

investigate, prosecute and punish those found guilty of such crimes, and to establish confidence in the rule of law;

- ♦ amend the laws and, in particular, revise the Law on Nationality to reflect more fully the provisions of the Convention, in part to establish a clear reaffirmation by the authorities that racial discrimination is unacceptable;
- ♦ enact as soon as possible the Code of Criminal Procedure and the Penal Code and ensure that the Codes reflect the provisions of the Convention;
- ♦ take action at the legislative, administrative and judicial levels to ensure the enjoyment by everyone, including ethnic Vietnamese, of their rights under article 5 of the Convention, especially the right to security of person and protection by the state against violence or bodily harm, to public health and medical care and to education and training;
- ♦ recognize the citizenship of the indigenous peoples, as well as their use of lands, forests and other natural resources, and their distinct and unique identity, culture and way of life, and ensure that no decisions directly relating to the rights and interests of indigenous peoples are taken without their informed consent;
- ♦ ensure protection against any acts of racial discrimination through the competent courts by, *inter alia*, strengthening the court system, the independence of the judiciary, and the confidence of the population in the justice system, and guarantee in law and practice the right for victims of racial discrimination to seek just and adequate reparation ; and
- ♦ take all necessary measures to provide training and education of law enforcement officers, civil servants, judges and lawyers, as well as teachers and students, at all levels of education, and the public at large, in the field of human rights and prevention of racial discrimination.

COMMISSION ON HUMAN RIGHTS

Report of the Special Representative

A Special Representative (SRep) of the Secretary-General for human rights in Cambodia was appointed in 1993 by the Commission and given the mandate to: maintain contact with the government and people of Cambodia; guide and coordinate the UN human rights presence in Cambodia; and assist the government in the promotion and protection of human rights. The SRep for 1998 was Thomas Hammarberg.

The SRep's report to the 1998 Commission (E/CN.4/1998/95) was based on two missions undertaken in November 1997 and January 1998 and included information on, *inter alia*: preparations for elections and freedom of expression; protection against political violence; impunity; the rule of law, the independence of the

judiciary, and the administration of justice; protection against torture; prison conditions; labour rights, women's rights, and the rights of the child; trafficking in human beings; and ethnic minorities.

The commentary on the preparation for elections and freedom of expression refers to a new election law and notes several areas in which difficulties remain, among them the stipulation that a party seeking to be registered must have at least 4,000 members signed up, with those members' professions noted in the information provided. Another difficulty mentioned was the lack of clarity in the description of what activities may be undertaken by parties that have applied for registration but have not yet been formally approved. A third problem was identified as competing claims by factions within split parties on the right to use the original party name and logo. Consideration was also given to the National Election Committee (NEC), noting that appointments to the NEC were not made in an atmosphere of consensus and were concluded without any discussion of complaints submitted by the two main NGO election monitoring coalitions, raising doubts as to the NEC's impartiality.

Additional areas of concern related to the elections and freedom of expression, included: the rules for ballot counting; provision in the election law that non-rehabilitated convicted prisoners could not stand as candidates and, following on this, the lack of a clear definition of the concept of "rehabilitation"; the stipulation that persons in prison may not register as voters, leading to the possibility that certain politicians may be prevented from taking part in the election; and questions related to the possibility of exiled politicians returning and taking part in the elections and the fact that the ability of these politicians to resume their activities depended upon the possibility of their supporters to function. Further concerns related to: reports indicating that the supporters of a number of returning politicians remained reticent and fearful of the future and there is minimal activity in the provinces by those parties in opposition to those in the government; the fact that since July 1997 equal access to the media had not been provided; a trend to restrict the free flow of information in Cambodia through, for example, threats against editors, suspension of opposition newspapers and requests for apologies in response to published stories; and the requirement, introduced in December 1997, that media must cite two government sources when reporting on issues related to national security and political stability.

Narrative on protection against political violence notes that the lack of investigation into politically-motivated acts of violence is one important aspect of the problem of impunity and that impunity has been a long-standing problem and a major obstacle to construction of a functioning system based on the rule of law. The report states that impunity undermines faith in the administration of justice and the moral authority of the courts. The problem is both institutional and political and requires reforms in the administration of justice, the political will to ensure that no one stands above the law, effective