



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

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

1. The Committee considered the sixth periodic report of Cambodia (CEDAW/C/KHM/6) at its 1730th and 1731st meetings (see CEDAW/C/SR.1730 and CEDAW/C/SR.1731), held on 29 October 2019. The list of issues and questions raised by the pre-sessional working group is contained in CEDAW/C/KHM/Q/6, and the responses of Cambodia are contained in CEDAW/C/KHM/Q/6/Add.1.

#### A. Introduction

2. The Committee appreciates the submission by the State party of its sixth periodic report. It also appreciates the State party's follow-up report to the previous concluding observations of the Committee (CEDAW/C/KHM/CO/4-5/Add.1) and its written replies to the list of issues and questions on the sixth periodic report, as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Minister of Women's Affairs, Kantha Phavi Ing, and included representatives of the Ministry of Education, Youth and Sports; the Ministry of Land Management, Urban Planning and Construction; the Ministry of Civil Service; the Ministry of Economy and Finance; the Ministry of the Interior; the Ministry of Justice; the Ministry of Rural Development; the Ministry of Health; the Ministry of Labour and Vocational Training; the secretariat of the Cambodian National Council for Women; and the Permanent Mission of Cambodia to the United Nations Office and other international organizations in Geneva.

#### B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2013 of the State party's previous reports (CEDAW/C/KHM/CO/4-5) in undertaking legislative reforms, in particular the adoption of the following:

(a) Law on the minimum wage, which sets the criteria and procedure for establishing minimum wages for women and men who fall within the scope of the

\* Adopted by the Committee at its seventy-fourth session (21 October–8 November 2019).



labour law, including individuals working in the garment industry, who are predominantly women, in July 2018;

(b) Law on juvenile justice, which is aimed at developing a modern juvenile justice system focused on measures to divert children from court proceedings by establishing rehabilitation centres, in June 2016;

(c) Law on the status of judges and prosecutors, which is aimed at ensuring the independence of the judiciary, in June 2014;

(d) Law on regulating concentrated acid, in December 2011, which, inter alia, introduces the requirement that public hospitals provide medical care free of charge to survivors of acid attacks, who are predominantly women, and Sub-Decree No. 48 on the Formalities and Conditions for Strong Acid Control, in January 2013, which allows for increased sentences for perpetrators of acid attacks and includes provisions to limit the sale and distribution of dangerous acids.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

(a) National strategic plan for gender equality and the empowerment of women for the period 2014–2018;

(b) National action plans to prevent violence against women for the periods 2014–2018 and 2019–2023;

(c) National strategy for reproductive and sexual health for the period 2017–2020, which is aimed at ensuring that comprehensive sexual and reproductive health services are available at all service delivery points;

(d) National social protection policy framework for the period 2016–2025, which is aimed at building an efficient and financially sustainable social protection system, including financial support for pregnant women and children under 2 years of age who are in situations of poverty;

(e) Phases III (2014–2018) and IV (2019–2023) of the rectangular strategy for growth, employment, equity and efficiency, which recognizes the importance of gender equality and the empowerment of women for national development.

### **C. Sustainable Development Goals**

6. **The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.**

### **D. Parliament**

7. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see [A/65/38](#), part two, annex VI). It invites Parliament, in line with its mandate, to take the necessary steps regarding**

the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.

## E. Principal areas of concern and recommendations

### Legislative framework

8. The Committee notes the position reiterated by the State party that the provisions of the Constitution and the Penal Code sufficiently define and prohibit discrimination against women in accordance with the Convention. It remains concerned, however, that there are no provisions in the Constitution that define direct and indirect discrimination against women, and that the Penal Code prohibits only certain forms of direct discrimination, such as denial of access to goods, services or employment. The Committee also notes that recently amended laws have not effectively addressed inequalities between men and women, and regrets the lack of gender impact assessment when adopting or revising legislation.

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

(a) **Ensure that its national legislation includes a definition of discrimination against women, covering direct and indirect discrimination in the public and private spheres, including intersecting forms of discrimination, in line with article 1 of the Convention, as accepted by the State party following its third universal periodic review (A/HRC/41/17/Add.1, para. 2);**

(b) **Systematically undertake gender impact assessments when adopting or revising laws, and ensure that legislative changes help to promote and protect the rights of women.**

### Access to justice and remedies

10. The Committee notes the efforts made by the State party to improve access to justice by women, particularly in rural areas, including by increasing the national budget allocated for legal aid and establishing a special team of volunteer lawyers to assist women in situations of poverty to gain access to legal aid. Nevertheless, it reiterates its previous concern about the lack of court cases on discrimination against women in the State party and the fact that there are significant barriers to access by women and girls to justice and effective remedies for violations of their rights, particularly for rural women, indigenous women, women belonging to ethnic minority groups and women with disabilities. Such barriers include:

(a) Social and cultural stigma, which deter women and girls from registering their complaints, particularly with regard to domestic violence and rape;

(b) Limited access to information on the mechanisms and procedures for seeking remedies for violations of the rights of women and girls, especially in rural areas;

(c) Lack of gender sensitivity in the justice system, including negative attitudes on the part of judges, prosecutors, law enforcement officials and lawyers towards women reporting violations of their rights;

(d) Corruption and the lack of independence of the judiciary, which continues to impede women's access to justice.

11. **Recalling its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:**

(a) **Develop a comprehensive legal aid scheme with sustainable, long-term funding from the national budget and establish regional appeals courts outside**

of the capital to ensure effective access to courts and tribunals by all women, particularly rural women, indigenous women, women belonging to ethnic minority groups and women with disabilities;

(b) Eliminate the stigmatization of women and girls who submit complaints about violations of their rights by raising awareness among the general public of those rights;

(c) Disseminate information on the mechanisms and procedures for seeking remedies for violations of the rights of women and girls, particularly in rural areas;

(d) Strengthen the gender responsiveness and gender sensitivity of the justice system, including by increasing the number of women in the judiciary and providing systematic capacity-building to judges, prosecutors, police officers and other law enforcement officials on the Convention, as well as on the Committee's concluding observations, its jurisprudence under the Optional Protocol and its general recommendations;

(e) Take specific steps to strengthen the independence and impartiality of the judiciary and ensure that cases of gender-based discrimination and violence against women, including domestic violence and rape, are thoroughly investigated, perpetrators are prosecuted and adequately punished and victims are provided with remedies;

(f) Strengthen measures to combat corruption, including by adopting and implementing effective disciplinary measures to hold government officials accountable for corruption, in order to restore women's trust in the justice system.

12. The Committee notes that, following the decision of the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia of 16 November 2018 in case 002/02, 13 reparation projects have been implemented throughout the State party to formally acknowledge victims, establish collective memories and restore the dignity of victims, including victims of rape in the context of forced marriage. It regrets, however, that such projects do not adequately recognize or provide effective redress to victims of sexual and gender-based violence committed during the Khmer Rouge regime, including rape committed outside the context of forced marriage. The Committee also remains concerned at the inadequate implementation of the principles contained in Security Council resolution 1325 (2000) on women and peace and security, including the participation of women in peacebuilding, conflict prevention and conflict resolution initiatives and the integration of gender perspectives into peacebuilding and peacekeeping missions.

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

(a) Provide effective redress to all victims of sexual and gender-based violence committed during the Khmer Rouge regime, including gender-based violence against women committed outside the context of forced marriage, and consider developing effective non-judicial transitional justice programmes, including the provision of adequate reparation and psychological and other appropriate support;

(b) Adopt a comprehensive national action plan for the implementation of Security Council resolution 1325 (2000) and subsequent resolutions on women and peace and security;

(c) Ensure that women are fully involved at all stages of peacebuilding, conflict prevention and conflict resolution initiatives and integrate gender perspectives into peacebuilding and peacekeeping missions, in line with Security

**Council resolution 1325 (2000), as well as the full spectrum of the Council's women and peace and security agenda, as reflected in its resolutions 1820 (2008), 1888 (2009), 1889 (2010), 1960 (2010), 2106 (2013), 2122 (2013), 2242 (2015), 2467 (2019) and 2493 (2019), and the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations.**

#### **National machinery for the advancement of women**

14. The Committee welcomes the work undertaken by the Cambodian National Council for Women to lead the efforts within the Government to promote women's rights and gender equality in the State party. It also commends the State party for the adoption of various policies and action plans to improve the status of women, including the fourth national strategic plan for gender equality and the empowerment of women and gender-responsive budgeting, as well as the allocation of 3 per cent of the total national budget for activities to promote gender equality in all ministries. Nevertheless, the Committee is concerned that:

(a) The role of the Cambodian National Council for Women is limited by its lack of autonomy to implement its mandate;

(b) The human, technical and financial resources allocated for the implementation of various policies and action plans to promote gender equality are inadequate;

(c) Representatives of civil society, including women's rights organizations, have not been fully involved in the process of formulating the first national gender policy;

(d) The monitoring and evaluation of policies and action plans on gender equality are weak, particularly at the district and commune levels.

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

(a) **Ensure that the Cambodian National Council for Women has the autonomy, authority and human, technical and financial resources necessary to effectively function as the national machinery for the advancement of women;**

(b) **Allocate sufficient resources and funding from the national budget for the implementation of action plans and policies for gender equality, including the fifth national strategic plan for gender equality and the empowerment of women (2019–2023);**

(c) **Ensure the full and effective participation of civil society organizations, including women's rights organizations, in the process of formulating the first national gender policy;**

(d) **Establish effective evaluation and monitoring mechanisms for all action plans, strategies and measures adopted to advance gender equality, as well as for activities undertaken by various ministries to promote gender equality, in order to measure progress and impact.**

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

16. The Committee notes the information provided by the State party's delegation that, pursuant to a decision adopted in September 2019, civil society organizations will lead and coordinate the efforts to draft a law to establish a national human rights institution. It expresses concern, however, that, although civil society organizations have already been engaged in drafting such a law, their proposals have reportedly not been taken into account, and that no progress has been made to establish an independent national human rights institution in the State party.

17. **The Committee recommends that the State party expedite the process of establishing a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), as accepted by the State party following its third universal periodic review (A/HRC/41/17/Add.1, para. 2), with a strong mandate to promote and protect women's rights and to ensure that the views and opinions of civil society organizations are effectively taken into account in this process.**

**Women human rights defenders, civil society and non-governmental organizations**

18. The Committee is concerned about reports of harassment and intimidation of women human rights defenders, trade union workers and land and environmental activists, as well as members of the political opposition party, which was dissolved in November 2017. It is particularly concerned that women have not been able to organize and participate in International Women's Day marches since 2015 and that women human rights defenders have reportedly been subjected to increasing scrutiny and restrictions on their rights by the authorities, including arbitrary detention for their legitimate activities, which has created an environment of fear and self-censorship.

19. **The Committee recommends that the State party fully guarantee the rights of women human rights defenders, trade union leaders, land and environmental activists and members of the political opposition party, particularly their rights to freedom of expression, assembly and association, without harassment, surveillance or other undue restrictions.**

**Temporary special measures**

20. The Committee notes the information provided by the State party's delegation on its efforts to promote the participation of women in various sectors. Nevertheless, it notes with concern:

(a) The lack of information provided by the State party on the use of temporary special measures in its periodic report and during the dialogue;

(b) The adoption of measures that appear to reinforce, rather than eliminate, gender inequality, including the granting of the majority of land titles to men;

(c) The lack of temporary special measures adopted by the State party to address situations in which women lack substantive equality with men, particularly in relation to ownership of land and access to adequate housing and access to economic opportunities in rural areas.

21. **Recalling its general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party adopt temporary special measures, including legislative, executive, administrative and other regulatory instruments, policies and practices, allocation and/or reallocation of resources, preferential treatment, targeted recruitment, hiring and promotion, and quota systems, to accelerate the achievement of substantive equality of women and men in all areas in which women are underrepresented or disadvantaged, targeting women in disadvantaged situations, such as women with disabilities, women belonging to ethnic minority groups, indigenous women, rural women and older women. It further recommends that the State party adopt such temporary special measures:**

(a) **To reallocate and distribute land so that women have equal ownership of land;**

(b) **To increase tenure security for women living in informal settlements and to improve access by women, especially indigenous women, women belonging to ethnic minority groups and rural women, to adequate housing including through the mechanisms established under the national housing policy;**

(c) **To increase economic opportunities for women in rural areas, including through the adoption of quotas.**

#### **Discriminatory gender stereotypes**

22. The Committee notes with concern the persistence of discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society, which are deeply rooted in Cambodian culture and continue to perpetuate gender inequality by normalizing male superiority and promoting women's passivity and compliance. It is concerned that such gender stereotypes, as reflected in the *Chbab Srey* and the *Chbab Prohh*, the traditional codes of conduct for women and men, respectively, legitimize gender-based violence against women and constitute a root cause of the disadvantaged position of women in many areas, including in the labour market and in political and public life.

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

(a) **Adopt a comprehensive strategy with proactive and sustained measures that target women and men at all levels of society to eliminate discriminatory stereotypes and patriarchal attitudes concerning the roles and responsibilities of women and men in the family and society;**

(b) **Ensure that references to the *Chbab Srey* are fully eliminated in schools at all levels and educate teachers about the harmful effects of discriminatory stereotypes, as well as about alternative ways to teach children about gender equality and non-stereotypical roles of women and men;**

(c) **Continue to adopt innovative measures, including through the media, social media and activities targeting young people, in collaboration with civil society and community leaders, to strengthen the understanding of gender equality, promote positive masculinity and increase non-stereotypical portrayals of women and men.**

#### **Gender-based violence against women**

24. The Committee welcomes the efforts made by the State party to combat gender-based violence against women, including the adoption of the second national action plan to prevent violence against women (2014–2018) and policies, strategies and minimum service standards and guidelines. Nevertheless, it remains concerned about:

(a) Social norms that justify gender-based violence against women and girls and blame the victim rather than the perpetrator, and the high prevalence of such violence, in particular domestic violence, as well as rape, including gang rape or *bauk*, which is viewed as a means of male bonding;

(b) The fact that the law on the prevention of domestic violence and protection of victims provides for mediation and reconciliation for “minor” cases of physical and sexual violence and all cases of emotional and economic violence and that informal reconciliation by community members without any formal training remains the primary means of resolving cases of domestic violence;

(c) The inadequate provision of essential services and support to victims/survivors of domestic violence, particularly in rural areas.

25. **Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:**

(a) **Systematically assess the impact of measures adopted to combat gender-based violence against women and girls, and continue to explore and adopt innovative approaches to address the root causes of such violence;**

(b) **Undertake a comprehensive review of the law on the prevention of domestic violence and the protection of victims and amend its provisions to define, prohibit and criminalize all forms of gender-based violence, including domestic violence and marital rape, to facilitate the process of obtaining protection orders and to ensure that victims/survivors of domestic violence have access to effective remedies and that perpetrators are held accountable;**

(c) **Increase the availability, accessibility and quality of essential services and support to victims/survivors of gender-based violence, including legal assistance, victim/survivor-centred health-care services and psychosocial support, and continue to explore the possibility of establishing one-stop service centres for victims/survivors of gender-based violence;**

(d) **Systematically collect data on gender-based violence against women and girls, disaggregated by age, ethnicity, disability, geographical location and relationship between the victim and the perpetrator.**

#### **Trafficking and exploitation of prostitution**

26. The Committee acknowledges the efforts made by the State party to prevent and combat trafficking in persons, including by adopting national plans of action for countering trafficking for 2014–2018 and for 2019–2023, strengthening the institutional capacity of the National Committee for Counter-Trafficking and concluding bilateral and multilateral cooperation agreements on labour migration and trafficking with countries in the region. Nevertheless, the Committee remains deeply concerned that the State party remains a source, destination and transit country for trafficking in persons, in particular women and girls, for purposes of sexual and labour exploitation. The Committee is particularly concerned about:

(a) The limited progress in addressing the root causes of trafficking within the State party, including poverty and lack of economic opportunities, especially in rural and remote areas;

(b) The lack of effective identification and referral to appropriate services for victims of trafficking;

(c) The alleged misuse of anti-trafficking legislation to target individuals who are not responsible for trafficking offences;

(d) The lack of information on the sentencing of traffickers, as well as the alleged conclusion of sex trafficking cases with monetary settlements in lieu of criminal prosecution and adequate punishment.

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

(a) **Address the root causes of trafficking in women and girls by promoting income-generating opportunities and improving the economic situation of women, especially in rural areas;**

(b) **Ensure early identification of and referral to appropriate services for women and girls who are victims of trafficking, including by providing systematic training to all relevant law enforcement officials on the effective implementation of guidelines on victim identification;**

(c) **Ensure the rehabilitation and social integration of victims, including by providing them with effective protection, including shelters, assistance and remedies, and by providing financial and other forms of support to civil society organizations offering assistance to women who are victims of trafficking;**

(d) **Ensure that women who are victims of trafficking are exempted from any liability and provided with adequate protection, such as witness protection programmes and temporary residence permits, irrespective of their ability or willingness to cooperate with the prosecutorial authorities;**

(e) **Ensure that traffickers and other actors involved in trafficking are prosecuted and adequately punished;**

(f) **Ensure that measures to combat trafficking, including anti-trafficking legislation, are used for the purposes of prosecuting traffickers and providing effective remedies to victims and that they are not misused against individuals who are not responsible for trafficking offences.**

28. The Committee is concerned that a large number of women and girls are exploited in prostitution in the State party and that women in prostitution are criminalized for the act of soliciting in public, whereas those who exploit women in prostitution are rarely prosecuted. It also expresses concern at the lack of effective measures taken by the State party to address the root causes of and the demand for prostitution, as well as to assist women and girls who wish to leave prostitution.

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

(a) **Revise its national legislation to decriminalize women in prostitution;**

(b) **Investigate and punish individuals who exploit women in prostitution;**

(c) **Address the root causes of prostitution, such as poverty and structural gender inequalities, as well as the demand for prostitution, and adopt targeted measures to prevent women in vulnerable situations from being exploited in prostitution, including by providing women who wish to leave prostitution with exit programmes and alternative income opportunities;**

(d) **Provide assistance, rehabilitation and reintegration programmes for women and girls exploited in prostitution.**

#### **Participation in political and public life**

30. The Committee welcomes the information provided by the State party's delegation that there was an increase in the number of women holding the position of commune council chief and deputy chief, of 8 and 14 per cent, respectively, in 2018. Nevertheless, the Committee notes that such levels remain low and regrets that women continue to be underrepresented in legislative bodies, ministerial posts and local governments, as well as in the judiciary, the police force, the foreign service and academic institutions, particularly at the decision-making level. It also regrets the lack of representation of women belonging to ethnic minority groups and indigenous women in political and public life.

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

(a) **Adopt measures, including temporary special measures, such as quotas, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) and general recommendation No. 23 (1997) on women in political and public life, in order to accelerate the full and equal participation of women in political and public life, including in legislative bodies, ministerial posts and local governments, as well as in the judiciary, the**

police force, the foreign service and academic institutions, particularly at the decision-making level;

(b) **Create an enabling environment for the participation of women in political and public life, in particular with regard to women belonging to ethnic minority groups, indigenous women and women with disabilities, including by raising awareness among political leaders and the general public that the full, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the full implementation of the rights of women.**

### **Nationality**

32. The Committee notes the information provided by the State party that children born to foreign parents who live legally in the State party have the possibility of obtaining birth certificates, which enables them to gain access to education and health care. It remains concerned, however, about reports of difficulties faced by ethnic Vietnamese and Khmer Krom women in obtaining birth certificates for their children born in Cambodia, as well as national identity cards for themselves, which prevents them and their children from gaining access to education, employment, health care and housing. It also expresses concern about the lack of sufficient safeguards to ensure that children born in Cambodia who would otherwise be stateless can acquire Cambodian nationality and have access to identity documents.

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

(a) **Ensure access to Cambodian nationality for all ethnic minority women who meet the conditions for acquiring nationality, particularly women of Vietnamese origin and Khmer Krom women, and ensure that they have access to education, employment, health care and housing;**

(b) **Facilitate access to identity documentation and birth registration and certificates by stateless women and their children and ensure that government officials do not confiscate documents during the process of registration;**

(c) **Ratify the Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

### **Education**

34. The Committee commends the State party on the efforts made to increase access to education for girls and women, including by offering scholarships to girls in situations of poverty, providing accommodation in schools in rural areas and establishing centres for development to provide informal education for women who have dropped out of the formal education system. It welcomes the increased literacy rate among women and girls, the increased enrolment rate of girls in primary education and the integration of comprehensive sexuality education into the national curriculum for children aged 10 to 18 years. Nevertheless, the Committee remains concerned about:

(a) The inadequate number of secondary schools, particularly in rural areas, as well as other obstacles to girls' enrolment in and completion of secondary and tertiary education, including migration of parents as a result of poverty, child labour, disability, domestic responsibilities, child marriage and early pregnancy;

(b) The low enrolment rate of women in higher education, as well as their concentration in fields of study that are traditionally dominated by women;

(c) The inadequate gender sensitivity in technical education, vocational training and life skills programmes, which reinforces discriminatory gender

stereotypes and leads to the underrepresentation of girls and women in non-traditional fields of study and career paths, such as science, technology, engineering and mathematics.

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

(a) **Continue to take steps to increase the availability and accessibility of high-quality secondary schools, especially in rural areas, and eliminate the specific barriers faced by girls to enrolling and remaining in school at the secondary and tertiary levels, including poverty, negative parental attitudes and preference given to the education of boys, disability, child marriage and early pregnancy;**

(b) **Promote and encourage girls and women to enrol in non-traditional fields of study, such as science, technology, engineering and mathematics, including through orientation programmes and career counselling in secondary and higher education;**

(c) **Ensure that teachers receive regular and comprehensive training on gender equality to eliminate gender bias and discriminatory gender stereotypes, especially in technical education, vocational training and life skills programmes, and encourage the portrayal of women role models who have excelled in non-traditional career paths.**

**Employment**

36. The Committee welcomes the high rate of participation by women in the labour force in the State party. Nevertheless, it remains concerned about:

(a) The high concentration of women in low-wage and unskilled jobs, including in the textile, garment and footwear industries and the construction sector, where women are employed on short-term or fixed-duration contracts, which undermines their ability to bargain collectively through trade unions and precludes them from basic labour protection and benefits, such as maternity leave and paid leave;

(b) The high concentration of women in the informal employment sector, including domestic work, where they continue to be excluded from labour and social security protection, such as minimum wages, overtime compensation and maternity leave;

(c) Limited opportunities for women to pursue their careers in the formal employment sector owing to the disproportionate burden of household and childcare responsibilities placed on them;

(d) The absence of a comprehensive law that defines and effectively prohibits violence and harassment, including sexual harassment, in the workplace, which is reportedly prevalent in the State party, particularly in the garment industry and while commuting to and from work;

(e) The inadequate guarantee in national legislation of the principle of equal pay for work of equal value;

(f) The situation of Cambodian women who migrate abroad to work in low-paid sectors such as manufacturing, domestic work, hospitality and agriculture, where they frequently experience abuse and exploitation.

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

(a) **Take specific measures to ensure that women who work on fixed-duration contracts are able to enjoy their rights to freedom of association and**

assembly, including participation in trade unions to raise their legitimate concerns about working conditions without fear of having their contract terminated, as well as their right to basic employment benefits, such as maternity leave and paid leave, including by enforcing the ruling of the Arbitration Council placing a cumulative two-year cap on the use of fixed-duration contracts and limiting the number of times that a fixed-duration contract can be renewed before it is converted into an undetermined-duration contract;

(b) Ensure that the rights of women in the informal employment sector are effectively protected, including by amending the labour law so that domestic workers enjoy the same labour protection as workers in other sectors and by adopting the law on social security schemes to enable workers in the informal sector to have access to social security benefits;

(c) Create more opportunities for women to gain access to formal employment, in particular by promoting the equal sharing of domestic and family responsibilities between women and men, providing sufficient and adequate childcare facilities and providing parental leave for fathers;

(d) Adopt and implement comprehensive legislation to prevent and respond to violence and harassment, including sexual harassment, in the workplace, and establish an independent complaints mechanism to ensure that victims have effective access to redress and that perpetrators are held accountable;

(e) Ensure that the principle of equal pay for work of equal value is enshrined in its national legislation in accordance with the Equal Remuneration Convention, 1951 (No. 100), of the International Labour Organization (ILO);

(f) Strengthen efforts to protect the rights of Cambodian women who migrate abroad, including by ensuring that bilateral memorandums of understanding with receiving countries adequately protect the rights of women migrant workers;

(g) Ratify the ILO Domestic Workers Convention, 2011 (No. 189), Violence and Harassment Convention, 2019 (No. 190), and Maternity Protection Convention, 2000 (No. 183).

### **Health**

38. The Committee welcomes the efforts made by the State party to improve the health status of and access to health-care services by women and girls, as reflected in reduced rates of maternal mortality, child mortality and HIV prevalence, as well as increased contraceptive use among married women. Nevertheless, it notes with concern:

(a) The limited access to sexual and reproductive health-care services and information, including access to modern contraceptives and safe abortion, particularly by unmarried women and girls, and the stigmatization of women and girls who use such services, leading to high rates of maternal mortality and early pregnancy;

(b) The number of women of childbearing age who are underweight and anaemic, especially in rural areas;

(c) The high number of deaths related to cervical cancer and the lack of information provided by the State party on measures taken to effectively prevent and address the issue.

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

(a) **Ensure that sexual and reproductive health-care services and information, including voluntary and confidential counselling, testing and treatment for HIV and sexually transmitted infections, as well as safe abortion and post-abortion services, are available and accessible to all women and girls, particularly adolescent girls;**

(b) **Take measures to combat the stigma attached to girls and women, especially those who are unmarried, who use contraceptives and safe abortion services, including by implementing the comprehensive sexuality curriculum in schools;**

(c) **Integrate the nutritional needs of women and girls into broader national strategies and policies on nutrition to ensure that their specific needs at various stages of life are met, especially among women of childbearing age in rural areas;**

(d) **Adopt specific strategies to effectively prevent and address cervical cancer, including by disseminating information on the linkages between human papillomavirus and cervical cancer and on preventive measures, as well as by ensuring that women and girls have access to regular screening for the virus.**

#### **Rural women**

40. The Committee welcomes the measures adopted by the State party to improve the conditions of rural women, including by improving their access to water and sanitation and by adopting policies to promote micro, small and medium-sized enterprises as a means for women to generate income. It remains concerned, however, about reports that microfinancing institutions charge high interest rates, require land titles as collateral and target poor clients, the majority of whom are women, and that, in the event of default, the land seized is frequently of much higher value than the debt, without the difference being compensated, which leaves many rural women destitute and homeless.

41. **The Committee recommends that the State party ensure that rural women have access to low-interest loans and financial credit by effectively regulating microfinancing institutions and establishing an oversight mechanism to prevent exploitative lending practices. It also recommends that the State party adopt measures to facilitate opportunities for rural women to establish not only micro, small and medium-sized enterprises but also large enterprises.**

#### **Climate change and disaster risk reduction**

42. The Committee expresses concern that women, in particular women living in rural areas, are excluded from participation in the formulation and implementation of policies and action plans on climate change and disaster risk reduction, even though they are disproportionately affected by the effects of climate change and disasters, as women in the State party are more likely to depend on agriculture than men.

43. **Recalling its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the Committee recommends that the State party:**

(a) **Ensure the effective participation of women, not only as those who are disproportionately affected by the effects of climate change and disasters but as agents of change, in the formulation and implementation of policies and action plans on climate change and disaster response and risk reduction;**

(b) **Ensure that policies and plans relating to disaster risk reduction and climate change explicitly include a gender perspective and take into account the particular needs of women, in particular rural women.**

#### **Women in detention**

44. The Committee welcomes the information provided by the State party that women who use drugs are protected as victims who require rehabilitation, rather than offenders, and that the Ministry of Justice issued a circular in 2014 on alternatives to detention and diversion measures, including judicial supervision, suspended sentences with probation and community work. Nevertheless, the Committee notes with concern:

(a) Reports of insufficient consideration given by the courts to the specific situations of women when making decisions about detention, leading to unnecessary detention of women, including pregnant women and mothers, which has a devastating impact on children, as they are left without their primary caregivers or are detained with their mothers in inadequate conditions;

(b) Reports that women in pretrial detention are held with women who have been convicted of crimes;

(c) The detention of women and children in overcrowded prisons that fail to meet international standards, including access to essential health-care services, especially for pregnant women.

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

(a) **Take urgent measures to reduce the number of women in detention, including by implementing the circular issued by the Ministry of Justice in 2014 to provide alternatives to detention and diversion measures, including judicial supervision, suspended sentences with probation and community work;**

(b) **Address the root causes of delinquency among women, including poverty, and ensure that judges take into account women's specific situations when making decisions about detention and the impact of their incarceration on their children and family members;**

(c) **Improve the conditions in women's detention facilities in accordance with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) to address the problem of overcrowding in prisons and to ensure the provision of adequate facilities and services, in particular for pregnant women and women detained with their children.**

#### **Women acting as surrogates**

46. The Committee notes with concern that, since the adoption of a decision by the Ministry of Health in October 2016 to criminalize all forms of surrogacy, over 60 women who have acted as surrogates have been arrested and subjected to criminal proceedings on various charges. It further notes that some of the women have been released on bail on the condition that they continue the pregnancy and raise the surrogate children as their own until the children are 18 years old. The Committee is particularly concerned that such an obligation creates an additional financial and emotional burden on women who are in precarious situations, which led them to act as surrogates in the first place, and that they face discrimination and stigmatization by their families and communities for having acted as surrogates.

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

(a) **Repeal the decision of the Ministry of Health adopted in October 2016 and end the practice of detaining women who act as surrogates and of making their release conditional upon the obligation to carry the pregnancy to term and raise the children as their own;**

(b) **Address the root causes of women deciding to act as surrogates, such as poverty and the need to pay debts, by ensuring that women in situations of poverty have access to socioeconomic benefits, loans with favourable interest rates and decent income-generating opportunities;**

(c) **Ensure that any laws, regulations and policies on surrogacy take into account the unequal power relations between the parties to a surrogacy arrangement, particularly the weak position of women acting as surrogates, to prevent deprivation of liberty and exploitation, as well as coercion, discrimination and violence against them;**

(d) **Ensure that the draft law on surrogacy does not impose criminal liability or administrative sanctions on women who act as surrogates and seek technical support from the Office of the United Nations High Commissioner for Human Rights in Cambodia so that the law is in compliance with international human rights standards.**

**Marriage and family relations**

48. The Committee welcomes the adoption of the action plan to prevent child marriage and teenage pregnancy in Ratanakiri Province for the period 2017–2021, which is aimed at ethnic communities and focused on increased prevention and response interventions. Nevertheless, it expresses concern that the rate of child marriage remains high in indigenous and rural communities and regrets the lack of measures adopted by the State party outside of Ratanakiri Province. The Committee also reiterates its previous concern that women are prohibited from remarrying within 120 days of divorce under article 950 of the Civil Code.

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

(a) **Adopt targeted measures in all communities with high rates of child marriage, including awareness-raising programmes on the harmful effects of such marriage on the health, development and education of girls, as well as the fact that marriage under 18 years of age is prohibited by law;**

(b) **Repeal article 950 of the Civil Code, which unduly restricts the right of women to remarry, given that paternity can be established by alternative and less restrictive means, such as DNA testing.**

**Amendment to article 20 (1) of the Convention**

50. **The Committee encourages the State party to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.**

**Beijing Declaration and Platform for Action**

51. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the realization of the rights enshrined in the Convention in the context of the 25-year review of the implementation of the Declaration and Platform in order to achieve substantive equality between women and men.**

#### **Dissemination**

52. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, Parliament and the judiciary, to enable their full implementation.**

#### **Technical assistance**

53. **The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.**

#### **Ratification of other treaties**

54. **The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>1</sup> would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which it is not yet a party.**

#### **Follow-up to the concluding observations**

55. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 19, 25 (b) and 47 (d) above.**

#### **Preparation of the next report**

56. **The Committee requests the State party to submit its seventh periodic report, which is due in November 2023. The report should be submitted on time and cover the entire period up to the time of its submission.**

57. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I).**

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.