



# Economic and Social Council

Distr.: General  
27 March 2023

Original: English

---

## Committee on Economic, Social and Cultural Rights

### Concluding observations on the second periodic report of Cambodia\*

1. The Committee considered the second periodic report of Cambodia<sup>1</sup> at its 13th and 15th meetings,<sup>2</sup> held on 21 and 22 February 2023, and adopted the present concluding observations at its 30th meeting, held on 3 March 2023.

#### A. Introduction

2. The Committee welcomes the submission by the State party of the second periodic report. The Committee also welcomes the supplementary information provided in the replies to the list of issues.<sup>3</sup> The Committee appreciates the constructive dialogue that it held with the State party's delegation.

#### B. Positive aspects

3. The Committee welcomes the progress made by the State party in the promotion and protection of economic, social and cultural rights, particularly by expanding its social security system, through the adoption of the Law on Social Security Schemes and the National Social Protection Policy Framework 2016–2025. The Committee also notes with satisfaction the improvements made in reducing the poverty rates and, to a certain degree, food insecurity, and the measures mentioned in the present concluding observations.

#### C. Principal subjects of concern and recommendations

##### Domestic application of the Covenant

4. The Committee notes with concern that, despite the recognition and respect for human rights provided in article 31 of the Constitution, in practice, the provisions of the Covenant cannot be invoked before or directly applied by domestic courts, tribunals or administrative authorities in the State party. The Committee is also concerned that domestic legislation does not provide adequate legal remedies for violations of economic, social and cultural rights.

5. **The Committee recalls its previous recommendation<sup>4</sup> and recommends that the State party take all measures necessary to ensure the direct applicability of the provisions of the Covenant in its domestic legal order and that victims of violations of economic, social and cultural rights have full access to effective legal remedies. The Committee recommends that the State party enhance training for judges, lawyers and**

---

\* Adopted by the Committee at its seventy-third session (13 February–3 March 2023).

<sup>1</sup> [E/C.12/KHM/2](#).

<sup>2</sup> [E/C.12/2023/SR.13](#) and [E/C.12/2023/SR.14](#).

<sup>3</sup> [E/C.12/KHM/RQ/2](#).

<sup>4</sup> [E/C.12/KHM/CO/1](#), para. 12.



**public officials on the provisions of the Covenant and their justiciability and effectively raise awareness of the Covenant among rights holders. In this regard, the Committee draws the attention of the State party to its general comment No. 9 (1998).**

#### **National human rights institution**

6. While welcoming the information on the progress made in elaborating a draft law to establish a national human rights institution, the Committee remains concerned about the lack of a genuine process of consultation, as expressed by civil society organizations, which may further hinder the adoption of the relevant law.

7. **The Committee urges the State party to pursue and ensure an open, transparent and genuine consultation process, with the participation of a wide range of stakeholders, including civil society organizations, in relation to the adoption of the law to establish a national human rights institution. The Committee recommends that the State party take the measures necessary to ensure that the institution is independent, has a broad mandate for the protection and promotion of human rights, including economic, social and cultural rights, is provided with sufficient human, technical and financial resources to enable it to fully exercise its mandate and is fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).**

#### **Human rights defenders and space for civil society organizations**

8. The Committee is deeply concerned about reports of arrests, detention and trials without due process of human rights defenders working to defend economic, social and cultural rights. The Committee also notes with concern that the Law on Associations and Non-Governmental Organizations, which contains legal provisions that are reportedly used by the State authorities to close or to deny the registration of civil society organizations working on economic, social and cultural rights, has not yet been amended.

9. **The Committee urges the State party:**

(a) **To take effective and timely measures to effectively prevent acts of violence against human rights defenders working on economic, social and cultural rights, as well as other persons active in civil society organizations working on such rights. Moreover, it should take measures to protect their lives and personal safety, ensuring coordination between the national and local authorities;**

(b) **To conduct prompt, thorough, impartial and effective investigations into all reports of attacks on the lives, physical integrity or freedom of human rights defenders working on economic, social and cultural rights, and into all acts of violence, threats, harassment, intimidation and defamation committed against them;**

(c) **To adopt the measures necessary to ensure that human rights defenders and civil society organizations working on economic, social and cultural rights are not criminalized for carrying out their work;**

(d) **To conduct a genuine, open and transparent consultation with civil society organizations and any other relevant stakeholders in the revision and amendment process of the Law on Associations and Non-Governmental Organizations;**

(e) **To take into account the Committee's statement on human rights defenders and economic, social and cultural rights.<sup>5</sup>**

#### **Business and economic, social and cultural rights**

10. The Committee is concerned by reports regarding the negative impacts that business activities and large development projects, including in the Special Economic Zones, have on the enjoyment of economic, social and cultural rights, in particular on access to land, the right to an adequate standard of living, labour rights and the right to health. The Committee is also concerned that, while it is mandatory to carry out environmental impact assessments before

---

<sup>5</sup> E/C.12/2016/2.

realizing investments and implementing development projects, such assessments may not be carried out in an independent manner and in consultation with the relevant affected communities or groups.

**11. The Committee recommends that the State party:**

(a) **Accelerate its efforts towards the adoption of a national action plan on business and human rights while ensuring that both the formulation and implementation processes involve all interested parties, including representatives of businesses, civil society organizations, Indigenous Peoples and the most affected communities;**

(b) **Adopt appropriate legislative and administrative measures to ensure that business entities operating in or domiciled in the State party conduct human rights due diligence so as to prevent or mitigate their negative impacts on the exercise of economic, social and cultural rights;**

(c) **Take all measures necessary to ensure accountability for violations of economic, social and cultural rights resulting from business activities and development projects, and ensure that appropriate remedies are provided to victims;**

(d) **Carry out systematically consultations and independent human rights and environmental impact assessments in the context of business activities and development projects;**

(e) **Provide in a transparent and comprehensive manner information concerning Special Economic Zones, including assessments of their impacts on land, local communities, workers' rights and the environment, as well as tax and investment benefits that they receive and the effectiveness of remedies that they provide in the case of rights violations;**

(f) **Take into account the Committee's general comment No. 24 (2017), especially the introduction of mandatory human rights due diligence.**

**Climate change**

12. While welcoming the strategic plan on climate change (2014–2023) and the commitment by the State party to reduce greenhouse gas emissions, the Committee remains concerned about the lack of adequate adaptation measures to address the impact of climate change on the population. The Committee is also concerned about the increased deforestation in recent years and its effects on climate change, affecting the livelihood of Indigenous Peoples and other affected communities and increasing their vulnerability.

**13. The Committee recommends that the State party:**

(a) **Develop a new strategic plan on climate change that includes adequate adaptation and mitigation measures focusing on the most significant effects of climate change;**

(b) **Ensure that natural resources, including forest resources, are used in accordance with a fair and equitable conservation policy developed in consultation with the communities concerned, such as Indigenous Peoples, civil society organizations and the authorities responsible for conservation;**

(c) **Stop the practices of illegal logging and cease, to the extent possible, other non-sustainable uses of natural resources, including forests;**

(d) **Ensure the development of a national adaptation plan, taking into account the adaptation needs of particular marginalized and disadvantaged groups, and that, based on such a plan, adaptation measures for climate change that respect economic, social and cultural rights are implemented;**

(e) **Take account of the Committee's statement on climate change and the Covenant,<sup>6</sup> adopted in October 2018.**

#### **Rights of Indigenous Peoples**

14. The Committee is deeply concerned about reports of dispossession, displacement and relocation of Indigenous Peoples from their land and territories, including natural, protected areas that they have traditionally occupied, often without respecting their right to be consulted with a view to obtaining their free, prior and informed consent. The Committee is concerned about the complex and slow process for the registration and demarcation of Indigenous Peoples' land and the lack of effective mechanisms for protecting their rights related to their lands, territories and resources, particularly when those have not been registered in ongoing land acquisition processes (art. 1).

15. **The Committee recommends that the State party:**

(a) **Adopt an adequate legal framework that provides effective recognition and protection for the rights of Indigenous Peoples to possess, use, develop and control their lands, territories and resources, and ensure that effective mechanisms with adequate human, technical and financial resources are in place to ensure the enforcement of such a legal framework;**

(b) **Ensure that Indigenous Peoples are not dispossessed, displaced or relocated from their ancestral land and territories, including loss of access to natural resources, without following all legal and procedural international safeguards; in this regard, the State party should also accelerate, to the extent possible, the process of registration and demarcation of such Indigenous land and territories;**

(c) **Design, adopt and implement, in consultation with Indigenous Peoples, an appropriate procedure to guarantee their right to be consulted with a view to obtaining their free, prior and informed consent to any legislative or administrative measure that may affect their rights and territories, and ensure that the procedure respects their traditions and cultural specificities;**

(d) **Ratify the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169).**

#### **Maximum available resources**

16. The Committee regrets not having received information from the State party on its taxation system and how resources are distributed for the protection and fulfilment of economic, social and cultural rights, especially to combat inequalities in their enjoyment (art. 2 (2)).

17. **The Committee recommends that the State party ensure the progressive realization of economic, social and cultural rights by substantially increasing the level of public social expenditure, especially in the areas of social security, health care and education, with a view to reducing inequalities in the enjoyment of these rights. The Committee recommends that the State party elaborate and implement its national budget in a transparent and participatory manner.**

#### **Corruption**

18. The Committee is concerned about reports that high levels of corruption and impunity persist in the State party, including in the management of land, the concessions for investments and development projects, as well as in the health and education sectors. The Committee is also concerned about the information available regarding corruption and the lack of independence in the judicial system and other accountability mechanisms, hindering access to justice for violations of economic, social and cultural rights, in particular, in land-related contexts. Furthermore, the Committee is concerned about the lack of adequate

---

<sup>6</sup> [E/C.12/2018/1](#).

protection for those reporting cases of corruption and the restricted access to information of public interest (art. 2 (1)).

19. **The Committee recommends that the State party redouble its efforts to prevent and eradicate corruption at all levels, including in the judicial system, and to adopt adequate measures to ensure transparency and accountability in the public administration. The Committee urges the State party to ensure the effective implementation of the Law on Anti-Corruption with a view to combat effectively impunity in this sphere. The Committee recommends that the State party adopt, in meaningful consultation with civil society and stakeholders, adequate legislative and administrative measures to provide effective protection to victims of corruption, their lawyers, activists who campaign against corruption, whistle-blowers and witnesses.**

#### **Non-discrimination**

20. The Committee is concerned about the lack of a comprehensive anti-discrimination legal framework that covers all grounds of discrimination prohibited under the Covenant (art. 2 (2)).

21. **The Committee recommends that the State party adopt a comprehensive law on non-discrimination that provides sufficient protection against discrimination in accordance with article 2 of the Covenant and that:**

(a) **Includes explicitly all prohibited grounds for discrimination enumerated in that article and in the Committee's general comment No. 20 (2009);**

(b) **Defines direct and indirect discrimination in line with the State party's obligations under the Covenant;**

(c) **Prohibits discrimination in the public and private spheres;**

(d) **Establishes effective judicial and administrative mechanisms to protect against discrimination, including the introduction of provisions on reparations in discrimination cases.**

#### **Equality between men and women**

22. The Committee is concerned by the persistent inequality between men and women, which is deeply rooted in gender stereotypes in families and society, impeding women from fully enjoying their economic, social and cultural rights, in particular their access to decent work, social security, an adequate standard of living, land, health care and education (art. 3).

23. **The Committee recommends that the State party take all measures necessary to eliminate the persistent inequality between men and women and promote women's full access to employment, social security, health-care services, education, land and income-generating projects. The Committee refers the State party to its general comment No. 16 (2005).**

#### **Right to work**

24. The Committee is concerned that, despite a number of initiatives adopted by the State party to promote access to work, young persons, women, persons with disabilities and persons living in rural areas continue to be especially affected by unemployment and the lack of access to decent work. The Committee is also concerned about the large number of persons working in the informal sector without adequate labour and social protection (art. 6).

25. **The Committee recommends that the State party carry out, in collaboration with all social actors, an evaluation of the progress achieved through the implementation of its Industrial Development Policy 2015–2025 and other policies aimed at improving access to employment and decent work, with a view to addressing the persistent challenges and root causes of unemployment and underemployment. The Committee recommends that the State party continue giving priority to quality technical and vocational training programmes that are tailored to the needs of both the labour market and the most underprivileged and marginalized persons and groups. It also urges the State party to adopt the measures necessary to ensure that workers in the informal**

sector are provided with adequate immediate protection under labour law and access to social protection.

#### **Working conditions**

26. The Committee notes with concern that persons working in the textile, garment and footwear sectors are exposed to poor conditions of work, including excessive working hours, low wages and limited employment security, and are at risk of exploitation. The Committee is concerned about the lack of protection of labour standards of domestic workers. The Committee is further concerned at the absence of comprehensive measures to provide adequate protection in the area of occupational health and industrial accidents and the limited capacity and resources to conduct labour inspections (art. 7).

27. **The Committee recommends that the State party:**

(a) **Ensure that labour legislation is effectively applied to all sectors of the economy and all workers and take the necessary measures to improve the working conditions of persons engaged in domestic work, so that all workers enjoy just and favourable conditions of work;**

(b) **Set up effective mechanisms to report abuse and exploitation, taking into account the vulnerable position of workers in some sectors;**

(c) **Adopt a comprehensive system of protection from occupational hazards that provides adequate protection to all workers, including those in the informal sector, in the event of workplace accidents and occupational diseases;**

(d) **Ensure that the labour inspection mechanism has the human, technical and financial resources to provide adequate protection to all workers, including those in the domestic and informal sectors;**

(e) **Implement measures to ensure just and favourable conditions of work for workers and specific worker groups as stated in the Committee's general comment No. 23 (2016);**

(f) **Ratify the International Labour Organization Domestic Workers Convention, 2011 (No. 189), the Occupational Safety and Health Convention, 1981 (No. 155) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).**

#### **Minimum wage**

28. The Committee is concerned that the minimum wage is not applied to all sectors of the economy and that, according to information received, the minimum wage remains insufficient to ensure a decent standard of living for workers and their families (art. 7).

29. **The Committee urges the State party to take the legislative and administrative measures necessary to ensure that the minimum wage is applied to all sectors of the labour market and that all workers receive a minimum wage that provides them with a decent standard of living for themselves and their families in keeping with article 7 (a) (ii) of the Covenant.**

#### **Trade union rights**

30. The Committee is deeply concerned by the numerous reports of trade union leaders and workers being subjected to violence, harassment, intimidation and discrimination for exercising their union rights. The Committee is also concerned about reports of arrests, prosecutions and detention of trade union members. While the Committee notes that some progress has been made on the amendment of the Law on Trade Unions, restrictive conditions for the registration of trade unions and for the exercise of the right to strike and collective bargaining persist (art. 8).

31. **The Committee reiterates its previous recommendation<sup>7</sup> and urges the State party to take all measures necessary to ensure that the trade union rights of workers in Cambodia are fully respected and that trade union members and leaders are able to exercise their activities in a climate free of intimidation, violence, harassment and risk for their personal security or their lives. The Committee also urges the State party to continue, in consultation with social partners, in particular trade unions, the review and amendment of the Law on Trade Unions to bring it into line with article 8 of the Covenant, while also taking into account of the International Labour Organization Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).**

#### **Right to social security**

32. While noting the progress made by the State party in expanding its social security system, the Committee notes with concern that it is still based mainly on formal employment and that a significant number of persons are not yet covered by the social protection system, including workers in the informal economy and persons belonging to the most disadvantaged and marginalized groups (art. 9).

33. **The Committee recommends that the State party establish a social protection floor that includes basic universal social guarantees and redouble its efforts to develop a social security system that guarantees universal coverage and provides sufficient benefits for all persons, especially those belonging to the most disadvantaged and marginalized groups, to ensure that they have a decent standard of living. The Committee draws the State party's attention to its general comment No. 19 (2007) on the right to social security, especially in the informal economy, and to its statement entitled "Social protection floors: an essential element of the right to social security and of the sustainable development goals".<sup>8</sup>**

#### **Domestic violence**

34. The Committee is concerned about the extent of domestic violence in the State party and the lack of progress in the revision and amendment of the law on the prevention of domestic violence, which contains provisions to prevent victims having adequate access to justice (art. 10).

35. **The Committee recommends that the State party expedite the revision and amendments to the law on the prevention of domestic violence, taking into account the recommendations made by the Committee on the Elimination of All Forms of Discrimination against Women in paragraph 25 (b) of its latest concluding observations, and noting the response from the State party thereto.<sup>9</sup> The Committee recommends that the State party provide adequate protection to all victims of gender-based violence, ensuring access to justice through effective remedies, including means of obtaining reparation and compensation, and suitable access to shelters where they can receive immediate physical protection, legal advice and physical and mental health care.**

#### **Protection of children**

36. The Committee notes with concern that, despite the measures adopted to address child labour, many children under 15 years of age exercise some form of economic activity, including hazardous work, particularly those engaged in domestic work, the brick industry and agriculture, and that children are also exposed to economic and commercial sexual exploitation. The Committee is also concerned about the information received about children in street situations (art. 10).

37. **The Committee recommends that the State party adopt and implement a national action plan for the elimination of the worst forms of child labour; ensure that the laws on child labour are rigorously enforced; and strengthen labour inspection**

<sup>7</sup> E/C.12/KHM/CO/1, para. 24.

<sup>8</sup> E/C.12/2015/1.

<sup>9</sup> CEDAW/C/KHM/CO/6, para. 25 (b); and CEDAW/C/KHM/FCO/6, paras. 24–39.

mechanisms with a focus on child labour so that inspections can also be carried out in the informal sector as well as the formal sector of the economy. The State party should also provide adequate support to families in poverty so that their children can continue their education. It recommends that the State party ensure that all cases of economic and sexual exploitation of children and any type of abuse or violence directed at them are thoroughly investigated and that those responsible are duly punished. The Committee also recommends that the State party take appropriate and comprehensive measures to address the root causes, and ensure the protection, of children in street situations.

### **Poverty**

38. The Committee is concerned about the impact of the COVID-19 pandemic and recent inflation rates on the economy and therefore on the reduction of poverty in the State party. The Committee is also concerned about information received conveying the fact that many low-income households are relying on loans from microfinance institutions to cover their basic needs, which has a negative impact on the enjoyment of their right to an adequate standard of living (art. 11).

39. **The Committee recommends that the State party:**

(a) **Review and adapt its poverty eradication strategy to address current challenges, as well as the recovery after the COVID-19 pandemic. The new strategy should include clear and measurable objectives; allocation of adequate resources for its implementation; effective mechanisms for coordination among the various actors; and should be implemented in accordance with human rights standards and principles, taking into account the needs of the most disadvantaged and marginalized individuals and groups;**

(b) **Carry out a comprehensive assessment on the impact of indebtedness on the enjoyment of economic, social and cultural rights in order to adopt adequate measures to protect borrowers, to support them in overcoming their indebtedness and to avoid the loss of access to land that is used as collateral, as well as to support overindebted families whose situations have worsened since the beginning of the COVID-19 pandemic;**

(c) **Establish and enforce client protection laws and the independent monitoring mechanisms of banks and microcredit institutions, with the aim of protecting borrowers from aggressive lending and collection practices.**

### **Right to food**

40. While the Committee acknowledges some progress made by the State party in reducing the levels of malnutrition, hunger and food insecurity, it remains extremely concerned about the high level of chronic malnutrition and severe food insecurity in the State party (art. 11).

41. **The Committee recommends that the State party redouble its efforts to protect the right to adequate food and make an assessment of the implementation of its Second National Strategy for Food Security and Nutrition 2019–2023, in order to tackle food insecurity and malnutrition in an effective and comprehensive manner, including by establishing programmes to increase the level of minimum income support, promote healthier diets, incorporate trade, land management, education and fiscal policy elements, set clear, time-bound targets and establish appropriate mechanisms for assessing the progress made. The Committee recommends that the State party develop a basic social transfer system to address extreme poverty and severe forms of malnourishment. The Committee encourages the State party to take these steps in collaboration with civil society organizations. The Committee refers the State party to its general comment No. 12 (1999) and to the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security adopted by the FAO Council.**



### **Land conflicts and forced evictions**

42. The Committee is concerned about the significant negative impact that land-grabbing has on the enjoyment of economic, social and cultural rights. The Committee is concerned that long-standing conflicts over land under the Economic Land Concession scheme have not been resolved and reparatory measures for victims have not been implemented. The Committee is also concerned about the high number of communities that have been forcibly evicted or that are facing the risk of being forcibly evicted, both in rural and urban areas, affecting the livelihood and the right to adequate housing of those concerned (art. 11).

43. **The Committee recommends that the State party:**

(a) **Take the steps necessary to respect and protect fair access to land and natural resources, including the safeguarding of land-use rights. This should be done, in both rural and urban contexts, when speculation or city developments have led to the relocation of the population;**

(b) **Ensure that victims of human rights violations in relation to land disputes have access to effective legal remedies and reparation, in particular those linked to the Economic Land Concession scheme;**

(c) **Take effective measures against forced evictions in accordance with international human rights law, and ensure that victims have access to an effective remedy that allows the restitution of their property, return to their homes or land or a suitable alternative, and appropriate compensation;**

(d) **Take into account the Committee's general comments No. 26 (2022) and No. 7 (1997), which include guidance on legal remedies, compensation and consultation, among other things, as well as the basic principles and guidelines on development-based evictions and displacement drawn up by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context.**

### **Right to physical and mental health**

44. The Committee takes note of the progress made by the State party in expanding access to health-care services and reducing inequalities. The Committee is, nevertheless, concerned that challenges in accessing health care and services, in particular sexual and reproductive health and mental health, remain for the most disadvantaged persons and groups, mainly persons on low incomes (art. 12).

45. **The Committee recommends that the State party:**

(a) **Pursue its efforts to allocate sufficient resources to the health-care sector with a view to guaranteeing and improving the accessibility, availability and quality of health-care services;**

(b) **Continue to implement measures to reduce inequalities in access to the right to health by, for example, extending health insurance to the most disadvantaged and marginalized groups, mainly persons on low incomes;**

(c) **Ensure the accessibility and availability of appropriate, good quality sexual and reproductive health services, information and contraception, for all women and adolescent girls in the State party, especially in rural or remote areas;**

(d) **Adopt the legal framework on mental health and continue implementing the Mental Health Strategic Plan 2022–2030, with a view to improving the availability, accessibility, affordability and quality of mental health services throughout the State party;**

(e) **Take into account the Committee's general comments No. 14 (2000) and No. 22 (2016).**

### Persons who use drugs

46. The Committee is concerned about the campaign against drugs adopted by the State party, which prevents persons who use drugs from gaining access to appropriate harm-reduction programmes and addiction treatment services that are evidence based and respectful of their rights. The Committee is concerned by reports of the high levels of detention in prisons of persons who use drugs, as well as in drug rehabilitation or social affairs centres, and the ongoing criminalization of drug use (art. 12).

**47. The Committee recommends that the State party conduct a review of its legislative framework to ensure a human rights-based approach to drug use and to decriminalize drug possession for personal consumption. It also recommends that the State party develop policies to prevent drug abuse, strengthen harm reduction programmes, and provide appropriate health-care and psychological support services and rehabilitation to persons who use drugs, including by providing opioid substitution therapy. The State party should also offer alternative treatment to persons who are drug dependent and are kept in rehabilitation centres or prisons. The State party should also take the measures necessary to combat social stigma against persons who use drugs, by training law enforcement officers and medical professionals and by raising public awareness, especially about the right to health of persons who use drugs.**

### Right to education

48. While the Committee notes that access to preschool and primary education has been improved in the State party, it is nevertheless concerned about:

- (a) The high level of school dropout rates, especially in secondary education and among students belonging to marginalized or disadvantaged groups and Indigenous children;
- (b) The shortcomings in the quality of school infrastructure, including the lack of sanitation facilities affecting, in particular, girls' access to education;
- (c) The lack of trained teachers and their inadequate working conditions;
- (d) The lack of information on the inclusive education available for children with disabilities;
- (e) The lack of information on access to education by migrant, asylum-seeking and refugee children (art. 13).

**49. The Committee recommends that the State party:**

- (a) **Adopt the appropriate measures to reduce the school dropout and repetition rates at all levels of education, especially at secondary level and among students belonging to marginalized, disadvantaged groups and Indigenous children;**
- (b) **Evaluate, adopt and implement adequate measures to improve school infrastructure, especially the sanitation facilities;**
- (c) **Adopt all necessary measures to improve the quality of education by increasing the number of qualified teachers and their participation in continuous training programmes and by developing and making available educational materials, particularly in rural areas;**
- (d) **Develop and implement a comprehensive policy to ensure inclusive education for children with disabilities;**
- (e) **Guarantee that migrant, asylum-seeking and refugee children have effective access to education.**

### Impact of the COVID-19 pandemic on the right to education

50. The Committee notes with concern the negative and disproportionate impact of the preventive measures adopted in the context of the COVID-19 pandemic on the right to education given that most students did not, and still do not, have access to the Internet or technological and digital resources to pursue their studies online. Moreover, the Committee notes with concern that the COVID-19 measures have contributed to increasing the overall

situation of indebtedness affecting the access to education of children from poor households (arts. 13–14).

51. **The Committee recommends that the State party take all the measures necessary to improve access to the Internet and technological and digital resources for students, especially those from low-income families, those living in rural or remote areas and Indigenous children, to ensure that education is accessible, available and affordable without discrimination. The Committee recommends that the State party adopt appropriate measures to ensure that children from families living in poverty affected by indebtedness have adequate and effective access to education.**

#### **Cultural rights**

52. The Committee regrets not having received information on the concrete measures adopted to ensure respect for the cultural diversity and participation in cultural life of Indigenous Peoples, and on the measures to promote their traditions, languages and culture. The Committee is concerned at the negative impact that the failure to protect and demarcate the ancestral lands and territories of Indigenous Peoples has on the exercise of their cultural rights (art. 15).

53. **The Committee recommends that the State party take the steps necessary to strengthen the protection of cultural rights and respect for cultural diversity. The Committee also recommends that the State party promote an enabling environment for Indigenous Peoples to preserve, develop, express and share their identity, history, culture, languages, traditions and customs, as well as to maintain their spiritual relationship with their lands, territories and resources.**

#### **D. Other recommendations**

54. **The Committee encourages the State party to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

55. **The Committee recommends that the State party consider ratifying the core human rights instruments to which it is not yet a party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Optional Protocol to the Convention on the Rights of Persons with Disabilities; and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.**

56. **The Committee recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Agenda for Sustainable Development at the national level, including in the recovery from the COVID-19 pandemic. Achievement of the Sustainable Development Goals would be significantly facilitated by the State party establishing independent mechanisms to monitor progress and treating beneficiaries of public programmes as rights holders who can claim entitlements. Moreover, the Committee recommends that the State party support the global commitment of the decade of action to achieve the Sustainable Development Goals. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind. In this regard, the Committee draws the State party's attention to its statement on the pledge to leave no one behind.<sup>10</sup>**

57. **The Committee requests that the State party disseminate the present concluding observations widely at all levels of society, including at the provincial levels, in particular among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee emphasizes the crucial role that Parliament plays in implementing the present concluding observations and encourages the State party to**

<sup>10</sup> E/C.12/2019/1.

ensure its involvement in future reporting and follow-up procedures. The Committee encourages the State party to engage with non-governmental organizations and other members of civil society in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.

58. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months of the adoption of the present concluding observations, information on the implementation of the recommendations contained in paragraphs 9 (a) (human rights defenders and civil society organizations); 15 (a) (rights of Indigenous Peoples); and 39 (b) and (c) (poverty) above.

59. The Committee requests the State party to submit its third periodic report in accordance with article 16 of the Covenant by 31 March 2028, unless otherwise notified as a result of a change in the review cycle. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words.

---