

Access to Justice

- in Cambodia -

Third Universal Periodic Review

THIRD //UPR

Universal Periodic Review ["UPR"] is a unique mechanism of the United Nations ["UN"] that reviews the fulfilment of each Member States' human rights obligations on a periodic basis



Cambodia has had three UPR cycles:

DECEMBER 2009

91 recommendations
18 Access to Justice

JANUARY 2014

205 recommendations
25 Access to Justice

JANUARY 2019

198 recommendations
25 Access to Justice

On 5 July 2019 the outcome report of Cambodia's 3rd UPR cycle was adopted at a plenary session of the Human Rights Council. The outcome report details 198 recommendations made in total, with 25 pertaining to access to justice

25
Access to justice recommendations were made in the 3rd UPR cycle

21
Different member states made access to justice recommendations to Cambodia in the 3rd cycle

The state under review, in this case Cambodia, has the primary responsibility to implement the recommendations contained in the final outcome report, and they are accountable for all progress or failure in implementing these recommendations

RESPONSES

The state in review can choose to either **accept** the recommendation, thereby making a political commitment to implement the recommendation before the next review, or if they do not wish to accept it they can alternatively **note** the recommendation.

Historically, Cambodia is very receptive to UPR recommendations, accepting **254 out of 296** recommendations made during the 1st and 2nd UPR cycles combined. Despite this it has largely failed to implement these accepted recommendations. Whilst the acceptance of recommendations is a positive step, implementation is still the primary aim.

88%
of UPR recommendations made across all 3 cycles have been accepted by Cambodia

The Royal Government of Cambodia made its official response to the 3rd cycle recommendations. Of the 198 total recommendations made, 173 were accepted and 25 only noted.

22/25
Access to justice recommendations made in the 3rd UPR cycle were accepted

ACCEPTED RECOMMENDATIONS

- ✔ Continue its considerable efforts to promote and protect human rights through a concrete commitment to good governance, transparency, public participation in decision-making processes and access to justice **[Turkey]**
- ✔ Continue to implement measures to strengthen the independence of both the judiciary and the media **[Italy]**
- ✔ Protect journalists, human rights defenders, members of the political opposition and trade union workers from harassment, arbitrary arrest and physical attacks, and investigate and prosecute the perpetrators of such attacks **[Slovenia]**
- ✔ Adopt the measures necessary to guarantee the rights of those who work to protect and promote human rights, in particular human rights defenders, and investigate and punish those responsible for threats and violence against them and their families **[Argentina]**
- ✔ Take all steps necessary to strengthen the rule of law and to guarantee full judicial independence, consistent with international human rights standards **[Lithuania]**
- ✔ Adhere to international standards on the independence of institutions, notably the judiciary and the National Election Commission, to ensure that electoral processes are free, fair and transparent **[Ireland]**
- ✔ Further advance judiciary reforms and establish an independent justice system that is trusted and utilized by the people; to this end, make maximum use of the Extraordinary Chambers in the Courts of Cambodia as a model **[Japan]**
- ✔ Take further steps to fight corruption by strengthening accountability and institutional capacity **[Bhutan]**
- ✔ Establish regional appeals courts in accordance with the Law on the Organization of Courts, and ensure their proper operationalization by 2023 **[Greece]**
- ✔ Take all necessary steps towards a substantive reduction in the time spent by persons in pretrial detention **[Austria]**
- ✔ Ensure accountability for human rights violations through independent investigations and the prosecution of perpetrators **[Ukraine]**
- ✔ Redouble efforts to eradicate discrimination against women in the legal sphere and put an end to the harmful practices and discriminatory stereotypes of which Cambodian women are victims **[Uruguay]**
- ✔ Overcome obstacles to access to justice for women victims of violence **[Iraq]**
- ✔ Reinforce judicial mechanisms to fight sexual and family violence and human trafficking, and carry out a programme for raising awareness and education on these issues **[Togo]**
- ✔ Reform national legislation with a view to strengthening the protection of women and children against domestic violence **[Russian Federation]**
- ✔ Strengthen the independence and functioning of the judiciary, in particular by repealing or significantly amending the Law on the Organisation of Courts, the Law on the Statute of Judges and Prosecutors and the Law on the Organisation and Functioning of the Supreme Council of the Magistracy **[Austria]**
- ✔ Amend the laws on the Organisation of Courts, the Statute of Judges and Prosecutors and the Organisation and Functioning of the Supreme Council of the Magistracy to guarantee and protect the independence of the judiciary **[Belgium]**
- ✔ Guarantee that the victims of the land grab are fairly heard and, where appropriate, receive fair compensation and non-discriminatory access to justice **[Switzerland]**
- ✔ Provide mandatory training on prosecution procedures for cases of gender-based violence for law enforcement and judicial officers **[Republic of Moldova]**
- ✔ Allocate sufficient human and financial resources to establish at least five one-stop service centres by 2024, to provide support services free of charge to victims of gender-based violence **[Australia]**
- ✔ Conduct comprehensive investigations of cases of domestic and sexual violence, and ensure that perpetrators are prosecuted and victims are adequately compensated **[Republic of Moldova]**
- ✔ Amend national legislation in order to ensure it is in line with the Convention on the Rights of the Child, paying special attention to the provisions of the Criminal Code and the juvenile justice system **[Uruguay]**

NOTED RECOMMENDATIONS

- ✘ Complete the process of judicial reform, safeguarding the independence and impartiality of the court system, court personnel and judges, in accordance with international standards **[Norway]**
- ✘ Cease excessive power of the executive branch to influence the work of judges and prosecutors by amending the Law on Organization of Courts, the Law on the Statue of Judges and Prosecutors and the Law on the Organization and Functioning of the Supreme Council of the Magistracy **[Germany]**
- ✘ Bring the Criminal Code into line with article 19 of the International Covenant on Civil and Political Rights by repealing or amending articles on insulting the king, defamation, insults, incitement, unlawful coercion of judicial authorities and discrediting of judicial decisions **[Germany]**

FACTSHEETS

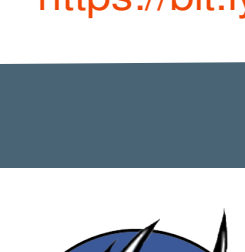
For more information please see CCHR's fact sheets detailing specific access to justice issues in Cambodia as highlighted by civil society during the 3rd UPR at: cchrcambodia.org

Independence of the judiciary
<https://bit.ly/2t6HyhZ>

Legal Aid
<https://bit.ly/2QRV1S3>

Access to legal information
<https://bit.ly/3a85Mc2>

Fair trial rights
<https://bit.ly/2NpzHCO>



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