



**Economic and Social  
Council**

Distr.  
GENERAL

E/CN.4/2003/113  
9 January 2003

Original: ENGLISH

---

COMMISSION ON HUMAN RIGHTS  
Fifty-ninth session  
Item 19 of the provisional agenda

**ADVISORY SERVICES AND TECHNICAL COOPERATION IN THE  
FIELD OF HUMAN RIGHTS**

**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**

### **Executive summary**

The present report contains information on the role and achievements of the Cambodia Office of the High Commissioner for Human Rights (OHCHR/Cambodia) from July to December 2002 in assisting the Government and people of Cambodia in the promotion and protection of human rights. It has been prepared pursuant to Commission on Human Rights resolution 2002/89 adopted at its fifty-eighth session.

OHCHR/Cambodia facilitated the seventh mission to Cambodia of the Special Representative of the Secretary-General for human rights in Cambodia in November 2002, and the second visit of the former High Commissioner for Human Rights in August 2002.

OHCHR/Cambodia continued to monitor the general human rights situation, document specific patterns of human rights violations and investigate complaints of violations of human rights. It regularly brought its concerns to the attention of provincial and national authorities, requesting their intervention.

OHCHR/Cambodia continued to contribute to law-making and efforts to advance legal and judicial reform, including through comments on draft laws, advice on legal issues and fair trial procedures, as well as monitoring trials of concern.

OHCHR/Cambodia was active in the implementation of education and technical assistance and advisory services programmes in many areas, including university education, trafficking in human beings, economic, social and cultural rights, and the dissemination of information.

It provided assistance to the Government Cambodian Human Rights Committee for the preparation of Cambodia's reports on the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Economic, Social and Cultural Rights. It also made available expert advice to help finalize the government report on the Convention on the Elimination of All Forms of Discrimination against Women.

OHCHR/Cambodia continued to work with and assist Cambodian non-governmental groups in strengthening their capacity to carry out activities to promote and protect human rights.

OHCHR/Cambodia continued to participate in a number of United Nations and donor coordinating mechanisms on human rights and rule of law issues, and in activities and meetings of the United Nations Country Team.

The reporting period was a phase of transition for OHCHR/Cambodia, which involved the closing down of some programmes and offices and preparing the groundwork for the future.

## CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
Introduction .....	1 - 4	4
I. ASSISTANCE TO THE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL .....	5 - 6	5
II. ROLE 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 .....	7 - 69	5
A. Visit of the former High Commissioner to Cambodia .....	8 - 12	5
B. Protection of human rights .....	13 - 15	7
C. Activities of OHCHR/Cambodia in the technical cooperation programme .....	16 - 60	7
D. Elections .....	61 - 63	15
E. Coordination with the United Nations system and donors ....	64 - 69	16
III. OHCHR/CAMBODIA STAFF, AND THE FINANCIAL SITUATION OF THE UNITED NATIONS TRUST FUND FOR A HUMAN RIGHTS EDUCATION PROGRAMME IN CAMBODIA .....	70 - 78	17

## Introduction

1. The Cambodia Office of the High Commissioner for Human Rights (OHCHR/Cambodia) was established pursuant to resolution 1993/6 of the Commission on Human Rights which entrusted the Office to carry out the following activities:

(a) Manage the implementation of educational and technical assistance and advisory services programmes and ensure their continuation;

(b) Assist the Government of Cambodia, at its request, in meeting its obligations under the human rights instruments recently acceded to, including the preparation of reports to the relevant treaty monitoring bodies;

(c) Provide support to bona fide human rights groups in Cambodia;

(d) Contribute to the creation and/or strengthening of national institutions for the promotion and protection of human rights;

(e) Continue to assist with the drafting and implementation of legislation to promote and protect human rights;

(f) Continue to assist with the training of persons responsible for the administration of justice.

2. OHCHR/Cambodia also assists the Special Representative of the Secretary-General for human rights in Cambodia in the discharge of his/her functions.

3. In February 2002, the High Commissioner for Human Rights and the Minister for Foreign Affairs of the Royal Government of Cambodia signed a new two-year Memorandum of Understanding (MoU) for the Implementation of a Technical Cooperation Programme on Human Rights. The Memorandum includes the following areas of cooperation: the provision of continuing assistance to the Government in promoting and protecting human rights; the promotion of greater integration of the human rights dimension into education, health and other development programmes; the provision of technical support for the Government's reform programmes, including in the areas of administration of justice and the legislative process; encouraging the participation of civil society and promoting public education in democracy and human rights, especially in the domains of economic, social and cultural rights; and the provision, upon the Government's request, of technical assistance and advice in fulfilling its responsibilities, including submission of reports to meet its international human rights treaty obligations.

4. The present report contains information on the role and achievements of OHCHR/Cambodia from July 2002 to December 2002 in assisting the Government and people of Cambodia in the promotion and protection of human rights. It has been prepared pursuant to Commission on Human Rights resolution 2002/89. Information on the work of OHCHR/Cambodia from December 2001 to June 2002 is contained in the report submitted to the General Assembly at its fifty-seventh session (A/57/277).

## **I. ASSISTANCE TO THE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL**

5. OHCHR/Cambodia facilitated the seventh mission to Cambodia of the Special Representative of the Secretary-General, Peter Leuprecht, which took place from 12 to 19 November 2002, in accordance with his mandate to: maintain contact with the Government and people of Cambodia; guide and coordinate the United Nations human rights presence in Cambodia; and assist the Government in the promotion and protection of human rights.

6. The Special Representative was updated on issues of human rights concern, in particular in the areas of judicial reform, the National Assembly elections in July 2003, land concessions, prison conditions and prison reform, and trafficking in human beings. During the reporting period, the Special Representative was regularly provided with information on the situation of human rights, including on cases of police violence, land disputes and excessive use of force. The findings of the seventh mission of the Special Representative are included in his report to the Commission on Human Rights (E/CN.4/2003/114).

## **II. ROLE 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**

7. In the first half of 2002, OHCHR/Cambodia undertook a consultative process of strategic planning and reviewing of its activities. The purpose was to develop more focused programmes to respond to the changing needs of the human rights situation, within the framework of the mandate provided by the General Assembly and the Commission on Human Rights, and the MoU. OHCHR/Cambodia also needed to reduce programme and staff costs to bring about greater financial stability and to sustain its activities into the future. The new programme was approved by the OHCHR's Project Review Committee in July 2002. It builds on past programmes, sets new directions in some areas, and responds to concerns expressed by the Commission and the General Assembly on the human rights situation in Cambodia. The Office continues its dual approach of working on immediate issues while pursuing the longer-term goal of helping to establish and strengthen institutions to safeguard and advance respect for human rights and end impunity. It also continues its close cooperation with non-governmental organizations (NGOs) and civil society groups.

### **A. Visit of the former High Commissioner to Cambodia**

8. OHCHR/Cambodia facilitated the second visit to Cambodia of the former High Commissioner for Human Rights, Mary Robinson, from 20 to 22 August 2002. The main themes of the visit were judicial and legal reform, trafficking in human beings, and the human rights implications of development. The themes were selected in view of their urgency in the current Cambodian context, their interrelatedness, and their links to the work of the Special Representative and OHCHR/Cambodia and to relevant initiatives of the High Commissioner at the global level. The Office prepared comprehensive background briefings on each theme.

9. During her visit, Mary Robinson addressed the National Assembly, including on the importance of free and fair elections. She expressed the hope that the people of Cambodia were moving towards a society in which a responsible, democratic and representative Government would be firmly established. She noted the importance of public confidence in electoral institutions; freedom of expression and equitable media access for all political parties; effective enforcement of electoral laws; just and peaceful resolution of any disputes; and results that accurately reflected the will of the Cambodian people.

10. The main focus of Mary Robinson's address was on trafficking in human beings. She issued an "Appeal from Phnom Penh", to all those countries in the region concerned with trafficking to work together to ensure an appropriate legal framework and adequate law enforcement at the national level to protect and support trafficked persons; to improve cooperation and coordination between countries; and to identify and respond to those factors which increase vulnerability to trafficking and sustain demand. In the Cambodian context, she stressed the importance of tougher laws and the need for the Government, police and courts to implement existing ones. She drew the attention of the National Assembly to the Recommended Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68/Add.1) developed by OHCHR, urging it to ensure that the new draft law on trafficking reflected these as well as the provisions of the international human rights instruments to which Cambodia is a party. Human rights had to be at the core of any credible anti-trafficking strategy. A responsive and effective judiciary, adequately sensitized to the problem of trafficking and its human rights dimensions, was essential to secure accountability for traffickers and justice for victims. A clear distinction needed to be made between illegal immigrants and victims of trafficking, who are not criminals and should be assisted and provided with opportunities to live a decent life. She stressed the importance of efforts to raise public awareness of the problems.

11. During her visit, Mary Robinson discussed matters of legal and judicial reform with the new Council for Legal and Judicial Reform, established on the eve of the Consultative Group meeting in June 2002. The following issues were among those discussed: (a) the Council's relations with civil society organizations and the importance of a consultative process on legal and judicial reform; (b) structural reform of the Supreme Council of Magistracy and independence of the judiciary, including the problem of political affiliation of judges and prosecutors with political parties; and (c) the shortage of lawyers and access to justice for the poor. She shared her views on judicial and legal reform in her subsequent meeting with the Prime Minister, including her views on the amendments to the law on the Supreme Council of Magistracy which, she considered, did not go far enough to create the structures required to guarantee an independent judiciary. The Prime Minister agreed with her on the importance of independence of the judiciary, and stated that reform of the judiciary was one of the Government's priorities.

12. During her meetings with the Prime Minister, donor agencies and NGOs, Mary Robinson also raised the issue of the human rights implications of economic development. Reforms designed to achieve economic growth must be balanced by a commitment to human rights and social justice. Respect for the rule of law, anti-corruption measures and an independent judiciary went hand in hand with investment in education and health, a commitment to international labour standards and gender equity if the benefits of development were to be shared. In the absence of such guarantees, economic development could well result in increased dispossession and

victimization of vulnerable sectors of the Cambodian population, such as the rural poor, women, and indigenous people. Entry to the World Trade Organization and integration into the international trading system also posed challenges, and the participation of civil society was crucial if democracy was to be strengthened in this new environment. At their meeting with the then High Commissioner, NGOs shared their concerns with Mary Robinson, which she in turn shared with the Prime Minister. These included concerns about the implementation of the land law, forestry and agricultural concessions that may not adequately safeguard the poor, the need for compensation for people who are displaced owing to road construction projects, and the removal of street children and the poor from the streets of Phnom Penh.

## **B. Protection of human rights**

13. OHCHR/Cambodia continued to monitor the human rights situation throughout the country and to investigate, report on and engage in a dialogue with the Government, members of parliament, the judiciary, NGOs and the international community on patterns of human rights violations.

14. The Office received complaints from the public on a wide range of issues and acted, in particular, on cases of land disputes and land grabbing, torture and cruel, inhuman or degrading treatment in places of detention, harassment of human rights defenders, and intimidation and violence directed against political party activists. In many cases, OHCHR/Cambodia assisted and cooperated with NGOs. In order to ensure more effective handling of case-related information and facilitating analysis, the Office created and started using a new database.

15. In June 2002, OHCHR/Cambodia prepared for the Special Representative a report on street retribution in Cambodia. During the reporting period, it continued to monitor the human rights situation with regard to mob violence and engaged in a dialogue with the Government, the judiciary and members of the National Assembly on the need to implement the recommendations of the report. The Office also studied changes in prison conditions since 1994, and drafted for the Special Representative a paper entitled "Towards a humane prison policy for Cambodia", which will be publicly released in early 2003. Together with the Special Representative, it began a dialogue on the issues raised in the paper with concerned government officials and representatives of NGOs.

## **C. Activities of OHCHR/Cambodia in the technical cooperation programme**

### **1. Assistance in the drafting and implementation of legislation to promote and protect human rights**

16. OHCHR/Cambodia continued to contribute to the development of the basic legal framework, in cooperation with the Government, the National Assembly and Senate, and non-governmental agencies.

17. The laws on which the Office worked included the Amendment to the Election Law of National Assembly Members, the Law on HIV/AIDS, the Forestry Law, and the Domestic Violence Law. The first three laws were adopted by the National Assembly during its summer session, and the Domestic Violence Law is expected to be adopted at the current session. The

Office also commented on proposed amendments to the Law on the Supreme Council of Magistracy, and on the draft Anti-Trafficking Law. It continued to follow closely developments on the draft Civil Code and Civil Procedure Code, and the Penal Code and Criminal Procedure Code which are expected to be completed in 2003. The Office also worked together with the United Nations Children's Fund (UNICEF) and the Cambodian National Council on Children to help develop a legal framework for the juvenile justice system.

18. Consistent with its current focus on human rights issues relating to land, the Office followed and commented on regulations governing the implementation of the 2001 Land Law, specifically the Sub-decrees on the Cadastral Commission, on Land Registration, and on Social Concessions.

19. The Office continued to facilitate public participation in the law-making process and to emphasize the need to regularize such participation. Positive responses were received from the President and Secretary-General of the National Assembly to change the National Assembly's internal regulations in order to institutionalize public hearing mechanisms at the commission stage. In an encouraging development, some commissions have started informal consultations on draft laws.

20. The Office continued to monitor progress on legislative debates in the Senate and National Assembly and to provide expert opinion and advice on request. During her visit, Mary Robinson also underscored the importance of allowing members of the National Assembly and Senate to exercise their rights to freedom of speech and expression in the National Assembly without any threat or action against them.

## **2. Creation of national institutions and strengthening other government bodies for the promotion and protection of human rights**

21. OHCHR/Cambodia provided assistance to a number of national institutions and government bodies with human rights responsibilities. The main institutions are the Commissions on Human Rights and Reception of Complaints, the Legislative Commissions of the National Assembly and the Senate, the Supreme Council of Magistracy, the courts, the Office of the Prosecutor General, the Government Cambodian Human Rights Committee, the Land Disputes Settlement Commission, the Ministry of the Interior, the Prison Department, the Ministry of Justice, the Ministry of Women and Veterans' Affairs, and NGOs.

## **3. Capacity-building and training for government officials in the administration of justice**

22. OHCHR/Cambodia has provided or supported human rights training for the Royal Cambodian Armed Forces (RCAF) since 1995, as well as the Cambodian National Police, and the Royal Gendarmerie. Its assistance included the development of training materials, the training of trainers and senior officers, and technical and financial support for the organization of training by Cambodian trainers. Responsibility for delivering training over time shifted to the Ministries of Defence and the Interior, and to NGOs, and involvement by the Office has now been brought to a halt. Final activities during the reporting period included cooperation with the Training Office of the Royal Gendarmerie by providing human rights lectures to subaltern

officers at the Royal Gendarmerie School in Kambol, Kandal province, and assistance to the Ministry of the Interior in conducting a human rights training course for intervention police officials in Phnom Penh in July 2002.

23. In 2001, OHCHR/Cambodia started working with RCAF, Royal Gendarmerie and national police training departments to devise ways to incorporate human rights into the professional training conducted at their respective schools. Difficulties encountered included a minimal budget for training available from public resources, a limited number of structured and systematic training programmes offered in those schools, and the limited capacity of instructors to deliver human rights training. OHCHR/Cambodia will discuss these needs with the Government, donor agencies and Cambodian NGOs in the coming year to help identify institutions which can assist in meeting these needs.

24. A new MoU between UNICEF, the International Organization for Migration (IOM), World Vision, OHCHR/Cambodia and the Ministry of the Interior for the second phase of the Law Enforcement Against Sexual Exploitation of Children Project was finalized and signed in September 2002. The second phase of the project, covering the period April 2002-April 2005, focuses on improving case management by the police and developing an effective reporting and database system; training judicial police in 11 new provinces and municipalities with some focus on the training of border police and the special police force; seminars on child sexual exploitation for provincial/municipal governors; development of regulations and procedures for medical examination of victims of sexual abuse and training of medical practitioners; training of judges and prosecutors in laws addressing sexual exploitation of children and related subjects; and review of laws on sexual exploitation. A Technical Advisory Committee of the Project, composed of the sponsoring agencies and the international police expert hired under the project, meets on a regular basis to review implementation arrangements.

25. In September 2002, OHCHR/Cambodia participated in a national seminar on law enforcement against sexual exploitation and trafficking of children. The purposes of the seminar were (a) to review the project achievements and objectives, the impact of the project on police work, and experiences gained in some selected provinces; (b) to advance cooperation at both the local and national levels; and (c) to improve law enforcement.

#### **4. Implementation of education and technical assistance and advisory services programmes**

##### **(a) Education for government officials and the general public**

###### **(i) University education**

26. The human rights course at the Faculty of Law and Economics of the Royal University of Phnom Penh, which was taught on a pilot basis since November 2001, was completed in July 2002. OHCHR/Cambodia is currently assessing the project, as well as reviewing teaching notes in order to assess its future role and how it can best contribute to developing the human rights curriculum at the university. It continues to assist the Faculty of Law and Economics to establish a human rights section for its library.

**(ii) Trafficking**

27. OHCHR/Cambodia is a member of the Cambodian National Project Committee against Trafficking of Women and Children in the Greater Mekong subregion. The Committee comprises representatives of a number of ministries, NGOs, UNICEF, the United Nations Development Programme (UNDP), ILO International Programme on the Elimination of Child Labour (IPEC), the United Nations Inter-Agency Project on Trafficking and IOM. The Committee, chaired by the Minister for Women and Veterans' Affairs, periodically reviews progress made in the implementation of the Project and discusses issues of relevance to the prevention of trafficking and protection of victims of trafficking.

28. The Office also cooperated with the NGO Working Group on Anti-Trafficking to help devise more effective strategies to combat trafficking and to exchange ideas on the roles of NGO staff and police in conducting investigations.

29. OHCHR/Cambodia provided comments on the draft MoU on cooperation on trafficking issues between Cambodia and Viet Nam in order to strengthen the human rights dimension of the text, in particular with regard to the protection of victims of trafficking.

**(iii) Commission on Human Rights of the Senate**

30. OHCHR/Cambodia provided training on investigations into human rights violations for members of the Senate's Commission on Human Rights and the Reception of Complaints.

**(iv) Economic, social and cultural rights**

31. Now that Cambodian human rights organizations have a well-developed capacity to undertake training and education activities in many areas of human rights, OHCHR/Cambodia has been giving more attention to education and assistance in economic, social and cultural rights. The Office works with the NGO Committee on Monitoring Economic, Social and Cultural Rights and its member organizations, as well as with other local organizations, to help develop their capacity to monitor, research and advocate for the enjoyment of economic, social and cultural rights. It is also developing a two-day training curriculum on economic, social and cultural rights with a particular focus on the rights to education, health and housing, as well as on land and relocation issues. The Office tested this curriculum to build the capacity of its own staff both in Phnom Penh and in the provinces. NGO representatives also benefited from this training.

**(v) Information**

32. Human rights publications, laws and information materials are regularly distributed to the general public, NGOs and government officials. Following the introduction of human rights teaching at the Royal University of Phnom Penh, requests for such materials have increased substantially.

33. In view of the high demand for human rights publications and documents, OHCHR/Cambodia is also developing a small resource room to be opened to the public.

34. OHCHR/Cambodia's office in Battambang coordinated Human Rights Day activities in Battambang. Several United Nations agencies and international bodies, including UNICEF, UNDP, the World Food Programme, the World Bank, the World Health Organization, the United Nations Population Fund (UNFPA) and the Office of the United Nations High Commissioner for Refugees contributed financial support for this event. This full-day programme consisted of a human rights awareness campaign, a quiz competition, seven short dramatic plays depicting human rights issues and traditional dance performances. The event attracted nearly 2,000 people from all walks of life. All human rights NGOs based in Battambang were actively involved in this event.

**(vi) Translation of international human rights instruments, declarations and guidelines**

35. OHCHR/Cambodia continued to review the Khmer translations of the Universal Declaration of Human Rights and the eight human rights instruments to which Cambodia is a party, with the aim of producing legally correct and understandable versions of the instruments. Current translations, which were effected several years ago, contain inaccuracies. A working group comprising institutions and individuals with expertise in legal and human rights matters, as well as in Khmer language and culture, has been set up to review the new translations prior to finalization.

36. The Office also translated into Khmer the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and the Recommended Principles and Guidelines on Human Rights and Human Trafficking.

**(b) Assistance to the judiciary**

37. OHCHR/Cambodia continued to regularly provide advice on legal issues and fair trial procedures at a number of courts, and to monitor trials of concern. It also took up problems of legal representation and access to justice, and sought to facilitate contacts between litigants and NGOs and lawyers providing legal aid whenever serious cases were being tried in courts without legal representation for the defendant. It facilitated and encouraged dialogue on judicial reform matters between NGOs and the Government, and between NGOs and the Working Group on Good Governance of the Consultative Group of Donors.

38. The Office continued to follow and comment on the process of judicial reform, including the need for adequate resources and a separate budget for the judiciary, and the urgency of adopting priority legislation, for example for structural reforms of the Supreme Council of Magistracy, the Law on the Status of Judges and Prosecutors, and the Law on the Organization and Functioning of Adjudicate Courts.

39. The problem of the shortage of lawyers remained a matter of pressing concern in a country of over 12 million people, where less than 200 of the 300 registered lawyers are in practice, and where many of the 24 courts have no lawyers representing cases in court. The Office has continued to encourage the Bar Association to give a liberal interpretation to article 32 of the Law on the Bar, which allows young lawyers entry to the Bar based on their experience of working with legal institutions. The Office has also begun to study legal aid programmes appropriate for Cambodia in an effort to improve access to justice for the poor. The Office continued to work closely with the Cambodian Defenders' Project and Legal Aid of Cambodia, including on the provision of legal aid services, especially for the provincial poor, or when cases were of a particularly serious nature.

40. The Judicial Mentor Programme was gradually phased out during the reporting period, and its activities were integrated into the overall work of the Office. The Office continued to implement programmes at three courts: the Phnom Penh Municipal Court, the Sihanoukville Municipal Court and Battambang Provincial Court, and maintained contact with other provincial courts, as well as the Supreme and Appeal Courts in Phnom Penh. As part of its ongoing review of the achievements of the Judicial Mentor Programme, OHCHR/Cambodia began to identify major problems and deficiencies in the courts with the help of judges and prosecutors and to define the role it could best play in building the capacity of courts and the judiciary.

41. OHCHR/Cambodia requested the President and Prosecutor General of the Appeal Court to look into the application of the Immigration Law by the courts in cases of trafficking, and the Supreme Council of Magistracy to take appropriate action in relation to decisions handed down by the Phnom Penh Municipal Court in relation to the specific cases of 14 Vietnamese girls and four women decided in August and December 2002.

42. In order to contribute to the curriculum of the recently established Royal School for Training Judges and Prosecutors, OHCHR/Cambodia transmitted to the School draft judicial education materials it had developed on the basis of an assessment of the training needs of Cambodian judges and prosecutors and the knowledge and skills needed to strengthen the protection of human rights through the judiciary. Areas covered include refresher sessions on substantive criminal law; focus sessions on confessions, arrest and detention; a case study on sentencing and drafting judgements; and seminars on topical issues such as the land law, the application of constitutional provisions on human rights, juvenile justice, and the status of women in the Cambodian justice system. OHCHR/Cambodia also discussed other areas of cooperation with the Director of the School, including the provision of experts to participate in training courses organized by the School. The recently created Centre for Training Lawyers of the Bar Association has also included human rights in its curriculum, and OHCHR/Cambodia is exploring how it can best contribute, including through the provision of resource materials.

##### **5. Human rights reporting obligations and implementation of recommendations made by treaty monitoring bodies**

43. Cambodia is party to the six main international human rights instruments and has submitted initial reports to the treaty bodies responsible for overseeing compliance with the International Covenant on Civil and Political Rights, the International Convention on the

Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child. In August 2001, the Government reassigned responsibility for preparing such reports to the Cambodian Human Rights Committee. The Committee requested assistance from OHCHR/Cambodia to finalize Cambodia's initial report on the International Covenant on Economic, Social and Cultural Rights (ICESCR), and its periodic report on the International Convention on the Elimination of All Forms of Racial Discrimination. The Office made available one international and one national staff member to work with each of the two subcommittees to provide training, guidance on treaty provisions and reporting guidelines, and to facilitate contacts with NGOs. It also produced compilations of reference material in Khmer to support the training and the work of the Committee, as well as additional relevant materials such as compilations of Cambodia's laws. OHCHR/Cambodia anticipates that the reports will be finalized by the end of the year.

44. OHCHR/Cambodia provided technical assistance to the Cambodian National Council for Women (CNCW) and the Ministry for Women and Veterans' Affairs in finalizing the draft initial report of the Royal Government of Cambodia under the Convention on the Elimination of All Forms of Discrimination against Women. To facilitate the process, training on the reporting guidelines was provided. OHCHR/Cambodia also advised CNCW on the development of a plan of action for the submission of the report under CEDAW.

45. Since its inception, OHCHR/Cambodia has provided substantial assistance to the Government in preparing reports under the treaties. OHCHR/Cambodia has thus far assisted the Government in preparing initial reports for the six major human rights treaty bodies. It will remain available to the Government to provide information and specific expertise, although not to the same level of assistance as in the past.

46. A draft paper assessing the needs of the Government in respect of treaty reporting and making recommendations for the effective fulfilment of this task is under preparation. It will be used to advise the Cambodian Human Rights Committee and to support future work by OHCHR/Cambodia in this area.

47. OHCHR/Cambodia has also been giving attention to follow-up on concluding observations and has finalized a research paper on the status of implementation of the concluding observations on Cambodia issued by the Committee on the Elimination of Racial Discrimination. It has also compiled basic reference documents under the International Convention on the Elimination of All Forms of Racial Discrimination for distribution to relevant institutions.

48. Consistent with its objective to encourage NGO participation in the treaty reporting process, OHCHR/Cambodia continued to assist the NGO Economic, Social and Cultural Rights Monitoring Committee in preparing a parallel report on the implementation of ICESCR. This report was published in November 2002.

## **6. Support to non-governmental human rights groups in Cambodia**

49. OHCHR/Cambodia continued to provide training, legal advice and other forms of technical and financial assistance to strengthen the capacity of Cambodian NGOs and other civil society organizations to carry out their activities to promote and protect human rights. Monthly

training sessions for women and children in difficult situations were provided as part of a vocational training programme. OHCHR/Cambodia also participated in training programmes organized by local NGOs on the rights of minorities. OHCHR/Cambodia is currently providing technical assistance to the NGO Coalition Against Sexual Exploitation of Children in Cambodia in developing a training programme to enhance the investigating skills of NGO investigators and staff working on the issue of sexual exploitation of children.

**(a) Support for NGO projects**

50. OHCHR/Cambodia resumed and completed the selection of NGO proposals which will receive grants under the Acting Communities Together (ACT) Project and the NGO Support Programme funded by the Trust Fund for Human Rights Education in Cambodia.

51. With regard to the ACT Project, 40 proposals were submitted by local NGOs, nine of which were selected by OHCHR/Cambodia and UNDP for a total funding of US\$ 30,000. The selected projects include education, investigation and capacity-building activities on issues such as the rights of the child, the rights of indigenous people, human rights and democracy, elections, minority rights, and participation in public life and local government. Target groups include teachers, commune council members, indigenous communities, military and police forces, citizens, and local authorities. Efforts were made to select projects reaching out to geographical areas not usually covered by similar activities. The projects will be implemented in remote districts of 10 Cambodian provinces, mostly by grass-roots organizations operating at the community level.

52. With regard to the OHCHR/Cambodia NGO Support Programme, the last two projects for 2002 were selected, and funds disbursed. The first, which will be implemented by Khmer Human Rights and Anti-Corruption Organization, includes sensitization activities on the human rights implications of corruption. The second provides support to Human Rights Vigilance of Cambodia to protect and promote minority and indigenous peoples' rights in four provinces.

53. OHCHR/Cambodia will carefully follow the implementation of the ACT and NGO Support Projects and provide assistance, where appropriate. At the time of writing, monitoring guidelines on the implementation of the NGO Support Project were being developed by the Office.

**(b) Cooperation with NGOs**

54. OHCHR/Cambodia continued to participate in the meetings of the Cambodian Human Rights Action Committee, a coalition of 18 NGOs that meets regularly and coordinates action on human rights issues. It provided advice on monitoring and investigation to members of the Committee and to election monitoring organizations at the national and the provincial level. It conducted joint investigations into several cases of human rights violations. It also facilitated dialogue on issues of general concern as well as on individual cases of human rights violations between members of the Cambodian Human Rights Action Committee and government officials and members of the judiciary. The Office also investigated cases affecting the security of human rights defenders.

55. The Office continued to attend the monthly meeting of the NGO Forum's Working Group on Environment. Land concessions and their negative effects on villages and illegal logging were debated. OHCHR/Cambodia is also providing financial support to a project by FACT (Fisheries Action Coalition Team) through the NGO Forum on Cambodia to promote legal knowledge, networking and advocacy among fishing communities around the Great Lake Tonle Sap.

56. OHCHR/Cambodia continued to work with HIV/AIDS and human rights NGOs. This network was established following a workshop organized by the Asia-Pacific Council of AIDS Service Organization in 2000. Issues such as a legal framework relating to HIV/AIDS are part of the discussions of the network.

57. The Office further cooperated with the Land Law Education Group which gathers together NGOs working on land law issues and focuses on public education on the Land Law, especially for people living in poverty. The aim is to promote consultation and coordination between the Ministry for Land Management, Urbanization and Construction, local groups and United Nations agencies. At the time of writing, the Group was identifying all public education initiatives and resources as a basis for future consultation and planning.

58. OHCHR/Cambodia continued to work with the United Nations Human Settlements Programme (UN-Habitat) and the NGO Relocation Working Group to address the problem of urban squatters and poor communities which have been relocated to undeveloped sites following the destruction by fire of their settlements in November 2001. The Relocation Working Group meets regularly to review the situation of these communities with regard to education, health, livelihood and infrastructure development, and to address any related problems with the Phnom Penh Municipality and local authorities. The Centre on Housing Rights and Evictions undertook a short mission to Cambodia in July 2002 which the Office helped to facilitate.

59. OHCHR/Cambodia continued to facilitate and support a group of Cambodian NGOs in organizing public forums on minority and indigenous rights in Ratanakiri and Mondulakiri provinces. The outcome of the forums previously held in Phnom Penh, Kompong Cham, Svay Rieng and Kampong Chang were used as a support document for a statement presented to the United Nations Sub-Regional Seminar on Minority Rights of Southeast Asia held in Chiang Mai, Thailand, from 4 to 7 December 2002.

60. OHCHR/Cambodia actively participated in several workshops on the rights of the child, bilingual education for indigenous people and patients' rights within the context of HIV testing in Cambodia.

#### **D. Elections**

61. OHCHR/Cambodia continued to follow up on issues arising from the commune councils elections in February 2002 and has provided input to the preparations for the National Assembly elections scheduled for July 2003. It continued to monitor law enforcement efforts and court proceedings in connection with the election-related killings and suspect deaths that occurred before the commune elections, and has investigated cases of killings and suspect deaths and

other forms of violence and intimidation against party activists following the elections. Issues relating to the establishment of a climate conducive to fair elections were brought to the attention of the Special Representative, the Government, the National Election Committee and its advisers, the non-governmental sector and the international community. OHCHR/Cambodia continued to participate in the coordination mechanisms that have been established on election-related issues.

62. OHCHR/Cambodia assisted the Ministry of the Interior and the National Election Committee in revising the electoral law, preparing regulations for polling and counting, drafting internal regulations on the operations of the National Election Committee and codes of conduct for election officials as well as for candidates. It also submitted comments on the draft regulations for the election campaign.

63. For the upcoming National Assembly elections in July 2003, OHCHR/Cambodia prepared a special election programme focusing on monitoring, reporting and capacity-building activities.

#### **E. Coordination with the United Nations system and donors**

64. OHCHR/Cambodia participates in a number of United Nations and donor coordinating mechanisms on human rights and rule of law issues, and in regular meetings of the United Nations Country Team.

65. OHCHR/Cambodia continued to meet with United Nations and donor agencies in the bi-monthly meeting of the Inter-Agency Working Group on Commercial Sexual Exploitation and Trafficking of Women and Children in Cambodia. OHCHR/Cambodia introduced to the Working Group the Recommended Principles and Guidelines on Human Rights and Human Trafficking, which were provided in Khmer to the Ministries of the Interior, Justice, Social Affairs and Women's Affairs.

66. OHCHR/Cambodia participated in a UNDP regional workshop in July 2002 on rights-based approaches to development, which aimed at reviewing country offices' experience. The workshop was also attended by the OHCHR Regional Representative for Asia and the Pacific, and the Human Rights Strengthening (HURIST) Programme Coordinator at OHCHR-Geneva.

67. As part of the Consultative Group process, OHCHR/Cambodia participated in donor coordination meetings and working groups on governance and the social sector, with the latter covering education, health, and food security issues, and the former issues of judicial and legal reform.

68. OHCHR/Cambodia disseminated to members of the United Nations Country Team and donor agencies the draft Guidelines on human rights and poverty reduction strategies finalized by OHCHR in September 2002. The objective was to provide operational guidelines on how to translate human rights principles into practical anti-poverty programmes and activities.

69. In order to contribute a human rights-based approach to education, OHCHR/Cambodia participated in the review of the Education Sector Support Programme 2002-2006.

### **III. OHCHR/CAMBODIA STAFF, AND THE FINANCIAL SITUATION OF THE UNITED NATIONS TRUST FUND FOR A HUMAN RIGHTS EDUCATION PROGRAMME IN CAMBODIA**

70. The reporting period was a phase of transition involving the closing down of some programmes and offices and preparing the ground for the future. In July and August 2002, OHCHR/Cambodia closed its offices in the courts of Svay Rieng, Prey Veng, and the Appeal and Supreme Courts in August 2002. It also closed provincial offices in Pailin, Siem Reap, Kompot and Prey Veng, and merged its offices in Battambang, Banteay Meanchey and Malai to create a regional office in Battambang. The office in Kompong Cham was reconfigured to work on election-related programmes, broadly understood.

71. From September 2002, OHCHR/Cambodia implemented its activities through its main office in Phnom Penh, a regional office in Battambang, an office in Kompong Cham, and small offices in the Municipal Court of Phnom Penh, and the provincial courts of Battambang and Sihanoukville. The present structure consists of the Chief's Office, the Administration Unit, and the Legal Assistance and Education, Training and Information Units, which are divided into functional teams to carry out specific tasks. At the time of writing, the Office had 34 national staff, six international staff members and one member from the United Nations Volunteer Programme.

72. The Chief's Office is responsible for the overall policy and management of the Office. This includes coordinating support to the Special Representative of the Secretary-General, participating in the activities of the United Nations system, working with other international agencies and NGOs, and external and donor relations.

73. The Administration Unit provides personnel, administrative and finance services and coordinates transport and logistics.

74. The Protection and Policy Development Team is responsible for election-related activities, investigation of cases of human rights violations, the preparation of thematic reports and developing policies to end impunity.

75. The Judicial Reform Team is responsible for assisting in the judicial reform process, advocating for structural reforms of key institutions to guarantee the independence of the judiciary, and undertaking a court assistance programme to help address the deficiencies in the justice delivery system.

76. The Legal Resources Team works with the legal profession and assists in developing selected legislation in accordance with the provisions of international human rights treaties to which Cambodia is a party. It also advises on independent national institutions and laws to protect human rights and ensure the accountability of civil servants and institutions.

77. The Education and Training Team on Economic, Social and Cultural Rights focuses on education, training and advocacy to promote implementation of economic, social and cultural rights. It also has a continuing responsibility for the treaty reporting process.

78. The United Nations regular budget covers the operational expenses of OHCHR/Cambodia, including the salaries of seven international staff members and of 18 national staff members. Voluntary contributions to the United Nations Trust Fund for a Human Rights Education Programme in Cambodia cover all other expenditures relating to technical cooperation and other substantive activities, including the salaries of staff members not covered under the regular budget.

-----