

**Racial Discrimination**

Signed: 12 April 1966; ratified: 28 November 1983.

Cambodia's second through seventh periodic reports were submitted as one document (CERD/C/292/Add.2) which is pending for consideration at the Committee's March 1998 session; the eighth periodic report is due 28 December 1998.

**Discrimination against Women**

Signed: 17 October 1980; acceded: 15 October 1992.

Cambodia's initial report was due 14 November 1993.

**Torture**

Acceded: 15 October 1992.

Cambodia's initial report was due 13 November 1993.

**Rights of the Child**

Acceded: 15 October 1992.

Cambodia's initial report was due 13 November 1994.

**COMMISSION ON HUMAN RIGHTS****S-G's Special Representative on the situation of human rights in Cambodia**

A Special Representative (Spec Rep) of the Secretary-General for Human Rights in Cambodia was appointed in accordance with CHR resolution 1993/6 of 19 February 1993, which mandated the Spec Rep to maintain contact with the government and people of Cambodia, to guide and coordinate the UN human rights presence in Cambodia, and to assist the government in the promotion and protection of human rights. The Spec Rep during 1997, Mr. Thomas Hammarberg, undertook his first mission to Cambodia from 25 June to 6 July 1996, and his second mission from 1 to 13 December 1996.

The report of the Spec Rep to the CHR (E/CN.4/1997/85) reiterates issues raised in the report to the 1996 session of the General Assembly, namely the rights of the child, rights violated through the use of landmines, rule of law, the independence of the judiciary, the administration of justice, elections, political rights and freedom of expression. On these subjects, the report highlights a number of concerns, including:

- ▶ an increase in child prostitution and trafficking in children, owing in part to extreme poverty and an increase in the number of children per family, partly as a result of lack of access to education and affordable health care;
- ▶ failure of the government to adopt the draft law banning anti-personnel landmines;
- ▶ failure of the government to establish the Constitutional Council, the body intended to determine the constitutionality of legislation;
- ▶ failure to convene the Supreme Council of Magistracy which is responsible for the appointment, transfer and discipline of judges and prosecutors as well as to review all draft legislation related to judicial affairs;
- ▶ failure to submit to the National Assembly a draft law on the status and functioning of the judiciary;
- ▶ absence of a law on contempt of court;
- ▶ an insufficient number of judges and prosecutors to handle a growing number of criminal and civil cases;

- ▶ lack of formal education for the majority of judges and prosecutors;
  - ▶ lack of adequate resources for the efficient and fair functioning of the judicial system;
  - ▶ failure to disseminate widely to judges, prosecutors, police and local officials the texts of new laws;
  - ▶ absence of a legal framework to guarantee free and fair elections and effective measures to protect freedom of expression;
  - ▶ absence of a law on the right to form political parties;
  - ▶ failure to initiate work on a national election law; and,
  - ▶ absence of a legal framework for the establishment or operation of prisons.
- In addition to these issues, the report focussed on labour rights, protection from torture, military abuse against civilians and cases of deportation pointing out that:
- ▶ less than 10 per cent of the labour force is engaged in wage employment;
  - ▶ labour rights such as reasonable hours of work, adequate pay, annual leave, full pay during maternity leave, adequate safety measures for the protection of workers and protection from abuse by managers either do not exist or are routinely violated;
  - ▶ measures in place to prevent torture are inadequate;
  - ▶ most arrests are conducted without warrants and the legal limit on the period of custodial detention, 48 hours, is often ignored; and
  - ▶ since 1993, there have been no convictions of perpetrators of violence against journalists, contributing to a climate of impunity and an atmosphere of fear within the journalistic community.

**Resolution of the Commission on Human Rights**

The Commission on Human Rights adopted a resolution (1997/49) by consensus. In the resolution, the Commission: welcomed efforts by the government to promote and protect human rights, especially through establishment of the National Assembly Commission on Human Rights and Receipt of Complaints; noted with concern the lack of response to several recommendations by the Special Representative; noted with serious concern criticisms related to the system of justice; urged the government to convene the Supreme Council of Magistracy; urged the government to ensure adequate sustenance for prisoners and improve the physical environment of prisons; expressed concern about the continuing problem of impunity and encouraged the government to repeal article 51 of the 1994 Law on Civil Servants which in effect places the military and police and other government officials above the principle of equality before the law; expressed concern at continuing human rights violations including extrajudicial execution, torture, rape and illegal arrest and detention; reiterated concern about abuses committed by the remaining Khmer Rouge; called on the government to investigate cases of violence and intimidation directed at political parties and their supporters as well as media personnel and offices; welcomed the undertaking by the government to ensure that future elections are free and fair; encouraged