

IMPLEMENTATION OF THE UNIVERSAL PERIODIC REVIEW **TWO YEARS ON**



In January 2019, Cambodia's third **Universal Periodic Review ("UPR")** cycle took place, through which Cambodia's human rights record was reviewed by other United Nations ("UN") **Member States**. Cambodia received **198 recommendations** on a wide range of human rights issues. The outcome report was adopted on 5 July 2019, with the Royal Government of Cambodia ("RGC") accepting **173 recommendations** (committing to their implementation) and noting the remaining 25. **Two years** since the adoption of the outcome report there has been **little progress** in implementing Cambodia's recommendations, and in some areas where reform was recommended there has been a concerning deterioration of human rights.

WHAT IS THE UPR?

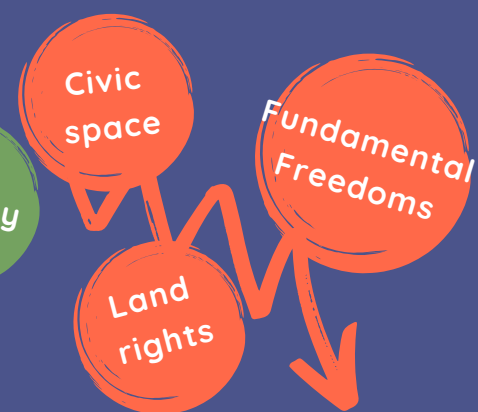
The Universal Periodic Review is a mechanism of the UN Human Rights Council, that operates by reviewing each UN Member State's adherence to its human rights obligations. The process takes place on a cyclical basis, and each state is reviewed every five years. At the end of the UPR, the State under review receives recommendations, contained in the outcome report, to improve its human rights situation. The State can either accept or note each recommendation, with acceptance conferring the State's commitment to implement it prior to the next review.

TWO YEAR ON

PROGRESSION



REGRESSION



AREAS OF PROGRESSION

ACCESS TO JUSTICE The RGC received 25 recommendations regarding access to justice.

- The establishment of three **Regional Appeal Courts** in Battambang, Tbong Khmum and Preah Sihanouk.
- The planned opening of the **first ever Juvenile Rehabilitation Centre** in early 2021.
- The **clearing of 35,100 court cases** (representing 89% of the court backlog), in 2020 to reduce prison overcrowding.
- Increased provision of **free legal aid and legal services** to the underprivileged which has reportedly covered approximately 5,000 cases.
- The creation of a **legal hotline** by the Cambodian Human Rights Committee for financially vulnerable people.
- Creating **legal offices in all 25 municipal provincial prisons** enabling lawyers to have confidential client consultations.
- The Ministry of Justice **published 44 verdicts** from civil cases to use as court precedents.
- The Ministry of Interior plans to deploy lawyers through the Bar Association of the Kingdom of Cambodia at district and provincial police posts to **aid in the resolution of local issues**.

The RGC received 12 recommendations addressing trafficking.

HUMAN TRAFFICKING

- The RGC launched a **National Plan of Action to tackle the trafficking** of humans, sex, and organs, as well as the creation and implementation of new technologies to better identify victims and collect data.

EQUALITY

The RGC received many recommendations on improving equality for marginalized groups.

- The Ministry of Women's Affairs signed a new **five year gender strategic plan** - the Neary Rattanak 5, and the RGC launched the **National Action Plan to Prevent Violence Against Women** for 2019-2023.
- Training was provided to 25 judicial police officials in eight provinces on the minimum counselling standards for women and children victims of **gender-based violence**.
- The General Department of Identification set a goal of having 50% **women in its workforce** and the Ministry of Interior declared steps should be taken to increase the proportion of women in decision-making positions.
- The RGC announced that **lesbian, gay, bisexual, transgender, intersex, and queer ("LGBTIQ") education**, will be taught in schools in 2020 to help eliminate stigma and discrimination.
- Equality for and protection of **people with a disability**, progressed through the allocation of benefits plans for people with disabilities and the directive allowing disabled people the right to legally get a driver's license.
- The Ministry of Land Management, Urban Planning and Construction plans to **accelerate collective land title registration for indigenous communities**, with an aim to register at least ten community's land titles per year.



OTHER

- Progress towards establishing a **national human rights institution** ("NHRI"). However, considering the RGC demonstrating a lack of respect for human rights, it is questioned whether the NHRI will be effective and in line with the Paris Principles.
- A **cash subsidy program** for pregnant women and women with toddlers under the age of two.



AREAS OF REGRESSION

The RGC accepted eight recommendations pertaining to land disputes and noted two.

LAND RIGHTS

- **Land rights violations and land disputes** remain one of the most prevalent human rights issues in Cambodia, with many families being forcibly displaced in 2020 to make way for development projects and unable to obtain a resolution or remedy.



CIVIC SPACE

More than 20 recommendations discussed the importance of restoring civic space.



- The **RGC's crackdown** on civil society and human rights defenders (“HRDs”) has increased exponentially with many activists detained in the latter half of 2020.
- A CCHR study revealed that 40% of surveyed civil society organization and trade union leaders reported that authorities engaged in **monitoring or surveillance** of their activities in 2020.
- At least 151 members or supporters of the **former-political opposition party**, the Cambodian National Rescue Party (“CNRP”), were arrested between April 2019 and December 2020, with many in pre-trial detention.
- In November 2020, the RGC summoned more than 150 former-CNRP activists and supporters to stand trial for charges of plotting and incitement to commit crimes in an alleged attempt to overthrow the government.
- In January 2020 the RGC passed amendments to the **Law on Trade Unions**, yet the law is not in line with international standards as essential revisions were left out.
- The adoption of the **Law on the Management of the Nation in the State of Emergency**, in response to the COVID-19 pandemic, gives the government broad and unfettered powers to implement measures which restrict human rights if a state of emergency is declared.

14 recommendations were made urging protection of freedom of peaceful assembly.

FREEDOM OF ASSEMBLY

- There was a severe increase in use of force at assemblies in 2020, CCHR recorded at least 8 instances of **excessive use of force** between July and September.
- The Fundamental Freedoms Monitoring Project recorded a total of **76 restrictions of the right to freedom of peaceful assembly** between January and September 2020.
- In August 2020, the Ministry of Justice banned protests calling for the release of detained union leader **Rong Chhun, and over 10 people were arrested** for taking part in such assemblies.
- In late 2020, there were also numerous instances of **media and assembly monitors being interfered with** while trying to peacefully document assemblies.



FREEDOM OF EXPRESSION

33 recommendations were made encouraging the respect of freedom of expression, and the protection of journalists and the media.



- The **crackdown on journalists and media outlets** has intensified: multiple journalists were arrested and convicted, several media outlets closed or had their licenses revoked, journalists endured threats to not spread “fake news”, and the RGC opened training courses for journalists to avoid performing “illegal work.”
- Authorities have criminalized non-traditional forms of expression and convicted one woman, Thai Sreyneang, with pornography for posting “sexy” images on Facebook.

FREEDOM OF EXPRESSION Continued



- In October 2020, after three years of ongoing investigations and trials, the Supreme Court affirmed the order to reinvestigate espionage and pornography charges against former Radio Free Asia journalists, Uon Chhin and Yeang Sothearin, despite no available credible evidence.
- In August 2020, the RGC issued the draft **Law on Public Order** which imposes arbitrary restrictions on freedom of expression, including a noise curfew, regulating clothing choices and restricting expression on certain topics.

INTERNET FREEDOM

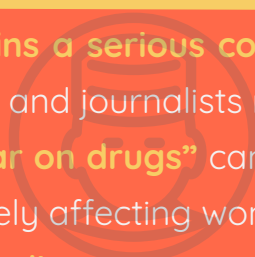


- Citizens are being threatened and prosecuted for exercising their right to free speech on social media. Over **40 individuals have been arrested for “fake news”** in 2020.
- In July and August 2020 two draft laws were leaked, a draft *Sub-Decree on the Establishment of the National Internet Gateway*, and an updated draft of the *Law on Cybercrime*. If passed, these two laws would empower the RGC to conduct **mass surveillance and censorship of online expression**.



OTHER

- **Impunity remains a serious concern** in Cambodia: cases involving crimes perpetrated against HRDs, former-CNRP members and journalists rarely involve accountability.
- Cambodia’s **“war on drugs”** campaign has not curbed drug use, and has been rife with human rights violations, disproportionately affecting women, especially when incarcerated with their children.
- **Prison overcrowding** remains a problem, with the average occupancy of the country’s prisons at over **300% capacity** from between June 2019 and 2020.
- Infrastructure facilities catering to the needs of **persons with disabilities** are lacking or substandard.



CONCLUSION

Over the course of its three UPR cycles, Cambodia has signaled its continued receptiveness to UPR recommendations by accepting more than 88% of the recommendations it received. However, the majority of recommendations from the first and second UPR cycles remain unimplemented. While there have been some promising steps toward implementation of the third cycle recommendations, this represents the vast minority of recommendations, and much remains to be done to fulfil Cambodia’s commitment of implementation.

Read more here: sithi.org/upr



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