

## ANNEX I

### COMMENTS MADE BY NGOS

The National Working Group for UPR report has met for 10 times and on August 17, 2009 the Working Group invited Non-Governmental Organizations to jointly examine the UPR report. 6 NGOs attended the meeting. Below are the comments and views of the NGOs:

#### 1. **Cambodian Defenders Project (CDP):**

- Judges and Prosecutors have conflicting roles within political party that made them not independent;
- Investigating judges and prosecutors are not separated;
- Judges should have good security in terms of independence avoiding fears on big cases;
- The rotation of judge every four years made them meet some difficulties such as changes of residences. The Government should provide houses/apartments for judges as appropriate according to their status in the society so that they have good feelings in fulfilling their duties;
- In principle, according to international law, they rarely change the Judiciary like Cambodia;
- Citizens have the rights to receive assistance from State to provide defenders. But Cambodian citizens do not receive from State in terms of providing legal defenders. It is observed that in Cambodia, State can provide lawyers to citizens only in criminal cases and does not provide lawyers in misdemeanor cases;
- In Criminal Procedural Code, after 24 hours of detention, they are not allowed to meet family members or lawyers, which is in violation of laws;
- Courts must provide legal advice for witnesses in order to avoid their fears and escape;
- The Criminal Code has provided rights for the accused when in temporary custody; and this temporary custody can only prolong for 4 months at the longest;
- The release of prisoners must be conducted immediately after the decision of the court that has been made in order to provide their freedom. Giving one month for the prosecutors to lodge complaint to the Appeal Court is in the violation of the freedom of citizens' rights. The period of the Appeal Court is for 2 years; this re-examination of the Criminal Procedural Code should be done;
- The Ministry of Justice should disseminate the Convention against Torture across prisons;

- We have seen that Torture has been decreased at only Police Posts and Police Commission, not appropriate at prisons; sometimes the accused is handcuffed attached with the chair;
- Allow the accused to have legal advice within 24 hours after arrest;
- In the Philippines and some other countries in ASEAN, Police are obliged to enforce the laws for the detainees so that they understand what their rights are. In Cambodia, this has not yet done. This issue should start now;
- Witnesses were interviewed before the trial process with notes taken, but when the trial comes, the witnesses were not at the trial for making further comments because of fears and lack of funding for the process.

**2. Advocacy Section of Cambodian Human Rights and Development Association (ADHOC):**

- I would like to raise the issues of Economic, Social and Cultural Rights. I would like to praise that this report has been prepared well, but we have observed that there more theories in the report and we wish that laws enforcement and plans of actions of the Government should be included as well.
- I would like to propose that updated reports regarding the loss of many jobs of the garment workers that they turned to work at Beer Gardens restaurants as a result of the recent global financial crisis.
- The salaries of the garment workers at various factories in Cambodia at present are low that made them find additional jobs by working on Saturday and Sunday. Some workers are emotionally forced to work at Nights Club in order to supplement the lack of living conditions.

**Rights to ownership:** There is still a lot of lack in the implementation of those rights, i.e. there is no appropriate compensation for the communities that have been evicted such as Dey Krahom and Boengkok communities.

Most of citizens pay money if they have no money they would meet a lot of difficulties:

- Traveling to hospitals, Health Centers because they are located far from their houses;
- There are formal and informal fees for the hospitals;
- There are not enough referral hospitals at remote areas;
- Health Posts are not mobile at every place (such as Voar Mountain and Taken Koh Sla areas, some citizens have passed away while on their way to health centers) ;
- Medicine and medical equipments are not enough for the villagers;
- Medical doctors do not respect codes of conduct that caused the demise of the patients or get worse;
- There is no law to punish the medical staff.

- I would like to propose that the Government provide more toilets at Junior High School and
- Higher Education as women is vulnerable to contagious diseases when using toilets;
- I would like to propose that the Government build many more Dormitories at various Universities; women can not stay at pagodas or rental rooms like men;
- Cambodian students who have completed Bachelor Degree, Master Degree, and Doctor Degree found themselves in difficulty in finding jobs as the followings:
  - Competency is not sufficient;
  - Lack of experiences;
  - Global economic crisis.

### **3. Comfrel:**

- I would like to propose the correction of Senate's Election, District/Khan and Municipalities/Cities Elections from indirect election to direct election which in consistency with the Civil and Political Rights (ICCPR);
- The Ministry of Justice should provide Citizens' ID Cards for 100% and codes data, and birth confiscates registrations should be managed and controlled;
- Freedom of Expression: according to ICCPR voters must vote by their conscience. The Government should strengthen the dissemination of information extensively and fairly for media systems including private media systems; and an Independent Committee for monitoring the media systems during each election should be established;
- State should strengthen the management of incomes/expenses of various political parties to avoid using the budget to convince the voters to vote for their parties.

### **4. Cambodian Human Rights Center:**

- A report on freedom of expression has been done by more than 20 NGOs and it was sent to Geneva 4 months ago. The actual situation was raised in the report such as structures, challenges, and recommendations.
- Freedom of Expression is stipulated in the Constitution and existing Press Law. The Dissemination of Information through INTERNET and NEWSPAPERS should be monitored by a Special Independent Committee, especially the broadcasting through airwaves.
- We have Information Law and Demonstration Law; the Government should invite the Special Rapporteur of the UN Secretary General to make comments on these two laws and make relevant recommendations for the Government.
- Defamation and Disinformation: Cambodian laws have not been written clearly. Lawsuits are continuing which is the challenging issue for Cambodia. The Government should invite the Special Rapporteur of the UN Secretary General to make comments, analysis, and recommendations on these laws to reduce the tension for benefiting the people and political parties, thus avoiding the criticism from national and international views.

- Civil Society organizations noted that rights to land ownership and the encouragement to create the National Human Rights Institution have reflected strongly the efforts of the Government. We hope that within 4 years more the Government will be able to reduce more poverty and enrolment rates for children, at least, to have 9 grades and the Government's commitments on other fields.

**5. Secretary General of Committee of the Rights of the Children:**

- This report raised the issues of the rights of children that are the same as the report of the National Council for Children. Our combined report of 20 NGOs on children have been written and already sent to Geneva.

**6. Khmer Institute for Democracy:**

- Our organization is an organization working for Democracy. The Cambodian report is good about the situation of human rights; but there is no analysis and clear data. It only raised briefing. For instance No. 122 of the report “The Royal Government strengthens the control, distributes, and makes usage of land fairly and effectively”. The report should raise the various projects of the Ministry of Land Management, Urban Planning and Construction which have issued land title deeds for Cambodians and the Ministry of Environment that have provided training programs for plantation etc.

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