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Executive Office of the Secretary-General
Cabinet du Secrétaire général

To: DSG,

26/08/13

Please find attached the draft SG report on the "Role and achievements of the Office of the High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights" for approval.

The report is primarily descriptive by outlining technical assistance activities carried out by OHCHR in accordance with its thematic priorities during the past year (land rights; rule of law; prisons, fundamental freedoms and civil society, and the ECCC). and provides an assessment of these human rights issues. The past year saw confrontations, including excessive use of force, in the context of land disputes and protests and the "disturbing" use and introduction of electrified riot shields by police. Notably is also the high female prison population in Cambodia (8%), placing Cambodia among the top thirty countries worldwide for its percentage of female detainees. On the Extraordinary Chambers, the report notes that completion of case 002 continues to face challenges while the situation concerning cases 003 and 004 remains uncertain.

In reference to comments by the PM in October 2012 that the Special Rapporteur on the human rights situation in Cambodia should "go and help his country rather than help Cambodia", the SG expresses concern at "personal attacks on the integrity of the Special Rapporteur, including by Government representatives" (para. 5).

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The report encourages the Government to continue cooperation with the SR and to consider favourably inviting also thematic special procedures mandate-holders. The SG also expresses hope that the MOU between Cambodia and OHCHR be renewed for another two-year period.

AK

Political Unit
26 August 2013

Cc: CDC

Received in ODSG

26 August 2013

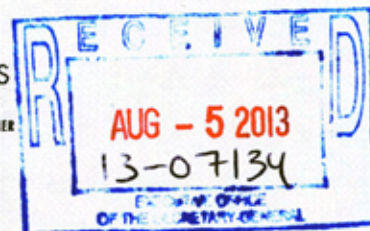
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13-07134



MEMORANDUM INTERIEUR • INTEROFFICE MEMORANDUM



A: Mr. Jan Eliasson
TO: Deputy Secretary-General, EOSG

DATE: 5 August 2013

DE: Ms. Navi Pillay
FROM: High Commissioner for Human Rights

REFERENCE:

ACTION COPY *Ag Wend DSG*

OBJET: **CAMBODIA: Report of the Secretary-General to the Human Rights Council on**
SUBJECT: **the "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" (A/HRC/24/32) – For clearance** ✓

- 1 Kindly find attached, for your clearance, the annual report of Secretary-General to the Human Rights Council on the "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". The report will be considered at the next (24th) session of the Human Rights Council, in September 2013.
- 2 The report focuses on the technical assistance activities of OHCHR from July 2012 to May 2013, and provides an assessment of some of the more salient features of the human rights situation in Cambodia.
- 3 As in previous years, the report outlines the work of the Office along its five thematic priorities: prisons, rule of law, land and housing rights and support to civil society and promotion of fundamental freedoms, as well as promoting the legacy of the Extraordinary Chambers in the Courts of Cambodia (ECCC). In the past two years, the Office has increased its use of statistics to demonstrate the scope of its achievements. This approach has been broadened in the current report.
- 4 The report refers to the increased cooperation between the Government and the Office, and in this context, mentions the expiration of OHCHR's Memorandum of Understanding with the Government, on 31 December 2013, and refers to the "hope" that the MoU will be renewed.
- 5 The overall human rights situation during the reporting period is not seen to be degrading as was the case in the last reporting period, although a number of critical issues are highlighted.
- 6 The report "expresses concern" at a number of personal attacks on the integrity of the Special Rapporteur on the situation of human rights in Cambodia, Mr. Surya P. Subedi, including by government figures. This refers to comments made by the Prime Minister in October 2012 that the Special Rapporteur "should go to help his country rather than help Cambodia. He considers himself a law professor. Why doesn't he go help his country with writing the constitution?" During the Special Rapporteur's May 2013 mission, Government-orchestrated protests by taxi drivers



MEMORANDUM INTERIEUR - INTEROFFICE MEMORANDUM

and students saw a large amount of unfounded and very personal attacks on the Special Rapporteur. The Secretary-General urges the Government and all stakeholders to cooperate fully with the Special Rapporteur, whose latest report on human rights in Cambodia will be also presented at the next session of the HRC (unedited version of this report, as submitted to the HRC, is attached for information).

- 7 While the Secretary-General's report does not address the issue of elections directly, the Government is likely to be particularly sensitive to any criticism in view of the national elections of 28 July. OHCHR shared the draft report with the Government for possible comments and have highlighted to the Government that it will be published after the elections (most likely, at the end of August).

Approved by the Deputy Secretary-General

Jan Eliasson 

Date: August 24, 2013

A/HRC/24/32

United Nations



General Assembly

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Human Rights Council

Twenty-fourth session

Agenda item 10

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

The present report is submitted pursuant to Human Rights Council resolution 18/25, in which the Council requested the Secretary-General to report to Council at its twenty-fourth session on the role and achievements of the Office of the High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights.

* Late submission.



MEMORANDUM INTERIEUR • INTEROFFICE MEMORANDUM

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I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 18/25. It describes the activities of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Cambodia during the period from July 2012 to May 2013. The drafting of the present report was finalized on 23 June 2013.

2. The OHCHR presence in Cambodia, mandated by the Commission on Human Rights in its resolution 1993/6, continued to provide assistance to the Government and to the people of Cambodia in promoting and respecting human rights in five key areas: prison reform; fundamental freedoms; land and housing rights; rule of law; and promoting the legacy of the Extraordinary Chambers in the Courts of Cambodia (ECCC). Work also expanded on the issue of business and human rights.

3. During the reporting period cooperation deepened with a number of key government counterparts, most notably the Cambodian Human Rights Committee, the Ministry of Justice, the Ministry of Interior (including the General Department of Prisons) and a number of provincial governments. In addition, cooperative relations were established (or renewed) with other parts of government, including the Ministry of Social Affairs, Veterans & Youth, the Anti-Corruption Unit, and the Ministry of Environment. Government representatives at different levels have expressed satisfaction and appreciation for the technical assistance OHCHR has been able to provide. Cooperation with the judiciary has expanded considerably (including with the ECCC) and relations with the National Assembly and Senate have strengthened. In 2012 the Office endeavored to amplify the impact of its work through partnering more closely with other members of the United Nations Country Team in Cambodia.

4. The Secretary-General is confident that the High Commissioner for Human Rights is committed to continuing to provide assistance and support to the Government and people of Cambodia in strengthening the protection and promotion of human rights in the country, and hopes that the two year Memorandum of Understanding governing technical assistance between the OHCHR and the Royal Government will be renewed beyond 31 December 2013.

5. OHCHR has also continued to support the work of the Special Rapporteur on the situation of human rights in Cambodia, Mr. Surya P. Subedi, who made country visits in December 2012 and May 2013 during the reporting cycle. The Secretary-General is concerned by a number of personal attacks on the integrity of the Special Rapporteur, including by Government representatives, and urges the Government and all stakeholders to cooperate with him fully in his work as outlined in the report of the Special Rapporteur (A/HRC/24/54).

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6. Cambodia's good record in ratification of human rights treaties was strengthened on 20 December 2012 with the ratification of the Convention on the Rights of Persons with Disabilities. OHCHR was pleased to assist with the process at the national level. The Office was also able to support the Government to clear its backlog of overdue period reports to the treaty bodies, and continues to support the drafting of the next report due under the International Covenant on Economic, Social and Cultural Rights. Support was also provided in follow-up to the 91 recommendations accepted by Cambodia at its initial Universal Period Review, as well as preparation for the second review in early 2014. This support has also extended to civil society groups wishing to provide reports, and to general awareness raising of the UPR process. The Office was joined by a number of donors in this endeavor.

7. In addition to its technical support to the Government and civil society, the Office monitored a number of individual cases related to human rights. The number and type of cases in which OHCHR intervened were similar to the previous reporting period (A/HRC/21/35). OHCHR aims to work with authorities, civil society, communities and individuals to avoid violence, prevent human rights violations or end continuing violations. In a number of cases, OHCHR is one of the few actors present and able to fill this human rights protection role.

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8. The Office's individual case work continues to be focused on disputes related to land, limitations on freedom of expression, fair trial rights, arbitrary detention and conditions in detention, including ill-treatment. Disputes related to land continue to present a significant challenge for the country. While a major government initiative launched during 2012 resulted in the distribution of land titles to many rural families, a number of chronic land disputes have persisted. The Office monitored and intervened in demonstrations, protests, intimidations, detentions and court proceedings arising out of these disputes. The Office also advocated the right to freedom of expression of all Cambodians, including journalists, human rights defenders and trade unionists. Allegations of impermissible restrictions on freedom of expression during the summits related to the Association of Southeast Asian Nations (ASEAN) were raised with the authorities. In the area of fair trial rights, the Office monitored a number of court proceedings, including high profile cases. In some instances, the Office secured legal representation for defendants. Building on its support to the Government to address human rights protection gaps in the detention of individuals, OHCHR has also systematically brought to the attention of the authorities instances of arbitrary detention and ill-treatment, which led to largely favorable outcomes, including releases.

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II. Land and housing rights

9. OHCHR's Land and Housing Rights Programme works with the Government, civil society organizations, communities, individuals, business enterprises, professional associations, and multilateral and bilateral development actors to strengthen the legal framework protecting land use and ownership and housing rights, and improve their implementation. The Programme also works with individuals, communities and authorities in relation to specific instances of threats to, harassment, and criminal persecution of the individuals and communities acting to defend their rights to land and housing, as well as with the human rights defenders who work with them on land issues.

10. OHCHR operates in a context of ongoing land disputes in both rural and urban areas. While there was little change in the resolution of disputes or enhanced tenure security in most urban centers, during the reporting period the Government undertook a major campaign for private land titling on and around economic land concessions (ELCs), logging concessions, and areas administered by the Ministry of Environment, and confiscated state land under the auspices of the Ministry of Land Management, Urban Planning and Construction. This campaign followed the May 2012 moratorium on the granting of new ELCs and a review of existing concessions (Directive 001), the full results of which are yet to be publicized. The implementation of the national land titling programme took precedent over other priorities, as cadastral officials and teams of youth were deployed countrywide to measure rural land and issue private titles. The campaign has been successful in improving tenure security for many Cambodians. According to government figures, as of 4 May 2013, 226,252 titles have already been issued to families. One of the stated aims of the campaign is to reduce the amount of land disputes in rural areas. However, as a short term initiative, the campaign does not holistically address disputed land nationwide and a number of existing disputes remained unresolved, while other dormant disputes resurfaced.

Some irregularities with the process have been reported to OHCHR, with a lack of clarity as to why some land was being measured and other areas excluded.

11. During the reporting period OHCHR monitored 74 ongoing and unresolved land disputes between affected communities, authorities and businesses in both rural and urban areas combined, a slight increase from last year. Of these disputes, 32 (four of them new) related to economic and other land concessions (including 12 on land long occupied by indigenous peoples and 20 cases affected by the implementation of Directive 001). 42 disputes (six of them new) were related to other land transactions (including two on land long occupied by indigenous peoples and three cases affected by the implementation of Directive 001). OHCHR's activities in this area took the form of facilitation of dialogue, court monitoring, and legal and procedural advice.

12. The reporting period again saw confrontations, (at times violent) between individuals, communities, housing rights activists and authorities, police and the military. OHCHR repeatedly monitored and intervened in demonstrations and protests in order to prevent violence, seek a negotiated outcome and secure the release of persons arbitrarily detained. OHCHR witnessed a number of incidents of excessive use of force by the authorities. The reporting period saw the introduction of the use of electrified riot shields by the authorities. OHCHR continued to monitor cases of individuals who in the past have been interrogated, charged, or placed under judicial supervision for their involvement in land disputes, but whose cases were never closed by the courts and who remain under threat of harassment and intimidation (the Office maintains a list of 177 unresolved individual cases, six of them new since June 2012).

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13. The specific focus of OHCHR's case work is on promoting tenure security and preventing eviction and resettlement, including promoting equitable consultation processes, securing adequate compensation and, when necessary, improving planning for relocation. In addition to monitoring and following up on multiple urban housing cases, OHCHR provided financial and substantive support to a Cambodian public interest law firm which provided legal aid to three communities in the Municipality of Battambang to apply for tenure security under a pilot project (related to Circular 03 on resolution of temporary settlements on illegally occupied land in the capital, municipal and urban areas).

14. Despite some improvements in some sites by local authorities, donors and charity organizations, conditions overall remain poor for relocated communities, whether their resettlement was related to recent eviction or long-established resettlement sites. OHCHR monitored the right of access to safe water and sanitation at nine sites, and advocated for improved sanitation habits to contribute to decreasing the spread of disease and improved health. OHCHR, in collaboration with local civil society organizations, provided water filters to 459 families in six areas and is supporting the construction of latrines for 110 families at the Phnom Bath resettlement site.

15. OHCHR contributed substantially to research and advocacy on the granting and management of economic and other land concessions (including related to agro-industry, mining, hydropower dams and other large scale infrastructure projects) and the human rights impact of concessions, especially in recognized protected areas. OHCHR convened regular consultations with civil society organizations and researchers, and contributed to meetings with development partners, encouraging improved access to information and data collection in the absence of complete official data by the Ministry of Agriculture, Forestry and Fisheries amongst other government entities, and encouraged collaboration on advocacy issues around the national land titling campaign (implementation of Directive 001) and on land concessions generally. OHCHR provided financial support to a non-governmental open data source which makes available in one location information on land concessions by province and by company, and includes briefings on thematic issues. In line with its mandate, OHCHR supported the work of the Special Rapporteur on the human

rights situation in Cambodia on land concessions, and is following up to his recommendations in that regard.

16. At the invitation of the Ministry of Environment, OHCHR supported the consultation process for a draft law on environmental impact assessment led by the Ministry, and provided substantive comments on the harmonization of the current draft with international standards on transparency, public participation and access to information, gender, the responsibility of business enterprises, free, prior and informed consent, resettlement, and grievance mechanisms and dispute resolution processes.

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17. On the promotion of indigenous peoples' land rights, OHCHR works closely with the Ministry of Rural Development and Ministry of Interior. In collaboration with International Labour Organization and other development partners, OHCHR monitored efforts countrywide for indigenous peoples to organize and be recognized as legal entities and apply as a community for collective land title, as recognized in the domestic legal framework. During the reporting period, policies which arose from the implementation of Directive 001 on land concessions and forestry land prioritized private land titling and deprioritized indigenous land titling programmes, diverting resources from the Ministry of Land Management, Urban Planning and Construction and hampering progress on indigenous land titling programmes in process. In some cases the national private land titling campaign effectively resulted in provincial level authorities placing obstacles to indigenous communities in their pursuit of collective land titles.

18. Despite these obstacles, OHCHR continued its ongoing support to seven villages inhabited by Phnong peoples in Bousra commune, Mondulkiri province, further developed its assistance to Suoy communities in five villages in Aoral district, Kampong Speu province, and expanded the programme to include support to one Por community in Samlot district, Battambang province. OHCHR also contributed to advocacy more generally for indigenous peoples' land rights and cultural and linguistic rights with the use of the media (press statements, publications and video).

19. In order to promote more responsible business practices in the land sector and to counter inadequate regulation and oversight of businesses operating in Cambodia (also relevant to labour rights), OHCHR contributed to awareness raising and capacity building in the area of business and human rights. OHCHR targeted civil society organizations, government, community representatives and business actors to support their increased understanding of concepts in the United Nations Guiding Principles on Business and Human Rights and their application in the Cambodian context. OHCHR gave presentations at eight seminars and consultations for civil society, reaching over 200 representatives of NGOs and indigenous communities countrywide, and supported greater capacity for civil society on accessing non-judicial mechanisms for business related human rights impact (at the operational, national and international levels).

20. OHCHR also shared information with the staff of the Government's Anti-Corruption Unit, and donors, businesses and professional associations on business and human rights, supported a monthly radio programme, and assisted with the development of a picture book on the issue for indigenous communities. A result has been both increased understanding among civil society of the responsibilities of the State and business actors in the land and labour sectors, and increased interest and capacity in promoting responsible business practices, as evidenced by the choice by local civil society of business and human rights as the theme for 2012 Human Rights Day.

III. Rule of law

21. OHCHR's Rule of Law Programme in Cambodia is aimed at supporting the legal and judicial reform process in the country, focusing on the strengthening of the rule of law. The Programme works with a range of actors involved in the criminal justice system, mainly the Ministry of Justice, judges and prosecutors at all levels of the court system, lawyers and the judicial police. Cooperation between OHCHR and the Government is strong. In particular, the level of cooperation with the Ministry of Justice, and consequently with judges and prosecutors, has markedly increased during the reporting period, resulting in an increase in activities co-organized with the Ministry.

22. Cambodia has already ratified a number of international human rights treaties. During the reporting period, Cambodia also became a State party to the Convention on the Rights of Persons with Disabilities on 20 December 2012. OHCHR provided support during the ratification process by, for instance, giving extensive advice on the drafting of the statement of reasons submitted to Parliament for ratification. The Ministry of Social Affairs, Veterans and Youth has requested the Office's assistance in training government officials on the Convention.

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23. During the reporting period, OHCHR has continued to assist the relevant stakeholders in implementing the Criminal Code and the Code of Criminal Procedure in accordance with human rights standards and practice. In November 2012, OHCHR co-organised with the Ministry of Justice a national conference on the implementation of the Criminal Code, which was attended by judges, prosecutors, judicial police officers and lawyers from all provinces. The discussions focused on the provisions of the Code with a potential impact on freedom of expression (e.g. on incitement, defamation, etc) and those provisions concerning alternative sentencing. This conference was an important opportunity to raise the awareness of the participants of international human rights standards on freedom of expression. To this end, OHCHR translated the Human Rights Committee's General Comment No.34 on Article 19 on freedom of expression into Khmer and published it as a booklet. A member of the Human Rights Committee was invited to discuss the General Comment with participants.

24. In parallel, OHCHR has continued to work on the implementation of the Code of Criminal Procedure and to meet regularly with court presidents and chief prosecutors in the provinces to discuss the challenges they face in the implementation of the Code and the administration of justice. As a follow-up to the Conference on the implementation of the Code held in June 2012, OHCHR has been working closely with the Ministry of Justice to revise the relevant court forms on pre-trial detention in order to ensure that judges issue reasoned decisions when ordering pre-trial detention. A consultative meeting with a group of judges was organised in May 2013 to review these forms before final submission to the Minister of Justice.

25. In light of the five successful judicial roundtables held in 2012, the Ministry of Justice agreed to renew this programme for 2013. This is a joint programme organised in the provinces to discuss with local judges, prosecutors, court clerks and lawyers challenges in the implementation of the Code, with particular reference to the practice of the ECCC. During the reporting period, the judicial roundtables have allowed ECCC practitioners to share their experiences with colleagues from 17 provinces (of 24). Discussions focused on pre-trial detention and investigation techniques. OHCHR has also continued to support regular meetings between the police, the courts and the prisons in the provinces, especially in the North-West through OHCHR Battambang regional office, to improve cooperation within the criminal justice system and discuss issues related to the implementation of the Code. During the reporting period, OHCHR has supported 12 police-court-prison meetings

across the country, including in four provinces where such coordination mechanisms had not been put in place previously.

26. Prosecutors play a central role in the implementation of the Code of Criminal Procedure, since they are involved in every stage of the criminal procedure. In order to provide an opportunity for prosecutors to discuss how they fulfil their role under the Code and more specifically how they could better promote respect for human rights within the criminal justice system, OHCHR partnered for the first time with the Supreme Court Prosecutor-General to organise the first national gathering of prosecutors from across Cambodia in March 2013. Discussions focused on the role of the prosecutor in the pre-trial and trial stage, the supervision of the judicial police, and the monitoring of excessive detention. Participants agreed on a series of recommendations which are included in the report of the meeting to be published.

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27. Following OHCHR's assistance to the Bar Association in finalising the text for a revised Code of Professional Conduct, the Code was adopted by the Bar Council in September 2012 and shared with all lawyers. It is worth noting that the revised Code now provides that all lawyers have the mission to protect human rights. Under the new Code, lawyers no longer need to inform, nor consult the Bar President before they speak to the media, which was the case under the previous Code. OHCHR and the Bar Association organised a public launch of the new Code in April 2013.

28. In 2012 OHCHR established a Legal Advocacy Officer post with the purpose of enhancing lawyers skills in using international human rights standards in court, and to pursue strategic litigation. In September 2012 OHCHR organised an initial training session with a group of lawyers on how to use international human rights law and jurisprudence before the courts. The Legal Advocacy Officer has also worked directly with lawyers in seven cases with a view to assisting them in defending cases relevant to human rights issues and in making human rights-based arguments before the courts. Through this work, several human rights issues have been brought to the attention of judges with some success. For instance, the Legal Advocacy Officer has worked with a lawyer on a case involving lesbian, gay, bisexual and transgender (LGBT) rights. The concerned individual was acquitted on appeal and released from prison. In another case involving a minor held in pre-trial detention in an adult-only prison, the Legal Advocacy Officer worked closely with the lawyer to submit arguments based on international human rights law and to ensure his release. In a case involving a pregnant woman, OHCHR assisted the lawyer in obtaining bail for her client.

29. OHCHR monitored 23 cases involving human rights violations during the reporting period. In all such cases, OHCHR has liaised with judges, prosecutors and lawyers on the progress of the cases. In some cases, OHCHR has assisted victims in finding a lawyer and/or provided financial assistance to lawyers to conduct investigations and collect further evidence in favour of their client. In monitoring the subsequent nine trials, six had positive outcomes for the defendant (acquittal or sentence reduced).

30. Progress in the establishment of a national preventive mechanism on torture (the NPM) has stalled during the reporting period. Despite the Government's announcement that a law would be drafted to establish a NPM, no progress was made during the reporting period. Nonetheless, OHCHR has continued to work with members of the inter-ministerial committee (which currently acts as the NPM) and its secretariat to strengthen their capacity to conduct monitoring visits. For instance, members of the secretariat accompanied OHCHR staff members on their monitoring visits to a social affairs centre and a provincial prison in order to familiarise themselves on how such visits are conducted. With a view to eliminating ill-treatment in police stations, OHCHR conducted further trainings in the provinces, in cooperation with chief prosecutors, for police and gendarmerie officers on the prevention, investigation and prosecution of acts of torture and ill-treatment. A follow-up is

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currently being conducted through visits to police stations at the district level to assess the impact of the training.

31. OHCHR's work with the Court of Appeal to reduce the backlog of pending appeals is described in the prison reform section of this report. To support this process, OHCHR worked with two legal aid organisations (LAC and IBJ) to provide legal assistance in more than 300 priority cases pending before the Court of Appeal. Through this cooperation, many cases have been heard and part of the backlog cleared. This initiative built on the expanded physical capacity of the Court as a result of an earlier OHCHR initiative to build new court rooms.

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32. Aside from addressing backlogs in the appeal cases, OHCHR and the President of the Court of Appeal have also collaborated on improving cooperation between the courts and the prison authorities. A workshop was jointly organised in September 2012, with the participation of all court presidents, chief prosecutors and prison chiefs. Participants focused their discussions on practical ways to improve cooperation within the criminal justice system. Feedback from participants was extremely positive, particular on the opportunity to meet colleagues and to discuss common challenges. At the end of the meeting, participants agreed on a set of recommendations which have already been partly implemented. For instance, according to information received, courts share judgments more systematically with prisons in several provinces, thereby reducing the risk of excessive detention. In order to obtain a more detailed picture on the implementation of fair trial rights in higher courts, OHCHR is supporting trial monitoring at the Court of Appeal by the Cambodian Centre for Human Rights.

33. Progress towards the completion of case 002 in the Extraordinary Chambers in the Court of Cambodia (ECCC) continues to face challenges. The Court has been hampered by serious financial difficulties which have resulted in staff not being paid for several months and going on strike. In September 2012 one defendant (Ieng Thirith) was released from detention after being diagnosed with dementia and declared unfit to stand trial. In March 2013, Ieng Sary, her husband and co-defendant, died. In the meantime, the first "mini-trial" in case 002, focusing on forced population movements, is proceeding and hearings are expected to finish by the end of 2013. The situation regarding cases 003 and 004 remains uncertain.

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34. It is in this challenging context that OHCHR has continued its work on promoting the legacy of the ECCC. During the reporting period, OHCHR has endeavoured to refer to ECCC practice in all its rule of law activities. As mentioned above, OHCHR and the Ministry of Justice have co-organised a further 6 judicial roundtables which provided an important platform to share good practices from the ECCC with local legal practitioners. OHCHR has also continued legacy-specific activities. In particular, OHCHR coordinated work on the first draft of a Handbook annotating the Code of Criminal Procedure with the jurisprudence of the ECCC. This draft was translated into Khmer and consultations will be organised with judges, prosecutors and lawyers before finalising the text. OHCHR organised a second season of the Fair Trial Rights Academy, an 8-week course for a group of 25 selected law students. During the course, the students learned about fair trial rights, how they were applied at the ECCC and heard from various guest speakers, including from the ECCC. They also visited the ECCC. During the reporting period, OHCHR also organised for the first time, in association with the Bar Association, a legal dialogue between lawyers working at the ECCC (defence lawyers and civil party lawyers) and lawyers working in the domestic system. Finally, OHCHR translated into Khmer the OHCHR rule-of-law tool on maximizing the legacy of hybrid courts and published it.

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IV. Support to prison reform

35. The Prison Reform Support Programme aims at supporting changes in the management of prisons and the treatment of prisoners in Cambodia, in order to improve respect for the human rights of detained persons in conflict with the law. To achieve this aim, the Programme works closely with the General Department of Prisons of the Ministry of Interior (GDP) and all prisons and correctional centres under its authority, as well as many other relevant actors, both from other Ministries (Justice, Health, Social Affairs Veterans and Youth), as well as civil society and development partners. During the reporting period, OHCHR continued to work collaboratively with all partners, and to support the cooperation between GDP and NGOs, and some important improvements in the enjoyment of the rights of detainees have been recorded.

36. Training of prison staff is key to improving respect for prisoners' rights. The Office continued its support to curriculum development, as well as building the capacity of the trainers from GDP and from the Centre for Professional Training of Prison Guards of the Police Academy of Cambodia (PAC). The training of trainers programme focusing on skills and methodology, carried out with training NGO partner VBNK since June 2011, was completed with a last series of coaching sessions in July 2012 and a final debrief meeting with the prison authorities in September 2012. Final evaluations from the trainees, regarding training skills acquired or strengthened, were positive. Several modules regarding, inter alia, mental health in prison, communication with prisoners, and conflict prevention in prison, were also developed during the reporting period with psychosocial NGO TPO-Cambodia, and in parallel a series of three training of trainers and refresher training workshops were held between July 2012 and March 2013, followed by a pilot training for staff from the Correctional Centres 1 and 2 near Phnom Penh. Cooperation continued with the United Nations Office on Drugs and Crime in Cambodia, resulting in the production of a draft curriculum on general health in prison for non-medical prison personnel, which will now be submitted to the Ministry of Health for review. OHCHR also facilitated the organisation of the first annual meeting of the joint training team from GDP and PAC, which focused on strengthening the prison curriculum, further building the capacity of trainers, and drafting a plan of action. The Khmer version of an international handbook on a human rights based approach to prison management, earlier translated by OHCHR, was printed for distribution to prison staff and prison staff trainees.

37. OHCHR continues to enjoy unfettered access to prisons across Cambodia, and to hold confidential interviews with prisoners, in order to monitor general conditions and treatment. In addition to following up on individual cases, requests or complaints for protection purposes (for instance linking up individuals with medical or legal service providers), the monitoring approach remained focused on preventive visits as envisaged under the Optional Protocol to the Convention Against Torture (OPCAT). As such, the monitoring visits continued to directly feed into the systemic work carried out by OHCHR to improve management and treatment.

38. Respect for detainees' procedural rights remained a focus during the reporting period, in particular the rights of prisoners pending appeal. Without a final judgment from the court, prisoners cannot apply for sentence reduction and pardon, and long periods pending appeal have been depriving hundreds of prisoners of that right. Lack of awareness of the prison authorities of the legal framework governing prisoners pending appeal had also led to excessive detention: in Cambodia, the law provides that prisoners pending appeal by the prosecution remain in detention until the Court of Appeal has ruled on their case, which may be far beyond the end of their first instance term of imprisonment. Due to lack of awareness, prisons applied the same system to prisoners pending their own appeal.

39. In order to facilitate the clearance of old appeal cases, OHCHR prepared lists of priority cases identified from the 2011 census of prisoners pending appeal. These lists were shared with, and taken up by, the Court of Appeal authorities, enabling prisoners to have their appeal case eventually heard and obtain a final judgment. It is worth noting that the prison authorities also stepped up their efforts to transport more prisoners to attend their appeal hearings. No more prisoners have been waiting for their appeal for ten years or more; several prisoners acquitted in first instance were also eventually released after another acquittal in appeal.

40. Information was also fed into the first national workshop bringing all prison chiefs together with the courts and prosecution authorities (see above under the Rule of Law section). This helped increase the awareness of prison authorities of the requirement to request the release of prisoners who appealed, once they have served the entirety of their first instance sentence. As a result, many prisoners were duly released, thus contributing to a reduction in the incidence of excessive detention pending appeal. Ongoing concerted efforts continue to be needed until the backlog of appeal cases is cleared.

41. Following two consecutive years of emergency assistance to prisons during the 2010 and 2011 floods in Cambodia, the Office co-organised with the Ministry of Interior a national workshop on Disaster Preparedness in Prisons in July 2012. Participants included all chiefs of prisons and correctional centres, as well as Provincial Governors or Deputy Governors, representatives of the National and Provincial Committees for Disaster Management, the Fire Brigade, and civil society organisations involved in disaster responses in the communities. The meeting discussed the particular experiences, challenges and needs of the Cambodian prisons, and agreed on a number of steps to improve preparedness, such as drafting preparedness plans and setting up preparedness teams, or including prison authorities in the relevant Committees for Disaster Management. By the end of the reporting period, a number of those recommendations have already been effected in the most-at-risk prisons and the Office provided material assistance to several prisons to help them implement their preparedness plans.

42. The Office continued to compile and analyse statistics and information on women in prison and women with children in prison, for advocacy with the prisons, courts, prosecutors, and lawyers, as well as relevant entities within the UN Country Team. In parallel, the programme is working with two NGO partners, Licadho and Il Nodo, to help provide services to pregnant women and women with children in prison and raise policy issues with authorities and partners. One of these is the high imprisonment rate of women in Cambodian prisons – with over 8% of the prison population female, Cambodia ranks among the top 30 countries worldwide for its percentage of female detainees. While the growth in the number of women prisoners stabilised during the reporting period, the rapid increase put additional pressure on the prison system to accommodate and manage the female prison population according to required standards. An additional issue is the lack of guidelines and systems to deal with children detained with their mother (sometimes their father), in particular once they have reached the maximum age beyond which they are not permitted to stay with their parent in prison according to the 2011 Law on Prisons.

43. OHCHR continued to provide technical and material assistance to prisons and provincial authorities to improve prison facilities, in line with monitoring recommendations and the still-to-be-adopted Prakas on Minimum Standards for Prison Construction (a sub-legislation required under the 2011 Law on Prisons). An important undertaking in the reporting period was the creation of windows in the pre-trial building of Cambodia's largest prison Correctional Centre #1, which led to a notable improvement in the ventilation and heat levels in the cells and the possibility for prisoners to now see outside. Following continued advocacy for secure rooms for prisoners at referral hospitals, and with the approval of the relevant authorities (prisons, provincial health departments, provincial

prosecutors), one large hospital was equipped (Banteay Meanchey), and two others started (Kampong Chhnang and Koh Kong). OHCHR also helped to improve the conditions in two sub-standard temporary prisons (Pailin and Oddar Meanchey, through window-opening and improvement of sanitation blocks respectively) while continuing to urge the authorities to put in place long-term solutions.

44. Other results achieved during the reporting period include improved ventilation and sanitation in Preah Sihanouk prison, internal fencing to improve access to fresh air/farming activities and channelling of river water to improve water supply in Banteay Meanchey prison, and windows improvement in Kratie prison. The relevant GDP Department was associated throughout, as were the local prison authorities, to ensure ownership and capacity building.

V. Fundamental freedoms and civil society

45. The Fundamental Freedoms and Civil Society Programme is aimed at strengthening the capacity of individuals and organizations to exercise their fundamental freedoms of expression, opinion, association and assembly. The Programme works with the Government, civil society, United Nations agencies, embassies and development actors to develop and monitor the implementation of legislation and policies that directly pertain to the exercise of these freedoms. This work includes providing protection to human rights defenders, victims or possible victims by monitoring individual cases as they arise and advocating with the relevant provincial and national authorities in favour of the respect of their rights. It also focuses on capacity-building for the Government and civil society. During the reporting period, the Office observed that trade unions and several communities had been increasingly active in advocating for the respect of labour rights by organizing strikes and demonstration marches.

46. In order to support ~~the endeavours of civil society organisations~~ in promoting the respect of their rights, training for human rights defenders continued to account for a significant proportion of OHCHR work during the reporting period. In total, more than 529 human rights activists benefitted from the capacity - building activities carried out by the Programme related to the promotion of fundamental freedoms. The Office gave priority to raising awareness on rights to assemble peacefully and to express freely their views as OHCHR noted that both communities' representatives and authorities are misinformed about the relevant domestic regulations, mainly the provisions of the Law on Peaceful Demonstrations. For example, OHCHR observed that in many instances Civil Society Organisations and communities considered that they were obliged to notify authorities of planned gatherings in circumstances where it was not required by the law. Communities indicated they preferred to inform the authorities, even if it is not required by the Law, rather than have their gathering disrupted. In order to improve the situation, the OHCHR in collaboration with the East-West Management Institute (EWMI) conducted training with the participation of human rights defenders, including evicted communities, forestry, and fishery associations, non-governmental organizations and trade unions, on the provisions of the Law on Peaceful Demonstrations and its official implementation guide. OHCHR also disseminated, in collaboration with EWMI, a reporting form to be used by civil society organizations in order to systematically monitor and adequately report and advocate on violations related to their right to peaceful assembly, mainly in relation to the implementation of the Law on Peaceful Demonstrations. The Office also continued to offer cooperation with the Ministry of the Interior in raising awareness among civil servants on how to apply the Law on Peaceful Demonstrations in a manner consistent with the country's international human rights obligations.

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47. Additionally, OHCHR's Fundamental Freedoms and Civil Society Programme enhanced the capacity of human rights defenders, including trade unionists, to systematically and adequately monitor, report and advocate with the authorities or any other relevant actor situations of human rights violations. The sessions engaged 114 activists from ten provinces. In November 2012, OHCHR conducted a workshop on the permissible restrictions in relation to freedom of expression under international human rights law with the support of a Human Rights Committee expert. This event was focused on exploring with civil society the permissible exceptions to the respect of freedom of expression in Cambodia.

48. OHCHR regularly mediated between authorities and communities or civil society organisations to ensure that peaceful gatherings could take place in conformity with the provisions of domestic and international human rights law. In order to create a sustainable approach to peaceful gatherings, the Office has embarked on a series of provincial roundtables at which provincial officials and civil society representatives from the province in question can discuss their concerns over freedom of assembly and come to an agreed position for the handling of future events, in conformity with the law. This was particularly effective during Human Rights Day 2012 when the Office intervened to ensure the peaceful holding of events by communities.

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49. Where prior mediation is not possible, the Office monitors demonstrations, marches and other types of gatherings where there is a risk of violence between protesters and authorities. During the reporting period, OHCHR monitored 22 such events in Phnom Penh alone. The aim of OHCHR's intervention is to reduce the risk of violence while trying to ensure that the rights to freedom of assembly and expression are respected. OHCHR works with the authorities and protest leaders to secure agreement (where possible) to allow the protest to take place peacefully. Examples during the reporting period include the protests outside Phnom Penh Municipal Court during the trial of Mr. Mam Sonando in September 2012, and attempts by the ASEAN Grassroots Peoples Assembly to present a petition to the Cambodian National Assembly prior to the 7th East Asia Summit in November 2013.

50. Where protests turned violent, OHCHR has tried to calm the situation. While this has met with little success during the reporting period, OHCHR's visible presence has appeared to dissuade an escalation. The reporting period saw the continued use of private security guards in response to protests, with a number of instances of excessive force being used. A new and disturbing development was the introduction and use of electrified riot shields by police in crowd control situations. The Office has also intervened where protesters were detained, notably in relation to land disputes, garment workers protests, and trade unionists. OHCHR aimed to seek release where detention was arbitrary or to secure access to legal representation and medical care, where needed.

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51. The reporting period included a number of large public events in Cambodia, most notably the 21st ASEAN Summit and related summits in November 2012 and the funeral of King Father Norodom Sihanouk in February 2013. OHCHR offered to work with the authorities to find a solution to the situation of a large mixed group of individuals who had been detained (without judicial supervision) from the streets of Phnom Penh before the summits. This group included homeless, the mentally ill, sex workers, factory and construction workers and children. Similar cooperation during previous summits had resulted in the release of these individuals, where appropriate, to the care of NGOs. OHCHR has proposed technical assistance to the Municipality of Phnom Penh to put in place a process to avoid similar instances of arbitrary detention in the future.

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52. Building on previous work, OHCHR and UNICEF have worked with the Government to address human rights issues in social affairs, youth rehabilitation and drug rehabilitation centres operated by the Government. OHCHR welcomes the fact, that in line with an early 2012 Government's decision, the Prey Speu Social Affairs Centre in Phnom

Penh has not been used anymore for instances of arbitrary detention as recorded in the past. OHCHR and UNICEF are working with the Ministry of Social Affairs, Veteran and Youth Rehabilitation (MOSAVY) to implement recommendations from a jointly commissioned independent study undertaken in 2011 entitled "Assessment on the policies, procedures and practices in the referral, placement, management, rehabilitation and reintegration of children, women and vulnerable persons at social affairs, youth rehabilitation and drug rehabilitation centres under the authority of MOSAVY".

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VI. Public communications and advocacy work

53. The Office continued to expand its public communications and advocacy work nationwide to better promote human rights and address specific thematic issues and audience needs. Using a range of information tools, the office reached out to various sectors of society including academic institutions, the media, government officials and communities in remote provinces.

54. In the context of the 2011 United Nations Declaration on Human Rights Education and Training, OHCHR launched a human rights learning session programme for universities in Phnom Penh which offers short lectures on specific human rights topics. To date, three presentations have been delivered to over 500 students and faculty in three universities. Upon the request of the Cambodian Mekong University, the only university in Cambodia offering a masters degree in human rights, OHCHR staff delivered two short courses on the UN Human Rights System and International Human Rights Law.

55. At the invitation of and in partnership with the Ministry of Information, OHCHR trained 50 media practitioners and Ministry staff on human rights-based approach in journalism in August 2012. The two-day training included a focus on maintaining the presumption of innocence in criminal cases and the right to privacy.

56. Dissemination of publications and other information materials by OHCHR has increased each year in terms of new publications produced and number of copies distributed throughout the country. New translations into Khmer in the reporting period included the Human Rights Committee's General Comment on Freedom of Opinion and Expression, while new publications included an illustrated version of the UN Guiding Principles on Business and Human Rights targeting indigenous communities produced in cooperation with the Indigenous Community Support Organization. In all, more than 75,000 copies of publications and other forms of information materials have been disseminated during the reporting period. This included 424 sets of information materials to all government high schools throughout the country in support of a government-led human rights competition.

57. The Office continued to provide small human rights libraries to universities and State-run teacher training centers around the country as well as major government institutions. By end of June 2013 the Office will have delivered 70 sets of human rights materials to 60 recipient institutions.

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58. Among the grant funding provided by OHCHR during the reporting period, two grants focused on the media. One, provided to the Cambodian Center for Independent Media, supported a training for indigenous community representatives on effective utilization of media for indigenous rights advocacy. An earlier grant to Pour un Sourire d'Enfant produced three films on sexual abuse, domestic violence and child slavery from a rights-based perspective. The films are currently being screened across Cambodia.

59. On Human Rights Day 2012, OHCHR staff participated and monitored 31 community-led events in eight cities and provinces. In advance, the Office distributed 200 packs containing various materials to be used in celebrating the day across the country. A

2-minute Khmer animation film on freedom of opinion, expression and assembly set in a land dispute scenario was launched online and later shown at public events and trainings. The Office also joined with UN agencies to celebrate other international days, including World Press Freedom Day (with UNESCO) and the 16-day campaign to end violence against women led by UNWOMEN. The Office also supported the printing of public awareness campaign leaflets on the national election developed by the Neutral and Impartial Committee for Free and Fair Elections in Cambodia, rights of working women by the Cambodian Labour Confederation, and a one-month radio program on the rights of persons with disabilities by the Battambang-based Voice of the Blind organisation.

VII. Treaty bodies, special procedures and universal periodic review

60. In December 2012, Cambodia submitted its second periodic report under the International Covenant on Civil and Political Rights which had been overdue since 2002. OHCHR has provided extensive support to Royal Government in the preparation of this and other overdue reports. With this report submitted, Cambodia has cleared its backlog of outstanding reports, with the assistance of OHCHR.

61. The Office continued to support the work of the Special Rapporteur on the human rights situation in Cambodia during his December 2012 and May 2013 missions to the country. Other requests for official missions by other Special Rapporteurs were not accepted by the Government during the reporting period. The Secretary-General encourages the Government of Cambodia to continue its cooperation with the Special Rapporteur on the situation of human rights in Cambodia and to consider favourably inviting also thematic special procedures mandate-holders to benefit from their specific expertise.

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62. OHCHR has assisted the Government and the civil society in follow up to the first round of the Universal Periodic Review (UPR) process and preparations for the Cambodia's next review in early 2014. An Office-supported civil society meeting on 30 April 2013 resulted in the creation of working groups to prepare joint thematic reports for submission to the UPR working group. At the request of the Government, OHCHR co-organized an inter-ministerial workshop on 10 May 2013 which focused on the drafting of the Government's report for the next review.

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