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Technical assistance and capacity-building

Role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights

Report of the Secretary-General*

Summary

Submitted pursuant to Human Rights Council resolution 54/36, the present report outlines the role and achievements of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Cambodia from 1 June 2023 to 31 May 2024.

During the reporting period, OHCHR maintained cooperation with various government ministries, the Cambodian Human Rights Committee, the National Committee against Torture, the Disability Action Council, the National Social Protection Council and other governmental actors to provide technical assistance and advice, in accordance with the memorandum of understanding between the Government and OHCHR. OHCHR also engaged in activities to build the capacities of civil society actors, including to strengthen their role in promoting and protecting economic, social and cultural rights and in engaging with international human rights mechanisms and supporting the implementation of their recommendations. The report also highlights restrictions to, among other rights, the right to participate in public affairs and the right to freedom of expression, including in the context of the 2023 national elections.

* Agreement was reached to publish the present document after the standard publication date owing to circumstances beyond the submitter's control.



I. Introduction

1. The present report, submitted pursuant to Human Rights Council resolution 54/36, outlines the activities and achievements of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in assisting the Government and the people of Cambodia in the promotion and protection of human rights from 1 June 2023 to 31 May 2024.
2. OHCHR provided technical support to the judiciary, the Ministry of Justice, the Ministry of Interior, the Ministry of Social Affairs, Veterans and Youth Rehabilitation, the Ministry of Women's Affairs, the Ministry of Economy and Finance, the Cambodian Human Rights Committee, the National Committee against Torture, the Disability Action Council, the National Social Security Fund and the National Social Protection Council, among other governmental stakeholders. OHCHR continued to monitor the human rights situation – focusing on civil and political rights, economic, social and cultural rights, the administration of justice, and detention conditions. OHCHR also supported the United Nations country team in mainstreaming human rights in national programming frameworks and the United Nations Sustainable Development Cooperation Framework for Cambodia 2024–2028, as well as through the OHCHR Human Rights 75 initiative to commemorate the seventy-fifth anniversary of the Universal Declaration of Human Rights.
3. OHCHR continued to assist the Government in making progress towards implementing its international human rights obligations and the recommendations of international human rights mechanisms. OHCHR disseminated the concluding observations of treaty bodies and supported the national consultative process for the fourth universal periodic review cycle. OHCHR provided technical advice on legislative initiatives, including on the draft Law on the Protection of the Rights of Persons with Disabilities, the draft amendments to the Law on Associations and Non-Governmental Organizations, and the Royal Decree concerning the National Authority for Alternative Dispute Resolution.
4. In December 2023, the Special Rapporteur on the situation of human rights in Cambodia conducted an official visit to the country to consult with the new Government on the human rights situation and future direction.¹

II. Context

5. Eighteen political parties contested the seventh national elections held on 23 July 2023, which witnessed a voter turnout of 84.59 per cent. The ruling Cambodian People's Party won 120 out of 125 National Assembly seats, while the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia won the remaining five seats. Seventeen women were elected to the seventh National Assembly, 9 less than the 26 women elected to the sixth National Assembly. A woman was elected to be the President of the seventh National Assembly for the first time. On 22 August 2023, Parliament approved Hun Manet as the country's new Prime Minister, following his endorsement during the forty-third meeting of the Party Central Committee.
6. The election cycle witnessed further political marginalization of opposition groups following the dissolution in 2017 of the country's largest opposition party, as well as restrictions to human rights and intimidation of civil society and political actors. On 26 July 2023, the United Nations High Commissioner for Human Rights expressed regret that the national elections had been conducted in a severely restricted space that had negatively impacted the rights of Cambodians to participate fully and equally in the electoral process.²
7. On 25 February 2024, four political parties contested the fifth Senate election, with the Cambodian People's Party winning 55 of the 58 elected seats and the Khmer Will Party winning the remaining three elected seats. Eleven women were elected or appointed to the

¹ See <https://www.ohchr.org/en/press-releases/2023/12/un-expert-cambodia-conduct-official-country-visit>.

² See <https://www.ohchr.org/en/press-releases/2023/07/cambodia-un-human-rights-chief-regrets-elections-held-restrictive>.

Senate, whose composition is the same as the previous Senate. In April 2024, Hun Sen, the former Prime Minister, was sworn in as President of the Senate.

III. Economic, social and cultural rights

A. Macroeconomy, poverty and budget allocations

8. The gross domestic product (GDP) of Cambodia grew by 5.0 per cent in 2023 and is projected to grow by 6.0 per cent in 2024.³ Despite the impact of conflicts abroad and geopolitical issues, the average annual inflation rate in Cambodia decreased to 2.1 per cent in 2023, compared to 5.4 per cent in 2022.⁴ An increase in GDP, if accompanied by an increase in government revenue and reduced inflation, could support increased public expenditure and improved access to essential services that would foster a more favourable environment for the enjoyment of economic, social and cultural rights.

9. Poverty has been reduced in Cambodia, with the multidimensional poverty rate declining by more than 50 per cent from 36.7 per cent in 2014 to 16.6 per cent in 2021/22. During the same period, the incidence of poverty among children declined from 42.7 per cent to 20.5 per cent.⁵ The Human Development Index increased from 0.596 in 2021 to 0.600 in 2022, ranking Cambodia at 148 out of 185 nations.⁶ A reduction in poverty, improvements in the Human Development Index, and the recommendation for Cambodia to graduate from least developed country status in 2029⁷ signify that the overall standard of living and access to essential services have improved. Concerns persisted, however, with regard to the quality of these services and inclusive access to them.

10. According to the Government, public debt increased from 24.4 per cent of GDP in 2022 to 24.6 per cent in 2023, with external debt accounting for 99.5 per cent of the approximately \$11,237 million of public debt in 2023.⁸ In 2023, similar to 2022, Cambodia allocated 7.1 per cent of its revenue for debt servicing. Despite a small projected increase in public debt vis-à-vis GDP over the medium term, the risk of debt distress remains low.⁹ However, the national estimated expenditure, which includes subnational expenditure, declined by approximately 5.0 per cent in 2024, falling to 38.06 trillion Cambodian riel (approximately \$9.263 billion) from 40.04 trillion riel (approximately \$9.745 billion) in 2023.¹⁰ This reduction impacted the health sector, where the allocation decreased from 2.9 trillion riel (approximately \$705 million) in 2023 to 2.7 trillion riel (approximately \$657 million) in 2024. Other challenges related to the lack of participation of relevant stakeholders, including women, in the budget process and the availability of disaggregated information on budget allocations to different sectors, such as education.

³ International Monetary Fund (IMF), *World Economic Outlook: Steady but Slow – Resilience amid Divergence* (2024), p. 142.

⁴ National Bank of Cambodia, *Annual Report 2023*, p. 11, available at [https://www.nbc.gov.kh/download_files/publication/annual_rep_eng/NBC Annual Report 2023 Eng.pdf](https://www.nbc.gov.kh/download_files/publication/annual_rep_eng/NBC%20Annual%20Report%2023%20Eng.pdf).

⁵ United Nations Development Programme (UNDP) and Oxford Poverty and Human Development Initiative, “Global Multidimensional Poverty Index 2023: unstacking global poverty – data for high impact action” (2023), p. 15.

⁶ UNDP, *Human Development Report 2023/2024: Breaking the Gridlock – Reimagining Cooperation in a Polarized World* (New York, 2024), pp. 276 and 281.

⁷ United Nations LDC Portal, “Cambodia graduation status”, available at <https://www.un.org/ldcportal/content/cambodia-graduation-status>.

⁸ Ministry of Economy and Finance of Cambodia, “Cambodia public debt statistical bulletin”, vol. 21 (February 2024), pp. 5 and 6, available at <https://gdcidm.mef.gov.kh/en/2024/02/16/11166.html>.

⁹ IMF, “IMF staff completes 2023 article IV mission to Cambodia”, 31 October 2023, available at <https://www.imf.org/en/News/Articles/2023/10/30/pr23365-cambodia-imf-staff-completes-2023-article-iv-mission>.

¹⁰ Royal Government of Cambodia, *Financial Law for Management 2024*, available at <https://mef.gov.kh/download-counter?post=9933> (in Khmer).

11. In August 2023, the Government launched its Pentagonal Strategy – Phase I for 2023–2028 to boost growth, create jobs, ensure equity, increase efficiency and maintain sustainability with a view to becoming an upper middle-income country by 2030 and a high-income country by 2050.¹¹

12. In this context, OHCHR continued to provide technical support to the Government and civil society actors to promote the progressive realization of economic, social and cultural rights. In October 2023, OHCHR supported the Cambodian Human Rights Committee in organizing a workshop on the concluding observations of the Committee on Economic, Social and Cultural Rights to advance these rights.¹² The workshop brought together 105 participants (32 women and 73 men) from government ministries and other stakeholders to share the national plan to implement the Committee’s recommendations as well as to discuss strategies and roles for monitoring implementation. OHCHR also supported the translation into Khmer and the dissemination of the United Nations guiding principles on extreme poverty and human rights in September 2023.¹³

13. On 6 October 2023, OHCHR met with representatives of non-governmental organizations (NGOs) to prepare a strategy for their engagement with government ministries on implementation of the recommendations of the Committee on Economic, Social and Cultural Rights. On 26 March 2024, OHCHR organized a consultation for 19 representatives (5 women and 14 men) from 13 NGOs to build their capacity on economic, social and cultural rights and in monitoring the implementation of related recommendations from international human rights mechanisms.

B. Right to social security

14. OHCHR continued to monitor developments concerning the social protection system in Cambodia. As part of the OHCHR Human Rights 75 initiative, the Government pledged to continue to develop and expand the social protection system by July 2028 with a view to leaving no one behind,¹⁴ which has been prioritized under the Pentagonal Strategy – Phase I.¹⁵

15. The Government announced that it would launch the National Social Protection Policy Framework – Vision 2030 to replace the National Social Protection Policy Framework 2016–2025. While the new framework adopts a life-cycle approach to social protection, it does not appear to align with several principles in the Social Security (Minimum Standards) Convention, 1952 (No. 102), such as those regarding the guarantee of defined benefits and the participation of workers and employers.¹⁶ OHCHR, in coordination with the United Nations country team, continued to support the Government to ensure that such policies take into account relevant international human rights standards, such as the participation of beneficiaries, transparency, accountability and non-discrimination.

16. In December 2023, the Government launched guidelines for the Shock Responsive Social Protection Framework and guidelines for the National Social Assistance Programme Framework for Family Package, which integrated and replaced several social assistance programmes for groups in vulnerable situations, such as the pre-existing COVID-19 cash transfer programme. The Shock Responsive Social Protection Framework guidelines aim to provide coordinated and systematic support to individuals and communities affected by emergencies, such as natural disasters or economic crises.

¹¹ Royal Government of Cambodia, Pentagonal Strategy – Phase I, August 2023, pp. 23 and 24, available at https://www.mfaic.gov.kh/files/uploads/1XK1LW4MCTK9/EN_PENTAGONAL_STRATEGY_-_PHASE_I.pdf, pp. 23 and 24.

¹² [E/C.12/KHM/CO/2](https://www.ohchr.org/en/special-procedures/sr-poverty/guiding-principles-extreme-poverty-and-human-rights).

¹³ See <https://www.ohchr.org/en/special-procedures/sr-poverty/guiding-principles-extreme-poverty-and-human-rights>.

¹⁴ OHCHR, “Human Rights 75 pledges: Cambodia”, December 2023, available at https://www.ohchr.org/sites/default/files/udhr/publishingimages/75udhr/Cambodia_EN.pdf.

¹⁵ See pp. 23 and 24.

¹⁶ See, for example, art. 72.

17. In April 2024, the Government initiated a registration campaign for the Family Package programme, which provides monthly cash support to families in vulnerable situations. According to the National Social Assistance Fund, as at 31 May 2024, 510,600 out of the 645,271 households in the Government's Identification of Poor Households Programme (or 79 per cent) were registered. However, the Family Package provides a minimum basic allowance (not inclusive of benefits for family members in vulnerable situations, such as pregnant women, older persons and persons with disabilities) of \$8.50 per month, which is lower than the approximately \$20 and \$30 per month provided to rural and urban households, respectively, under the COVID-19 cash transfer programme as previously revised in December 2023.¹⁷

18. In August 2023, the Government announced a new voluntary contributory social security health scheme for self-employed individuals and their spouses and children, the implementation of which began in November 2023,¹⁸ extending the scheme's coverage to a significant number of people, including their spouses and children, who had previously been excluded.

19. OHCHR has been conducting an assessment of the availability and accessibility of social protection schemes for workers in the informal economy. The aim is to assist the Government in identifying ways to integrate those workers into social protection schemes and to ensure affordability by defining in advance required contributions in line with its international human rights obligations.¹⁹

20. OHCHR discussed with the Ministry of Social Affairs, Veterans and Youth Rehabilitation its assessment of the willingness of informal sector workers to contribute to the health insurance scheme, which was based on interviews of 452 informal sector workers (276 women and 176 men) conducted by OHCHR in April and May 2023. The assessment revealed that 54 per cent of respondents were unwilling to contribute to health insurance, with 70 per cent of those respondents citing insufficient or irregular income as one of the reasons. It also revealed that several factors, including income, family size and occupation, should be considered when determining the amount of a person's contribution for social protection schemes.

IV. Equality and non-discrimination

A. Gender equality and the human rights of lesbian, gay, bisexual and transgender persons

21. In coordination with the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the United Nations Population Fund, OHCHR continued to collaborate with the Ministry of Women's Affairs to support the process of amending the Law on the Prevention of Domestic Violence and the Protection of Victims of

¹⁷ Compare Royal Government of Cambodia, Sub-decree No. 372 on the Implementation of the National Social Assistance Programme for Family Package, December 2023, available at https://nspc.gov.kh/Images/៣៧២_អនក្របក_ការអនុវត្តកម្មវិធីជំនួយសង្គមក្នុងគ្រួសារ_2024_05_06_08_51_22.pdf (in Khmer) with Sub-decree No. 371 on the Revision of Sub-decree No. 88 on the Implementation of the Cash Support Programme During the Fight Against COVID-19, December 2023, available at https://nspc.gov.kh/Images/៣៧១_អនក្របក_កែសម្រួលអនក្រឹត្យ៨៨អនក្របកឆ្នាំ២០២០កម្មវិធីឧបត្ថម្ភ_2024_01_11_15_07_12.pdf (in Khmer). (For Sub-decree No. 88, see https://nspc.gov.kh/Images/Sub%20Decree%20No%2088_2020_06_22_11_38_00.pdf).

¹⁸ Royal Government of Cambodia, Sub-decree No. 280 on the National Social Security Fund on Health Care Based on Voluntary Contributions (28 August 2023), available at https://data.opendevdevelopmentcambodia.net/laws_record/sub-decree-no-280-on-conditions-process-and-procedures-for-the-implementation-of-the-national-social (in Khmer).

¹⁹ Committee on Economic, Social and Cultural Rights, general comment No. 19 (2007), para. 25; and Convention on the Elimination of All Forms of Discrimination against Women, arts. 11 and 12.

Domestic Violence pursuant to the 2019 recommendation of the Committee on the Elimination of Discrimination against Women.²⁰

22. In August 2023, OHCHR, in collaboration with NGOs working on Indigenous Peoples' rights and gender equality, delivered a capacity-building training on monitoring and reporting sexual and gender-based violence for 30 human rights defenders (20 women and 10 men) from eight Indigenous communities.

23. In partnership with the Royal Academy for Justice, OHCHR organized a pilot training in October 2023 entitled "Addressing gender bias in the judiciary" for 35 participants (21 women and 14 men), including judges, prosecutors, and representatives of the Ministry of Justice and the Royal Academy. OHCHR has engaged with the Royal Academy with a view to embedding this pilot training and other courses on international human rights law in the official curriculum for judicial professionals to ensure national ownership and sustainability.

24. While the Government has taken steps to advance the rights to equality and non-discrimination for lesbian, gay, bisexual and transgender persons, the absence of legal recognition of same-sex couples continued to lead to their social exclusion in Cambodia. OHCHR supported the call of the lesbian, gay, bisexual and transgender community to legalize same-sex marriage and gender identity recognition in line with recommendations from international human rights mechanisms, including recommendations accepted by Cambodia during its third universal periodic review.²¹ On 4 December 2023, OHCHR supported lesbian, gay, bisexual and transgender civil society representatives to hold a dialogue with the Government to identify options to advance legal marriage equality that was attended by 212 persons, including representatives of the Government, civil society and United Nations entities, as well as lesbian, gay, bisexual and transgender persons and their family members.

B. Rights of Indigenous Peoples

25. OHCHR continued to raise awareness regarding Indigenous Peoples' rights to ensure their inclusion and participation in decision-making processes affecting them, in consultation with representatives of Indigenous Peoples' organizations. OHCHR also provided a grant to an Indigenous Peoples' organization to promote access to justice for Indigenous women and girl survivors of sexual and gender-based violence, thus guaranteeing the right to remedy and access to courts for those in vulnerable situations.

26. In August 2023, OHCHR supported the Ministry of Rural Development and civil society to celebrate International Day of the World's Indigenous Peoples, providing opportunities to promote partnership and engagement with relevant stakeholders, raise awareness of Indigenous Peoples' rights and combat discrimination against them.

27. The Environment and Natural Resources Code 2023 was adopted on 29 June 2023. The Code incorporated large sections of the draft amendments to the Law on Natural Protected Areas that the United Nations country team had provided technical advice on in April 2023. The advice, however, was not reflected in the Code, which, as a result, lacks any reference to Indigenous Peoples and does not explicitly recognize their customs, traditions and land tenure system.

C. Rights of persons with disabilities

28. As part of the joint programme on accelerating disability rights in Cambodia,²² OHCHR continued to engage with the Disability Action Council²³ and organizations of persons with disabilities to promote a human rights-based approach to disability. OHCHR

²⁰ CEDAW/C/KHM/CO/6, para. 25 (b).

²¹ See also A/HRC/56/49/Add.2, paras. 67, 68, 71 (c) and 72.

²² For further information, see <https://unprpd.org/programme/cambodia-2/>.

²³ This is the national coordination and advisory mechanism on disability issues in Cambodia.

provided technical expertise on evaluating the implementation of the second National Disability Strategic Plan for 2019–2023 and on the development of the third National Disability Strategic Plan for 2024–2028 (expected to be adopted in 2024), including through consultations with organizations of persons with disabilities and other stakeholders. OHCHR continued to provide technical advice to the Ministry of Social Affairs, Veterans and Youth Rehabilitation on the pending draft Law on the Protection of the Rights of Persons with Disabilities, including on the succession rights of persons with psychosocial disabilities, in accordance with international human rights law.

29. In October and November 2023, OHCHR and the Disability Action Council co-organized two training programmes to build the capacity of 121 justice professionals (34 women and 87 men) from eight provinces across Cambodia on access to justice for persons with disabilities, with organizations of persons with disabilities as the co-trainers. OHCHR also supported the Council in finalizing the initial State party report on its implementation of the Convention on the Rights of Persons with Disabilities that was due in January 2015, including by organizing a training course in February 2024 for the Council on standards and reporting under the Convention within the OHCHR treaty body capacity-building programme. The Government informed OHCHR that it intended to prioritize the submission of that report in 2024.

30. OHCHR continued to support the Ministry of Social Affairs, Veterans and Youth Rehabilitation and the Disability Action Council to raise awareness about the rights of persons with disabilities, including at events to mark National Week of the Deaf in September 2023 (with 400 participants, including 200 hearing-impaired students), International Day of Persons with Disabilities in December 2023, and World Autism Awareness Day and World Down Syndrome Day in April 2024.

31. OHCHR and the Disability Action Council also collaborated to produce a film campaign in December 2023 entitled “My Rights, My Life”, featuring inspiring stories of persons with disabilities aimed at promoting their human rights and influencing how they are perceived in society.²⁴ To commemorate International Day of Persons with Disabilities, on 3 December 2023, OHCHR disseminated the film campaign on social media, and the Disability Action Council also featured the films at an event it organized attended by 3,750 people, including approximately 2,730 persons with disabilities.

V. Public participation and civic space

32. In the lead-up to the national elections on 23 July 2023 and the Senate elections on 25 February 2024, OHCHR conducted 13 missions to 22 provinces in the country. OHCHR documented cases of threats and intimidation against civil society and political actors and received reports of alleged physical assaults against political opposition actors by unknown persons. Victims noted that they believed they had been targeted because of their affiliation with opposition political parties, with many stating that they had been under surveillance by unknown persons in the days before they were attacked. OHCHR also documented instances of arrests and convictions of people connected to the political opposition, including for exercising their right to freedom of expression. In addition, the Candlelight Party did not register for the Senate elections because the National Election Committee had refused to register it for the national elections, claiming that it had failed to provide a “certified” copy of the original registration document.

33. On 4 July 2023, the Government promulgated amendments to several election laws, including the Law on the Election of Members of the National Assembly, following a one-month-long process, initiated before the national elections, that reportedly lacked consultations with all relevant stakeholders. Among other things, the amendments introduced fines and prohibitions against people and political parties that would prevent them standing for and voting in elections for at least five years if they committed certain acts, such as advising or inciting voters to destroy or spoil their ballots, preventing eligible voters from casting their votes or inciting them not to vote, or allowing supporters to engage in threats or

²⁴ See <https://www.facebook.com/OHCHRCambodia/videos/226232520502340>.

violence against other candidates or political parties. On 16 June 2023, the United Nations High Commissioner for Human Rights expressed concern that the amendments, if adopted, would restrict the rights to freedom of expression and to stand for election.²⁵

34. In the week prior to the national elections, four Candlelight Party activists, including Eng Sroy (the head of the Candlelight Party in Tbong Khmum Province), were arrested and reportedly charged with “incitement to commit a felony or to disturb social security” under articles 494 and 495 of the Criminal Code. They were reportedly accused of inciting people to spoil ballots and disrupt the election process in relation to their membership in a public Facebook group that the Prosecutor alleged had been created to disrupt the elections. On 20 August 2023, the deputy head of the Candlelight Party in Tbong Khmum Province was arrested in connection with the same case. While Mr. Sroy remained in detention, the other four co-defendants were released on bail in October 2023 after publicly apologizing to the Government and abandoning the Candlelight Party to join the Cambodia People’s Party. At the end of the reporting period, all five co-defendants were still awaiting a decision from the court of first instance.

35. On the day of the national elections on 23 July 2023, Chao Veasna, the head of the Candlelight Party in the city of Poipet, was arrested and charged with “incitement to commit a felony or to disturb social security”, under articles 494 and 495 of the Criminal Code, in relation to being on a list of 40 individuals reported by local media who allegedly incited voters to spoil their ballots. On 7 February 2024, Mr. Veasna was convicted and sentenced to three years’ imprisonment, prohibited from voting in or standing for elections for a five-year period and ordered to pay compensation to the National Election Committee.

36. During the reporting period, OHCHR monitored 28 hearings in the criminal trials of human rights defenders, journalists and political actors. In January 2024, the Court of Appeal began hearing the appeal of Kem Sokha, the former President of the now dissolved Cambodia National Rescue Party. The Phnom Penh court of first instance convicted Mr. Sokha (who has been under house arrest since March 2023 owing to health reasons) and sentenced him to 27 years’ imprisonment for “treason and espionage” and “conspiracy with foreign power” under articles 439 and 443 of the Criminal Code for delivering a speech in 2013 in Australia, in which he spoke about grass-roots democracy. The Court of Appeal has ruled that his lawyers still require prior authorization from the Phnom Penh Court Prosecutor in order to have access to their client.

37. On 21 September 2023, the Phnom Penh court of first instance convicted Thach Setha, Vice-President of the Candlelight Party, who had been arrested in January 2023, for violating article 231 of the Law on Negotiable Instruments and Payment Transactions. On 18 October 2023, the court convicted Mr. Setha on charges of “incitement to commit a felony or to disturb social security” and “to discriminate” under articles 494, 495 and 496 of the Criminal Code in relation to meetings he had held with Cambodian migrant workers in the Republic of Korea in January 2023 to gain support for the Candlelight Party. These charges were filed against him in April 2023 prior to the end of the maximum period of his pretrial detention connected to the initial criminal charge concerning negotiable instruments. In relation to both convictions, the Phnom Penh court of first instance sentenced Mr. Setha to four and a half years of imprisonment. In January 2024 and February 2024, the Court of Appeal upheld both convictions, and Mr. Setha has appealed both cases to the Supreme Court.

38. On 7 February 2024, Chhorn Phalla, a local environmental activist, was convicted, fined and sentenced in absentia to one year’s imprisonment for “public defamation”, “incitement to discriminate” and “insult” under articles 305, 495 and 502 of the Criminal Code in relation to public statements he had made in 2020 criticizing local authorities for failing to protect an area from deforestation. Previously, in October 2023, the Court of Appeal overturned his 2021 conviction and sentence for having allegedly cleared forest land, resulting in his release after having served two years of a six-year prison sentence.

39. On 4 July 2023, Kang Saran was detained after being charged with “public insult” and “incitement to commit a felony or to disturb social security” under articles 307, 494 and

²⁵ See <https://www.ohchr.org/en/press-briefing-notes/2023/06/cambodia-turk-urges-new-course-ensure-free-and-fair-vote>.

495 of the Criminal Code in connection with social media videos that he had posted demanding an explanation as to whether the Cambodia People's Party would expel Vietnamese immigrants or bring more into the country should it win the national elections. Mr. Saran was also charged with *lèse-majesté* (insulting the King) under article 437 (bis) of the Criminal Code, in connection with sharing a video on TikTok in June 2023 that had initially been posted by a monk criticizing the King. On 22 November 2023, the Banteay Meanchey court of first instance convicted Mr. Saran and sentenced him to three years' imprisonment, which Battambang Appeal Court upheld on 15 February 2024.

40. On 5 January 2024, Ny Nak, a social commentator, was detained and charged with "repeat misdemeanour", "defamation", "incitement to commit a felony or to disturb social security" and "incitement to discriminate" under articles 88, 302, 494, 495 and 496 of the Criminal Code in relation to a social media post in which he had criticized an allegation made in a media article concerning the granting of land by the Government to an individual named Heng Sour, which is also the name of the Minister of Labour and Vocational Training. The Public Prosecutor's spokesperson alleged that his social media post contained fabricated information that had affected the Minister's reputation. Although the Ministry of Labour and Vocational Training subsequently clarified that the allegation concerned a different "Heng Sour", Mr. Nak's request for bail was denied in March 2024.

41. On 5 April 2024, Koeut Saray, the Khmer Student Intellectual League Association president, was arrested and charged with "repeat misdemeanour" and "incitement to commit a felony or to disturb social security" under articles 88, 494 and 495 of the Criminal Code. Mr. Saray was accused of allegedly inciting villagers to protest against the Government. The villagers had been evicted in a land-related dispute in Preah Vihear Province on 6 March 2024 by provincial authorities and at least 28 of them were charged with clearing and enclosing forestland to claim it for ownership. He was also accused of giving media interviews in an attempt to cause public misunderstanding of government actions.

42. During the reporting period, OHCHR documented at least 95 demonstrations, 72 of which related to the protests conducted by the Labour Rights Supported Union of Khmer Employees of NagaWorld (the NagaWorld casino case that has been continuing for the past three years without resolution). On 16 October 2023, the Court of Appeal upheld the May 2023 conviction of nine union activists, including the Labour Rights Supported Union President, Chhim Sithar, for "incitement to disturb social security" under articles 494 and 495 of the Criminal Code. On 3 May 2024, the Supreme Court upheld their convictions. On that same day, OHCHR publicly expressed concern over the decision to uphold the conviction of Ms. Sithar for exercising her rights of peaceful assembly and freedom of association and called for her immediate release as well as for quashing all of the convictions.²⁶

43. OHCHR continued to receive complaints about judicial interference, censorship and other forms of intimidation against journalists and media workers, which have resulted in self-censorship and restrictions to the right to freedom of expression. On 12 July 2023, the Telecommunication Regulator of Cambodia, on the basis of an order by the Ministry of Information the day before, allegedly issued a letter of notice to Internet service providers to block nine social media accounts and the websites of three media outlets to prevent the dissemination of fake news that could ruin the reputation of Cambodia. The affected media outlets are some of the few remaining independent news sources in Cambodia since the closure of Voice of Democracy in February 2023. On 26 July 2023, the United Nations High Commissioner for Human Rights publicly expressed concern that the social media accounts of the three media outlets had been blocked just prior to the national elections.²⁷

44. To commemorate the International Day to End Impunity for Crimes against Journalists, on 2 November 2023, OHCHR and the United Nations Educational, Scientific and Cultural Organization (UNESCO) co-organized a multi-stakeholder consultation on the implementation of human rights standards on press freedom, which provided a platform for

²⁶ See <https://www.ohchr.org/en/statements/2024/05/comment-un-human-rights-office-spokesperson-jeremy-laurence-cambodia-court>.

²⁷ See <https://www.ohchr.org/en/press-releases/2023/07/cambodia-un-human-rights-chief-regrets-elections-held-restrictive>.

more than 150 government representatives and stakeholders to discuss obstacles and opportunities to uphold freedom of the press in Cambodia in line with international human rights norms and standards.²⁸

45. From 25 March to 30 April 2024, the Ministry of Interior conducted a census of registered local associations and NGOs. According to the Law on Associations and Non-Governmental Organizations, organizations registered with the Ministry of Interior must report annually on their operations and finances and on changes relating to their management, administration and banking information. However, OHCHR documented cases where local authorities had imposed different requirements on local organizations beyond what was required under the law, such as requiring the organizations to complete a form that requested the addresses of each staff member. The form also contained a section in which the authorities noted the political views of each organization.

46. In its Views adopted under article 7 (3) of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, concerning communication No. 146/2019, the Committee on the Elimination of Discrimination against Women found that Cambodia had violated the rights to non-discrimination and to equality under the law of a rural woman human rights defender, who had been at the forefront of her community's efforts to stop the acquisition of land by a private development company. In particular, the Committee found that Cambodia had failed to protect her from discrimination, threats and violence by the company, had instituted criminal proceedings that constituted reprisals for her activism, and had failed to respond to her petitions concerning the land dispute.²⁹

VI. Engagement with international human rights mechanisms

A. Institutional and legal reforms

47. In December 2023, following a request from the Ministry of Interior, the United Nations country team submitted to the Government its analysis of the proposed draft amendments to the Law on Associations and Non-Governmental Organizations with the objective of supporting the Government to ensure compliance with its international human rights obligations and with recommendations from international human rights mechanisms.

48. In its concluding observations of March 2024, the Committee on Enforced Disappearances expressed concern over alleged difficulties in the registration procedure imposed by the Law on Associations and Non-Governmental Organizations and recommended that Cambodia accelerate its review of that law through a transparent consultation with civil society organizations and other stakeholders.³⁰

49. On 19 September 2023, the Cambodian Human Rights Committee submitted to the Council of Ministers the draft Law on the Organization and Function of the National Human Rights Commission, which, if adopted, would establish a national human rights institution. OHCHR had previously provided technical advice and support on the development of that draft law with a view to ensuring its compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). In its concluding observations, the Committee on Enforced Disappearances called on Cambodia to speed up the process of establishing a national human rights institution in full compliance with the Paris Principles.³¹

50. OHCHR continued to provide technical assistance to the National Committee against Torture on, among other things, capacity-building and visiting places of detention, with a view to strengthening its role as the national preventive mechanism against torture in Cambodia. In June and September 2023, OHCHR organized four training sessions in four

²⁸ See <https://cambodia.un.org/en/258915-press-freedom-and-journalists%E2%80%99safety-are-lifeline-peace-development-and-sustainability>.

²⁹ *X. v. Cambodia* (CEDAW/C/85/D/146/2019).

³⁰ CED/C/KHM/CO/1, paras. 61 and 62.

³¹ *Ibid.*, paras. 15 and 16.

provinces for 787 law enforcement, prison, court and provincial government officials (110 women and 677 men) on international and national standards on torture prevention as well as on the role and duties of the National Committee against Torture in this regard. In October 2023, OHCHR supported the Committee in organizing its General Assembly, which took stock of its work and progress on preventing and addressing torture and ill-treatment during its first five years of existence.

51. On 2 November 2023, the Government promulgated the Royal Decree on the establishment, organization and functioning of the National Authority for Alternative Dispute Resolution. In January 2024, OHCHR submitted an analytical note to the Government to strengthen the compliance of the alternative dispute resolution system with the international human rights obligations of Cambodia. In the note, OHCHR observed that, among other issues, the Royal Decree had not specified the National Authority's potential jurisdiction, which would depend on other laws such as the Law on the Prevention of Domestic Violence and the Protection of Victims that permitted mediation and reconciliation in "minor" cases of physical and sexual violence as well as in all cases of emotional and economic violence. The members of the National Authority were appointed in November 2023 and began receiving cases as of 1 March 2024.

B. International human rights mechanisms

52. OHCHR continued to advise on the implementation of recommendations issued by international human rights mechanisms, in particular the concluding observations of treaty bodies. OHCHR also continued to disseminate those concluding observations and to translate relevant documents from international human rights mechanisms into Khmer.

53. Together, in June 2023, OHCHR and the Cambodian Human Rights Committee co-organized a national consultation for 63 participants (36 women and 27 men) from the Government, civil society and United Nations entities to disseminate and follow up on the gender-related aspects of the United Nations Human Rights Committee's concluding observations,³² in addition to the October 2023 workshop on the concluding observations of the Committee on Economic, Social and Cultural Rights outlined above.

54. In September 2023, OHCHR invited the Cambodian Human Rights Committee to a dialogue in Bangkok organized by OHCHR on national mechanisms for implementation, reporting and follow-up in South-East Asia to share its experience and learn from other national mechanisms in the region. In October 2023, OHCHR also translated and shared with the Cambodian Human Rights Committee the OHCHR guidance document entitled *National Mechanisms for Reporting and Follow-up: A Practical Guide to Effective State Engagement with International Human Rights Mechanisms* in English and Khmer.

55. In February 2024, OHCHR organized a series of capacity-building sessions aimed at strengthening the engagement of governmental institutions, such as the Cambodian Human Rights Committee and the National Committee against Torture, with international human rights mechanisms. OHCHR informed the participants about the value of the national recommendations tracking database that it had developed and the role of a national mechanism in implementation, reporting and follow-up.

56. In July and September 2023, OHCHR supported civil society to conduct consultation workshops on preparing stakeholder submissions for the fourth-cycle universal periodic review of Cambodia, which was held on 8 May 2024, with a particular focus on organizations of persons with disabilities and of Indigenous Peoples. OHCHR also facilitated the engagement of 11 representatives from NGOs in the universal periodic review pre-session in Geneva in February 2024. OHCHR also led the preparation of the United Nations country team report in support of the universal periodic review, which was submitted on 11 October 2023.

57. OHCHR supported the Cambodian Human Rights Committee in the preparation of the national report for the universal periodic review, advocating for a participatory approach

³² [CCPR/C/KHM/CO/3](#).

and organizing a national consultation workshop on 6 December 2023 that brought together 115 participants (30 women and 85 men) from the Government, NGOs and international organizations. Subsequently, on 19 April 2024, OHCHR briefed government delegates who had attended the universal periodic review working group session in May 2024 on the universal periodic review process. During the reporting period, OHCHR organized five training sessions to build the knowledge of 27 representatives (8 women and 19 men) from 22 NGOs on international human rights law and engagement with international human rights mechanisms, with a view to developing a pool of qualified trainers on these topics.

58. In November 2023, OHCHR contributed to an advocacy visit to Cambodia by the Committee on the Rights of the Child, which the United Nations Children's Fund (UNICEF) coordinated, to discuss ways to accelerate the implementation of the Committee's concluding observations, including the establishment of an independent child rights ombudsperson under a broader national human rights institution, which OHCHR has been advocating for several years.

C. Mainstreaming human rights through the United Nations country team

59. OHCHR continued to engage with the United Nations country team on mainstreaming human rights, including gender equality, in national frameworks, country analysis and the United Nations Sustainable Development Cooperation Framework for Cambodia 2024–2028, which the Government endorsed following a year-long consultation process with the United Nations country team and other stakeholders and which was published in November 2023.³³ OHCHR is committed to deliver results under the development Priority Area 4 on social transformation in the Cooperation Framework, which is focused on accountability, civic participation and gender equality.

60. OHCHR, in collaboration with the United Nations country team, commemorated the seventy-fifth anniversary of the Universal Declaration of Human Rights by organizing a United Nations youth fair in October 2023, which engaged 726 young people in promoting peaceful, just and inclusive societies. OHCHR also organized a high-level event in December 2023 in Phnom Penh that brought together 300 representatives from the Government, the international community, civil society, and people in vulnerable situations, and produced a social media campaign to promote human rights awareness across the country as part of the commemoration.³⁴

VII. Accountability and administration of justice

A. Combating trafficking in persons

61. Cambodia remains both an origin and a destination country affected by trafficking in persons. Over the last year, the Government has announced several measures to address trafficking in persons, but challenges persist. During the reporting period, OHCHR continued to receive reports of trafficking in persons in Cambodia, including reports of illegal operations of online scam centres in Sihanoukville, Phnom Penh, Kandal, Koh Kong, Poipet, Pursat, Svay Rieng and Kampot. Reports indicate that those who have allegedly been trafficked for forced criminality in these centres include children.

62. On 16 January 2024, the United Nations Resident Coordinator, accompanied by representatives of OHCHR, the International Organization for Migration and the United Nations Development Programme, met the Permanent Deputy Chair of the National Committee on Countering Trafficking, Chou Bun Eng, to discuss current challenges regarding the response to trafficking in persons in Cambodia. The National Committee on Countering Trafficking emphasized the important role that the National Strategic Plan

³³ See <https://cambodia.un.org/en/252482-united-nations-sustainable-development-cooperation-framework-2024-2028>.

³⁴ See https://twitter.com/OHCHR_Cambodia/status/1733047908025655456.

2024–2028, expected to be published in 2024, would have in enhancing efforts to address trafficking in persons in Cambodia, acknowledging that the issue had garnered increased attention over the past three years. The National Strategic Plan seeks to enhance the response of Cambodia to trafficking in persons through four main areas: strengthening cooperation in the development and implementation of relevant laws and policies, promoting prevention, strengthening the criminal justice system, and increasing the protection of victims. The Government has also included countering trafficking in persons as one of the tasks in the Pentagonal Strategy – Phase I.

63. In its concluding observations, the Committee on Enforced Disappearances expressed concern about, among other things, the insufficient resources and coordination for implementing the National Plan of Action to Counter Trafficking 2019–2023. It recommended that the State party effectively implement the National Plan of Action by guaranteeing appropriate resources and coordination, thoroughly investigate allegations of trafficking in persons, and guarantee early identification of victims of trafficking and their referral to appropriate services.³⁵

64. According to the National Committee on Countering Trafficking, Cambodian law enforcement authorities acted on 24 cases of trafficking in persons (involving 34 offenders and 204 victims, including 78 women) and 140 cases related to sexual trafficking (involving 160 offenders and 272 victims, including 268 women) relating to complaints received in 2023. The Ministry of Foreign Affairs and International Cooperation reported that, in 2023, the Government had supported the repatriation of 7,953 Cambodians from overseas who were in need of assistance, with the National Committee reporting that only 162 of those repatriations were related to cases of trafficking in persons.

65. The National Committee on Countering Trafficking also reported that, in 2023, 4,314 persons had been arrested for immigration offences as compared to 105 persons arrested for other criminal offences, such as online scams, extortion, trafficking in persons, or sexual harassment, and that the authorities had expelled 2,159 foreign nationals who had committed crimes in Cambodia, although it was unclear whether any of those cases related to trafficking in persons.

66. The Government reported that it had taken actions to address situations that made people vulnerable to trafficking and to support victims of crime who may also be in situations that made them vulnerable to trafficking. According to the National Committee on Countering Trafficking, Cambodian authorities had removed 294 children from situations of exploitation and provided them with support to enable them to continue studying and gain vocational skills. Cambodian authorities reportedly prepared compensation claims for 13 victims of related criminal offences and referred 436 victims (356 women and 71 men) and those in situations making them vulnerable to trafficking in persons to partner organizations for rehabilitation. Government agencies also reportedly oversaw the integration of 283 Cambodian (246 women and 37 men) victims of forced marriage, labour exploitation and sexual abuse and of others in vulnerable situations back into community. In August 2023, the National Committee on Countering Trafficking launched a new training course on identifying victims of human trafficking to provide appropriate services, aimed at strengthening efforts to rescue and save victims, while also reviewing standards and strategies nationwide.

B. Conditions of detention

67. According to data from the General Department of Prisons, in May 2024 the prison population was 46,575 persons (2,788 women and 43,148 men), an increase of more than 17 per cent compared to March 2023. Despite efforts by the Ministry of Justice to address the population increase in the 29 penitentiary facilities in Cambodia, prisons continued to exceed their capacity. Among other initiatives, the Government has been conducting studies on implementing alternative measures to incarceration as a means of reducing overcrowding in prisons.

³⁵ CED/C/KHM/CO/1, paras. 45 and 46.

68. With a view to improving the administration of justice and contributing to addressing overcrowding in prisons, OHCHR continued to support the Ministry of Justice with the criminal case database, a web-based application for storing and tracking data related to criminal cases. In 2023, OHCHR supported the Ministry to connect the database at eight additional courts of first instance to the central server, with the result that all 25 provincial courts of first instance and four regional courts of appeal were connected to the server for the first time. In August and September 2023, OHCHR and the Ministry of Justice conducted a joint assessment of the use and functioning of the database at 14 courts of first instance, which was accompanied by a refresher training for 71 court staff (33 women and 38 men). Based on the assessment, OHCHR supported the development of two new functions that allow judges, prosecutors and court clerks to log into the database system to view data and the periods of pretrial detention that have elapsed for the cases under their responsibility.

69. In September 2023, the Cambodian Human Rights Committee assigned five officials to strengthen cooperation with OHCHR in the exchange of information related to alleged human rights violations at places of detention. The General Department of Prisons agreed in May 2024 to provide OHCHR with access to detention facilities for one year, which is longer than prior agreements on access for six months.

70. During the reporting period, OHCHR conducted 18 visits to nine prisons. During those visits, OHCHR documented concerns with regard to the rights to health, access to clean water and non-discrimination. OHCHR also received allegations of bribery among detainees and prison officials.

71. In most of the prisons visited, inmates interviewed by OHCHR reported that they had not had regular health check-ups, faced limited access to medicine and had difficulties in accessing the health post, which first required the approval of their cell leaders, who would then forward their request to the prison authorities. One prison medical officer informed OHCHR that the health post did not have enough staff to support over 1,000 inmates, adding that overcrowding made it more difficult to manage contagious diseases. In one provincial prison, prison officials requested assistance from OHCHR to establish a safe room where inmates could be taken and treated when the health post was unable to provide adequate medical care.

72. OHCHR also received reports about limited access to clean drinking water. Women in Correctional Center 2 interviewed by OHCHR complained that the prison authorities had not replaced several broken water filters and that they allegedly faced differential treatment in gaining access to the kitchen to boil water, which appeared to be based on personal relations or economic transactions. Prison authorities at Correctional Center 2 confirmed to OHCHR that tap water was not always available and that water from the pond had been used for washing clothes as well as occasionally for cooking. OHCHR also received reports in some of the prisons that cell leaders responsible for allocating access to toilets and washing facilities received monetary compensation from inmates for priority access. OHCHR received further information that there was a need for more female hygiene products in Correctional Center 2, such as sanitary pads.

C. Legal aid

73. OHCHR continued to support legal aid initiatives, including by providing grants to two civil society organizations to provide legal aid to persons in vulnerable situations. OHCHR met regularly with NGOs that provide legal services to human rights defenders and victims of human rights violations, which identified several challenges in providing legal aid, such as funding difficulties and the decreasing number of lawyers handling human rights cases.

VIII. Conclusions and recommendations

74. **The Secretary-General welcomes the Government's positive engagement with OHCHR and highlights the crucial role of OHCHR in assisting the Government and the people of Cambodia in advancing human rights for all without distinction of any**

kind. The Secretary-General remains concerned by the restrictions imposed on civic space and human rights, including the right to participate in public affairs in the context of the national elections, the right of peaceful assembly and the rights to freedom of expression and association.

75. The Secretary-General calls upon the Government:

(a) To continue its positive engagement with OHCHR to advance human rights for all, including by extending the memorandum of understanding with OHCHR for a period of five years to promote sustainability of technical cooperation activities;

(b) To allocate the maximum of its available resources in the social sector for the progressive realization of economic and social rights for all, including by substantially increasing public expenditure in the areas of social security, health care and education with a view to reducing inequalities;

(c) To ensure that the national budget is elaborated and implemented in a transparent and participatory manner, particularly by ensuring the availability of disaggregated data on allocations and the actual expenditure of the government budget by ministry, programme, and economic and functional classifications;

(d) To ensure that social protection schemes, frameworks, policies and laws are established in accordance with international human rights and labour standards, including with regard to the principles of affordability, adequacy, universality, transparency, and non-discrimination in the administration process, and are gender-responsive in order to provide universal social protection for all, especially for workers in the informal economy, the majority of whom are women;

(e) To amend the Law on the Prevention of Domestic Violence to define, prohibit and criminalize all forms of gender-based violence in compliance with the international human rights obligations of Cambodia;

(f) To legalize same-sex marriage and gender identity recognition in line with recommendations previously accepted by Cambodia during its third-cycle universal periodic review;

(g) To adopt and implement the National Disability Strategic Plan 2024–2028 using a human rights-based approach, to finalize the draft Law on the Protection of the Rights of Persons with Disabilities in compliance with international human rights standards, and to submit its first periodic report to the Committee on the Rights of Persons with Disabilities without delay;

(h) To strengthen civic and democratic space by protecting the civil and political rights of all people without distinction of any kind, including the rights to freedom of expression, peaceful assembly and association; reforming laws and policies to ensure the effective and meaningful participation of all people, especially women, and organizations in decision-making processes, including elections; and taking necessary measures to release those arbitrarily detained for exercising their human rights, and to end and prevent intimidation of human rights defenders, other civil society actors and political actors;

(i) To adopt the law on the establishment of the national human rights commission and a law on the National Committee against Torture in compliance with international human rights standards, including by guaranteeing their functional and operational independence;

(j) To continue to engage with international human rights mechanisms and to implement their recommendations, including those emanating from United Nations treaty bodies and from the universal periodic review, and to ensure that all relevant stakeholders, in particular civil society, are consulted and can effectively and meaningfully participate in the preparation of national reports to international human rights mechanisms;

(k) To take all necessary steps, including through the effective implementation of the National Strategic Plan 2024–2028, to address the root causes of

trafficking in persons, to effectively investigate and prosecute those responsible, and to ensure the timely identification, referral, rehabilitation and social integration of victims, including by guaranteeing the appropriate resources and coordination among the competent authorities;

(1) To reduce prison overcrowding and improve detention conditions by strengthening alternative measures to detention, adopting a national policy on legal aid that is implemented with adequate resources, and improving the administration of justice, including through the progressive development and use of the criminal case database system that was developed with the support of OHCHR.
