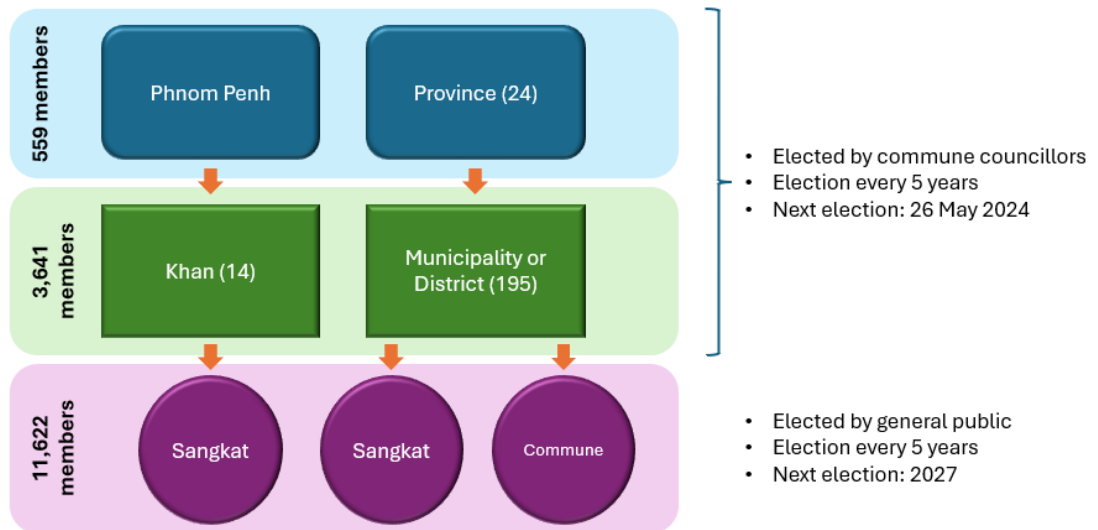
Cambodian Human Rights Action Agenda (CHR-AA) 2022, issued by the Special Rapporteur on the situation of human rights in Cambodia to be applied expeditiously and responsively as follows

1. Implement effectively the recommendations from the reports of the UNSR, the Human Rights Treaty Bodies and Universal Periodic Review through practical policies and related practices.
2. Open up civic and political space, including by suspending and reforming laws of a draconian kind, as identified by the reports of the various international human rights mechanisms mentioned.
3. Adjust the stepping stones towards the 2023 National elections, as recommended above, including to ensure that election-related personnel are chosen pluralistically and are separated from political parties.
4. End prosecution of the political opposition and human rights defenders and related personnel. Release them and drop the charges against them.
5. Address land related issues via a more participatory approach and Enable settlements to find satisfactory solutions as voiced by the governmental circular above.¹
6. Respond to the vulnerabilities of the various groups by adhering to non-violence and non-discrimination, guided by the recommendations of the various international human rights mechanisms.
7. Improve the quality of law enforcers, including the police and the judiciary, by means of careful selection and incentivization, importantly to distance them from the power base and to ensure their independence and impartiality, and Reform the Criminal Justice system so as to enable more non-custodial measures to be used and with due respect for child sensitivity.
8. Support post-COVID measures to ensure broader coverage of social protection to help needy groups, such as through access to the poor and family supports.
9. Overcome the injustices linked with debt and microfinance institutions by introducing more accessible debt relief programmes and consumer protection against exploitation; and Target special efforts to overcome the online gap and the educational retrogression due to the pandemic.
10. Underline gender-responsiveness with effective measures against violence and discrimination, with due regard for more women's participation at the top of the power spectrum and respect for gender diversity, enhanced by child-friendly facilities.
11. Move beyond the historical accent on peace to Promote the synergy between peace, sustainable development, human rights and democracy, with intergenerational bridges anchored on respect for international standards, complemented by local wisdom, and balance based on pluralization of shared power 2022.

¹ “The governmental Circular 003 on Resolution on the Temporary Settlements on Land which has been illegally occupied in the Capital, Municipal and Urban Areas, is an instrument which can bridge between the various actors from the 2010 period.”
Source: <https://www.ohchr.org/sites/default/files/documents/countries/kh/2022-08-26/SR-Cambodia-End-of-Mission-Statement.pdf>, accessed 2 July 2024.

Annex II

Overview of sub-national governance



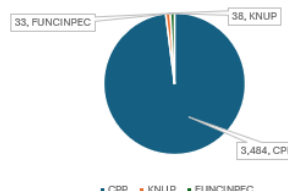
Annex III

4th Capital, Provincial, Municipal, District and Khan Council Election

Overview

- Election to be held on 26 May 2024
- Held every 5 years
- Voters are the 11, 622 Commune councillors
- 5 parties are contesting the election:
 - Cambodian People's Party (CPP)
 - Khmer Will Party (KWP)
 - Nation Power Party (NPP)
 - FUNCINPEC
 - Khmer National United Party (KNUP)

Results of 3rd Capital, Provincial, Municipal, District and Khan Council Election (2019)



Seats being contested

Capital/Provincial election

- 25 provinces with 15-27 seats per province
- Total of **559 seats**

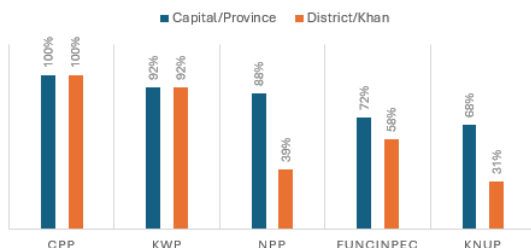
Municipal/District/Khan election

- 25 provinces with 2-14 districts per province. Total of 209 districts, with 26-270 seats per district.
- Total of **3641 seats**

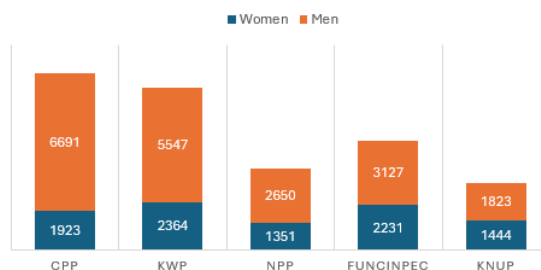
Overview of parties and candidates

- The CPP remains the largest party and is contesting all seats with the most candidates.
- New opposition party KWP has a strong showing, though the other new opposition party, NPP, will contest only just over a third of district/khan seats.

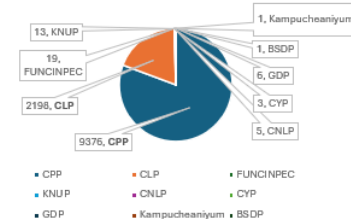
PROPORTION OF SEATS BEING CONTESTED (BY PARTY)



TOTAL CANDIDATES (BY PARTY)



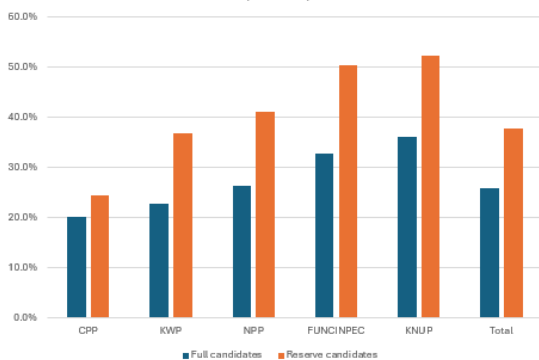
2022 Commune Council Election



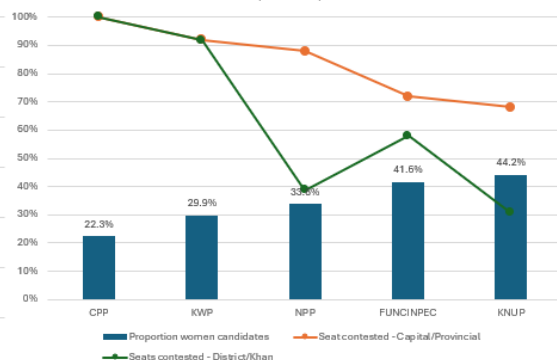
Observations on gender and candidates

- Representation of women is stronger in the second tier “reserve” category (average 38%) than in full candidates (average 26%)
- The smaller the party, the better the representation of women as candidates

Proportion of women as candidates - full vs reserve (by party)

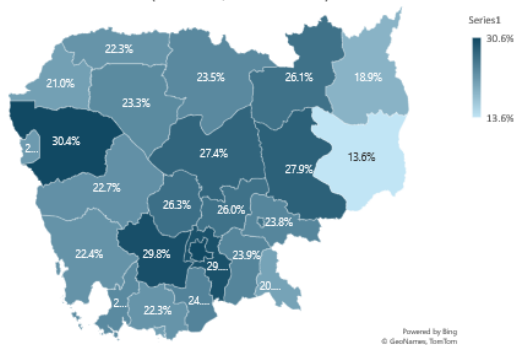


Proportion of women vs Proportion of seats contested (by party)

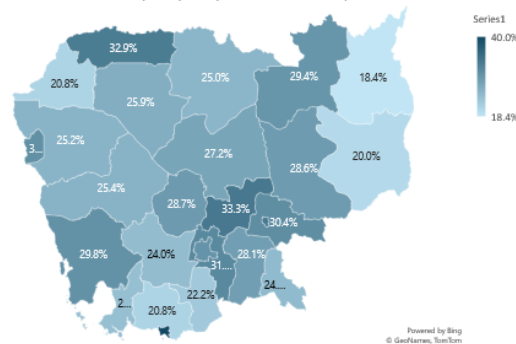


- Under-representation is most acute in some rural provinces.

Proportion of women as full candidates (in District/Khan election)



Proportion of women as full candidates (in capital/provincial election)



- Women’s representation does not markedly change from larger races to smaller ones

