



International Covenant on Civil and Political Rights

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Summary record of the 3850th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 9 March 2022, at 10 a.m.

Chair: Ms. Pazartzis

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Third periodic report of Cambodia (CCPR/C/KHM/3; CCPR/C/KHM/Q/3; CCPR/C/KHM/RQ/3)

1. *At the invitation of the Chair, the delegation of Cambodia joined the meeting.*
2. **Mr. An** (Cambodia) said that, despite the difficulties created by the coronavirus (COVID-19) pandemic, Cambodia had never shirked its human rights obligations. Its ratification of eight core human rights treaties attested to its resolute commitment to promoting and protecting human rights for all. The human rights agenda should be discussed in a non-confrontational manner, without politicization or selectivity. Dialogue should be based on verified sources of information and should bear in mind the national particularities and priorities of each country. A one-size-fits-all approach should be avoided. Transparency, objectivity and impartiality were the watchwords. The enduring strength of human rights mechanisms lay in full adherence to the principles of sovereign equality, territorial integrity and non-interference. He therefore hoped that the dialogue with the Committee would be constructive and balanced and would take account of the progress achieved and challenges faced by his Government.
3. **Mr. Chin** (Cambodia), speaking via video link, said that his country had endured a long history of civil war and internal armed conflict which had totally destroyed its economy and led to a brain drain. While the goal of protecting and promoting human rights could not be achieved overnight, the Royal Government was striving to ensure full respect for those rights in Cambodia.
4. The Government had taken all the necessary steps to prevent the spread of COVID-19 and protect citizens' basic rights. The purpose of the measures, which were temporary, was not to restrict citizens' rights and freedoms or to punish them. The Law on Measures to Prevent the Spread of COVID-19 and other Severe and Dangerous Contagious Diseases (the COVID-19 Law) had been passed on 21 March 2021. The severe penalties that it had introduced for non-compliance were appropriate to the national context and were aimed at securing effective law enforcement in order to curb the disease. Under the Law, 115 persons had been prosecuted: of those, 30 had been detained because they had seriously breached its provisions; the other 85 had been released.
5. The Cambodian Human Rights Committee had been tasked with drafting a law on the establishment of a national human rights institution. The Committee's working group had finalized its first draft, which was based on the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and international human rights standards. The Committee was working with the Office of the United Nations High Commissioner for Human Rights to ensure that all stakeholders were consulted on the draft text. The public could comment on it through a Telegram channel.
6. Public officials who violated the law were subject to administrative and criminal penalties. All disciplinary measures and sentences were recorded and published by the relevant institutions. Four of the seven cases which had been brought before the Extraordinary Chambers in the Courts of Cambodia had been completed. Over 300,000 people had witnessed the trials. The work of the Chambers had been important as a means of establishing a historical record of tragic past events and fostering a process of social renewal.
7. The State party had worked very hard to reduce overcrowding in prisons through amnesties, the commutation of sentences, efforts to reduce the backlog of court cases and conditional release. In order to respond to the risk of COVID-19 spreading in prisons, health checks had been increased and persons entering or leaving prisons, including visitors, were monitored. During an outbreak of the virus in a prison, detainees had been moved to other prisons and those who had committed minor offences had been released. The remaining prisoners had been vaccinated or received a booster jab.
8. There was no violation of freedom of expression on the Internet in Cambodia. Websites were blocked only when they violated the law. Constructive criticism of the

Government's handling of the pandemic was permissible; fake news or defamation were not. Similarly, hate speech and statements inciting xenophobia were prohibited. The purpose of the sub-decree on the National Internet Gateway was not to infringe the right to privacy or freedom of expression, but to facilitate and manage Internet connections, to strengthen national security, to improve tax collection and to protect national culture. It was also designed to prevent online gambling, pornography, child abuse and fraud. The collection of consumer data or individual surveillance was not authorized.

9. Some environmental activists had been arrested, charged and convicted because the authorities had reliable evidence that they had engaged in criminal activities and broken the law.

10. With reference to the Law on Associations and Non-Governmental Organizations described in paragraph 85 of the State party's report (CCPR/C/KHM/3), he said that associations and non-governmental organizations had to act in a neutral manner towards all political parties and must be transparent and accountable. The Government was currently considering amendments that had been proposed by civil society organizations to 14 articles of the Law. The right of peaceful assembly in compliance with security, safety and public health measures was guaranteed by the Constitution. However, anyone who took part in unannounced protests which endangered public security and health would be called to account and the authorities would take all possible steps to prevent such demonstrations. The authorities had found irrefutable evidence that the organizers of an illegal protest by staff of the NagaWorld hotel had intended to destroy company property, incite violence and cause social unrest. Three of the organizers had been arrested and sent for trial in accordance with articles 494 and 495 of the Criminal Code. Another three protesters had been arrested and charged with breaches of the COVID-19 Law.

11. As far as voting rights and participation in public life were concerned, non-violent and fair municipal elections had been held in July 2018. Currently, 45 parties were registered to take part in the next elections, due to be held in June 2022. Mr. Kem Sokha, the leader of the Cambodia National Rescue Party, had been arrested in connection with a criminal offence under article 443 of the Criminal Code. He had been detained on 5 September 2017 and released under judicial supervision on 9 September 2018. Contrary to certain reports, he had not been placed under house arrest. His trial, which had been postponed owing to the pandemic, had been resumed and was being held in public.

12. The events of 9 November 2019 had been an attempted coup led by Mr. Sam Rainsy. The number of people on trial for participation in those events was relatively small because the plot to overthrow the Royal Government had been foiled. A number of opposition politicians had since been reinstated. Their attempt to form a political party had been thwarted by the leaders of the opposition party, in a clear violation of their political rights.

13. Cambodia had worked hard to achieve prosperity and to promote democracy. He looked forward to a constructive dialogue with the Committee and urged it to look at the overall positive trends and progress in the country.

14. **Mr. Bulkan** said that he had noted the challenges faced by the State party and its commitment to advancing human rights. Nevertheless, the Committee had received troubling information with regard to the implementation of the Covenant, in particular after the dissolution of the Cambodia National Rescue Party in 2017. He wished to reassure the delegation that the dialogue with the Committee would be transparent and balanced and would not be politicized. The Committee's approach to interactive dialogue was based on a State party's report and its replies to the list of issues, together with information provided by civil society and non-governmental organizations. The ultimate goal was to bring about a meaningful improvement in the protection of everyone's human rights in the State party.

15. In view of some apparent gaps in the application of human rights standards in Cambodia, he asked whether the delegation could give examples of cases where domestic courts had invoked the Covenant. He wished to know whether national laws took precedence over the Covenant in the event of any conflict of law. Did the State party have any plans to harmonize domestic laws with the Covenant in order to preclude any such conflict? If that was the case, he would appreciate details of the time frame and of ways in which stakeholders could take part in the process. If that was not the case, he wondered whether the State party

might consider such a reform agenda. He would appreciate an update on steps to ratify the two optional protocols to the Covenant, as accession to them without further delay would signify a strong commitment to the standards and ideals of the Covenant.

16. Despite the efforts made by the State party to address discrimination against various minority groups, the Committee had received reports of discrimination against women, persons of Vietnamese descent, persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons. He would be grateful for more detailed information on that issue. He would like the delegation to indicate whether the Government had planned any measures to raise awareness of sexual orientation and gender identity issues so as to reduce and eliminate discrimination and violence against such persons.

17. He would welcome more specific information on which laws, policies and programmes had been implemented to eliminate discrimination against women, including information on any quotas in place to facilitate greater participation by women in the workforce. If no quotas were in place, he would like to know whether the Government would consider introducing them. It would be useful to know whether the State party intended to undertake a general legislative reform to provide equal pay for men and women for comparable work and whether the 1997 Labour Law would be revised to ensure that domestic workers were protected.

18. It would be useful to know whether the Government intended to address the precarious situation in which racial and ethnic minorities found themselves. For example, legislative reform was needed to ensure that Khmer Krom who had been living in Cambodia for more than 25 years could acquire identity papers, as well as to ensure that both Khmer Krom and Cambodians of Vietnamese descent obtained recognition of their rights to land.

19. Given that many groups suffered from stigmatization, discrimination and marginalization, he would like to know whether the State party was prepared to reconsider its position against the adoption of comprehensive anti-discrimination legislation.

20. **Ms. Kran** said that she would welcome further details on the establishment of a national human rights institution, including a timeline for completion of the consultations with civil society and the adoption of a law on the subject. Given that over 60 civil society organizations and trade unions had signed a statement highlighting concerns about the independence and efficacy of the proposed institution, she would like to know which organizations had been or were to be consulted. She would also appreciate information on how the Government would ensure that civil society's views, including critical ones, were taken into consideration in the formulation of the bill on the establishment of a national human rights institution. The delegation should also clarify what measures were being taken to ensure that the institution would comply with the Paris Principles and to take account of the advice of the office of the United Nations High Commissioner for Human Rights in Cambodia and the Special Rapporteur on the situation of human rights in Cambodia.

21. With regard to the anti-corruption unit established in 2010, she would like to know the current status of its investigations into public officials for allegations of corruption. Of the 330 complaints dealt with in 2019, how many public officials had been tried for corruption, how many had been found guilty, and what consequences had they faced?

22. She would like to know why the mandatory declarations of assets by public officials to the anti-corruption unit were treated as confidential, and how the accuracy of those declarations was verified. Given that the failure to declare assets was prohibited by law, she would be interested to know what the consequences were for filing a false declaration, how many officials had been found guilty of that offence in the last five years, and what penalties had been imposed. She would also like to know what action had been taken against the nine officials who, according to the anti-corruption unit, had failed to declare their assets in 2021.

23. It would be useful to know what steps the Government planned to take to ensure that investigations by the anti-corruption unit were legitimate and free from improper influence, and not used to harass human rights defenders or anyone making complaints about corruption. She would like to know why the anti-corruption unit had recently stopped reporting on high-level public officials. Further details would be appreciated on the status of the 2015 bill on witnesses, experts and victims and the 2017 bill on whistle-blowers.

24. In the light of the fact that illegal logging was a highly publicized problem in Cambodia, she would like to know what steps the Government would take to effectively eliminate the corruption that allowed and encouraged that practice, including any new laws, policies or programmes. It would be useful to know how the Government planned to effectively investigate and prosecute public officials for land-grabbing and, if they were found guilty, ensure that they were punished.

25. The Committee had received reports that, in 2005, a former Secretary of State had been granted a contract to develop wetlands on the outskirts of Phnom Penh as part of the ING City project and that, since then, thousands of families had been displaced. She would like to know what measures had been taken to investigate and punish corruption in granting development rights in that case, as well as in similar cases, and whether compensation had been provided to the displaced families. She would welcome information on how the Government planned to prevent corruption in such cases. When would the long-awaited law on access to information be adopted?

26. **Ms. Kpatcha Tchamdja** said that, with regard to the Law on the Management of the Nation in a State of Emergency, she would like to know in what context that law was applied; which fundamental rights and freedoms could be restricted through the application of that law; whether those restrictions were compatible with the principles of international law; what the requirements were for declaring a state of emergency; and whether that piece of legislation was necessary to deal with the COVID-19 pandemic.

27. She would welcome further information on the COVID-19 Law and would like to know if, in the delegation's view, it complied with international standards. Apparently, persons who contravened that law were required to appear before a court immediately, sometimes without legal representation. She would like to know how respect for their rights was ensured. She would welcome further details on the number of persons prosecuted under the COVID-19 Law and the penalties imposed. Was it possible that the penalties provided for in it were too severe and restrictive of individual freedoms?

28. Given the global trend towards relaxing measures related to COVID-19, she would be interested to know if the Government was planning to amend or abrogate the two laws in question.

29. **Mr. Furuya** said that the Committee had previously expressed concern about human rights abuses that had allegedly occurred in 1997 and 1998 and about reports of impunity in that regard. He would welcome updated information on the measures taken to tackle those human rights violations, and clarification of the State party's policies to bring those responsible to justice.

30. Since 2015, the Extraordinary Chambers in the Courts of Cambodia had shelved four cases following a disagreement between national and international investigating judges about whether those accused were subject to the Chambers' jurisdiction. It was important to note that the Chambers had not found those accused innocent of the serious crimes for which they had been indicted. It therefore fell to the Government and the domestic courts to deliver justice by determining whether the accused were criminally responsible. He would like to know what measures the State party had taken on behalf of the victims and society at large following the Chambers' decision to shelve the cases. He would also appreciate information on what the State party planned to do next and wished to know, in particular, if the accused would be tried before a domestic court.

31. The Committee had received allegations that, in the State party, crimes committed against dissenting or critical voices, like human rights defenders and journalists, were often not investigated at all or were investigated without transparency, independence and impartiality. He would welcome information on the number of investigations, prosecutions and convictions for the killings of opposition leaders, human rights defenders and journalists since 2015 and on the sentences imposed on the perpetrators. The State party should clarify whether it was willing to reopen an independent and impartial investigation, for example by an independent body of inquiry, into those killings. Would the State party agree to a visit by the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions?

32. **Mr. Soh** said that he would be interested to know which priority issues were reflected in the third national action plan on the prevention of violence against women and how the plan addressed society's reported tolerance of violence against women and a culture of victim-blaming, even among public officials.

33. He remained concerned that the protection afforded by the Law on the Prevention of Domestic Violence and Protection of Victims was insufficient for unmarried persons and that its encouragement of non-judicial mediation, reconciliation and financial compensation might hinder victims' access to justice. He wished to know whether the State party had considered reviewing and amending the law so as to properly define, investigate and criminalize domestic violence. The total absence of information on the number of complaints, investigations, prosecutions and convictions for violence against women was also cause for grave concern. He would like to know if providing that information posed any particular challenge for the State party.

The meeting was suspended at 11.15 a.m. and resumed at 11.30 a.m.

34. **Mr. Chin** (Cambodia) said that, despite allegations to the contrary, the law introduced in response to the COVID-19 pandemic did not violate human rights or restrict freedoms. Criticism of the Law on the Management of the Nation in a State of Emergency was also unfounded and was based on a selective and biased interpretation of human rights; the Law complied with the Constitution, the Universal Declaration of Human Rights and the Covenant. The Law, which had yet to be applied, gave effect to existing constitutional provisions that allowed a state of emergency to be declared in the case of a serious public health crisis. It was balanced and adhered to international norms, and the Government had examined the practice of other democratic States before adopting it. Moreover, the actions of the executive branch were always subject to parliamentary oversight. A review mechanism enabled the National Assembly or the Senate to declare an end to any state of emergency.

35. The two laws, far from violating human rights or serving to increase the power of the authorities, were in fact valuable tools for defending the right to life and peace, and provided a legal basis for measures that were vital to the country's COVID-19 response. Sanctions for contravening the laws were relatively lenient and reserved for crimes with the most serious consequences, such as absconding from treatment facilities.

36. Under the COVID-19 legislation, the authorities were permitted to disclose personal information in order to break chains of transmission through timely contact-tracing, testing and stays in quarantine. The Government had endeavoured to involve the public in those decisions. The Covenant's provisions on the right to privacy could not apply to persons infected with a lethal virus. The Stop COVID quick response (QR) code system was voluntary and used only to facilitate contact-tracing, quarantine, testing and treatment.

37. **Mr. Meas** (Cambodia), speaking via video link, said that the bill on access to information had been recognized by United Nations agencies as a model for similar bills in Cambodia and the wider region. It had been the subject of broad consultation among stakeholders and civil society, including through workshops and forums that had garnered the opinions of target groups such as women, persons with disabilities and indigenous peoples. A technical working group, which counted representatives of government departments, United Nations agencies and civil society among its members, had finalized the bill, which, it was hoped, would be adopted in the near future.

38. Press freedom was guaranteed under the Constitution and the Law on the Press, which applied to all media and afforded individuals the right to sue for defamation. Media outlets found to have published defamatory material could be compelled to publish retractions and pay compensation. Journalists were free to work without harassment, discrimination or threat, and, in an attempt to further promote freedom of expression, the Government had abrogated various provisions of the Criminal Code relating to information and given assurances that no one would be imprisoned for expressing their opinion. The Government encouraged journalists to lodge specific complaints with the competent authorities if they were subjected to threats, harassment or intimidation. The Government recognized the need to partner with the media and worked constructively with professional, responsible journalists. There had been no killings of journalists for political reasons in recent years, and the Government condemned all attacks on freedom of the press when the latter was acting in

accordance with the law. While all acts of violence against journalists were deplorable, journalism was a high-risk occupation and not all incidents were politically motivated; in some cases, journalists' disregard for their own safety had led to accidents, and some had been killed while engaged in illegal acts under the pretence of engaging in investigative journalism. Prosecutions had been launched in all 17 cases of the killing of journalists that had occurred between 1994 and 2020. It was regrettable that attacks on journalists were systematically, and baselessly, attributed to the Government.

The meeting rose at noon.