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Agenda item 10

Technical assistance and capacity-building

Austria, Denmark*, Germany, Greece*, Hungary*, Japan, Luxembourg*, Slovenia*, Sweden*: draft resolution

24/... Advisory services and technical assistance for Cambodia

The Human Rights Council,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as enshrined in the Charter of the United Nations, as reaffirmed in the Universal Declaration of Human Rights, and in accordance with their respective obligations under the International Covenants on Human Rights and other applicable human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Council resolutions 5/1 and 5/2 of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Recalling further Council resolution 18/25 of 30 September 2011 and other relevant resolutions,

Bearing in mind the report of the Secretary-General 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,¹

Recognizing that the tragic history of Cambodia requires special measures to ensure the protection of human rights and the non-return to the policies and practices of the past, as stipulated in the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,

Taking note of the new developments in Cambodia, especially those associated with recent progress and efforts by the Government of Cambodia to promote and protect human rights, especially in the achievements and improvements of social, economic, political and

* Non-member State of the Human Rights Council.

¹ A/HRC/24/32.

cultural fields over recent years through its relevant national plans, strategies and frameworks:

1. *Reaffirms* the importance of the Extraordinary Chambers in the Courts of Cambodia as an independent and impartial body, and believes it will significantly contribute to eradicating impunity and establishing the rule of law by, inter alia, exploiting its potential as a model court of Cambodia;

2. *Welcomes* the progress made with regard to the Extraordinary Chambers, including the handing down of its judgement in case 001 against Kaing Guek Eav, on 3 February 2012, and the conclusion of the trial hearings in case 002/01 on 23 July 2013, and supports the position of the Government of Cambodia and the United Nations to proceed with the tribunal in a fair, efficient and expeditious manner, given the advanced age and frail health of the persons charged and the long overdue justice for the people of Cambodia;

3. *Expresses grave concern* over the financial situation of the Extraordinary Chambers, urges the Government of Cambodia to work with the United Nations and the States providing assistance to ensure the highest standards of administration of the Extraordinary Chambers, and stresses the need for the Government of Cambodia and the international community to provide all appropriate assistance to the Extraordinary Chambers;

4. *Welcomes* the positive engagement of the Government of Cambodia in the universal periodic review process as well as its acceptance of all the recommendations thereon and the progress so far on their implementation;

5. *Welcomes* the reports of the Special Rapporteur on the situation of human rights in Cambodia²) and the recommendations contained therein, and takes note of the need to maintain close and respectful consultations between the Government of Cambodia and the Special Rapporteur towards further improvements in the situation of human rights in the country and for the continued technical cooperation between the Office of the United Nations High Commissioner for Human Rights and the Government of Cambodia;

6. *Reaffirms* the need for the Government of Cambodia to strengthen efforts to consolidate the rule of law, including through the adoption and further implementation of essential laws and codes for establishing a democratic society;

7. *Welcomes* the efforts and progress made by the Government of Cambodia in promoting legal reform under the leadership of the Council of Legal and Judicial Reform, including adopting and/or enforcing basic laws, such as the civil procedure code, the civil code, the criminal procedure code and the penal code;

8. *Encourages* the Government of Cambodia to submit three basic draft laws to the National Assembly, namely the draft law on the status of judges and prosecutors, the draft law on the organization and functioning of the courts, and the draft amendment to the Law on the Organization and Functioning of the Supreme Council of the Magistracy, and urges the Government of Cambodia to further continue its efforts at judicial reform, including through the swift adoption and implementation of these three basic laws in order to ensure the independence, impartiality, transparency and effectiveness of the judicial system as well as the transfer of knowledge of court officials at the Extraordinary Chambers and the sharing of good practices at the Court;

9. *Stresses* the need for the Government of Cambodia to continue to enhance its efforts to investigate urgently and to prosecute, in accordance with due process of law and

² A/HRC/21/63 and A/HRC/24/36.

its obligations under international human rights treaties, all those who have perpetrated serious crimes, including violations of human rights;

10. *Welcomes* the efforts made by the Government of Cambodia in combating corruption, including the implementation of the penal code and the anti-corruption law as well as the activities of the Anti-Corruption Unit, and encourages the Government of Cambodia to continue such efforts;

11. *Also welcomes* the efforts made by the Government of Cambodia in combating crimes, such as trafficking in persons, the exploitation of labour and the sexual exploitation of women and children, and urges the Government of Cambodia to make further efforts to this end, in concert with the international community, to combat outstanding key problems in this area;

12. *Takes note with concern* of the latest findings regarding gender-based violence in Cambodia, and encourages the Government of Cambodia to strengthen its efforts against gender-based violence, including by effectively enforcing existing laws and regulations;

13. *Welcomes* the efforts made by the Government of Cambodia to resolve land issues, inter alia, through the implementation of relevant laws and regulations including a moratorium on economic land concessions, expresses concern at the outstanding issues in this area, and urges the Government of Cambodia to continue and enhance its efforts to resolve them equitably and expeditiously in a fair and open manner, taking into consideration the rights of and the actual consequences for the parties concerned and in accordance with relevant laws and regulations such as the 2001 Land law, the Law on Expropriation, the Circular on the Settlement of Illegal Temporary Building in Cities and Urban Areas and the National Housing Policy, as well as by strengthening the capacity and effectiveness of relevant institutions, such as the National Authority for Land Dispute Resolution and cadastral committees at the national, provincial and district levels;

14. *Also welcomes* the commitments made and the progress achieved by the Government of Cambodia to implement its obligations under international human rights treaties and conventions to which it is a party, with regard to its commitment to establish a national human rights institution and to encourage that this be done upon sufficient consultation with relevant stakeholders; its efforts to ratify the International Convention for the Protection of All Persons from Enforced disappearance, in June 2013, and the Convention on the Rights of Persons with Disabilities, in December 2012; and urges the Government to continue to take steps to meet its obligations under those treaties and conventions to which it is a party and, to this end, to strengthen its cooperation with United Nations agencies, including the Office of the High Commissioner, through enhanced dialogue and the development of joint activities;

15. *Further welcomes* the efforts made by the Cambodian Human Rights Committee, especially in resolving complaints from individuals;

16. *Welcomes* the efforts and progress made by the Government of Cambodia in promoting decentralization and deconcentration reform with the aim of achieving democratic development by strengthening subnational and grass-roots institutions;

17. *Also welcomes* the fact that the elections for the National Assembly, on 28 July 2013, were held in a generally smooth and peaceful manner, while taking note of the protests following the elections as well as the joint announcement between ruling and opposition parties on 16 September concerning the electoral reform, and urges the Government of Cambodia to make additional and continuous efforts to promote an environment conducive to the conduct of legitimate political activities by all political parties, and to make further efforts to improve its electoral system in accordance with

international standards so that its election process as a whole will be satisfactory and acceptable to all parties concerned;

18. *Stresses* the need for further progress and efforts by the Government of Cambodia to promote a pluralistic and democratic process in Cambodia through parliamentary debate according to the Constitution and, to this end, encourages the Government to work with the legislature with a view to promoting the latter's independence and effectiveness, including by ensuring the meaningful participation of parliamentarians from various political parties in its deliberations;

19. *Urges* the Government of Cambodia to take appropriate measures to encourage and enable civil society and the media to play a constructive role in consolidating democratic development in Cambodia, including by ensuring and promoting their activities, and in promoting equal access to the media by all parties;

20. *Stresses* the need for the Government of Cambodia to continue to take action to promote the rights and dignity of all Cambodians by protecting civil and political rights, including freedom of opinion and expression, and to this end to ensure that relevant laws, inter alia, the penal code, are interpreted and applied in a judicious manner so as to promote economic, social and cultural rights, in accordance with the rule of law;

21. *Invites* the Secretary-General, agencies of the United Nations system present in Cambodia and the international community, including civil society, to continue to work with the Government of Cambodia in strengthening democracy as well as ensuring the protection and promotion of the human rights of all people in Cambodia, including by providing assistance in, inter alia, the fields of:

(a) Drafting laws and assisting the establishment of an independent national human rights institution;

(b) Capacity-building to strengthen legal institutions, including by improving the quality of judges, prosecutors, lawyers and court staff, and drawing on the expertise gained by Cambodian nationals working in the Extraordinary Chambers in the Courts of Cambodia;

(c) Capacity-building to strengthen national institutions for criminal investigations and law enforcement, as well as providing the equipment necessary for these ends;

(d) Implementation of universal periodic review recommendations;

(e) Assisting the assessment of progress in human rights issues;

22. *Decides* to extend by two years the mandate of the Special Rapporteur on the situation of human rights in Cambodia, and requests the Special Rapporteur to report on the implementation of his mandate to the Council at its twenty-seventh and thirtieth sessions and to engage in a constructive manner with the Government of Cambodia for the further improvement of the situation of human rights in the country;

23. *Requests* the Secretary-General to report to the Human Rights Council at its twenty-seventh and thirtieth sessions on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights;

24. *Decides* to continue its consideration of the situation of human rights in Cambodia at its thirtieth session.