



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

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## Committee on the Elimination of Discrimination against Women

### Seventy-fourth session

21 October–8 November 2019

Item 4 of the provisional agenda

### Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

## List of issues and questions in relation to the sixth periodic report of Cambodia\*

### Legislative and policy framework

1. In the light of the dissolution of the Cambodia National Rescue Party and the five-year ban on participating in political activities imposed on 118 members of the Party following the Supreme Court decision of 16 November 2017, please clarify how the State party intends to strengthen the rule of law on the basis of international human rights standards, which is an essential foundation for the realization of the Sustainable Development Goals, democracy and peace. To that end, please also describe how the State party plans to benefit from the recently renewed memorandum of understanding with the Office of the United Nations High Commissioner for Human Rights in Cambodia. Given the important role played by women human rights defenders to advance the rights outlined in the Convention, please provide information on the steps taken to guarantee their rights to freedom of assembly, association and expression, as well as their right to privacy.

2. It is indicated in the sixth periodic report of the State party (CEDAW/C/KHM/6) that article 45 of the Constitution contains an explicit prohibition on all forms of discrimination against women (para. 11).<sup>1</sup> Please provide information on the legislative provision that defines discrimination against women, including direct and indirect discrimination, in accordance with article 1 of the Convention. The Committee notes that, in article 31 of the Constitution, it is stipulated that the State party shall recognize and respect conventions related to women's rights. Please clarify whether the provisions of the Convention are justiciable in domestic courts. In the light of the concern expressed by the Committee in its previous concluding observations regarding the lack of cases involving discrimination against women

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\* Adopted by the pre-sessional working group on 15 March 2019.

<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the sixth periodic report of the State party.



before the courts of the State party ([CEDAW/C/KHM/CO/4-5](#), para. 10), please indicate whether there have been any new cases and, if so, provide a summary of the nature and outcome of such cases.

3. Please clarify how the Amended Act on Elections of Members of the National Assembly, the Act on Regulating Concentrated Acid and the Act on Juvenile Justice referred to in the report (para. 12) have been implemented to address discrimination against women. Please also provide an update on the status of the draft bill on surrogacy (para. 12).

4. It is indicated in the report that the national strategic plan for gender equality and the empowerment of women for the period 2014–2018 includes a comprehensive monitoring and evaluation framework with specific indicators to measure gender equality and the empowerment of women, as well as pre- and post-test intervention assessments (paras. 40 and 55). Please provide information on: (a) the results achieved through the implementation of the strategic plan; (b) the challenges encountered in the implementation of the plan; and (c) how its shortcomings have been addressed in the subsequent plan. The Committee notes that the State party's first national gender policy was formulated to provide a longer-term policy framework for gender equality in line with the Sustainable Development Goals (para. 17). Please provide further information on: (a) the plans to meet targets 3.7, 5.2 and 5.3; (b) the current status of the Policy; (c) consultations undertaken with stakeholders, including civil society organizations, to formulate the policy; (d) the relationship between the policy and the strategic plan; (e) how the implementation of the policy will be monitored and evaluated; and (f) the budget allocated to implement the policy.

#### **Legal aid and access to justice**

5. Please provide information on the measures taken to implement the Committee's previous recommendation to develop a comprehensive legal aid scheme to ensure effective access for women to courts and tribunals ([CEDAW/C/KHM/CO/4-5](#), para. 13 (a)). Please provide further information on how the measures adopted by the State party to combat corruption in the administration of justice (para. 28) have improved access for women to justice.

#### **Transitional justice**

6. The report contains a reference to the proceedings of Case 002/02 of the Extraordinary Chambers in the Courts of Cambodia, as well as to 22 reparation projects filed with the Court (para. 32). The Committee takes note of the decision of 16 November 2018 of the Trial Chamber of the Court in relation to Case 002/02. Please provide an update on the implementation of the decision, including in relation to the 13 projects that have received judicial recognition. Pursuant to the Committee's previous concluding observations ([CEDAW/C/KHM/CO/4-5](#), para. 15 (a)) and its follow-up letter of 10 August 2016, please provide information on the steps taken to provide effective redress to victims of other forms of gender-based violence committed during the Khmer Rouge regime, in particular those committed outside the context of forced marriage. Please also provide further clarification on the concrete outcomes of the implementation of the provisions of Security Council resolution [1325 \(2000\)](#) (para. 34).

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

7. In its report, the State party outlines the institutions and inter-agency groups mandated to realize gender equality (para. 38). Pursuant to the Committee's previous concluding observations ([CEDAW/C/KHM/CO/4-5](#), para. 17), please provide information on the measures taken to ensure harmonization and coordination between

the Cambodian National Council for Women, the Ministry of Women's Affairs, the Technical Working Group on Gender and the gender mainstreaming action groups in line ministries. Please also indicate the measures that have been adopted to strengthen the effectiveness of the National Council in overseeing and monitoring the implementation of the Convention and the Committee's recommendations. In relation to the increased allocation of funds for gender activities, gender mainstreaming and gender-responsive budgeting (paras. 44–46), please provide information on the results achieved.

### **Discriminatory gender stereotypes**

8. The report contains references to the national action plan for upholding social morality and women's and Khmer family values (para. 47) and the National Committee for Upholding Social Morality and Women's and Khmer Family Values (para. 49). Please clarify how the terms "social morality" and "Khmer family values" are defined, and indicate the impact of the measures adopted to modify the social and cultural patterns of conduct of men and women and to eliminate prejudices and customary practices that are based on stereotyped roles for men and women, such as the *Chbab Srey* code of conduct for women. In relation to the portrayal of women and girls in the media, please provide information on the results achieved through the implementation of both the Media Code of Conduct for reporting violence against women and the information and communications strategy for primary prevention (para. 52).

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

9. Please provide updated information on the status of the revision of the Act on the Prevention of Domestic Violence and the Protection of Victims (para. 13) and the draft strategy to prevent violence against women and girls (para. 36). Please outline the results achieved through the implementation of the national action plan to prevent violence against women 2014–2018 and provide information on the subsequent action plan. Please also provide information on: (a) the legislative provisions that define sexual harassment; (b) data regarding complaints, investigations and outcomes relating to cases of sexual harassment; and (c) the measures adopted to address sexual harassment in schools, work and public spaces.

10. In the State party report, it is indicated that, between 2015 and 2017, 223 victims of gender-based violence, including 104 girls, were provided with support by the Cambodian National Council for Women and that judicial police officers had referred the cases to the courts for legal action (para. 63). Please provide updated information on the number of cases that have been prosecuted, the number of convictions rendered, the sentences imposed on perpetrators and the remedies provided to victims. Please provide information on the extent to which the measures adopted by the State party, as outlined in paragraphs 57 and 58 of the report, have led to increased recourse to legal proceedings rather than mediation for cases involving gender-based violence. Please also indicate the measures taken to encourage reporting of gender-based violence, including marital rape, in particular given the belief prevailing among women that domestic violence is justified under certain circumstances (para. 204).

11. The State party indicates that, in article 171 of the Criminal Procedure Code of 2007, it is stated that the costs of forensic examinations are to be borne by the applicant (para. 69). Please clarify whether the State party intends to take or has taken any measures to ensure that all forensic examinations of victims of rape and sexual assault are exempt from charges, as previously recommended by the Committee (CEDAW/C/KHM/CO/4-5, para. 23). Given the finding of the national action plan to prevent violence against women 2014–2018 that the lack of access to safe shelter constitutes a gap in essential services

for female victims of violence (para. 67), please clarify whether the State party has taken any steps to establish government-funded shelters.

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

12. Pursuant to the Committee's previous recommendation ([CEDAW/C/KHM/CO/4-5](#), para. 25 (e)), please provide information on the national referral mechanism to identify victims of trafficking and to refer them to appropriate services, including protection from being re-trafficked. Please also clarify what measures are being taken to improve cross-border cooperation with neighbouring countries to effectively combat trafficking. Please describe how the measures adopted by the State party in relation to private recruitment agencies (para. 77) have reduced the number of women who are trafficked abroad. The Committee takes note of the information in the report that, despite the wide dissemination of laws and policies, women continue to be deceived into working overseas, especially without proper documentation (para. 208). Please indicate what additional measures are being considered by the State party to combat trafficking in women and girls.

13. Please provide information on the findings of the studies on women in prostitution referred to in paragraph 95 of the report and explain how they have informed the measures adopted by the State party to combat the exploitation of women in prostitution. Please also provide information on the measures that have been adopted or are envisaged to decriminalize women and girls in prostitution and the existence of exit programmes to support women and girls who wish to leave prostitution. In the light of the concerns expressed in the previous concluding observations ([CEDAW/C/KHM/CO/4-5](#), para. 26) regarding reports of sexual assault by law enforcement officers of women in prostitution when they are taken into custody, please provide information on the measures taken in that regard, including whether perpetrators of such offences have been brought to account.

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

14. In the light of the elections held in July 2018, please provide updated information on the number of women, including women from marginalized groups, such as women from ethnic minorities, indigenous women and women with disabilities, in Parliament, the cabinet, the judiciary, law enforcement agencies and the Foreign Service, including at decision-making levels. Please also provide information on the impact of the measures adopted by the State party outlined in paragraphs 98 and 99 of the report on increasing the proportion of women who are represented in decision-making positions. In addition, please indicate whether the State party is considering the use of temporary special measures, such as quotas, to increase the number of women in political and public life, in particular in decision-making positions.

### **Education**

15. The Committee notes the measures taken to increase the registration rate for early childhood and primary school education (para. 107). Please indicate whether the State party intends to make primary education compulsory to ensure that girls are not taken out of schools to participate in household activities or to contribute to the household income. Furthermore, in the light of information that girls frequently drop out of school owing to child marriage and teenage pregnancy, please provide information on: (a) the rate of re-entry into school of teenage mothers after delivery; (b) measures taken to facilitate the reintegration into education of adolescent mothers, including by combating cultural stigma through awareness-raising campaigns and by providing affordable care for their children; (c) the impact of measures adopted by the State party to prevent child marriages and teenage pregnancies, in particular in

Mondolkiri and Ratanakiri Provinces (para. 247); and (d) measures taken to ensure the integration into school curricula of mandatory, age-appropriate sex education, including on sexual and reproductive health and rights, paying special attention to the prevention of both early pregnancy and sexually transmitted infections. Please also provide information on the measures taken to: (a) promote human rights education in schools, including a focus on the Convention and encouraging the empowerment of women and girls; (b) encourage girls to study science, technology, engineering and mathematics; and (c) increase the school enrolment and completion rates of girls from marginalized groups, such as girls with disabilities, girls of Vietnamese descent, including girls whose citizenship has been revoked, and girls from other ethnic minority and indigenous groups.

### **Employment**

16. Please provide information on the status of implementation of the national employment policy 2015–2025 (para. 121) and the extent to which it has resulted in eliminating gender disparities in employment. Please also indicate: (a) whether any additional measures are being taken to eliminate horizontal and vertical segregation in the labour market in the public and private sectors; (b) the measures taken to integrate a gender equality perspective in policies on vocational training, in order to ensure that opportunities for vocational training do not further perpetuate gender stereotypes; (c) the steps taken to promote equality at work and the empowerment of women through the diversification of occupational sectors in which women are represented, including sectors such as information technology and sustainable development; and (d) measures taken to ensure that the rights of migrant women are effectively protected, in particular Cambodian women working abroad as domestic workers.

17. With regard to conditions of work, please provide information on: (a) the measures taken to ensure that employers of industries in which women are concentrated do not exploit women by using short-term contracts over an extended period with little or no guarantees of their rights at work, including the rights to social security, maternity leave and social benefits; (b) whether initiatives such as the tripartite dialogue mechanism (para. 122) and the Better Factories Cambodia programme (para. 125) are being implemented in other sectors where women are concentrated, such as agriculture and construction; and (c) the measures taken to ensure that women can effectively participate in trade unions, including in positions of leadership.

### **Health**

18. According to the report, a higher percentage of younger women aged 15 to 19 are undernourished compared to women over 30 years of age (para. 248). Given that almost half the population of the State party is 19 years of age or younger, please indicate the measures being taken to address the specific health needs of adolescent girls. Please also provide information on the measures adopted to ensure that women and girls have effective access to sexual and reproductive health services throughout the State party, including modern forms of contraception.

### **Rural women**

19. Please provide information on the results achieved through the implementation of the national and provincial action plan for the rural development sector for the period 2014–2018, which is aimed at eliminating gender inequality, reducing poverty and improving the living conditions and livelihoods of women in rural areas (para. 147). Please provide information on measures being taken to adopt a new plan and on how it takes into account the challenges that arose in implementing the 2014–2018 plan, and clarify how the new plan will ensure the participation of rural women in the development of policies and legislation in areas that affect their rights,

in accordance with the Committee's general recommendation No. 34 (2016) on the rights of rural women. Please also provide further information on the outcomes of the measures taken to increase access for women to credit and loans (para. 149).

### **Climate change**

20. In the report, it is indicated that gender has been mainstreamed into the Cambodia climate change strategic plan for the period 2014–2023 and the national action plan for disaster risk reduction for the period 2014–2019 (para. 164) and that the national strategic plan for gender equality and the empowerment of women for the period 2014–2018 includes a strategic plan on gender and climate change (para. 165). Please provide an update on the progress achieved through the implementation of such plans, and describe the steps being taken to ensure the full participation of women in the elaboration and implementation of policies and strategies on climate change mitigation and adaptation in accordance with the Committee's general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change.

### **Access to land ownership and housing**

21. The Committee notes that forced evictions continue to remain prevalent in the State party. Please clarify how many of the cases of land conflict referred to in paragraphs 172 and 173 involved female complainants, including female-headed households, and indicate how they were resolved. In relation to the 2014 national housing policy, which is purported to improve security and access to adequate housing for poor and vulnerable groups and to ensure that resettled households have access to adequate housing and/or livelihood opportunities (para. 170), please provide an update on the implementation of the policy, including data on its impact, disaggregated by sex. Please also provide information on the number of female-headed households that have benefited from initiatives to grant low-cost public housing units and social land concessions (paras. 175–176).

### **Women in detention**

22. Please provide information on the measures taken to ensure that women in vulnerable situations are not arbitrarily detained, in particular women who use drugs, in the light of the State party's "campaign against drugs". Given reports of increasing numbers of women held in pretrial detention and in prisons, including pregnant women and mothers with children, please indicate the measures being taken to implement existing laws and directives on alternatives to detention and diversion measures. Please also provide further information on the steps taken to address the specific needs of women in detention in accordance with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

### **Marriage and family relations**

23. Please indicate what measures are being taken to enforce the minimum age of marriage for girls at 18 years without exception. Please also provide information on the measures being taken to ensure that women enter into marriage only with their free and full consent. Given that the Committee's previous concern ([CEDAW/C/KHM/CO/4-5](#), para. 46) with regard to article 950 of the Civil Code, which restricts a woman's right to remarry until 120 days have elapsed from the day of the dissolution or annulment of her previous marriage, continues to remain valid, please clarify what steps are being taken to revise the provision.