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Committee on Economic, Social and Cultural Rights

Information received from Cambodia on follow-up to the concluding observations on its second periodic report*

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* The present document is being issued without formal editing.



Follow-up information on the concluding observations (E/C.12/KHM/CO/2)

Information relating to paragraph 9 (a)

1. The Royal Government of Cambodia (RGC) has taken great care to prevent all violence by designing a policy to protect security, safety and public order of all citizens, including human rights defenders working on economic, social and cultural rights, as well as other individuals active in civil society organisations promoting these rights, all based on the principle of equality under the law.
2. The National Police Unit serving as the RGC staffers dealing with security, safety and public order, always sets out practical measures, including administrative and legal measures, by all means, to prevent violence.
3. Human rights defenders, regardless of the rights they champion, and other individuals involved in human rights-focused civil society organisations should report or provide information on any activities or possibilities that may lead to violence to the competent authorities, particularly the police. This reporting is crucial for enabling effective and timely preventive action.
4. Furthermore, if human rights defenders have concerns or information suggesting potential threats to their life and/or safety while working at the sub-national level, they should report this to national authorities. These authorities can then coordinate with local entities to provide security and protection. As demonstrated in the past, the Ministry of Interior has taken steps to support civil society organisations by issuing guidance to sub-national authorities, aimed at facilitating their legal activities locally.

Information relating to paragraph 15 (a)

5. In the Kingdom of Cambodia, indigenous peoples are given special attention to developing their communities while preserving their unique cultures and traditions.
6. The RGC has established legal frameworks, policies, and standards to ensure the proper occupation, use, development, and management of indigenous lands and resources, with the goal of recognising and protecting the legitimate interests of all indigenous communities. These frameworks include:
7. The Constitution of the Kingdom of Cambodia stating that, “Every Khmer citizen shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, colour, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status. All persons, individually or collectively, shall have the right to ownership. Legal private ownership shall be protected by law.”
8. Land Law 2001: “The lands of indigenous communities include not only lands actually cultivated but also includes reserved necessary for the shifting of cultivation which is required by the agricultural methods they currently practice and which are recognized by the administrative authorities. The measurement and demarcation of boundaries of immovable properties of indigenous communities shall be determined according to the factual situation as asserted by the communities, in agreement with their neighbors.”
9. In addition to the two aforesaid legal frameworks, the RGC has established further legal standards specifically designed to grant land ownership to indigenous communities for their occupation and use. These include:
 - Policy on the Registration of Land and the Rights to Use of Indigenous Community Land, 2009;
 - Sub-Decree No. 83 on Procedures for the Registration of Land of Indigenous Communities, 9 June 2009;

- RGC Directive No. 01 on Strengthening and Increasing Effectiveness of the Management of Economic Land Concessions Related to Indigenous Community Areas, 7 May 2012.

10. As of November 2024, the Ministry of Land Management, Urban Planning and Construction has registered land [titles] for 42 indigenous communities, encompassing 1,105 land plots totalling 41,538.82 hectares and benefiting 4,159 families.

11. The RGC is highly committed to assisting indigenous communities through land titling programmes that recognise and protect their legal rights to occupy, use, develop and manage their land, territory and resources. The Ministry of Land Management, Urban Planning and Construction is provided with sufficient human, technical and financial resources according to the project for implementing the relevant legal framework and standards.

Information relating to paragraph 39 (b) and (c)

Paragraph 39 (b)

12. In response to the economic challenges posed by the COVID-19 pandemic in Cambodia, particularly for borrowers struggling to repay loans, the National Bank of Cambodia (NBC) has implemented the following regulations to ease the burden of credit obligations:

- Circular on Restructured Loans (29 August 2024);
- Circular on Restructured Loans during the period affected by the spread of the COVID-19 virus (27 March 2020);
- Circular on the Evaluation, Classification and Provision for Restructured Loans (24 June 2021);
- Circular on Classification Obligations and Provision for Restructured Loans (28 December 2021);
- Notification in flood-affected borrowers' favour (18 October 2022);
- Circular on restructured loans for the tourism sector in Siem Reap, allowing banks and financial institutions to modify loans for clients facing temporary financial difficulties without requiring additional provisions for a 12-month period, provided they adhere to the conditions stated in the circular (23 November 2023);
- Banks and financial institutions were encouraged to restructure real estate loans for clients experiencing temporary financial difficulties, provided they strictly adhere to the NBC's regulations. Institutions are required to thoroughly assess the client's situation and the potential impact of the loan on the overall banking system (23 November 2023);
- Circular on Restructured Loans (29 August 2024).

Paragraph 39 (c)

13. To safeguard clients from overindebtedness, promote responsible loan usage, and ensure a clear understanding of rights and obligations among banks and financial institutions, as well as to prevent borrowing or fraudulent activities on social media, the NBC has reinforced its regulatory framework by implementing and introducing the following laws and regulations:

- Law on Banking and Financial Institutions;
- Law on Negotiable Instruments and Payment Transactions;
- Prakas on Transparency in Granting Credit Facilities of Banks and Financial Institutions;
- Prakas on Resolving Customer Complaints of Banking and Financial Institutions;

- Coordinating Mechanism to Resolve Complaints-a hotline system-was established by the NBC for its head office and branches;
- Press Release on Illegal Advertising and Lending;
- Notification of Prohibition on Accepting ID Cards or Family Book or Residence Book; for Credit Guarantee; and
- Press Release on Online and Mobile Scams.

References

- Constitution of the Kingdom of Cambodia, 1993 Land Law, 2001
- Law on Banking and Financial Institutions, 1999
- Law on Negotiable Instruments and Payment Transactions, 2005
- Sub-Decree No. 83 on Procedures for the Registration of Land of Indigenous Communities, 9 June 2009
- Policy on the Registration of Land and the Rights to Use of Indigenous Community Land, 2009
- Land Policy (Land White Paper), 2015
- Strategy Framework for Land Policy, 2002
